

Draft Biodiversity: Supplementary Planning Document, September 2020



Contents

Part 1: Biodiversity Accounting Supplementary Planning Document	3
1 Executive Summary	3
2 Introduction.....	4
3 Legislation & Policy Context	5
4 The Importance of Biodiversity within Development.....	6
5 Biodiversity Information & Impact Assessments Required to Support Planning Proposals .	10
6 A Step by Step Guide to Building Biodiversity into Development.....	11
Part 2: Identifying requirements for Biodiversity & Geological Conservation as part of your planning application	21
1 About this document.....	21
2 When is ecological information required?	22
3 Ensuring that ecological information provided is adequate.....	23
Local Requirements for Protected Species, UK Priority Species and Species.....	25
4 Listed in the Milton Keynes and Buckinghamshire Biodiversity Action Plan.....	26
5 Optimal survey times	27
6 Exceptions for when a full species survey and assessment may not be required	31
Local Requirements for Designated Sites, Priority (BAP) Habitats, Habitats.....	32
7 Listed in the Milton Keynes and Buckinghamshire Bedfordshire Biodiversity Action Plan and Geological Conservation	32
ANNEX A.....	35
ANNEX B.....	37

Part 1: Biodiversity Accounting Supplementary Planning Document

1 Executive Summary

- 1.1 This Supplementary Planning Document (SPD) expands upon policies of the Milton Keynes Local Plan- Plan:MK.
- 1.2 It provides developers with a clear “plain English” step-by-step guide for working with protected and priority species and habitats which are likely to be impacted upon by their proposed developments. The SPD details the Council’s requirements for applicants to build nature conservation features into developments, ensuring that a measurable net-gain to the districts biodiversity is achieved in accordance with Plan:MK and national planning policies.
- 1.3 This SPD highlights the importance that applicants protect and enhance existing nature conversation features within proposed developments, following best practice guidance and the mitigation hierarchy. On occasions where it is not possible the SPD details what the Council requires a developer to consider when incorporating ecological compensation (including Biodiversity Offsets) within their development scheme.
- 1.4 Biodiversity should not be seen as a hindrance to development rather as a way to add value to a well-conceived design. The SPD also provides developers with a list of useful links and contacts where further information on all the issues discussed can be found.

2 Introduction

- 2.1 Biodiversity can be simply defined as the ‘variety of life on earth’. This Supplementary Planning Document (SPD) forms part of the Plan:MK and expands on policies that ensure biodiversity is adequately protected and enhanced throughout the development process. The SPD provides additional information on how these policies will be implemented and provides guidance on biodiversity and nature conservation for development applicants concerned with the conservation of biodiversity in development.
- 2.2 Buckinghamshire supports a diversity of habitats and species. Much of it may look green and pleasant but compared with other English counties it is not well served in terms of its biodiversity resources. Buckinghamshire in fact has a very low percentage area of land designated as Sites of Special Scientific Interest (SSSI). SSSI’s only account for 1.4% of Buckinghamshire, compared to a national figure of 7.7% (England). Even Greater London has a higher proportion of land designated as SSSI at 2.4%. A recent national report by Plantlife entitled “Our Vanishing Flora” ranked Buckinghamshire and Milton Keynes 39th out of 52 counties in terms of the rate of plant extinctions. For these and other reasons planning and development needs to protect and enhance biodiversity.
- 2.3 Milton Keynes City itself has its vision to be ‘ (...) *the world’s greenest and most sustainable city* (...)’ according to MK Sustainability Strategy 2019-2050 with one of the priorities for action being to encourage biodiversity by working with the landowners.¹
- 2.4 The aim of this guidance is to provide step-by-step advice throughout the planning process and to supplement the policies within the Environment, Biodiversity and Geodiversity chapter of the current Milton Keynes Local Plan- Plan:MK.
- 2.5 This document explains what Milton Keynes Council expects to be considered with any planning application and the detailed information that needs to be submitted. Other SPD’s² to be consulted in relation to biodiversity conservation in Milton Keynes include:
- Sustainable Construction

¹ (<https://www.milton-keynes.gov.uk/environmental-health-and-trading-standards/mk-low-carbon-living/the-2019-2050-sustainability-strategy>).

² Currently there are 5 planning obligation SPD’s which will soon be replaced by one main Planning Obligation SPD.

3 Legislation & Policy Context

3.1 There is a wide variety of legislation and policy provision relating to biodiversity conservation ranging from international to local level. The key legislation, policies and strategies includes:

- **The Conservation (Natural Habitats etc.) Regulations 1994 (as amended 2010);**
- **The Wildlife and Countryside Act 1981 (as amended 2010);** the principal act relating to the protection of wildlife in Great Britain.
- **The Protection of Badgers Act 1992**
- **Natural Environment and Rural Communities Act 2006** – Milton Keynes Council must, in exercising its functions, have regard, so far as is consistent with the proper exercise of its functions, to the purpose of conserving biodiversity.
- **BS 42020:2013 - Biodiversity** – Code of Practice for planning and development
- **The Countryside and Rights of Way Act 2000**
- **National Parks and Access to the Countryside Act 1949**
- **The Environment Act 1990**
- **The Hedgerow Regulations 1997**
- **The National Planning Policy Framework 2019** - Conserving and enhancing the natural environment
Paragraph 170: 'Planning policies and decisions should contribute to and enhance the natural and local environment by: (...)
 - d) minimising impacts on and providing net gains for biodiversity (...).Paragraph 174 says that 'To protect and enhance biodiversity and geodiversity, plans should :(...)
 - b) (...) identify and pursue opportunities for securing measurable net gains for biodiversity (...).'
- **Governments Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services**
- **Government circular 06/2005**
- **UK Biodiversity Action Plan**
- **Buckinghamshire & Milton Keynes Local Nature Partnership Biodiversity Opportunity Areas and Biodiversity Action Plan**

3.2 Nature conservation is regarded as a key test of sustainable development. The local planning process addresses this duty by the inclusion of a number of nature conservation policies in local planning documents. These include:

- Policy NE1: Protection of sites
- Policy NE2: Protected species and priority species and habitats
- Policy NE3: Biodiversity and geological enhancement
- Policy NE4: Green infrastructure
- Policy NE5: Conserving and enhancing landscape character
- Policy NE6: Environmental pollution

3.3 Other policies within the Plan:MK that set principles for a new development and consider biodiversity net gain through the use of connected green infrastructure include:

- Policy SD1: Place-making principles for development
- Policy CT8: Grid road network

4 The Importance of Biodiversity within Development

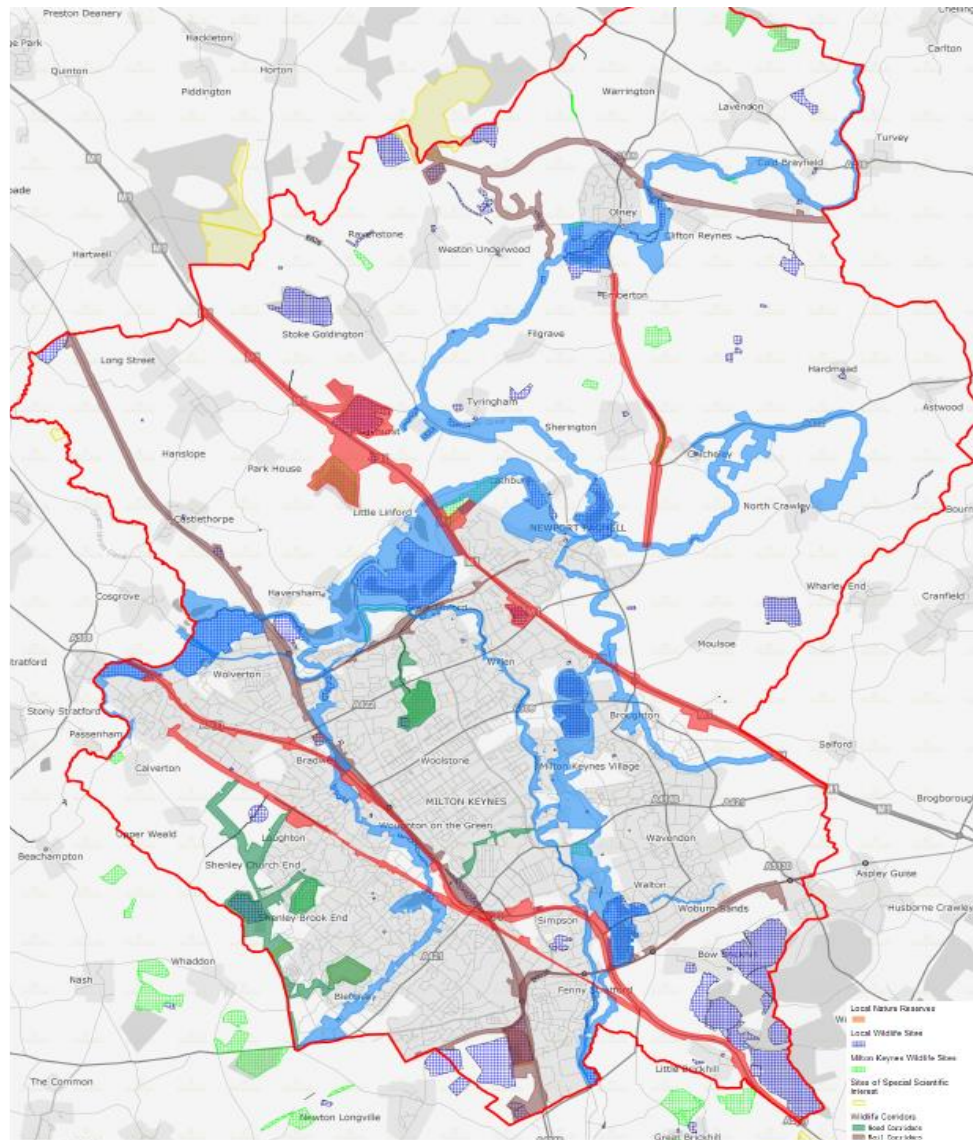
- 4.1 Any development has the potential to impact (both negatively and positively) on local biodiversity through its effects on nature conservation features. Biodiversity is the genetic diversity within species, species diversity within ecosystems, and ecosystem diversity across landscapes. Furthermore, the services provided by healthy ecosystems indirectly benefit humans by, for example, purifying air and water, regulating climate, generating atmospheric oxygen and providing recreational opportunities.
- 4.2 Within this document the term “Natural environment” refers to: *Plants, wild animals and other living organisms, their habitats, land (except buildings and other structures, air and water the natural systems, cycles and processes through which they interact.*
- 4.3 The natural environment can be defined as having a dual function of contributing to local biodiversity and providing opportunities for people to experience and benefit from them. The benefits to local people provided by can be far ranging. They include valuable ecosystem services such as mitigating the damaging effects of air pollution and climate change, as well as aesthetic and amenity benefits.
- 4.4 Developments have the potential to impact upon the natural environment both within the boundaries of the development as well sites adjacent and in certain circumstances a significant distance away. As part of the development process these impacts need to be assessed and (if found to be negative) avoided, mitigated or as a last resort compensated for.
- 4.5 The natural environment can vary greatly from site to site in both appearance and size. Some features are obvious to identify and the impact of a development upon them equally obvious: the destruction through development of mature gardens or large areas of habitat, the removal of hedgerow, the removal of mature trees, destruction of badger setts within the development area etc. However, other nature conservation features are cryptic and can often be overlooked: bat roost under raised roof tiles and within roof voids, Great Crested Newt breeding pools in water bodies that dry out for part of the year etc.
- 4.6 Developments which take into account the role and value of biodiversity can support economic diversification and contribute to delivering high quality environments throughout the Borough and therefore improving the quality of life benefits. Policy NE2 of the Plan:MK underlines the importance of protecting species and habitats. It does state that on sites that contains priority species or habitats, development should wherever possible promote their preservation, restoration, expansion and/or re-creation in line with Policy NE3.
- 4.7 Policy NE3 which addresses the biodiversity and geological enhancement matters requires development proposals to maintain and protect biodiversity and geological resources, and where possible deliver a measurable net gain in biodiversity. The recent

NPPF goes further and requires under para 170 for the natural local environment to be protected by minimising impacts on the environment and providing net gains for biodiversity and para 174 speaks about pursuing opportunities for securing measurable net gains for biodiversity. Any future development proposals therefore shall enhance the structure and function of ecological networks and the ecological status of water bodies in accordance with the vision and principles set out by the Buckinghamshire and Milton Keynes Natural Environment Partnerships (NEP).

- 4.8 If significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for then planning permission should be refused (Policy NE3).
- 4.9 Milton Keynes supports a variety of wildlife rich priority habitats. These priority habitats include ancient semi-natural woodland and semi-improved grasslands, along with rivers and ponds which support a wide range of flora and fauna including many different mammals, birds, insects and plants.
- 4.10 Legal protection for the natural conservation features varies, but all are protected through the planning system. In Milton Keynes Borough those are: Sites of Specific Scientific Interest, Biodiversity Opportunity Areas, Biological Notifications Sites, Milton Keynes Wildlife Corridors, Milton Keynes Wildlife Sites, Priority Habitats, Priority Species, Irreplaceable Habitats (e.g. Ancient Woodland, veteran Trees), and Local Geological Sites.
- 4.11 There are currently 3 statutory **Sites of Special Scientific Interest (SSSI)** in the District which can be found in the Local Plan. These sites are considered to be of national importance for nature conservation and are protected from damaging activities. They are designated by Natural England:
- Howe Park Wood
 - Oxley Mead
 - Yardley Chase

Biodiversity Opportunity Areas (BOAs), Wildlife Corridors and Biological Notification Sites

- 4.12 Biodiversity Opportunity Areas are the key focus areas for the creation of ecological networks. The creation of Nature Improvement Areas, as proposed by the Natural Environment White Paper, is also a potential way of taking forward ecological networks, working alongside BOAs.



Map 1. Local nature designations

Key

	Local Nature Reserves		Wildlife Corridor - Wood
	Local Wildlife Sites		Wildlife Corridor - Rail
	Milton Keynes Wildlife Sites		Wildlife Corridor - Wet
	Sites of Special Scientific Interest		Wildlife Corridor - Road

4.13 Throughout the borough, wildlife corridors have been “designed in” to interact and connect to form a network of interconnecting habitats, they also serve to link people and wildlife. The corridors are dynamic and complex allowing different plant and animals to feed reproduce and disperse. The grid road and parkway system is also a component of the wildlife corridor network³. Within the network there many types and sizes of corridor, these have been classified into two equally important types:

- **Local Wildlife Corridors:** narrow and localised, generally of a single habitat such as hedgerows.

³ Grid road corridors not indicated on Map 1 due to scale

- **Major Wildlife Corridors:** larger corridors linking urban and rural areas through a variety of semi-native habitats. They may connect wildlife sites and maybe linear parks, disused railways, canal, rivers and larger streams.

Biological Notification Sites (BNS)

- 4.14 Those are sites within the borough which are important at a county wide level and are presently under review and where appropriate will be subsumed into the Local Wildlife sites designation.

Milton Keynes Wildlife Sites

- 4.15 There are 16 and are equivalent of Local Wildlife Sites in other Buckinghamshire districts. These are special places recognised for having high wildlife value or containing rare or threatened habitats and species.

Local Nature Reserve's (LNR's)

- 4.16 LNR's are statutory protected sites designated under Section 21 of the National Parks and Access to the Countryside Act 1949. A LNR designation demonstrates a commitment by the local authority to manage land for biodiversity, protect it from inappropriate development and provide opportunities for local people to enjoy wildlife. There is currently one LNR within Milton Keynes, the Blue Lagoon LNR.

Priority Habitats and Priority Species

- 4.17 Priority species and priority habitats are those that have been identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP). The priority list is produced by the Joint Nature Conservation Committee (JNCC) and currently contains **1150 species**, and **65 habitats**.
- 4.18 These priority habitats and species are listed on the Section 41 list of the National Environment and Rural Communities Act 2006 and are considered to be Species of Principle Importance. Additionally, the Buckingham and Milton Keynes Biodiversity Action Plan⁴ identify those habitats of importance for the county and include plans for their conservation and management.
- 4.19 Proposed developments impacts on any of these priority habitats, whether within a locally designated site or not (i.e. non-protected sites), will be a material consideration in the determination of a planning application (Para 175 NPPF).

⁴ <https://bucksmknep.co.uk/projects/forward-to-2020-biodiversity-action/>

5 Biodiversity Information & Impact Assessments Required to Support Planning Proposals

- 5.1 **The Council welcomes pre-application discussions, which are encouraged in national guidance as a means of dealing with any issues at the first stage of a proposed development being considered.** Such discussions may establish the potential impact of a development; helping to outline the scope of surveys and assessments required to support an application. Additionally, changes to the proposed design, such as the inclusion of green roofs, rain gardens, and landscape design may increase biodiversity on site illuminating or reducing the need to seek offsetting.
- 5.2 Where there is potential for a proposed development to cause harm to internationally, nationally or locally designated sites, protected or priority species or habitats, then the applicant shall undertake appropriate surveys and assessment to a nationally recognised standard prior to the submission of a planning proposal (see Natural England Standing advice on protected species survey requirements for more details see Part 2). The information gained from the site survey and assessment should be up-to- and sufficient to allow the impact of the development to be appropriately assessed.
- 5.3 The likelihood that a nature conservation feature will be affected by development proposals should be established before a planning application is submitted (Policy NE2). For further guidance to assess the likelihood of a nature conservation feature being affected by a development proposal see the Natural England's Standing Advice and Planning Application Validation: Milton Keynes Requirements for Biodiversity (see Part 2).
- 5.4 Failure to provide accurate information in relation to biodiversity is a reason to refuse the registration of a planning application or will result in its subsequent refusal when considered against policy. The advance planning of ecological works should always be considered early in a project. Some developments may require the collation of ecological data over an extended period of time in order to present the most suitable scheme of mitigation.
- 5.5 Development proposals in Milton Keynes should maintain and protect biodiversity and should result in a measurable net gain in biodiversity, and if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for then planning permission should be refused (Policy NE3, Para 170 and 174 NPPF). The net gains will have to be demonstrated when a planning application is submitted.

6 A Step by Step Guide to Building Biodiversity into Development

6.1 By adopting the approach summarised in **Table 1** below, applications are likely to progress expediently in relation to ecology and will comply with domestic and European legislation and demonstrate best practice. Each stage is expanded in greater detail after the table 1.

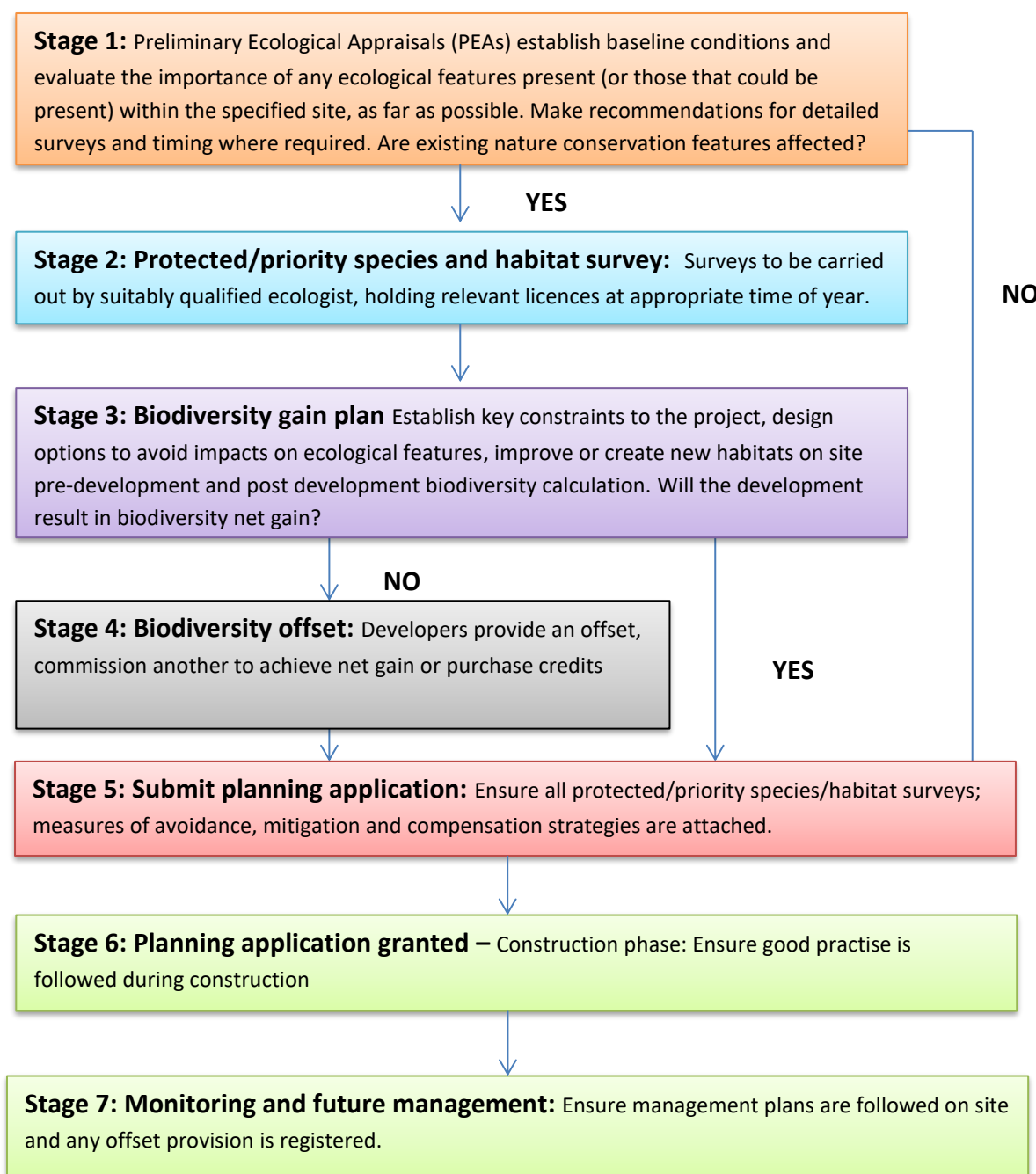


Table 1: Successfully Integrating Biodiversity into Development.

Stage 1: Preparing to submit a planning application

6.2 Planning proposals in Milton Keynes have the potential of having a significant effect on existing nature conservation features. In most cases such damage can be avoided if the threat is established at the earliest stage in the development proposal. The likelihood of a proposed development negatively impacting upon a protected or priority species and/or habitat and/or other nature conservation can be understood by referring to the checklists and flow charts within both Natural England's Standing Advice and the Planning Application Validation: Milton Keynes Requirements for Biodiversity (Part 2).

6.3 If after consulting the aforementioned documents, it appears likely that protected/priority species/habitats and/or other nature conservation features may be affected by the proposed development then ecological surveys will be required to be conducted and their results submitted to the authority. Applicants are welcome to contact the council's in-house Ecology Team for guidance regarding ecological surveys they may need to conduct prior to submitting an application and the minimum required survey effort.

6.4 Attempts to exclude or remove nature conservation features could constitute a criminal offence and should never be undertaken. Pre-development biodiversity value is that on the date the application is submitted. However, if activities are carried out on the land after 30th January 2020 which would lower the biodiversity value then the pre-development biodiversity value immediately before the activities took place will be taken.⁵

6.5 To encourage and support our ecological networks every development is expected to provide a net-gain to biodiversity.⁶ The level of gain will be set by negotiation with the LPA and should form part of pre-app discussions. Developments of 5 or more dwellings or non-residential with a floor space in excess of 1000m² must carry out a biodiversity impact assessment (Policy NE3). Policy NE4 requires the network of Green Infrastructure to be protected extended and enhanced for its biodiversity, recreational, accessibility, health and landscape value. This is in accordance with the vision and principles set out in the Milton Keynes Green infrastructure Strategy (2018)⁷

Stage 2: Protected/Priority species and Habitat Surveys

6.6 Applicants are advised to refer to Planning Application Validation: Milton Keynes Requirements for Biodiversity (Part 2), as well as Natural England's Standing Advice for required survey standards. Surveys must be carried out by suitably qualified, licensed and experienced ecologists. It is important that planning decisions are based on up-to-date ecological reports and survey data. It is difficult to set a specific timeframe over which reports or survey data should be considered valid, as this will vary in different circumstances. However, surveys older than 18 months are likely to require updating

⁵ Draft Environment Bill references 30th January 2020 as a base line

⁶ Draft Environment Bill includes a requirement for a mandatory 10% biodiversity net gain which will be required to maintain for 30 years. If the Bill becomes Act of Parliament this will be compulsory

⁷ <https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/green-infrastructure-strategy>

and those 3 years or more will be invalid. If in doubt contact the council’s ecology department.

6.7 It is important to note that even should an ecological survey conclude that no protected or priority species are present on the application site, or that the development proposed will not cause habitat loss or have negative effect on biodiversity it is still required that the survey be submitted in full as part of the planning application.

Sharing Data

6.8 Survey data submitted with planning applications should also be provided to the Buckinghamshire and Milton Keynes Biological Records Centre (BMERC⁸) to ensure that knowledge of the sites nature conservation features is not lost.

Stage 3: Biodiversity gain plan

6.9 The plan details the approach to onsite mitigation to minimise adverse effects from the development, details the pre–development biodiversity and the post-development value and how any short fall in the net gain is to be compensated for. The plan should include the proposed management structure and future maintenance regime to ensure sustainability.

Mitigation

6.10 Mitigation consists of measures taken to avoid or reduce negative impacts on species or habitats. Measures may include locating a development and its working areas and access routes away from areas of high ecological interest, fencing-off sensitive areas during a construction period, or timing works to avoid sensitive periods.

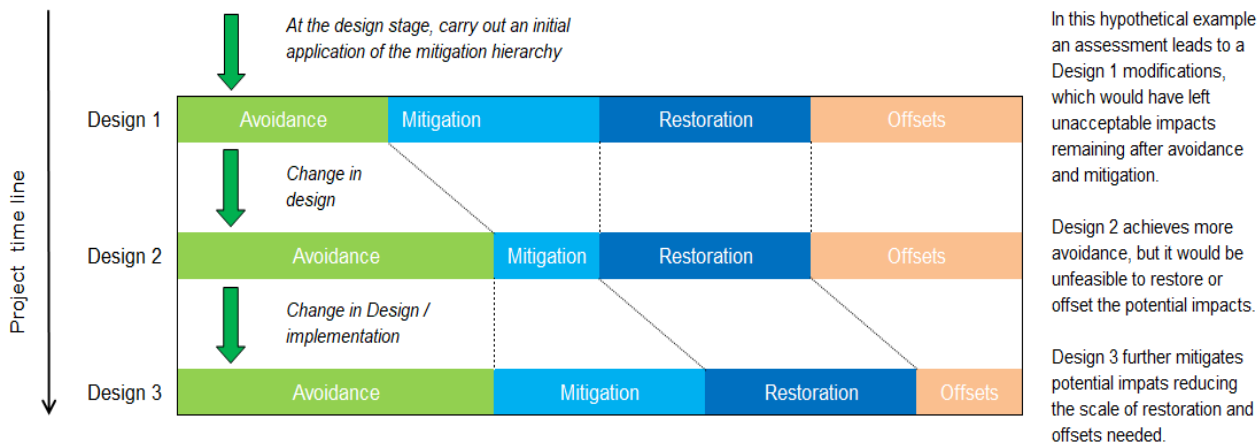


Table 2: Mitigation hierarchy: Successfully Integrating Biodiversity into Development.

⁸ erc@buckscc.gov.uk

- 6.11 Some forms of mitigation may be relatively simple such as avoiding the bird breeding season whilst undertaking vegetation clearance. Other requirements such as those associated with avoiding harm to bats during building works at a known bat roost may be more complex. Such works may require the input of a licensed ecologist to oversee the work.
- 6.12 The findings of ecological surveys should be taken into careful consideration at the earliest design stage of a development. Possible conflicts can be addressed by having the information available at the right stage and by taking an imaginative approach to site design to avoid harm, informed by advice from an ecologist as part of the design team. The objective should be to mitigate potentially negative impacts and integrate existing biodiversity into the scheme. Impacts on existing nature conservation features should be avoided wherever possible and any residual impacts should be minimised.
- 6.13 In assessing the potential impact of a proposal on biodiversity, applicants should ensure that all stages of the development are considered. Frequently the disturbed area of the development site during construction is greater than that normally shown on application drawings. Impacts may also extend beyond the site boundary long after construction has completed, for example due to shading, increased light pollution or predation by domestic pets. Damaging impacts on the integrity of networks of habitat through fragmentation should also be considered. One of the issues may be a potential impact of lighting on habitats (Policy NE6). There may be a need to assess the effects of proposed habitat beyond the site boundary.
- 6.14 Applicants should ensure that they take account of the potential effects of a development on all the life stages of protected/priority species, taking account of the following essential requirements:
- Food
 - Water
 - Shelter
 - Reproduction Dispersal
- 6.15 For example, preserving a Great Crested Newt breeding pond within a development would not be sufficient to conserve the species if its terrestrial habitats (which provide the Great Crested Newts with both shelter and food) are destroyed.
- 6.16 The potential habitat fragmentation and isolation effects of a development on the wider environment should be considered. For example, removing a hedgerow or line of trees could sever a bat feeding route with consequential effects on a breeding colony, even if the colony itself is preserved. Developers should therefore use appropriate plant species (in relation to planting and landscaping schemes), the creation of buffer zones, steppingstone habitats and wildlife corridors to ensure the development is integrated into the wider environment.
- 6.17 Increased permeability across gardens by the means of hedgehog tunnels and other features should be included where appropriate. If temporary features such as log piles are included it must be demonstrated through the management plan how this will be

sustained. If such features are included the new owners of the properties must be informed as to the purpose of the features and the requirement to maintain them.

- 6.18 Applicants should also consider that some potential effects will be acute and easily detectable, while others may be long term and may only become apparent some months or years after construction is complete. For example, hydrological changes due to the development may render a retained pond moribund without consideration to future inflows. The wider externalities of the proposed development must also be considered such as increased noise and light pollution on the biodiversity, both on site and the surrounding.

Pre-development biodiversity and the post-development value

- 6.19 The term Biodiversity Accounting in this guidance document is made in reference to the UK Biodiversity Net Gain Metric approach. This is also known as Biodiversity Offsetting. Government (Defra) through Natural England is developing a biodiversity net gain metric to be used within the planning system to measure biodiversity impacts of a development. At present any requirements for percentage figures for net gain will be set by negotiation with the Local Planning Authority and in accordance to Plan:MK policies, NPPF and other material considerations. The draft Environment Bill is setting the biodiversity objective to a minimum of 10% increase over the predevelopment condition and this likely will become compulsory. The 10% biodiversity net gain requirements are currently expected to come into effect during a two-year transition period which begins when the Environment Bill receives Royal Assent.
- 6.20 Developments should enhance, restore or add to biodiversity. Development can incorporate a range of ecological enhancements from bird nesting and bat roosting opportunities, to sustainable urban drainage systems and green roofs through to providing major new areas of biodiversity habitat alongside development. The type of ecological enhancements and measures introduced must be guided by Buckinghamshire and Milton Keynes Biodiversity Action Plan and the Biodiversity Opportunity Map. All development must clearly distinguish between the new nature conservation benefits offered and any existing features retained or compensated for.
- 6.21 The council requires all development proposals of 5 or more dwellings or non-residential floorspace in excess of 1,000m² losses/gains to the biodiversity value occurring to a site through development to be measured (Policy NE3). Where habitat is to be lost its value must first be calculated to ensure any compensatory habitat creation is of greater value. Delivering biodiversity compensation in a measurable way is essential to demonstrating that a net-gain to biodiversity value is likely to be achieved by a development. Where measurable compensation is delivered beyond the boundaries (red and blue lines) of an application it is termed 'biodiversity offsetting' – see stage 4. Before compensation or biodiversity offsetting can occur the value of the habitat to be lost must be calculated. Calculating biodiversity units comprises of

6 distinct steps:

Step 1 – Apply ‘avoid, mitigate, compensate’ hierarchy to understand the residual biodiversity loss.

Step 2 – Map the habitat type(s) impacted by your development

Step 3 – Assess the baseline condition of each habitat

Step 4 – Combine the habitat type and condition weighting to calculate an overall number of biodiversity units.

Step 5 – Work out if you have particular requirements for the type of offset you will need to provide

Step 6 – Decide how you want to provide compensation

- 6.22 Where, development would result in significant harm to a protected/priority species/habitat appropriate planning conditions or obligations will be required to adequately mitigate and/or compensate for the harm.

Compensation

- 6.23 Compensation is the process of providing species or habitat benefits specifically to make up for the loss of, or permanent damage to, biodiversity through the provision of replacement habitats. It should not be regarded as an alternative to avoidance and should only be considered if avoidance is unachievable. The integrity of a nature conservation site as a whole can be adversely affected by a damaging development affecting a proportion of it, even if compensatory measures are carried out elsewhere, see Stage 4 Biodiversity Offsetting . For compensation to be acceptable, the importance of the development must also clearly outweigh the harm caused.

- 6.24 It is not practically possible to compensate for the loss of some nature conservation features. Applications involving proposals to compensate for loss or damage to the following nature conservation features will be refused unless the need for, and benefits of, the development in that location has been demonstrated to outweigh their loss:

- ancient woodland,
- veteran trees
- ancient hedgerows

- 6.25 Compensation must be measurable and can take the form of:

- The creation of new nature conservation features/habitats within the development site to replace those lost or damaged.
- Improvement to the condition of existing habitats on site.
- Applicants should ensure that new biodiversity benefits are fully integrated through the development scheme, and not fragmented into isolated pockets or restricted to peripheral parts of the development site.
- The creation of new nature conservation features/habitats in the Borough of Milton Keynes to replace those lost or damaged i.e. biodiversity offsetting scheme.

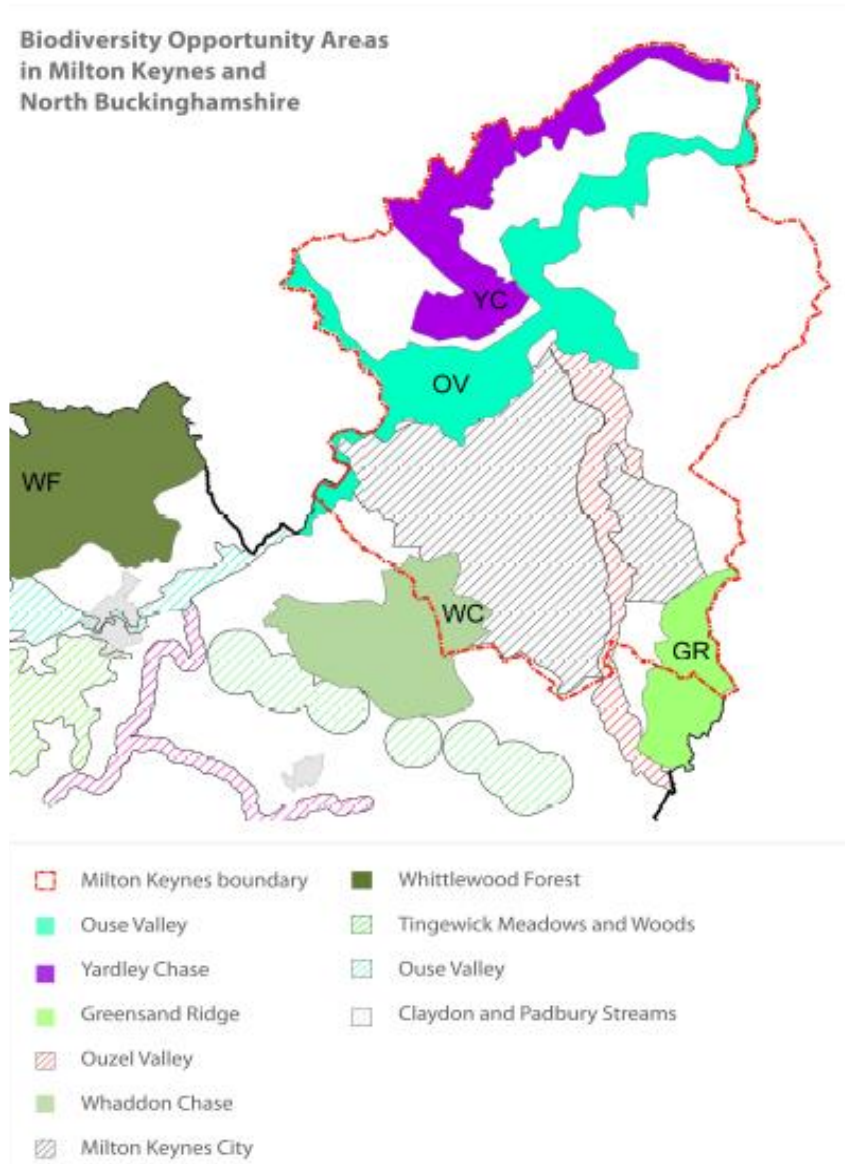
- 6.26 Planning policy requires development to protect where possible and enhance nature conservation features; local planning authorities are expected to actively pursue and

maximise such improvements. All development in Milton Keynes should result in a net gain for biodiversity (Policy SD1), this must be demonstrated when a planning application is submitted. Compensation shall be considered as the last resort, with preference always given to protection in entirety followed by appropriate mitigation.

Stage 4: Biodiversity Offsetting

- 6.27 All applicants entering compensation stage must engage with the local authority at this time if they have not already done so. On site compensation and biodiversity offsetting schemes should produce habitats of measurably greater biodiversity value than what will be lost through the development. At present, any requirements for biodiversity offsetting increase or 'replacement percentage' are set by negotiation with the Local Planning Authority and in accordance to Plan:MK policies, NPPF and other material considerations. The draft Environment Bill is setting the minimum increased amount or 'replacement percentage' to be set at 10%⁹ above the biodiversity unit value of the habitats lost. This likely will become compulsory (see para 6.19) with any off-site biodiversity enhancement to be registered and maintained for at least 30 years.
- 6.28 Before a Biodiversity Accounting Scheme can commence, the existing baseline habitats on the land intended for compensation will need to be valued in biodiversity units by undertaking a Biodiversity Impact Assessment (BIA), using a similar method outlined in Steps 1 to 4 above. In addition to this BIA, a Spatial Factor will be included.
- 6.29 The Spatial Factor is an incentivising factor that promotes compensation to support sub-regional strategies – for example those focussing efforts in Biodiversity Opportunity Areas and other strategic sites.
- 6.30 The preference is that that Milton Keynes Council arranges the schemes, directed by the Ecology team. However, in cases where compensation is arranged through a third-party broker, a reporting fee, payable to the Local Planning Authority will be required. This fee is to keep a register of compensation sites, monitor their progress, and ensure the NEP can monitor sub-regional priorities that have been adopted by the authority. Milton Keynes Council will also use this information in their Annual Monitoring Report to measure the effectiveness of their Biodiversity Net Gain, Nature recovery Strategy and wider environmental policies.
- 6.31 Proposals for off-site compensation measures, collectively referred to as a Biodiversity Accounting Scheme, will require:
- a) A methodology for the identification of any receptor site(s) for accounting measures;
 - b) The identification of any such receptor site(s);
 - c) The provision of arrangements to secure the delivery of any compensation measures (including a timetable for their delivery); and
 - d) A Biodiversity Accounting Management and Monitoring Plan including details of the provision and maintenance of any compensation measures.

⁹ Draft Environment Bill: schedule 7a 2 (3)



Map 2. Biodiversity Opportunity Areas.

To further assist applicants with any biodiversity offsetting scheme Milton Keynes Council, through the Natural Environment Partnership, has produced a Biodiversity Opportunity Map. The map highlights areas within the district where habitat creation would produce the greatest strategic gains to conservation and so would represent the authorities preferred locations.¹⁰

Commuted Sums

6.32 As previously detailed, in certain circumstances it may not be possible for a developer to either mitigate or compensate for the negative impact of their development on the nature environment within the development site or wider area; however, the development may still be justified. In such circumstances a biodiversity offset should be provided. The appropriateness of all biodiversity offsetting schemes shall be assessed by the Ecology Team.

¹⁰ Details of Biodiversity Opportunity Areas: <https://bucksmknep.co.uk/biodiversity-opportunity-areas/>

6.33 Applicants must also take account of the wider green infrastructure network and ecological context of the development to ensure opportunities to promote the connectivity of habitats are maximised (as detailed in policy NE4). Applicants must provide details of proposed biodiversity enhancements and net gains, informed by expert advice, with planning applications. The council may attach planning conditions to ensure that biodiversity enhancements are implemented.

6.34 Should the scheme be deemed as inappropriate (i.e. the wrong habitat in the wrong location; considered unlikely to succeed etc.), then the scheme will need to be amended or a biodiversity offsetting scheme on an alternative site put forward. If an applicant is unable to locate and secure an appropriate site on which an approved biodiversity offsetting scheme can be created then this will often necessitate a financial payment to the council via a planning obligation, secured through a S.106 Agreement.

6.35 The purpose of such a payment would be to pay for the council to secure adequate compensatory measures and to ensure the sustainable development objectives of local planning policy are achieved. In each instance the required commuted sum is determined by the Ecology Team via a bespoke calculation which accounts for the real costs of habitat creation/enhancement, the ongoing maintenance and a management fee to provide the offset.

6.36 The Biodiversity Financial Contribution is index-linked and is the sum total of the following three components:

1. A Biodiversity Accounting Payment (BAP) - this is the cost of the offset

$$\text{BAP} = \text{Set-up Cost} + \text{Habitat Creation Cost} + (\text{Management Cost})^{11}$$

2. A Contingency Payment (CP) – at 10% of the Biodiversity Accounting Payment (Insurance Fund)

$$\text{CP} = \text{Biodiversity Accounting Payment} \times 0.1$$

3. An index linked Management Payment (MP) – at 20% of the Biodiversity Accounting Payment (Management and Monitoring Fund)

$$\text{MP} = \text{Biodiversity Accounting Payment} \times 0.2$$

$$\text{Biodiversity Financial Contribution} = \text{BAP} + \text{CP} + \text{MP}$$

Translocation

6.37 If legally protected species are involved, in some cases translocation may be the only compensation option available. As part of a submitted planning application, translocation proposals must be described in detail. All details regarding the creation of areas of compensatory habitat as part of a development scheme should be presented to the local authority as part of a Construction Environmental Management Plan (CEMP) or Habitat Management Plan (HMP) as appropriate.

¹¹ Cumulative indexation capitalised in perpetuity at 3.5% ($100/3.5 = 28.571$)

Stage 5: Submitting a Planning Application

- 6.38 By the time a planning application is ready for submission the applicant shall be able to provide to the authority:
1. All protected/priority species/habitat surveys highlighted as required by Natural England's standing advice Planning Application Validation: Milton Keynes Requirements for Biodiversity
 2. A detailed mitigation and or compensation scheme guided by the results of previously undertaken surveys (where applicable);
 3. Demonstrate how the development will achieve the biodiversity net gain. Developers should have regard to the draft Environment Bill. Under the future Act it is likely that the developer will need to be able to demonstrate a minimum of 10% benefit to biodiversity to be delivered by the application.
- 6.39 Submission of these documents will greatly assist in the speedy arrival of a decision on your planning application.

Stage 6: Planning Permission Granted: The Construction Phase

- 6.40 During construction it is essential that steps are taken to ensure all personnel understand the nature conservation objectives of the development. On developments which include a mitigation strategy; ensuring that appropriate steps are taken to safeguard nature conservation features and that all individuals working on the development are suitably informed will likely be a condition of planning approval. Nature conservation reports should describe the measures which will be taken to ensure existing nature conservation features should be conserved during the construction phase. Such reports should also address:
- Identification of and contact details for responsible personnel.
 - Timing of works to minimise the risk of disturbance to protected and other species.
 - Procedures for dealing with unexpected discoveries, such as previously undetected protected species or injured wildlife. If a protected species is found, even after planning permission has been granted, the developer should stop work immediately and contact Natural England for further advice.
- 6.41 **Planning permission being granted does not in any way relinquish or diminish the applicant's legal responsibilities when dealing with any protected species (National or European). (see Part 2)**

Stage 7: Monitoring and Future Management

- 6.42 Planning applications should include costed maintenance specifications and monitoring proposals for each of the nature conservation features addressed and describe how these aspects would be implemented. This could include a description of the resources required, the personnel involved and a procedure for ensuring that any new owner/occupiers are made aware of their responsibilities.

Part 2: Identifying requirements for Biodiversity & Geological Conservation as part of your planning application

1 About this document

1.1 This document is based on guidance from the British Standard BS4202; Biodiversity — Code of practice for planning and development. By checking your proposal against the requirements detailed in this document, it will help you to ensure that your application is valid with regards to biodiversity and geological conservation. This primarily means that you will have provided, where required, sufficient and up-to-date information to determine the application lawfully and in accordance with relevant planning policy.

2 When is ecological information required?

2.1 Milton Keynes Council (MKC) has a duty to consider the conservation of biodiversity when determining a planning application. The presence of a protected species is a material consideration.

2.2 This includes having regard to the safeguarding of species protected under:

- The Wildlife and Countryside Act 1981,
- The Conservation of Habitats and Species Regulations 2010, as amended or the Badgers Act 1992.

2.3 There are two scenarios where additional ecological information is required. These are where:

1) The proposal could impact on species that are protected or listed in the Listed in the Milton Keynes and Buckinghamshire Biodiversity Action Plan; or

2) Where the proposal could impact on habitats or sites that are either Priority (BAP) Habitats or Habitats Listed in the Milton Keynes and Buckinghamshire Biodiversity Action Plan identified for Geological Conservation.

2.4 What is required in both these instances is detailed in this document.

3 Ensuring that ecological information provided is adequate

3.1 All information accompanying an application should be prepared and presented so that it is fit to inform the decision-making process. As such it should be:

1. Appropriate for the purpose intended and obtained using appropriate scientific methods of ecological investigation and study.
2. Sufficient in terms of:
 - a) The scope of study;
 - b) Identifying the habitats likely to be affected;
 - c) Identifying the species likely to be affected;
 - d) Consideration of the ecological processes upon which habitats and species and system function are dependent;
 - e) Coverage of a sufficiently wide area of study appropriate for the requirements of the species or feature of interest, including connected systems (e.g. downstream);
 - f) Undertaken over a sufficient period of time and at an appropriate time of year to reveal sufficient details of populations or habitat characteristics;
 - g) Being sufficiently up to date (e.g. should ideally be from the current year or as recent as possible and not more than 2 years old).
 - h) The identification of risks, e.g. spread of pathogens or invasive non-native species.

PLEASE NOTE: The shelf life of any given survey depends on the type of survey undertaken and whether environmental conditions within the study area were “normal” or unusual at the time undertaken (e.g. extreme weather), or are likely to have changed or remained the same. The greater the recent change, the greater the need for up-to-date information. Species mobility will also be relevant.

3.2 The ecological information should be understandable by non-specialists (i.e. include a nontechnical summary), be substantiated throughout with clear evidence, be true and accurate, and follow good practice guidelines.

3.3 Table 1 details a trigger list which identifies situations where biodiversity is likely to be affected by development and, where relevant, information should be submitted with the application. Part 1 with respect to protected species and species of principal

importance whilst Part 2 covers designated sites, priority habitats and features of biodiversity importance, and features of geological conservation importance. These should generally include applications likely to affect:

- a. Internationally and nationally designated statutory sites;
- b. European and nationally protected species;
- c. non-statutory designated sites;
- d. Priority habitats and species; and
- e. Significant populations of national or local Red List or notable species.

3.4 **Annex A** provides a guide to the process the council should use to validate a planning application using the biodiversity and geodiversity conservation requirements. Where an applicant has been advised during pre-application discussions, or have themselves identified that they need to provide information on biodiversity with their planning application, they should ensure that what is submitted is sufficient to enable the decision-maker to validate and register the application.

PLEASE NOTE:

Failure to provide all the information required might mean an application is not “valid” and is not considered or determined.

3.5 Where such information is not submitted, or is insufficient, the decision-maker should first consider any argument put forward formally by the applicant that such information is not required in their particular case. If the applicant’s argument is accepted, no further information should be required. If, however, further information is required, the decision maker should delay validation and registration for a specified period to allow time for the identified information to be provided, and then, if this is not provided or is still not sufficient:

- a. suggest the applicant withdraws the application;
- b. judge that the application is not valid and decline to register it; or
- c. register the application and then refuse it on the grounds that there is insufficient information to make a lawful determination.

3.6 The process described in Annex B recognises that, in the first instance, an application is likely to be validated by administration staff when MKC first receives an application.

3.7 The council will be able to check and verify information provided by applicants against their own data as part of the validation exercise (where they have access to GIS alert

maps), for instance by checking the location of proposed development to establish whether it is near any types of designated sites specified in their local requirements checklist.

3.8 The Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC) may also be able to provide invaluable information for this purpose.

Contact Details:

BMERC Office address: County Hall, Walton Street, Aylesbury, Bucks, HP20 1UY

Telephone: 01296 382431 Email: erc@buckscc.gov.uk

Local Requirements for Protected Species, UK Priority Species and Species

4 Listed in the Milton Keynes and Buckinghamshire Biodiversity Action Plan.

- 4.1 Where a proposed development is likely to affect protected species, the applicant must submit a *Protected Species Survey and Assessment*.
- 4.2 If the application involves any of the development proposals shown in Table 1 (Column 1), a protected species survey and assessment must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in this table. The survey should be undertaken and prepared by competent persons with suitable qualifications and experience. It must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines and methods where available¹.
- 4.3 The survey may be informed by the results of a search for ecological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:
- Record which species are present and identify their numbers (may be approximate);
 - Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).
- 4.4 The Assessment must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:
- How alternative designs or locations have been considered;
 - How adverse effects will be avoided wherever possible;
 - How unavoidable impacts will be mitigated or reduced;
 - How impacts that cannot be avoided or mitigated will be compensated.
- 4.5 In addition, proposals are to be encouraged that will enhance, restore or add to features or habitats used by protected species. The Assessment should also give an indication of how species numbers are likely to change, if at all, after development e.g. whether there will be a net loss or gain.
- 4.6 The information provided in response to the above requirements are consistent with those required for an application to Natural England for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment. Further information on appropriate survey methods can be found in Guidance on Survey Methodology published by the Chartered Institute of Ecology and Environmental Management.

5 Optimal survey times

5.1 For certain species and habitats surveys can be carried out at any time of year, but for other species, particular times of year are required to give the most reliable results, as indicated in Table 2. Surveys conducted outside of optimal times may be unreliable. For certain species (e.g. Great-crested Newt) surveys over the winter period are unlikely to yield any useful information. Similarly, negative results gained outside the optimal period should not be interpreted as absence of a species and further survey work maybe required during the optimal survey season. This is especially important where existing surveys and records show the species has been found previously on site or in the surrounding area. An application may not be valid until survey information is gathered from an optimum time of year.

5.2 Species surveys are also very weather dependent so it may be necessary to delay a survey or to carry out more than one survey if the weather is not suitable, e.g. heavy rain is not good for surveying for otters, as it washes away their spraint (droppings). Likewise, bat surveys carried out in wet or cold weather may not yield accurate results.

Absence of evidence of a species does not necessarily mean that the species is not there, nor that its habitat is not protected (e.g. a bat roost is protected whether any bats are present or not).

5.3 Milton Keynes and Buckinghamshire Biodiversity Recording and Monitoring Centre may have useful existing information and records. Competent ecologists should carry out any surveys. Where surveys involve disturbance, capture or handling of a protected species, then only a licensed person can undertake such surveys (e.g. issued by Natural England). Surveys should follow published national or local methodologies. Further details may be found at www.cieem.net.

Table 1: Local Requirement for Protected Species, UK BAP Species of Principal Importance (Priority Species): Criteria and Indicative Thresholds (Trigger List) for when a Survey and Assessment is Required.

Proposals for Development that will trigger a protected species survey	Bats	Barn Owls	Breeding Birds	Gt. Crested Newts	Otters	Dormouse	Water Vole	Badger	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Rare Arable plants	Other BAP Species
Proposed development which includes the modification conversion demolition or removal of buildings and structures (especially roof voids) involving the following:													
Agricultural buildings (e.g. farmhouses and barns) particularly of traditional brick or stone construction and/or with exposed wooden beams greater than 20cm thick;													
Buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water													
Pre-1960 detached buildings and structures within 200m of woodland and/or water;													
• pre-1914 buildings within 400m of woodland and/or water;													
• pre-1914 buildings with gable ends or slate roofs, regardless of location;													
Tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures;													
Bridge structures (especially over water and wet ground).													
Proposals involving lighting of churches and listed buildings or flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.													
Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.													

Proposed tree work (felling or lopping) and/or development affecting: old and veteran trees that are older than 100 years; trees with obvious holes, cracks or cavities, trees with a girth greater than 1m at chest height: Note an arboricultural survey is not the same as an ecological tree survey; both aspects need to be covered.													
Proposals affecting gravel pits or quarries and natural cliff faces, crevices or caves.													
Major or Large proposals within 500*m of a pond/moat or Minor and Householder proposals within 100*m of pond/moat. and not be less than 250m for any small development.													
Proposals affecting or within 200m of rivers, streams, lakes, or other aquatic habitats such as reed bed, grazing marsh and fen.													
Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.													
Proposals affecting farmland or field margins													
Proposed development affecting any buildings, structures, feature or locations where protected species or species of Principal Importance (BAP) are known to be present.													

Identified as Important Arable Plants by Plantlife

Note: A Large proposal is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential development is more than 1000m² floor area or more than 1 hectare

Distances may be amended to suit local circumstance on the advice of the local Natural England team and/or Local Biodiversity Partnership

Confirmed as present by either a data search (for instance via the local environmental records centre) or as notified to the developer by the local planning authority, and/or by Natural England, the Environment Agency or other nature conservation organisation.

Table 2: Ecological Survey Seasons

Species	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Badgers												
Bats (Hibernation Roosts)												
Bats (Summer Roosts)												
Bats (Foraging/Commuting)												
Birds (Breeding)												
Birds (Over Wintering)												
Dormice												
Great– crested Newts Terrestrial Habitat												
Great– crested Newts Aquatic Habitat												
Invertebrates												
Natterjack Toads												
Otters												
Reptiles												
Water Voles												
White-clawed												
Crayfish												
Habitats/Vegetation												

Key:

Optimal time to survey - Green

Survey can be completed – Light Blue

6 Exceptions for when a full species survey and assessment may not be required

6.1 The following represent situations where a full species survey and assessment may not be required:

a. Following consultation by the applicant at the pre-application stage, MKC has stated in writing that no protected species surveys and assessments are required.

b. If it is clear that no protected species are present, despite the guidance in the above table indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (e.g. this might be in the form of a brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation).

c. If it is clear that the development proposal will not affect any protected species present, then only limited information needs to be submitted. This information should, however,

(i) demonstrate that there will be no significant effect on any protected species present and

(ii) include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed. In some situations, it may be appropriate for an applicant to provide a protected species survey and report for only one or a few of the species shown in the Table above e.g. those that are likely to be affected by a particular activity. Applicants should make clear which species are included in the report and which are not because exceptions apply. In all cases exceptions should be agreed in writing by the Council Ecologist.

Local Requirements for Designated Sites, Priority (BAP) Habitats, Habitats

7 Listed in the Milton Keynes and Buckinghamshire Bedfordshire Biodiversity Action Plan and Geological Conservation

7.1 Milton Keynes Council (MKC) has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguarding of designated sites and priority habitats. Where a proposed development is likely to affect such a site, habitat or geological feature, the applicant must submit an Ecological/Geological Survey and Assessment.

7.2 If the application is likely to affect any of the designated sites, priority habitats or biodiversity features listed in Table 3 or geological features listed in Table 4, a survey and assessment for the relevant feature must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in these tables.

7.3 The Survey should be undertaken and prepared by competent persons with suitable qualifications and experience and carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods. The survey may be informed by the results of a search for ecological or geological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which habitats and features are present on and where appropriate around the site;
- Identify the extent/area/length present;
- Map their distribution on site and/or in the surrounding area shown at an appropriate scale.
- Identify and describe potential development impacts likely to harm designated sites, priority habitats, other listed biodiversity features or geological features (these should include both direct and indirect effects both during construction and afterwards).

7.4 Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

7.5 In addition, proposals are to be encouraged that will enhance, restore or add to designated sites priority habitats, other biodiversity features or geological features. The Assessment should give an indication of likely change in the area (hectares) of priority habitat on the site after development e.g. whether there will be a net loss or gain. An ecological/geological survey and assessment may form part of a wider Environmental Impact Assessment. Figure 1 shows a Biodiversity Checklist to guide applicants in considering biodiversity on a site.

Table 3. Local Requirements for Designated Sites and Priority Habitats and Habitats Listed in the Milton Keynes and Buckinghamshire Biodiversity Action Plan: Criteria (Trigger List) for When a Survey and Assessment are required

DESIGNATED SITES (as shown on the Council's Development Plan Proposals Map)
Internationally; Special Protection Area (SPA) Special Area of Conservation (SAC) Ramsar Site
<p>PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006) (BAP)</p> <ul style="list-style-type: none"> • Arable field margins • Coastal and floodplain grazing marsh • Hedgerows • Lowland calcareous grassland • Lowland dry acid grassland • Lowland fens • Lowland heathland • Lowland meadows • Lowland mixed deciduous woodland (both ancient and secondary) • Open mosaic habitats on previously developed land • Ponds • Purple moor-grass and rush pastures • Reedbeds • Rivers • Traditional orchards • Wet woodland
<p>LOCAL CHARACTER BAP HABITATS (as identified by the Local Biodiversity Partnership - see paragraph 84 ODPM Circular 06/2005))</p> <p>Urban / Built Environment (e.g. parks, gardens, allotments, road verges and railway embankments)</p>
<p>DESIGNATED SITES (as shown on the Council's Development Plan Proposals Map) Nationally; Site of Special Scientific Interest (SSSI) National Nature Reserve (NNR) Regional and local; Local Geological Sites (LGS) Local Nature Reserve (LNR)</p>

Exposure of Extensive Sites

- Active quarries and pits
- Disused quarries and pits
- Coastal cliffs and foreshore
- River and stream sections
- Inland outcrops
- Exposure underground mines and tunnels
- Extensive buried interest
- Road, rail and canal cuttings

Integrity Site

- Static (fossil) geomorphological
- Active process geomorphological
- Caves
- Karst

Finite Site

- Finite mineral, fossil or other geological
- Mine dumps
- Finite underground mines and tunnels
- Finite buried interest

ANNEX A

The following outlines recommended procedures for Council staff to ensure biodiversity and geological conservation issues are addressed adequately in the validation of planning applications.

Application Received

Initial Checks (see note a)

Check 1: Has the applicant answered 'yes' to questions (a), (b) and (c) of the Biodiversity and Geological Conservation question' on the standard application form?

Check 2: Has the applicant indicated with reference to Tables 1, 2 and 3 in the Local Requirements what, if any, Protected & BAP Species, Designated Sites, Priority & BAP Habitats and Geological Features could potentially be affected?

Check 3: Is MKC satisfied with the responses provided by the applicant? (See note b)

Check 4: Has the applicant submitted all necessary surveys and assessments specified in the Local Requirements (e.g. triggered by a 'yes' to any question in Tables 1, 2 or 3)? (See note c)

Check 5: Has the applicant claimed that exceptions apply – as explained in Tables 1, 2 or 3?

Check 6: Is MKC satisfied that exceptions do apply?

Initial Determination

Check 7: Do surveys and assessments submitted contain sufficient information to describe features present, to assess potential impacts and to propose adequate mitigation, compensation and enhancement? (See note e)

Final Determination The application can be determined taking account of information submitted and any other data required to evaluate the potential effects of the proposed development on biodiversity and geological conservation (see note f).

Note (a) It is intended that the initial checks should be a quick, coarse filter to 'strain out' the applications that obviously lack the key information on biodiversity/geological conservation required. Administrative staff are expected to carry out these initial checks.

Note (b) Where the applicant has answered 'No' to all parts of the biodiversity/geology question on the standard application form, MKC should, wherever possible, seek to confirm the validity of these responses by referring to its own 'environmental evidence base' (e.g. on MKC's GIS or via BMERC

Note (c) Where an applicant meets any of the criteria in Tables 1, 2 or 3; they must also provide relevant surveys and assessments for the application to be valid.

Note (d) It may be necessary to delay validation of an application where an applicant claims that exceptions apply (e.g. they do not need to submit a survey and assessment) while further checks are carried out to confirm that features specified in the requirements are not present or likely to be affected

Note (e) In consultation with consultees, MKC should confirm that the applicant's response to Tables 1, 2 and 3 are accurate.

As part of the initial determination of the application, MKC should also ensure that any surveys and assessments submitted contain all of the details required. Their content should be checked for accuracy and comprehensiveness.

These further checks should be undertaken by the planning case officer responsible for the application supported by MKC's ecologist/ecological advisor. It is unlikely that a planning case officer will be able to complete these further checks without consultation to professional ecological expertise e.g. MKC ecologist or statutory consultee.

Note (f) MKC should determine the application against national and local planning policies and following consultation with relevant stakeholders, and with reference to its own environmental evidence base.

ANNEX B

Biodiversity Checklist.	Strategic Sites - i.e. commercial	Sites up to ten homes	Plot
Has an ecological appraisal been carried out and constraints and opportunities considered? Important to use suitably qualified ecological consultants. (refer to www.cieem.net for professional directory)	EIA	Phase 1 survey	Desk Study - Protected species survey
Have Biodiversity Opportunity - Networks been addressed?	Is land identified within a biodiversity opportunity network – if so what enhancement has been proposed?	Is a biodiversity opportunity network nearby and can it be connected to the development?	Is a biodiversity opportunity network nearby and can it be connected to the development?
Is there any Protected species interest on/near the site?	Woodlands, large trees, other habitats; Retention/mitigation	Large trees, badger setts, wetlands; Retention/mitigation	Large trees/bats in loft/old buildings; Retention/mitigation
Are there any Important Hedgerows on site?	Permission to remove must be obtained from LPA	Permission to remove must be obtained from LPA	Permission to remove must be obtained from LPA
Are any habitats/species of principal importance identified?	Protection/enhancement	Protection/enhancement	Protection/enhancement
What ecological enhancements are proposed in accordance with the NPPF?	Habitat creation & wider species opportunities, use of native species	Species and habitat opportunities	Species focus, bird/bat boxes, wildlife refugia
Production and implementation of a maintenance and management plan	Site wide landscape management, adoption	Management company	Householder care / management of an area
What future management/stakeholder involvement does the site have?	Wildlife Trust, GST, local conservation groups	Local conservation groups, individual.	Individual householder care / management of an area

