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**Biodiversity — Code of
practice for planning and
development**

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Landscape Institute
Local Government Association
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Northern Ireland Environment Agency (NIEA)
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Foreword

Publishing information

This British Standard is published by BSI Standards Limited, under licence from The British Standards Institution, and came into effect on 31 August 2013. It was prepared by Technical Committee BDY/1, *Biodiversity management*. A list of organizations represented on this committee can be obtained on request to its secretary.

The initial drafting of this British Standard was carried out with support from BIS as part of their ongoing programme of support for standardization.

Information about this document

This British Standard gives recommendations and guidance for those in the planning and development and land use sectors whose work might affect or have implications for the conservation or enhancement of biodiversity. As such it is applicable to professionals working in the fields of ecology, land use planning, land management, architecture, civil engineering, landscape architecture, forestry, arboriculture, surveying, building and construction.

It is not envisaged that all the recommendations of this standard will be applicable to every planning application in each jurisdiction, so a judgement has to be made as to which (sub)clauses of the standard apply in each case.

All websites referred to in this British Standard were last viewed on 29 August 2013.

Use of this document

As a code of practice, this British Standard takes the form of guidance and recommendations. It should not be quoted as if it were a specification and particular care should be taken to ensure that claims of compliance are not misleading.

Any user claiming compliance with this British Standard is expected to be able to justify any course of action that deviates from its recommendations.

Presentational conventions

The provisions of this standard are presented in roman (i.e. upright) type. Its recommendations are expressed in sentences in which the principal auxiliary verb is "should".

Commentary, explanation and general informative material is presented in smaller italic type, and does not constitute a normative element.

Competence

It has been assumed in the preparation of this British Standard that the execution of its provisions will be entrusted to appropriately qualified and experienced people, for whose use it has been produced (see Clause 4).

Contractual and legal considerations

This publication does not purport to include all the necessary provisions of a contract. Users are responsible for its correct application.

Compliance with a British Standard cannot confer immunity from legal obligations.

In particular, attention is drawn to the following legislation and statutory regulations. The following list is not exhaustive.

- The Wildlife and Countryside Act 1981, as amended [1]

- The Wildlife (Northern Ireland) Order 1985, as amended [2]
- The Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 [3]
- The European Habitats Directive 1992 [4]
- The Hedgerow Regulations 1997 [5]
- The Natural Environment and Rural Communities Act 2006 [6]
- The Conservation of Habitats and Species Regulations 2010, as amended [7]
- The Conservation (Natural Habitats, &c) Regulations 1994 [8]
- The Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995, as amended [9]
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 [10]
- The Town and Country Planning (Environmental Impact Assessment) (England and Wales) 1999 [11]
- The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 [12]
- The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 [13]
- The Environment (Northern Ireland) Order 2002, as amended [14]
- The Wildlife and Natural Environment Act (Northern Ireland) 2011 [15]
- The Town and Country Planning (Applications) Regulations 1988 [16]
- The Town and Country Planning (General Development Procedure) Order 1995 [17]
- The Local Government Act 2000 [18]
- The Planning Act 2008 [19]
- The Planning Act (Northern Ireland) 2011 [20]
- The Planning (Northern Ireland) Order 2011, as amended [21]
- The Planning etc. (Scotland) Act 2006 [22]
- The Building Act 1984 [23]
- The Protection of Badgers Act 1992 [24]
- The Nature Conservation (Scotland) Act 2004 [25]
- The Wildlife and Natural Environment (Scotland) Act 2011 [26]
- The Forestry Act 1967 [27]
- The Environment Act 1995 [28]
- The Salmon and Freshwater Fisheries Act 1975 [29]
- The Eels (England and Wales) Regulations 2009 [30]
- The Fish Passage Regulations (in preparation) [31]

0 Introduction

0.1 General

High-quality ecological information is important for:

- a) effective decision-making;
- b) compliance with statutory obligations and policy requirements;
- c) successful implementation of practical conservation and enhancement measures during development; and
- d) achievement of desired outcomes.

This British Standard therefore seeks to:

- 1) promote transparency and consistency in the quality and appropriateness of ecological information submitted with planning applications and applications for other regulatory approvals;
- 2) give planning authorities and other regulatory bodies greater confidence in the information when they consider proposals for development or land management that potentially affect biodiversity; and
- 3) encourage proportionality and a good environmental legacy following development.

The standard is intended to assist those concerned with ecological issues as they arise through the planning process and in matters relating to consented development and activities involved in the management and use of land outside the scope of land use planning, which could have site-specific ecological implications.

While the standard is intended primarily for professionals, it recognizes that biodiversity conservation is also enjoyed and pursued by many thousands of dedicated volunteers and amateur enthusiasts. These individuals ought also to follow the recommendations of this standard.

NOTE A professional is capable of making judgements, applying their skills and reaching informed decisions in situations in which a layperson cannot, because the latter have not received relevant training or necessarily gained appropriate experience.

0.2 Implementation

This British Standard gives recommendations for a rigorous professional, scientific and consistent approach to gathering, analysing, presenting and reviewing ecological information at key stages of the planning application process.

The standard also identifies the ecological data, assessment and design of conservation measures to be fed into planning decisions to produce:

- a) appropriate, complete and consistent ecological information, within the framework of appropriate legal, policy and best-practice guidance, upon which local planning decisions can be reliably based;
- b) certainty and clarity for developers, local planning authorities and other regulatory bodies over the required biodiversity measures to be delivered as part of a specific planning consent or other approval;
- c) sufficient information with which to identify and track cumulative biodiversity outcomes (e.g. net losses and gains arising from all planning decisions);

- d) greater confidence for third parties that decisions and proposed actions involving biodiversity conservation are transparent, fair, adequate and legally sound;
- e) reduced grounds for planning appeal or legal challenge; and
- f) maximum scope for local decision-making within the changing legislative and policy framework.

Section 1 addresses the issues surrounding professional practice that are essential for the successful integration of biodiversity into the planning and development process.

Section 2 gives recommendations for integrating biodiversity into the various stages of the planning and development process.

Annex A discusses how the significance of environmental impacts/effects may be assessed.

Annex B gives an overview of the law relating to biodiversity.

Annex C provides a summary of the key requirements for different professional bodies regarding the protection of the natural environment.

Annex D gives a set of standard or model conditions for biodiversity purposes, with an explanation of how they may be used in a wide range of situations.

Annex E provides a summary of various consents that an applicant might be required to obtain in addition to their planning permission.

Annex F explains how ecologists and their contractors might, in the course of their work, have legal responsibilities under the Construction (Design and Management) Regulations 2007 [32].

Annex G lists the various activities that could impact on biodiversity and which ought to be considered as part of the risk assessment.

Annex H indicates what information from an ecological survey may be submitted to the decision-maker, and what may be included in the survey report.

1 Scope

This British Standard gives recommendations and provides guidance primarily for ensuring that actions and decisions taken at each stage of the planning process are informed by sufficient and appropriate ecological information.

In particular, this British Standard provides recommendations and guidance to all professionals working in the planning and development sectors who might encounter biodiversity as an issue during the planning, design and development process on how to:

- a) meet obligations under codes of ethics or conduct when taking decisions or undertaking actions that could affect the natural environment; and
- b) adopt a professional, scientific and consistent approach to gathering, analysing, presenting and reviewing ecological information at key stages of the planning application process, or in evaluating the ecological implications of associated activities as part of consultation or other regulatory procedures.

The processes recommended in this British Standard are applicable to the terrestrial, aquatic and marine environments.

Although the recommendations of this British Standard are intended primarily for those in the development control and management process, its principles can also be applied to forward planning, and in relation to other consenting processes, e.g. applications for EPS licence applications or environmental permits (see 9.5). The principles of the standard may also be applied to the preparation and determination of planning applications where geodiversity is a material consideration.

2 Normative references

The following documents, in whole or in part, are normatively referenced in this document and are indispensable for its application. For dated references, only the edition cited applies. For undated references, the latest edition of the reference document (including any amendments) applies.

- [N1] RIBA Plan of Work 2013 (available at: <http://www.ribaplanofwork.com/>).
- [N2] CIEEM, *Guidelines for Ecological Impact Assessment in the UK: Terrestrial, Freshwater and Coastal Environments*.¹⁾
- [N3] CIEEM, *Guidelines for Ecological Impact Assessment in Britain and Ireland: Marine and Coastal*.¹⁾
- [N4] CIEEM Professional Guidance Series No. 9 *Ecological Report Writing*.¹⁾
- [N5] CIEEM Technical Guidance Series Guidance for Preliminary Ecological Appraisals.¹⁾
- [N6] CIEEM Professional Guidance Series No. 10 *Metadata standards*.¹⁾
- [N7] CIRIA (2011) C 691 *Working with Wildlife: Guidance for the Construction Industry*. London: Construction Industry Research and Information Association. 2011.

¹⁾ Available from the Chartered Institute of Ecology and Environmental Management via: <http://www.cieem.net>