

PLANNING FOR BIODIVERSITY?

Are development proposals being informed by appropriate data on species and habitats?

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Background

Why care about biodiversity?

Biodiversity matters for a number of reasons. London's green spaces and natural environment provide a home for wild plants and animal species. We also benefit. For example, trees help clean our air, bees and other insects help pollinate our crops, earthworms make our soils more fertile, and reed-beds help clean our water.

What does planning have to do with biodiversity?

In London, we need to build 50,000 new homes each year - both to meet existing demand and for our growing population.

But that doesn't mean developers can build just anywhere. London's planning system aims to build the housing and other infrastructure needed with as little impact on the environment as possible. This includes protecting biodiversity, and local planning authorities (LPAs) must consider it when making planning decisions.¹

The planning system can identify species, habitats, and sites that are important and/or should be legally protected. This can protect biodiversity as they become 'material considerations' when a planning application is made.

The London Plan (the city's spatial development strategy) includes several policies designed to protect biodiversity.² The most important is Policy 7.19. This requires new developments to "wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity".

Where do biodiversity data searches come in?

To meet Policy 7.19, developers must give the LPA enough information on the environmental impacts of their development. That way a fully informed decision can be made on whether to grant it planning permission.

There are two main ways to get information on how a development may impact on biodiversity.

The first is by doing a 'desk study'. This may or may not include paying for a detailed biodiversity data search from the local environmental records centre (Box 1). The second is by employing an ecologist to survey the range of habitats and species on the site.

Most planning applications include a desk study. However, surveys tend to be limited to those sites where the desk study has identified biodiversity interest.

¹ HMSO. Natural Environment and Rural Communities Act (2006).

² Mayor of London. The London Plan (FALP) (2015).

Box 1: What are local environmental records centres?

Local Environmental Records Centres (LERCs) are not-for-profit organisations that collect, collate and manage environmental data for a particular geographic area. They support and get data from various experts to ensure the data is robust. They also make data products and services accessible to various audiences including decision-makers, the public, and researchers.

London's LERC is Greenspace Information for Greater London CIC (GiGL): www.gigl.org.uk.

A biodiversity data search includes lists and maps of species and habitats. It also details any relevant legal or planning designations on the development site or within a defined search area.

The desk study (including data search) gives an idea of how biodiverse a development site is and/or its value in the wider area context. The more detailed on-site survey by an ecologist can help find out how wildlife uses the development site and surrounding area (in other words, the ecology of the site and surrounding area).

Using the desk study and the site survey, the ecologist will put forward suitable measures to avoid, reduce, or compensate, for development impacts on biodiversity.

So what's the problem?

In 2013, some 88,000 planning applications were made to London's boroughs. However, GiGL were commissioned to do just 650 records searches. This means less than 1% of planning applications in London are supported by the most detailed and comprehensive biodiversity data available. Is this a problem?

We know that most planning applications are for very minor developments like loft conversions. These are unlikely to have significant impacts on biodiversity. We also know that many developments are located in areas with very low biodiversity, like the centre of London.

So what proportion of planning applications *should* be supported by the results of biodiversity data searches? That's the question we tried to answer with this study.

Method

City Hall commissioned eCountability³ to do this research. It took place in three main stages:

1. gathering planning data from four case study boroughs
2. developing a set of criteria that, if met, meant the development should have been informed by a biodiversity data search
3. analysing the proportion of developments in the four boroughs that met the criteria

Planning data

Four London boroughs (Camden, Ealing, Islington and Southwark) volunteered as case studies. Each of these boroughs has a planning application profile that is typical across the city. That makes them perfect as representative examples. Data on every major and minor planning application⁴ in those four boroughs in 2014 was collected, including the development site boundaries.

Biodiversity criteria

The biodiversity criteria were first based on the standard planning application form, 1APP. This form asks developers about protected and priority species. It also asks about designated sites, important habitats and other biodiversity features.

The criteria were then developed further by eCountability. The final criteria used were then agreed by a steering group including City Hall, GiGL, eCountability, London Wildlife Trust, and London boroughs (Table 1).

Analysis

A geographic information system (GIS) was used to map each major and minor planning application in the case study boroughs. GiGL provided data from the past 20 years relevant to the criteria in Table 1. This was also mapped using GIS.

Each borough dataset was then analysed using GIS to see how many planning applications met one or more biodiversity criteria. Any found should arguably have commissioned a biodiversity data search. This was compared with GiGL data on the number of biodiversity data searches made in each borough during 2014.

³ eCountability is a specialist consultancy that offers advice, data and solutions for those managing biodiversity-related risks and opportunities : www.ecountability.co.uk/.

⁴ Householder applications, change of use, listed building consents, and conservation area consents were excluded. That is because most were unlikely to have significant impacts on biodiversity and so would not require a data search.

Table 1: Criteria used to determine whether a planning application should have been informed by a biodiversity data search.

| Form 1APP Category | Sub-category | Biological Feature | Within Development Site Relationship | Adjacent / Near To Development Site Relationship |
|-----------------------------------|--|--|---|--|
| Protected and Priority Species | European protected species | All species listed in Habitats Directive Annexes II and IV and Birds Directive Annex I | Intersect records of precision quality 100m or better | Records of 100m precision quality or better within 500m of the application site, except 50m for records of invertebrates, bats in flight, birds in flight. Bats in the genus <i>Pipistrellus</i> excluded. |
| | UK protected species | All species not already on European protected lists that are listed in the 1981 Wildlife & Countryside Act Schedules 5 and 9, and the Badgers Act | Intersect records of precision quality 100m or better | Records of 100m precision quality or better within 50m of the application site. |
| | UK priority species | All species of principal importance listed in Section 41 of the 2006 NERC Act, except those that are widespread (common toad, skylark, house sparrow, hedgehog and common lizard) | Intersect records of precision quality 100m or better | Records of 100m precision quality or better within 50m of the application site, except widespread species. |
| Designated Sites | Internationally designated sites | Special Areas of Conservation Special Protection Areas RAMSAR sites | Intersect site boundary | 100m |
| | UK statutory designated sites | Sites of Special Scientific interest | Intersect site boundary | 100m |
| | | Local Nature Reserves | Intersect site boundary | 50m |
| UK non-statutory designated sites | Sites of Importance for Nature Conservation (SINCs) | Intersect site boundary | 50m | |
| Important Habitats | UK priority habitats | Open Mosaic Habitats on Previously Developed Land (other Habitats of Principal Importance listed in Section 41 of the 2006 NERC Act are substantially represented within the SINC network) | Intersect site boundary | 50m |
| Other Biodiversity Features | Rivers, streams, canals, lakes, other aquatic habitats | Not included, as they are substantially represented within the SINC network | N/A | N/A |

Results

Headlines

Almost 10,000 planning applications were mapped and assessed according to the biodiversity criteria in Table 1. The headline results are:

- Around 18% of planning applications met one or more of the criteria (Table 2). These should arguably have been supported by a biodiversity data search
- There was little variation between boroughs (Southwark - at 20% - had the highest proportion of planning applications meeting one or more criteria, and Islington – at 15% - the lowest)
- The most commonly met criterion (9% of applications) was the development site being within 50m of a Site of Importance for Nature Conservation (SINC)
- Many applications met multiple criteria. This is probably because SINC and other designated sites are more likely to support protected or priority species or habitats

Table 2: Comparison of planning applications that should have commissioned a biodiversity data search with the number of data searches that were actually commissioned.

| Borough | Biodiversity Data Searches Commissioned in 2014 | | 2014 Planning Applications Meeting One or More Criteria | |
|--------------|---|--------------------------------|---|--------------------------------|
| | Number of Applications | Percentage of Applications (%) | Number of Applications | Percentage of Applications (%) |
| Camden | 32 | 1.1 | 592 | 20.1 |
| Ealing | 36 | 1.4 | 445 | 17.0 |
| Islington | 17 | 0.8 | 311 | 14.7 |
| Southwark | 31 | 1.4 | 453 | 20.5 |
| TOTAL | 116 | 1.2 | 1801 | 18.2 |

Assumptions

In this study, a number of assumptions were made, including that:

- the four boroughs have provided correct planning data
- GiGL’s species data is 100% accurate
- GiGL’s data over the past 20 years closely represents the actual biodiversity in the four boroughs in 2014
- the under-recording of species that are actually present doesn’t cause a significant underestimate of potential biodiversity impact in the results
- householder applications, change of use, listed building consents, conservation area consents have minor biodiversity impact so normally do not require a data search
- SINC capture all of the Habitats of Principal Importance in England (in fact, they capture 85% of it)
- the proposed buffer zones are appropriate (other research has used larger buffer zones).

Limitations

As well as the assumptions of the research, this analysis has several limitations:

- we cannot tell which of the planning applications that met one or more of the criteria did in fact commission a biodiversity data search

- we cannot tell whether a commissioned data search was in fact used to inform a planning application
- there may be a time delay of weeks, months, or even years between data search and application. This analysis was limited to data searches and applications from the same year
- planning applications may be informed by data sources other than GiGL
- the four boroughs under-represent the presence of European designated sites and Sites of Special Scientific Interest (SSSIs), with just one SSSI and no European sites within or crossing their boundaries
- this research does account for the cumulative impacts of development on biodiversity, and has excluded widespread and numerous priority species

Discussion

Conclusions

It is very likely that many more planning applications should be informed by biodiversity data searches than is currently the case. This is a problem because without the right data on the biodiversity impacts of a proposed development, the LPA can't make an informed decision. That means LPAs may be granting planning permission to developments that will have unacceptable negative impacts on biodiversity. This is contrary to both London Plan policy 7.19 and the 2006 NERC Act.

Next steps

City Hall will work with GiGL and the boroughs to see if the criteria and data used in this study can help improve the planning decision-making process. This could also be used to provide more detailed guidance in the next iteration of the London Plan or supplementary documents.

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