Developing a Biodiversity Checking Service for planning applications

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Suffolk County Council

Summary

- Biodiversity Duty & NERC Act compliance issues for LPAs
- Why is a Biodiversity Checking Service needed ?
- What happens with biodiversity information now ?
- What would a BCS do ? What might it not cover ?
- How would a BCS help planners, applicants & consultees ?
- Which Protected/Priority species are causing concern ?
- Need for ecological expertise

Group exercise: Pilot BCS - questions

Biodiversity Duty & NERC Act compliance issues for LPAs

- Wide ranging duty for all LPA functions
- Defra review on Habs Regs compliance
- ALGE report on LPA ecological competencies & capablities
- Government push for Sustainable Development & NPPF requirements for data
- Risk of unlawful decisions & Appeals

Why is a Biodiversity Checking Service needed?

- Many LPAs do not have access to professional ecological expertise and others cannot afford it
- Applicants need certainty about survey work & mitigation measures
- Quality control needed to avoid delays
- Lawful decisions based on sufficient information

What happens with biodiversity information now ?

- Pre-app advice & Local validation lists
- Service Level Agreements not available with SWT
- Limited checks on quality & deliverability of mitigation
- If insufficient biodiversity information is submitted, it may result in refusal or consent which could be unlawful
- Planners may not be qualified to

  defend ecological decisions

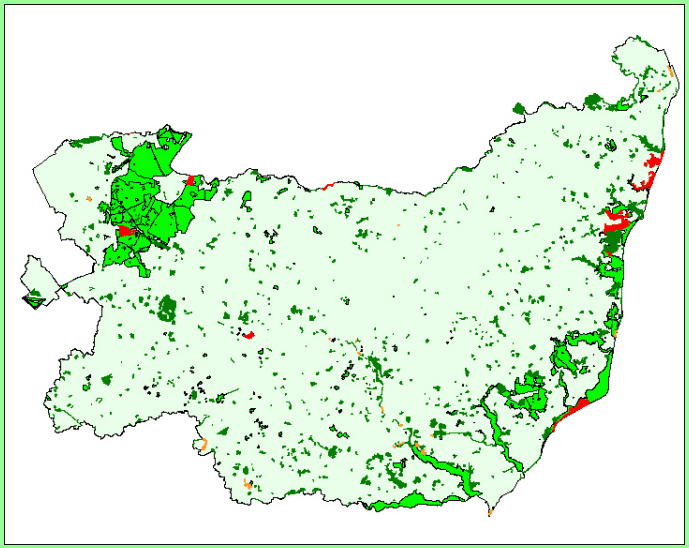
  at Appeal

What would a Biodiversity Checking Service do ?

- Provide quality control for surveys, assessments and mitigation before submission
- Provide certainty to applicant that the biodiversity information is sufficient for determination
- Provide check on deliverability of mitigation on offer
- Provide a Certificate of Biodiversity Mitigation to applicant for submission to LPA

What might a BCS **not** cover?

- **Not** designed to replace input of consultees on designated sites
- **Not** designed to provide Strategic Mitigation Schemes for Protected species



- **Not** designed to cover SPA/SAC mitigation eg Stone curlews, wintering waders. **This would not replace the need for HRA !**
- **Not** high risk ie complex or large site with multiple issues

How would a BCS help planners, applicants & consultees ?

- Applicants could choose to get Biodiversity survey/assessment and mitigation measures checked pre-submission
- Planners get Certificate of Biodiversity Mitigation submitted with application from a trusted organisation
- Consultees can focus resources on higher risk applications which need their input

Which Protected/Priority species are causing concern?

- Dorset & Norwich – bats
- Woking – Gt crested newts
- Haverhill / Sudbury / Ipswich – reptiles
- Brecks – Stone Curlews
- Suffolk & Norfolk coast – wading birds

Need for ecological expertise

- Understanding of biodiversity surveys, assessments and mitigation measures that are likely to be robust and effective
- Good working relationship with local Natural England & conservation organisations to provide trust in BCS
- If further surveys are needed or mitigation measures are not secured, Certificate of Biodiversity Mitigation would NOT be issued.
- Provision of model conditions to secure Biodiversity Mitigation on offer (BS42020:2013)

Many thanks to Liz Cutting & Steve Plume for their wonderful photos of birds.

For more information or any ideas about a pilot BCS, please contact:

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Questions to inform a pilot Biodiversity Checking Service

1. Which Protected/Priority Species cause concern re mitigation and/or delay planning decisions ?
2. What could be the advantages & disadvantages ?
3. Would you be interested in participating in a pilot Biodiversity Checking Service and why/not?