ANNEX B

Biodiversity: Supplementary Planning Document

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Development Plans Team

milton keynes council

Contents

Part 1: Biodiversity Accounting Supplementary Planning Document

"We are part of Nature, not separate from it. We rely on Nature to provide us with food, water and shelter; regulate our climate and disease; maintain nutrient cycles and oxygen production; and provide us with spiritual fulfilment and opportunities for recreation and recuperation, which can enhance our health and well-being. We also use the planet as a sink for our waste products, such as carbon dioxide, plastics and other forms of waste, including pollution.

Nature is therefore an asset, just as produced capital (roads, buildings and factories) and human capital (health, knowledge and skills) are assets. Like education and health, however, Nature is more than an economic good: many value its very existence and recognise its intrinsic worth too.

Biodiversity enables Nature to be productive, resilient and adaptable. Just as diversity within a portfolio of financial assets reduces risk and uncertainty, so diversity within a portfolio of natural assets increases Nature's resilience to shocks, reducing the risks to Nature's services. Reduce biodiversity, and Nature and humanity suffer" [1].

[1] The Economics of Biodiversity: The Dasgupta Review 202https://www.gov.uk/government/publications/final-report-the-economics-of-biodiversity-the-dasgupta-review

1. Executive Summary

1.1. This Supplementary Planning Document (SPD) expands upon policies of the Milton Keynes Local Plan- Plan:MK. It provides developers with a clear "plain English" step-by-step guide for working with all 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.

1.2. 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. The SPD details what the Council requires a developer to consider when incorporating ecological compensation (including Biodiversity Offsets) within their development scheme.

1.3. 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.

1.4. There's no wellbeing without nature's wellbeing. Everyone is at risk from the loss of habitats and a warming planet. The Government's 25-year Environment Plan aims to improve the natural environment within a generation and to reconnect people with nature[2]. To achieve that, people everywhere need to feel that nature matters to them.

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). 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] https://www.gov.uk/government/publications/25-year-environment-plan/25-year-environment-plan-our-targets-at-a-glance

2.3. The landscape of the Borough is the result of both natural and man-made processes. The underlying geology has determined landform and influenced land cover through soil composition. The landscape has evolved further through centuries of human interaction. Ongoing change driven by social, economic and natural factors will continue to shape the landscape in the future. The most recent Landscape Character Assessment was undertake in 2017 and it contains a map with Landscape character types and landscape character areas[3].

2.4. Predominantly characterised by an undulating clayland plateau with large to medium scale mixed woodlands, linking with the extensive woods of Yardley Chase and Salcey Forest in the north To the fringes of the authority are two contrasting landscape types; a steep greensand ridge to the south and a limestone plateau on the northern boundary of the Borough. The Natural England NCAs that cover the Borough broadly reflect these variations (see Figure 01).

2.5. The urban landscape plays an important role in biodiversity; both positively and negatively but is not captured within the character area designation. Most urban areas have developed over a long period; therefore, their form and function are an outcome of the changes in knowledge and policy, and therefore display a heterogeneity in character. With MK being central to the Oxford to Cambridge Growth Arc it is clear more development will be planned, therefore it is essential that this is seen as an opportunity for biodiversity and not a threat.

2.6. Biodiversity can be considered in two ways;

- Biodiversity conservation – the recognition and protection of existing habitats and sites
- Biodiversity creation:
    - creation of new habitats primarily for biodiversity i.e. Country park designing and enhancing a space for biodiversity within built development

2.7. Milton Keynes was the last of the new towns, laid over older settlements it was also built to a flexible master plan, with backing of 6 key goals[4] which still hold true today. The new town was laid on to a unifying grid but under this it sought to combine existing habitats such as woodland, hedgerows and ponds into the fabric of the city.

2.8. Through planning and management these discreet units are connected through a series of linear parks along the water corridors, the Ouzel, Loughton Brook and Grand Union canal. Other wildlife corridors were created or recognised along the broad grid roads, railway tracks and ancient rights of way.

2.9. The network of greenspaces provides the ecosystem services to the city, long before this term was coined. Whilst its clear wildlife benefits from the matrix of habitats and its linkages crucially it allows nature to be part of the human experience which is vital if we are to halt its decline. A key feature in the city's development was the biological survey of the area and the incorporation of sites of value. Development if properly planned can enhance and protect sites, for example the hydrologically sensitive SSSI at Oxley Mead.

[3] https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/landscape-character-assessment

[4] These goals were (i) opportunity and freedom of choice (ii) easy movement and access and good communications (iii) balance and variety (iv) an attractive city (v) public awareness and participation and (vi) efficient and imaginative use of resources.

2.10. The constructed landscape of the New Town was designed to create a sense of place, preferring to use native species as far as possible to provide the best outcomes for biodiversity. However, this relatively limited palette of trees and shrubs is vulnerable to the effects of climate change and pest and disease threats. Therefore, it is important that new landscape planting strategies look to resilience and diversity to deliver sustainable ecosystem benefits, including biodiversity.

2.11. Milton Keynes continues to grow, and the original principles need to grow with it, this is encapsulated in the aspiration to be the Greenest City according to MK Sustainability Strategy 2019-2050 with one of the priorities for action being to encourage biodiversity by working with the landowners.[5]. The linear parks for example will continue to extend blending with the surrounding countryside creating a wider green network providing multiple benefits both to the local and wider environment as well as to our economy.

2.12. The challenge in urban ecosystems is how best to harness the cumulative management activities of multiple land managers in a coordinated way. For example, private gardens have the potential to significantly improve the wider landscape mosaic through a heterogeneity of habitat patches and in turn empower individuals and communities. To achieve this holistic approach in urban biodiversity management it will require the coordination of local governmental and stakeholders, including planners, ecologists, wildlife charities and community groups**.**

2.13. 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.

2.14. This document explains what Milton Keynes Council expects to be considered with any planning application and the detailed information that needs to be submitted.

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**

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

- **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: 'Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System'**
- **'Biodiversity: The UK Action Plan' 1994**
- **Buckinghamshire & Milton Keynes Natural Environment Partnership** Biodiversity Opportunity Areas and Biodiversity Action Plan
- **Environment Bill (2020) – Draft**

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 polices in l Plan:MK [6]. These include:

- Policy NE1: Protection of site
- 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. Ecological designations in Milton Keynes

4.1. Legal protection for Important Ecological Features (IEFs) varies and National and Local Planning Policy may also apply additional requirements that must be adhered to unless material considerations in the planning balance indicate otherwise. 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 (being reassessed as County Wildlife Sites) , Priority Habitats, Priority Species, Irreplaceable Habitats (e.g. Ancient Woodland, veteran Trees), and Local Geological Sites. The Government's guidance is that 'Locally designated Local Wildlife Sites and Local Geological Sites are areas of

[6] Plan MK 2019 (online) Available at: https://www.milton-keynes.gov.uk/planning-and-building/plan-mk

substantive nature conservation value and make an important contribution to ecological networks and nature's recovery.'[7] Every effort should be made, not only to avoid Local Wildlife Sites and Local Geological Sites, but applications will also be expected to avoid potential detrimental effects.

4.2. 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

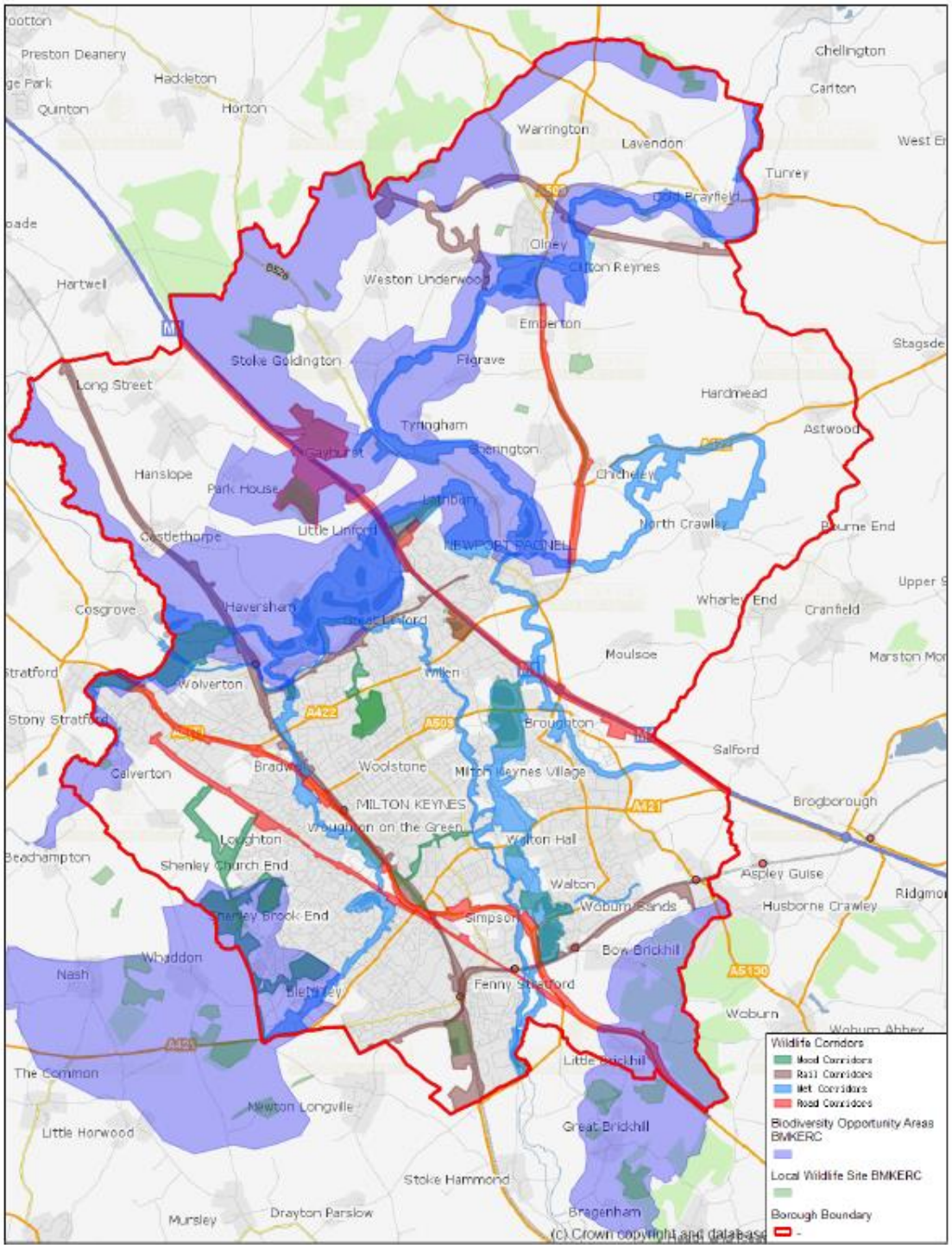
4.3. Biodiversity Opportunity Areas are the key focus areas for the creation of ecological networks. The creation of Local Nature Recovery Areas, as proposed by the Natural Environment White Paper, will be the way to take forward ecological networks, working alongside BOAs. The designation map below gives an illustration of the location and extent of sites, for more detail please refer to Milton Keynes My Maps[8]

4.4. 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 are also a component of the wildlife corridor network[9]. Within the network there many types and sizes of corridor, these have been classified into two equally important types:

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

[7] https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems
[8] My Maps is available here: https://mapping.milton-keynes.gov.uk/
[9] Grid road corridors not indicated on Map 1 due to scale

Map2: Local nature designations[10]



[10] The data set can be searched on My Maps: https://mapping.milton-keynes.gov.uk/

4.5. Designated Wildlife Corridors have the same status as Local Wildlife Sites. Developers should access information on these and their boundaries. Wildlife Corridors should be identified, protected and enhanced, to achieve:

- habitats for a wide range of species to feed, nest, find security, move along and disperse
- a wide variety of plant species, trees, shrubs, ground, river and wetland flora
- buffer zones of useful habitat alongside them
- as few and as short gaps as possible between sections of them
- increases in breadth and length of isolated sections
- re-connection where they have been fragmented
- restoration of habitats of brooks and rivers
- connections to the wider landscape.

Biological Notification Sites (BNS)

4.6. These 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

4.7. There are 16 and are equivalent of Local Wildlife Sites in other Buckinghamshire districts. These too are presently under review and where appropriate will be subsumed into the Local Wildlife sites designation These are special places recognised for having high wildlife value or containing rare or threatened habitats and species.

Local Nature Reserve's (LNR's)

4.8. LNR's are statutory protected sites designated under Section 21 of the National Parks and Access to the Countryside Act 1949. An 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

4.9. 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**.

4.10. These priority habitats and species are listed on the Section 41 list of the Natural Environment and Rural Communities Act 2006 and are considered to be Habitats and Species of Principle Importance.

4.11. The World Conservation Union (IUCN) assess the conservation status of species, subspecies, varieties and even selected subpopulations on a global scale in order to highlight taxa threatened with extinction, and therefore promote their conservation. The IUCN Red List uses a set of criteria relevant to all species to evaluate the extinction risk

4.12. Additionally, the Buckingham and Milton Keynes Biodiversity Action Plan[11] identify those habitats of importance for the county and include plans for their conservation and management.

4.13. Where proposed developments impact upon a Priority Habitat or notable and red list species the Council will expect the ecological impact to the habitat or species to be fully assessed and reported. Where those impacts would lead to significant harm to biodiversity, the mitigation hierarchy set out in paragraph 175 a) of the NPPF should demonstrably have been applied and an overall Biodiversity Net Gain delivered in accordance with paragraph 170(d) of the NPPF.

4.14. 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; following BSI 42020[12], 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-date and sufficient to allow the impact of the development to be appropriately assessed.

4.15. 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 (Part 2).

4.16. 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 in order to present the most suitable scheme of mitigation.

4.17. 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.

[11] https://bucksmknep.co.uk/projects/forward-to-2020-biodiversity-action/

[12] Biodiversity – Code of practice for planning and development BSI standards Publication BS 42020:2013

5. The Importance of Biodiversity within Development

5.1. 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.

5.2. 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 biodiversity 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.

5.3. 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, for example light and noise pollution changes in hydrology. 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.

5.4. 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 in seasonal pools for example.

5.5. 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.

5.6. 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.

5.7. Careful consideration should be given to how to retain features of the existing site that have benefits for wildlife in general, not only for Protected Species and Priority Species (Plan:MK Policy NE1 C). These will include as much as possible the inclusion of existing hedges, mature trees and shrubs, unimproved grasslands, and natural watercourses, as naturalistic and inter-

connected features to be retained and enhanced for wildlife and as part of natural landscapes for people to enjoy. The natural features are part of the sites genius loci and therefore must be considered throughout the design and planning process. 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).

5.8. Green Infrastructure (GI) is multi-functional open spaces, usually an inter-connected network. A key aspect of GI is biodiversity (Plan:MK Policy NE4). The network of green infrastructure throughout the Borough will be protected, extended and enhanced for its biodiversity, recreational, accessibility, health and landscape value and for the contribution it makes towards combating climate change. This is in accordance with the vision and principles set out by the Buckinghamshire and Milton Keynes NEP.[13] Additional detail is contained within the MK Green Infrastructure Strategy.[14]

5.9. Development proposals will ensure that existing ecological networks are identified and wherever possible maintained to avoid habitat fragmentation, and that ecological corridors, including water courses, form an essential component of their green infrastructure provision to support habitat connectivity.

5.10. In line with recognised good practice and governmental policy on biodiversity and sustainability (NPPF 2019 & NERC 2006), all practical opportunities should be taken to harmonise the built development with the needs of wildlife. The NPPF seeks to provide a net enhancement to biodiversity through sustainable development. Any proposal must compensate for the loss of existing habitats and in addition, should demonstrate sufficient biodiversity enhancements to comply with current policies.

5.11. Current local and national policy requires all development to result in a measurable net gain for biodiversity. Opportunities exist to incorporate biodiversity improvements without compromising the commercial viability or functionality of the development.

Enhancement features for species

5.12. All bat and bird features provided should be purpose built, constructed from “woodcrete” or a similar, robust material and permanently built into structures in appropriate locations. Permanently installed bat and bird features are sustainable as they require minimal attention and last for the lifetime of the structure. Features hung from external walls or trees have a finite lifespan and are considered to offer temporary benefits for wildlife.

5.13. An appropriate level of provision of bat and bird features:

5.14.

1:4 for developments that provide significant areas of green infrastructure with high benefits for biodiversity.

1:2 for developments with small areas of public open spaces or green infrastructure with low levels of biodiversity benefits.

[13] https://bucksmknep.co.uk/projects/vision-and-principles-for-the-improvement-of-green-infrastructure/

[14] https://www.milton-keynes.gov.uk/planning-and-building/planning-policy/green-infrastructure-strategy

1:1 for developments with no public open space provision.

5.15. Hedgehogs have entered the top 10 list of endangered species in the UK. Simple modifications to fences or solid walls between plots or adjacent to green spaces that enable permeability throughout the development significantly improve foraging opportunities for hedgehogs and other small mammals, reptiles and amphibians.

5.16. Lighting has the potential to disrupt foraging and commuting bats. Any lighting in areas near bat features provided as mitigation or enhancements, hedgerows or trees used by bats for navigation or foraging should be kept to a minimum, operated by time limited sensors and directed away from the features. Current industry best-practice guidance can be found in the Institute of Lighting Professionals Guidance Note 8 – "Bats and Artificial Lighting" (2018)[15].

5.17. Incorporating features that would provide positive benefits for biodiversity into landscape proposals or modifying existing landscape management regimes will help to offset the negative effects of development[16]. Features such as:

- Ponds, swales and SUDs with suitable riparian edge management
- Hedgerows, scrub cover
- Wildflower meadows, flowering lawns, sedum mats or tussocky grass
- Trees, shrubs and plants that provide habitat structure, nectar, pollen, seeds, nuts, berries and fruit as food sources should be incorporated into the landscape scheme.
- Night scented plants - likely to attract insects which provide food for bats and winter flowering varieties are also beneficial for insects
- Hibernacula and log piles if it can be demonstrated there is management in place
- Minimising future use of herbicide and pesticide
- Bat tubes, boxes or roof voids, bird nesting features,
- Green walls and green or brown roofs
- Insect features such as solitary bee bricks
- Note this is an emerging area of both science and design of suitable features, applicants should seek guidance on the latest developments from their ecologist or landscape architect

5.18. Landscape plants must be sourced from bio-secure sources to ensure the spread of pathogens and pests is minimised. Landscape schemes should be biodiverse to reduce the spread of disease, maximise yearlong interest, provide opportunities for wildlife and manage the risk of a changing climate.

5.19. Retained features of biodiversity value; such as hedgerows, should not be incorporated into private gardens or property due to the difficulty in preserving them. Instead these features should be incorporated into the public realm to ensure their sustainability.

[15] https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229

[16] Further information can be found in Designing for Biodiversity A Technical Guide for New and Existing Buildings (2nd edition – 2013) By Kelly Gunnell, Brian Murphy, Carol Williams.

Community Involvement

5.20. Improving the community's relationship with nature responds to the challenge of the climate emergency and wildlife loss by encouraging care and respect for the rest of the natural world. Engaging with the community and new residents throughout the development process increases levels of acceptance of the development and allows local views to shape the development. Engaging local people early on empowers them to become everyday monitors of the site.

5.21. Residents connected with nature will also be more likely to take action for nature - from simple actions at home, such as recycling or wildlife friendly gardening, to those requiring more commitment, such as giving time to take part in conservation volunteering, such as filling watering bags attached to street trees. Also, through a new, more connected relationship with nature people can live a happier, more worthwhile and sustainable life[17].

5.22. The Centre of Ecology and Hydrology along with partner organisations has produced a toolkit including wildlife management options suitable for housing developments[18]. It also provides a guide on how best to improve green spaces for wildlife while involving residents in key decision making.

5.23. Detail should be provided of the biodiversity enhancements within a development to the new owners. It should also detail what features are incorporated in individual units/homes, what the purpose is and how to manage and maintain them. This information is required to ensure the sustainability of the features and to engage and empower owners in their local biodiversity.

5.24. The overview of the detail and method of communication of these enhancements should be included in the Landscape and Ecology Management Plan (LEMP), this is detailed further in Section 6.

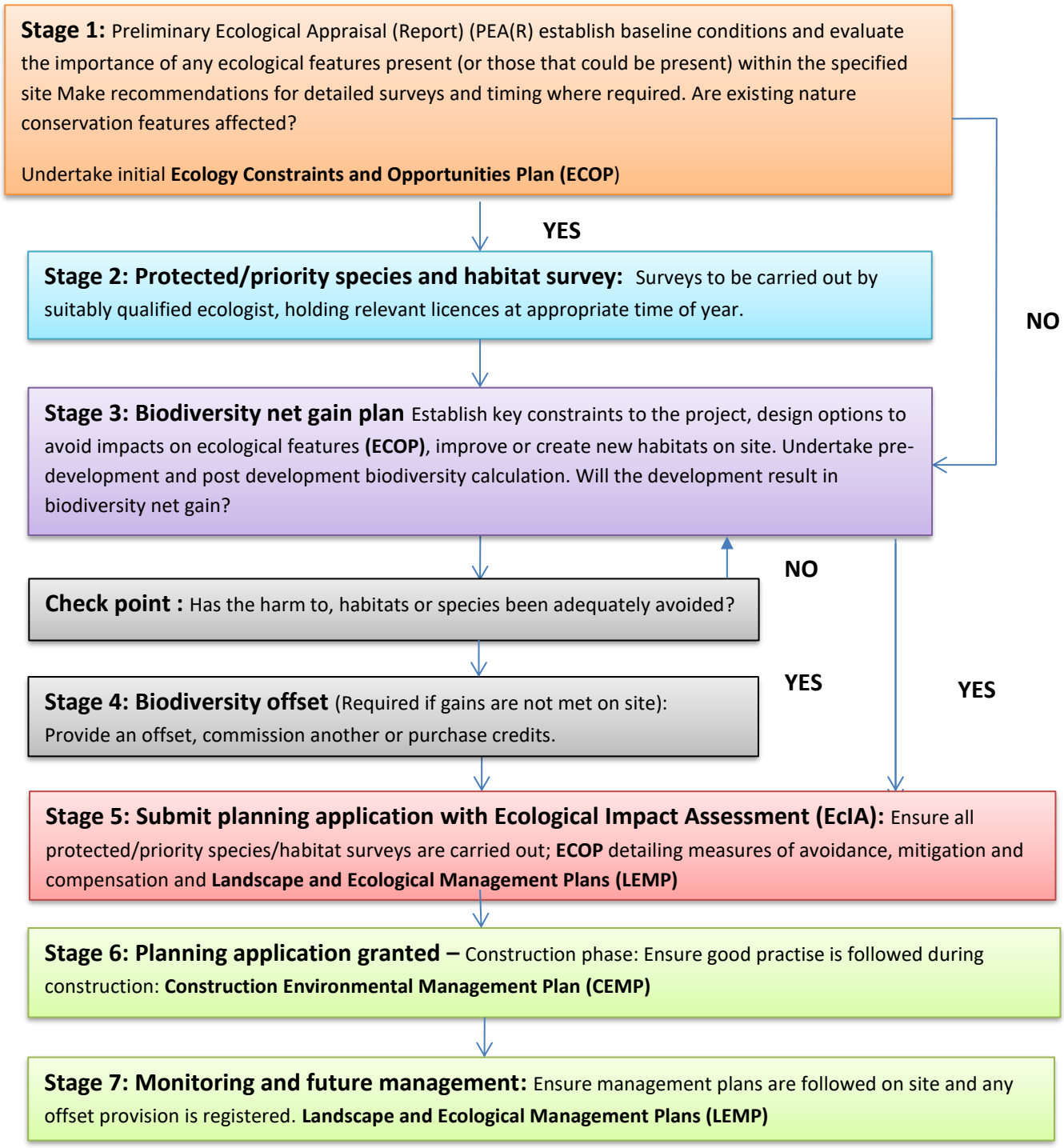
[17] Martin, L., White, M. P., Hunt, A., Richardson, M., Pahl, S., & Burt, J. (2020). Nature contact, nature connectedness and associations with health, wellbeing and pro-environmental behaviours. Journal of Environmental Psychology, 101389

[18] https://www.shgroup.org.uk/about-us/sustainability/biodiversity-toolkit-increasing-biodiversity-in-urban-green-spaces/

6. Step Guide to Building Biodiversity into Development

6.1. **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.

Table 1: Successfully Integrating Biodiversity into Development



By adopting the approach summarised above, applications are likely to progress expediently in relation to ecology and will comply with domestic legislation and demonstrate best practice i.e. Biodiversity. Code of practice for planning and development (BS42020) and Guidelines for ecological report writing [19] the Chartered Institute of Ecology and Environmental Management (CIEEM). Each stage is expanded in greater detail after the table 1.

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). It is considered all developments will require a Preliminary ecological Appraisal as a minimum.

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 results submitted to the authority.

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.[20]

6.5. A Preliminary Ecological Appraisal (Report) (PEAR) will be required, this will provide the results of initial ecological surveys associated with a proposed development. The report is used to identify further ecological surveys necessary to inform an Ecology Impact Assessment (EcIA), to identify ecological constraints to a project and make recommendations for design changes, and to highlight opportunities for ecological enhancement.

6.6. A PEAR can be used as a scoping report (for non-EIA projects), but should not be submitted as part of a planning application unless it can be determined that the project would have no significant ecological effects, no mitigation is required and no further surveys are necessary; with the exception of such cases it should be superseded by an EcIA report (see below).

6.7. Reports should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, report authors should only provide information that is relevant, necessary and material to the purpose identified, while

[19] A guide to Ecological Report Writing Available at: https://cieem.net/resource/guidelines-for-ecological-report-writing/

[20] Draft Environment Bill references 30th January 2020 as a base line

at the same time ensuring that adequate details are provided for the application to be determined

Stage 2: Protected/Priority species and Habitat Surveys

6.8. 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 and those 3 years or more will in most cases be invalid, for more information see CIEEM guidance [21]. If in doubt contact the council's ecology department.

6.9. 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

6.10. Survey data submitted with planning applications should also be provided to the Buckinghamshire and Milton Keynes Environmental Records Centre (BMERC[22]) to ensure that knowledge of the sites nature conservation features is not lost.

Stage 3: Biodiversity gain plan

6.11. The plan details the approach to the mitigation hierarchy to minimise adverse onsite 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. The plan should follow the guidance set out in CIEEM's Biodiversity-Net-Gain-Principles [23]

Mitigation

6.12. 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.

[21] https://cieem.net/wp-content/uploads/2019/04/Advice-Note.pdf
[22] erc@buckscc.gov.uk
[23] https://cieem.net/wp-content/uploads/2019/02/Biodiversity-Net-Gain-Principles.pdf

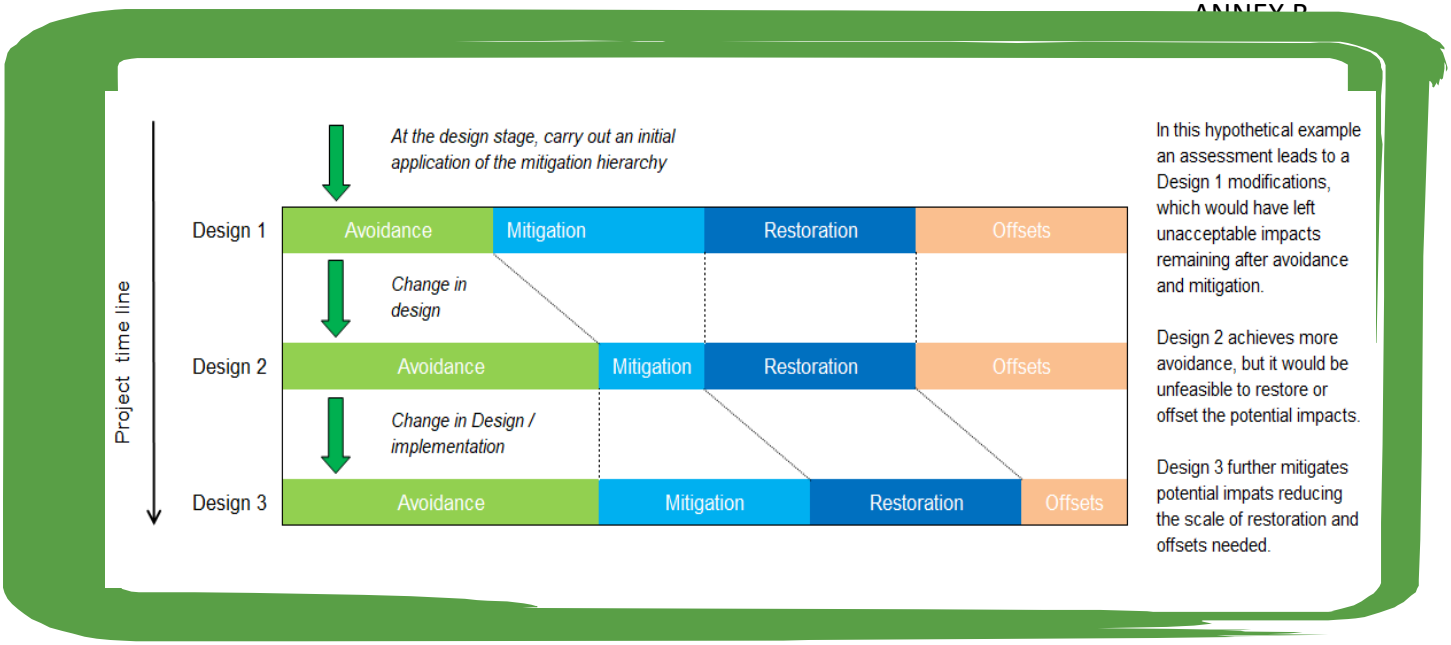


Table 2: Mitigation hierarchy: Successfully Integrating Biodiversity into Development.

6.13. 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.

6.14. 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.

6.15. 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.

6.16. 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 and Dispersal.

6.17. 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.

6.18. Increased permeability across gardens by the means of hedgehog tunnels and other features should be included where appropriate. Advice on the purpose and maintenance of any features or planting within private gardens or on homes should be provided to residents. 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.

6.19. 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.

6.20. Should the Biodiversity Impact Assessment calculate a residual loss or insufficient net gain to biodiversity once the mitigation hierarchy has been followed and the development is in accordance with all other local and national planning policy and legislation, it may be suitable to reconsider the scope of the development, nature of the biodiversity enhancement scheme, landscape design and soft landscape management regime of the site as changes to a prescription can deliver significant benefits. Newly created or enhanced habitats that link together existing biodiverse-rich areas provide greater benefits than isolated features. Biodiversity enhancement and soft landscape schemes should be supported by management plans that ensure sustainability and maximise biodiversity potential for the long-term.

Pre–development biodiversity and the post-development value

6.21. 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.

6.22. From the initial concept through to the detailed design and assessment of a development scheme is an iterative process. The identification of biodiversity constraints and opportunities and an assessment of likely ecological impacts should be considered throughout the process and evidenced in an Ecological Constraints and Opportunities Plan (ECOP).

6.23. All professionals working in planning and development should collaborate in order to achieve the best practical and sustainable options for integrating biodiversity into the overall scheme design. In particular, because of their complimentary knowledge and skills, collaborative input from ecologists and landscape architects should be sought from the start of a project wherever possible, to:

A) highlight opportunities and constraints;
B) allow effective integration of these aspects into the design proposals to provide multiple benefits and to avoid potential design conflicts at a later stage;
C) meet the requirements of policies that demand an interdisciplinary approach (e.g. landscape, biodiversity and green infrastructure strategies); and
D) identify and advise on the need to obtain any other environmental consents that might also be required in addition to planning permission especially where these may be sought in advance of, or in parallel with, the planning application process.

6.24. The council requires all development proposals of 5 or more dwellings or non-residential floorspace in excess of 1,000m^2 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.

6.25. 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 – Map the habitat type(s) impacted by your development.
Step 2 – Assess the baseline condition of each habitat
Step 3 – Apply 'avoid, mitigate, compensate' hierarchy to understand the residual biodiversity loss through the ECOP process
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

6.26. 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

6.27. 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 and the value of the proposed scheme is deemed to outweigh the environmental impact. The integrity of a nature conservation site 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.

6.28. Biodiversity Net Gain does not apply for impacts on irreplaceable habitats (and statutory designated sites) as it is not possible to achieve a net gain if these are harmed. NPPF defines irreplaceable habitats as those that would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, considering their age, uniqueness, species diversity or rarity.

6.29. 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.
- 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. 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.

6.30. 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.

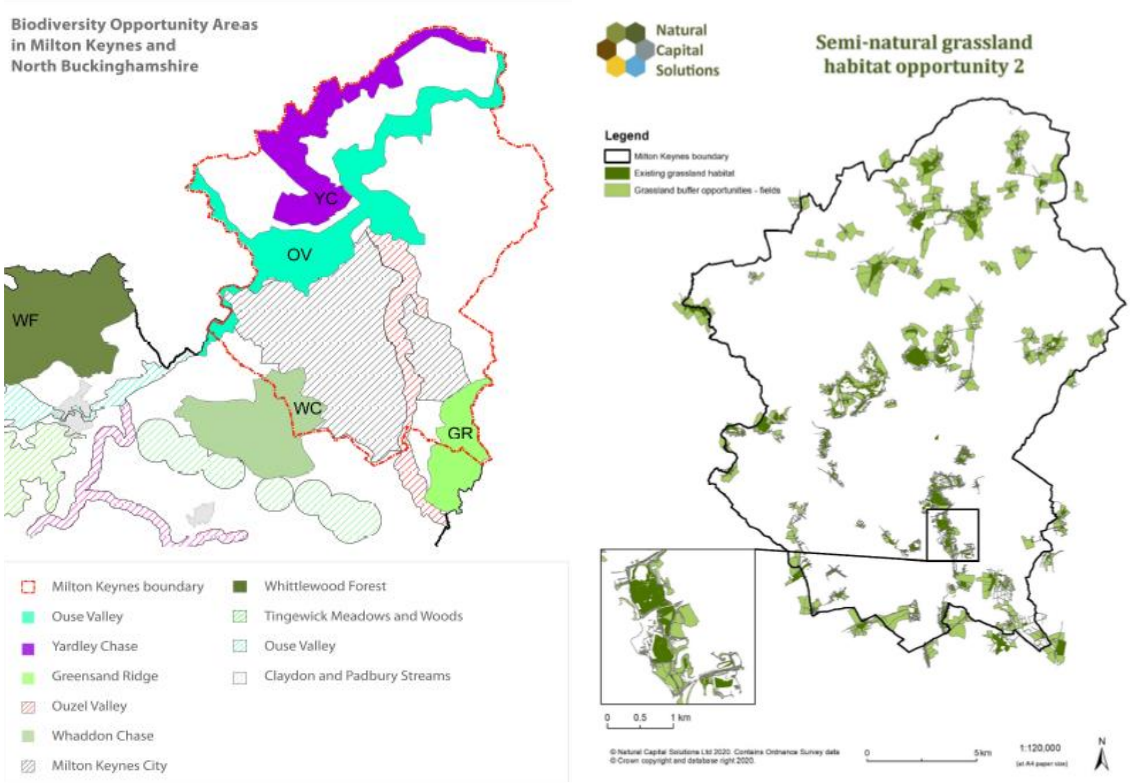
Stage 4: Biodiversity Offsetting

6.31. 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%[24] 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.

6.32. 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.

[24] Draft Environment Bill: schedule 7a 2 (3)

6.33. 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.



Map 2. Biodiversity Opportunity Mapping (example).

6.34. To further assist applicants with any biodiversity offsetting scheme Milton Keynes Council, through the Natural Environment Partnership, has produced a Biodiversity Opportunity Map (map 2 is an example[25]). The interactive 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. Additional mapping of Ecosystem Services provides a suite of maps to help locate suitable off-set location and habitats.

6.35. 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.

[25] The interactive BOAs map is available at: https://bucksmknep.co.uk/biodiversity-opportunity-areas-map/

6.36. 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.

Commuted Sums

6.37. 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.

6.38. 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). Urban environments may offer opportunities to retrofit green infrastructure and provide protection of natural resources, including air quality, ground and surface water and soils within design plans. Green infrastructure provision should incorporate the local character and distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through and access to and contact with nature. Applicants must provide details in a Landscape and Ecological Management Plan (LEMP) of proposed biodiversity enhancements and net gains, informed by expert advice, with planning applications. The LEMP provides details and specifications for the management of habitats and other features of biodiversity interest. Preparation of the LEMP should, where appropriate, follow the general guidance set out in out in BS42020 clause 11.1.

6.39. 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.

6.40. 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. The detail of the process can be found on the Councils web pages.

Translocation

6.41. 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.

Stage 5: Submitting a Planning Application

6.42. 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) An explanation, with evidence, of the assessment and decision-making process and the reasons for a particular course of action or piece of advice should be clearly documented and made available where required and/or necessary.;
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.

6.43. 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

6.44. During construction it is essential that steps are taken to ensure all personnel understand the nature conservation objectives of the development, theses should be laid out in a Construction Environmental Management Plan (CEMP). On developments which include a mitigation strategy; ensuring that appropriate steps are taken to safe-guard 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.

The appointment of an Ecological Clerk of Works (ECoW) maybe appropriate on larger or more sensitive developments to oversee the management of the risks on construction sites associated with managing biodiversity.

6.45. **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

6.46. 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.
- Species and habitats listed under section 41 of the Natural Environment and Rural Communities Act (2006)
- Species identified within the Buckinghamshire and Milton Keynes Biodiversity Action Plan

2.3. Ecological Information is anticipated to be required to support all major development applications. Minor developments which include the removal of vegetation or that have the potential to impact a feature used by a protected or priority species will also be anticipated to submit ecological information in support of the planning application (see Table 1). Ecological information will normally take the form of a Preliminary Ecological Appraisal (PEA) with additional surveys for individual species undertaken as recommended by the findings within the PEA. A Protected Species Survey and Assessment should be provided for each species. An Ecological Impact Assessment is a useful way to demonstrate how a development scheme accords with relevant planning policy and legislation as well as being a required component for development requiring an Environmental Impact Assessment.

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 enough 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 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. Great Crested Newts are a relative abundant species in Milton Keynes but Nationally they have seen dramatic declines in their populations over the last 60 years and are protected under UK and EU law. Despite these protections, the populations of GCN have continued to decrease. District licensing is a new approach to authorising developments affecting great crested newts (GCN), by focusing conservation effort where it will create maximum benefit whilst reducing delays, costs, risks and uncertainty for developers. Milton Keynes is covered by a district licence scheme; more detail is available from the scheme manager at the Council.

3.9. 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, priority and notable 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 alternatives design 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, note this is intended only as a guide and the services of a suitably qualified ecologist should be sort at the earliest opportunity to avoid delay latter in the process. 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.

ANNEX B

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, icehouses, 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 identified as containing important arable plants by Plantlife													
Proposed development affecting any buildings, structures, feature or locations where protected species or species of Principal Importance (BAP) are known to be present.													

Table 2: Ecological Survey Seasons: Note this is a guide and reference should be made to relevant guidance[26] and suitably qualified ecologist Key: Optimal time to survey – Green Survey can be completed – Light Blue

[26] https://www.bats.org.uk/resources/guidance-for-professionals/bat-surveys-for-professional-ecologists-good-practice-guidelines-3rd-edition

ANNEX B

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												
Natter jack Toads												
Otters												
Reptiles												
Water Voles												
White-clawed Crayfish												
Habitats/Vegetation												

https://www.gov.uk/guidance/hazel-or-common-dormice-surveys-and-mitigation-for-development-projects
https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects

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 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

Nationally; Site of Special Scientific Interest (SSSI) National Nature Reserve (NNR)

Regional and local; County Wildlife Sites (CWS) Milton Keynes Wildlife Sites, MK Wildlife Corridors Local Nature Reserve (LNR) Biological Notification Sites (BNS)

PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006) (BAP)

- 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
- Wood-pasture and parkland

LOCAL CHARACTER BAP HABITATS (as identified by the -Buckinghamshire & Milton Keynes Natural Environment Partnership see paragraph 84 ODPM Circular 06/2005))

Urban / Built Environment (e.g. parks, gardens, allotments, road verges and railway embankments)

Table 4: Local requirements for designated geodiversity sites and features. - Criteria (Trigger List) for

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)
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

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