Buckinghamshire and Milton Keynes

Biodiversity Accounting FEASIBILITY REPORT

Produced by:
Warwickshire County Council Ecological Services
January, 2019

Warwickshire County Council

Contents

Executive Summary

Warwickshire County Council Ecological Services (WCC) was asked to assist the NEP in the implementation of Biodiversity Accounting to include any necessary evidential research to able its implementation. In October 2018 WCC and Natural Environment Partnership (NEP) met with the sub-regional Development Control group to further outcomes and requests from the workshop meeting. There was general support for a sub-regional approach to Biodiversity Accounting although there were several questions that required further investigation, these being:

1) Development Triggers
2) Resource Impacts
3) Case Studies

The finding of this report covers the first two elements, whilst the third Is ongoing.

With regard to Development Triggers: WCC entered 59 planning applications (2 Householder, 8 Commercial, 25 Major and 24 Minor) into the Defra derived Warwickshire Biodiversity Impact Assessment metrics. The results infer that a Biodiversity Impact Assessment (BIA) is required for all Minor and Major applications as there is a potential for all applications to result in a biodiversity net loss or net gain. The use of the subsequent development appears not to be relevant. This conclusion is based on the facts that biodiversity impact is site specific; depending upon the quality and quantity of habitat impacted upon and the ability to create and restore habitats within the application area. This can only be on a site-by-site basis.

This reasoning can also be applied to viability assessments where biodiversity compensation costs can the evaluated at the concept/design stage once necessary assessments have been carried out and when the mitigation hierarchy has been applied in combination with any LPA additional infrastructure requests. At this point the applicant is able to present a viability challenge, prior to land purchase, and the decision to request biodiversity compensation can be measured against other contributions. Therefore, it remains the case that LPAs should have the final discretion to request a biodiversity contribution based on wider NPPF considerations.

With regard to Resource Impacts: Five planning related officer areas are affected by a Biodiversity Net Gain policy. These being Strategic Planning Officers, Development Management Officers, Legal Officers, Enforcement Officers and Ecological Advisors. Based on the impacts associated with the implementation of the Warwickshire offsetting process it is anticipated that there will be a moderate to major resource impact until a Buckinghamshire & Milton Keynes biodiversity offsetting methodology has been embedded until the process. It should be expected that any additional resource impact is reduced to zero over time once offsetting monies are received and a business plan is produced to fully recover all costs associated to offsetting.

Background and Remit

In May 2018 The Buckinghamshire & Milton Keynes Natural Environment Partnership (NEP) asked Warwickshire County Council to participate in and assist with a Biodiversity Accounting[1] (Biodiversity Net Gain) workshop involving Local Planning Authority Planning Officers and Ecological Advisors, Councillors, Wildlife Non-Governmental Organisations and representatives from the economic community. This workshop was held to foster ideas and issues for a potential sub-regional implementation of Biodiversity Accounting within LPA functions. Subsequent to this event Warwickshire County Council (WCC) was commissioned to assist the NEP in the implementation of Biodiversity Accounting to include any necessary evidential research to able its implementation.

In October 2018 WCC and the NEP met with the sub-regional Development Control group to further outcomes and requests from the workshop meeting. There was general support for a sub-regional approach to Biodiversity Accounting although there were several questions that required answering prior to any implementation:

4) **Development Triggers**: What development types would trigger the need for a Biodiversity Impact Assessment[2] to be submitted as part of planning applications with respect to:
    a) Threshold of application category (Householder, Minor and Majors) or sub-categories
    b) Viability concerns relating the any category or sub-category.
    c) Change of Landuse
5) **Resource Impacts**: What are the anticipated resource impacts on LPAs with respect to:
    a) Development Management Officers
    b) Strategic Planning Officers
    c) Legal Officers
    d) Enforcement Officers
    e) Ecological Advisors
6) **Case Studies**: Retrospectively apply the Warwickshire Defra Metric to a number of current proposals:
    a) Kingsbrook
    b) Berryfields
    c) Woodland
    d) Hamden Fields

It was agreed that a Feasibility Report was required to investigate these three questions.

This report will cover the **Development Triggers** and **Resource Impacts**. The final Case Studies element is in process and will be reported separately.

[1] Biodiversity Accounting is to be considered as a simile to Biodiversity Offsetting as described by Defra in 2012.
[2] A Biodiversity Impact Assessment is the tool that determines a biodiversity gain or loss for a development.

Development Triggers

Definition of Development Categories and Categories analyses

For the purpose of this report the following Development Categories will be used:

Householder - proposals to alter or enlarge a single house, including works within the boundary/garden of a house.

Major - as detailed below:

a) the winning and working of minerals or the use of land for mineral-working deposits;
b) waste development;
c) the provision of dwelling houses where:
c.i. the number of dwelling houses to be provided is 10 or more; or
c.ii. the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph c.i;
d) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
e) development carried out on a site having an area of 1 hectare or more

Minor - A development is considered 'minor' unless it meets the requirements for a 'Major development'

The official subcategories of 'Minor' and 'Major' developments are shown below and have been used in this report, although some categories are not present in the sample applications tested, therefore, those underlined have been collated into a 'Commercial' category within this report:

Dwellings
Offices / R & D / light industry
General Industry / storage / warehousing
Retail and service
Traveller caravan pitches
All other major developments

From the categories of 'Other' developments listed below only Householder developments have been used in this report:

Change of Use
Householder developments
Advertisements
Listed building consents (to alter/extend)
Listed building consents (to demolish)
Relevant demolition in a conservation area

Methodology

Local Planning Authorities officers, primarily ecological advisors, were asked to send Warwickshire County Council planning application reference numbers. These applications were found on the respective planning portals where the necessary details were recorded into a spreadsheet, plus illustrative or final plans and ecological survey reports downloaded. The habitat maps from the ecological reports were spatially referenced[3], their habitats (including buildings and roads) measured by area and their ecological value recorded using description of these habitats. The proposals' final development plans or illustrative plans were processed and their habitats and buildings were measured and recorded in the same way. Linear hedgerows were calculated in the similar manner.

From this information habitats were entered into the Warwickshire Defra Metric to provide a habitat loss (negative) or gain (positive) score. This score is measured in Biodiversity Units and known as Biodiversity Impact.

[3] A process where plans are given grid references so that images can be plotted onto background mapping. These can then be used to measure areas and lengths of habitats, roads, hardstanding and buildings.

Analysis

The results from the fifty-nine applications review have been depicted in both table (Figures 1, 3 and 4) and graph (Figure 2) forms. The Table shows the following results with an explanation as to what the score is intended to show.

Minimum and Maximum area: - the range of areas associated to the category type.

Sum of Biodiversity Impact scores: - the total impact of the sample size by category type.

Standard Deviation of Habitat Impact scores: - as an index of variation of the sample size by category

Average Habitat Biodiversity Impact score: - on average the loss associated to a category and could be used to calculate an annual loss through extrapolation.

Maximum and Minimum Biodiversity Impacts scores: - the range of impact scores associated to the category type.

Sum of Habitat Impact score per hectare: - on average the loss associated to a category per hectare and could be used to calculate an annual loss through extrapolation.

Sum of Hedgerow impact scores: - the total loss of hedgerow or linear habitat associated with each category.

Row Labels	No. Applications	Min of Area (ha)	Max of Area (ha)	Sum of Habitat Biodiversity Impact	StdDev of Habitat Biodiversity Impact	Average of Habitat Bio_Imapct	Max of Habitat Bio_Impact	Min of Habitat Bio_Impact	Sum of Habitat Impact per hectare	Sum of Hedgerow
Commercial	8	0.07	19.86	-4.67	1.31	-0.58	-3.25	1.37	-6.82	-4.67
Householder	2	0.07	0.15	-0.09	0.05	-0.05	-0.08	-0.01	-0.68	
Major	25	0.51	21.43	-200.63	10.08	-8.03	-44.93	0.03	-85.73	7.91
Minor	24	0.06	0.44	-9.78	0.66	-0.44	-2.96	0.15	-29.05	0.54
Grand Total	59			-215.17		-3.77				

Figure 1: Results by High-level categories

Discussion & Recommendations

Householders Applications

The analysis indicates that there are only marginal losses associated to the two householder applications although they both resulted in a loss of biodiversity. However, if this loss is extrapolated over all the householder applications within a district then the total loss could be significant. Should a district (particularly a predominately urban one) wish to include householder applications then it is suggested that a de minimus amount is set for all applications that impact on a habitat of ecological value. This was investigated as part of the Warwickshire pilot, but was not enacted upon by the LPAs. More applications would be required and analysed before a de minimus figure is determined.

Limitations: A sample size of two applications does not constitute a robust sample size to make any firm decisions.

Recommendations:

- That Householder Application are not assessed for habitat loss and offsetting not requested, however this is at the discretion of the individual LPA.

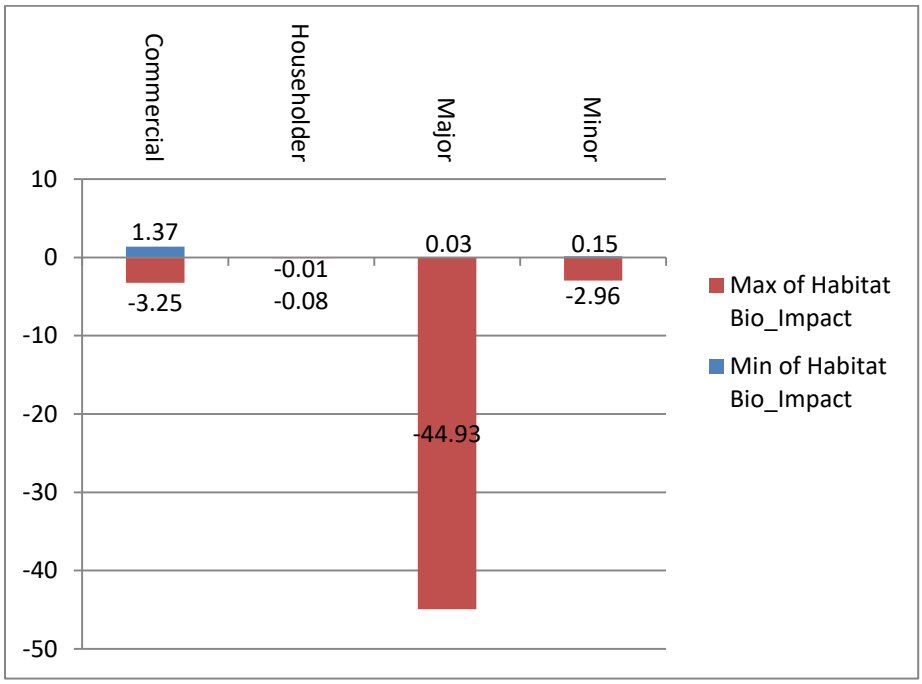


Figure 2: Diagramatic breakdown of results by High-level categories

Commercial Applications

The analysis shows that the sample size of eight applications covered a large variation in hectares and a range of Habitat Impacts from negative (loss) to positive (gain); Hedgerow Impacts showed losses. There is some standard deviation within the applications suggesting that each application needs to be assessed on a case-by-case basis.

Limitations: None

Recommendations:

- That a Biodiversity Impact Assessment is requested for all Commercial applications to demonstrate a biodiversity gain or loss

Minor Applications

The high-level analysis of Minor applications shows that there is a small range of Habitat Impacts from losses to gains with a significant impact per hectare but not a large standard variation. The sum of the losses from this 24 sample size is a significant impact when considering a cumulative impact.

Limitations: None

Subcategory analysis

Minor application subcategories were made up of 21 'Dwellings' with 3 'All other minor developments'. Although the subcategory sample was not comprehensive of all the possible subcategories, there were mostly losses. It suggests that habitat loss or gain is not relative to the type of application but the habitat that is to be lost.

Row Labels	Count of Category	Min of Area_1 (ha)	Max of Area_1 (ha)	Average of Area_1 (ha)	Min of Habitat Biodiversity Impact	Max of Habitat Biodiversity Impact	Average of Habitat Biodiversity Impact	Sum of Habitat Biodiversity Impact	Sum of Hedgerow Impact
Major	**25**								
All other major developments	2	1.01	1.1	1.06	-0.98	-0.82	-0.90	-1.8	0.69
Dwellings	21	0.51	21.43	3.60	-44.93	-0.29	-9.34	-196.04	7.22
Retail and service	1	0.54	0.54	0.54	0.03	0.03	0.03	0.03	0
Traveller caravan pitches	1	0.94	0.94	0.94	-2.82	-2.82	-2.82	-2.82	0
Minor	**24**								
All other minor developments	3	0.13	0.44	0.25	-0.42	-0.04	-0.19	-0.56	-0.12
Dwellings	21	0.06	0.43	0.24	-2.96	0.15	-0.49	-9.22	0.66
Commercial	**8**								
Retail and service	1	0.26	0.26	0.26	-0.48	-0.48	-0.48	-0.48	0
General Industry / storage / warehousing	6	0.07	2.27	1.42	-3.25	-0.12	-0.93	-5.56	-4.67
Offices / R & D / light industry	1	19.86	19.86	19.86	1.37	1.37	1.37	1.37	0
Grand Total	**57**	**0.06**	**21.43**	**1.99**	**-44.93**	**1.37**	**-3.91**	**-215.08**	**3.78**

Figure 3: Subcategory analysis for Minor and Major Applications

Recommendations:

- That a Biodiversity Impact Assessment is requested for all Minor applications to demonstrate a biodiversity gain or loss unless previously agreed by the Local Planning Authority.
- That a fixed cost per unit is used below a certain loss to reduce administration burdens; e.g. £12000 x unit loss' for all application with a residual biodiversity impact of 1 unit or less.

Major Applications

The results show that major applications have the ability to cause very significant biodiversity losses, but there are opportunities for gain. There is a large variance between applications shown by the standard variance figure and plus a large impact per hectare.

Limitations: None

Subcategory analysis

Major application subcategories were made up of 21 'Dwellings', 2 'All other minor developments', 1 'Retail and service' and 1 'Traveller caravan pitches'. Although the subcategory sample was not comprehensive of the possible subcategories it would suggest that habitat loss is not relative to the type of application but the habitat that is to be lost.

Recommendations:

- That a Biodiversity Impact Assessment is requested for all Major applications to demonstrate a biodiversity gain or loss.

Row Labels	Count of Category	Sum of Area (ha)	Min of Area (ha)	Max of Area (ha)	Sum of Habitat	Min of Habitat Impact	Max of Habitat Impact	Average of Habitat	Sum of Hedgerow	Min of Hedgerow Impact	Max of Hedgerow Impact	Average of Hedgerow
Aylesbury Vale DC												
Commercial	1	2.27	2.27	2.27	-3.25	-3.25	-3.25	-3.250	-4.67	-4.67	-4.67	-4.67
Householder	1	0.07	0.07	0.07	-0.01	-0.01	-0.01	-0.010				
Major	10	39.66	0.51	21.43	-102.93	-44.93	-1.65	-10.293	-0.91	-6.00	6.32	-0.09
Minor	3	0.8	0.21	0.37	-3.38	-2.96	-0.42	-1.690				
Bucks CC												
Commercial	1	1.5	1.5	1.5	-0.23	-0.23	-0.23	-0.230	0	0.00	0.00	0.00
Major	1	1.1	1.1	1.1	-0.82	-0.82	-0.82	-0.820	0.69	0.69	0.69	0.69
Minor	2	0.57	0.13	0.44	-0.14	-0.1	-0.04	-0.070	0	0.00	0.00	0.00
Chiltern DC												
Commercial	2	2.32	0.07	2.25	-0.34	-0.22	-0.12	-0.170	0	0.00	0.00	0.00
Major	3	12.83	0.54	9.89	-31.89	-25.65	0.03	-10.630	0	0.00	0.00	0.00
Minor	2	0.62	0.19	0.43	-1.13	-0.71	-0.42	-0.565	-0.12	-0.12	0.00	-0.06
Milton Keynes Council												
Major	7	18.52	0.94	8.22	-51.23	-16.81	-0.29	-7.319	7.02	-0.20	5.80	1.40
Minor	14	2.8	0.06	0.3	-4.39	-1.44	0.15	-0.338	0.03	-0.22	0.45	0.01
South Bucks DC												
Commercial	3	20.52	0.26	19.86	0.5	-0.48	1.37	0.167	0	0.00	0.00	0.00
Householder	1	0.15	0.15	0.15	-0.08	-0.08	-0.08	-0.080				
Major	2	2.24	1.01	1.23	-3.25	-2.27	-0.98	-1.625	0	0.00	0.00	0.00
Minor	1	0.34	0.34	0.34	-0.24	-0.24	-0.24	-0.240	0.2	0.20	0.20	0.20
Wycombe DC												
Commercial	1	2	2	2	-1.35	-1.35	-1.35	-1.350				
Major	2	4.92	2.28	2.64	-10.51	-6.1	-4.41	-5.255	1.11	0.01	1.10	0.56
Minor	2	0.67	0.31	0.36	-0.5	-0.3	-0.2	-0.250	0.43	0.43	0.43	0.43

Figure 4: Results of High-level categories by District and County (daigramatic represetation can be found in Annex A)

Viability

The NPPF provides guidance on when and how viability should be considered in policy formation and decision making[4]. In March 2018 the Draft Planning Practice Guidance[5] document refers to a viability assessment as *'a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it'*.

In summary, the NPPF Practical Planning Guidance says that

- '*Plans should set out the contributions expected from development taking into account all relevant policies, and local and national standards, including the cost implications of Community Infrastructure Levy (CIL) and section 106.*
- *The role for viability assessment is primarily at the plan making stage and should not compromise sustainable development but should be used to ensure that policies are realistic*
- *Assessing the viability of plans does not require individual testing of every site or assurance that individual sites are viable. Plan makers can use site typologies to determine viability at the plan making stage. Assessment of samples of sites may be helpful to support evidence. A typology*

[4] Planning Policy Guidance on viability https://www.gov.uk/guidance/viability#viability-and-plan-making

[5] Draft Planning Practice Guidance, March 2018 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/687239/Draft_planning_practice_guidance.pdf

approach is where sites are grouped by shared characteristics such as location, whether brownfield or greenfield, size of site and current and proposed use or type of development. The characteristics used to group sites should reflect the nature of sites and type of development proposed for allocation in the plan. Average costs and values can be used to make assumptions about how the viability of each type of site would be affected by all relevant policies. Comparing data from existing case study sites will help ensure assumptions of costs and values are realistic and broadly accurate.

- *Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.*
- *It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.'*

At the decision-taking stage it says,

- *'It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people).'*

It could be argued that this assessment has followed a typology approach using the recognised planning categories and subcategories. However, the evidence indicates that an average impact is not a reasonable and appropriate mechanism to set an average cost to offset losses on a hectare basis for either minor or major developments. This is based on the following evidence that biodiversity losses depend upon:

1) The type, area and value of habitat being lost
2) The type, area and value of habitat being retained, enhanced and created

This assessment also shows that it is possible to deliver onsite biodiversity gains, inferring that it would be inappropriate to have 'charged' these sites should a CIL tariff have been applied. With regard to the formation of a CIL tariff, WCC sort clarification on this matter from Defra who replied;

"*Biodiversity offsets should not be classed as infrastructure because they do not enable the development to function, nor do they provide any facility for those living within or using the new development. There are also practical reasons which make funding biodiversity offsets through CIL inappropriate compared to case-by-case Section 106 agreements. However, the Department for Communities and Local Government lead on the CIL policy and they advise: "that it is difficult to be definitive about what does and doesn't fall into the definition of infrastructure. Section 216 (2) of the Planning Act 2008 sets out*

what infrastructure includes but is not a definitive or exhaustive list. In the past when this has been raised by other authorities in respect of other types of infrastructure, we have advised the authority to seek their own legal advice on how something should be funded through developer contributions. The advice would be the same here" (WCC pers. com, 2015).

It could be possible to calculate a potential offset contribution for each allocated site based on the assumptions that the habitat on these sites will not change between the plan formation and the submission of a planning application. However, due to a significant amount of 'uncertainty' relating to possible design features (e.g. sustainable drainage features, public open space provision and any individual species requirements) it is not reasonable or practical to provide a meaningful offset cost.

It is also important to note that all application must follow the Mitigation Hierarchy[6] (para. 175, NPPF, 2018), which is likely to be reiterated within local policies. The national planning guidance raises the following questions when applying policy to avoid, mitigate or compensate for significant harm to biodiversity;

- *in cases where biodiversity may be affected, is any further information needed to meet statutory obligations as signposted in guidance published by Defra/Natural England*
- *where an Environmental Impact Assessment has been undertaken, what evidence on ecological effects has already been provided in the Environmental Report and is this sufficient without having to undertake more work?*
- *is the significance of the effects clear? And*
- *is relevant internal or external expertise available?*
- *Avoidance – can significant harm to wildlife species and habitats be avoided for example through locating on an alternative site with less harmful impacts?*
- *Mitigation – where significant harm cannot be wholly or partially avoided, can it be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations?*
- *Compensation – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent value of biodiversity?*

Many of the above questions will not be answerable at the policy formation stage.

This is recognised by the NPPF Practical Planning Guidance that in answer to the question where significant harm to biodiversity is unavoidable, how can mitigation or compensation measures be ensures? It says:

The usual means to ensure that mitigation or compensation measures are secured is through planning conditions or planning obligations, depending on circumstances. Where compensation is required a

[6] Practical Planning Guidance: Mitigation Hierarchy https://www.gov.uk/guidance/natural-environment#biodiversity-and-ecosystems

number of avenues have been available. The applicant might offer a scheme tailored to the specific context, or consider the potential for biodiversity offsetting with the local planning authority.

It is currently proposed that the Buckinghamshire & Milton Keynes BIA will include an indicative financial contribution calculator. Thereby, through the application of the mitigation hierarchy (and other policy requirements) a compensation cost can be calculated at the concept/design stage enabling this element of the proposal's viability assessment to be considered in combination with other known contributions. It can, therefore, also be used prior to land purchase.

This indicative financial contribution calculator is also important as it enables an applicant to make the following decisions;

- make biodiversity net gain,
- minimises the loss and reduce the compensation cost, or
- agree an appropriate loss with the LPA acceptable and maximise the development's profit.

Change of Landuse

Some forms of landuse change where there are no impacts of biodiversty habitats will not require a Biodiversity Impact Asessment. However, there are others that can impact on biodiversity habitats and may trigger the need for calculating Biodiversity Impact. Examples of this might include

- · the change of woodland to recreational use,
- · the change of a semi-improved grassland field to public open space or,
- · the change of a warehouse to a 24 hours distribution centre that result in light shining into neighbouring woodland.

These situations will be evaluated on a case-by-case basis.

Development Trigger Conclusions

The evidence infers that a Biodiversity Impact Assessment (BIA) is required for all Minor and Major applications as there is a potential for all applications to result in a biodiversity net loss or net gain. The use of the subsequent development appears not to be relevant.

This conclusion is based on the facts that biodiversity impact is site specific; depending upon the quality and quantity of habitat impacted upon and the ability to create and restore habitats within the application area. This can only be on a site-by-site basis.

This reasoning also applies to viability assessments where biodiversity compensation costs can the evaluated at the concept/design stage once necessary assessments have been carried out and when the mitigation hierarchy has been applied in combination with any LPA additional infrastructure requests. At this point the applicant is able to present a viability challenge, prior to land purchase, and the decision to request biodiversity compensation can be measured again other contributions.

There are also certain landuse change applications that may impact on biodiversity habitats and others that clearly will not. Generally, these can only be determined by the LPA.

Therefore, it remains the case that LPAs will have the final discretion to request a biodiversity contribution based on wider NPPF considerations.

Resources

It is generally understood that any new requirement imposed on a Local Authority is either recompensed through a 'burden' grant from central government, added to the application fee, balanced internally or is based on a 'full cost recovery' model. WCC and others have suggested a burden grant is required to establish a system for delivering Biodiversity Net Gain that ultimately leads to a sustainably funded service to cover all additional costs.

Five areas are affected by a Biodiversity Net Gain policy:

- Strategic Planning Officers
    - To prepare policy and supplementary planning documents
    - To monitor Biodiversity Net Gain within Annual Monitoring Reports
- Development Management Officers
    - To check that a BIA has been submitted as part of a qualifying application
    - To integrate final BIA recommendations into the decision report
- Legal Officers
    - To prepare S106 schedules
- Enforcement Officers
    - Check and enforce any permission granted against assurances detailed within the BIA and written into any Construction Environmental Management Plans (CEMP) and Landscape & Ecology Management Plan (LEMP) conditions.
- Ecological Advisors
    - To check submitted BIAs
    - Negotiate any changes
    - Finalise any biodiversity impact compensation quantities or biodiversity offset schemes
    - Attend or managed and Offsetting delivery programmes

Strategic Planning Officers

As Biodiversity Net Gain is a requirement of the National Planning Policy Framework there should be no additional resource implication on Policy formulation. However, there may be a requirement to prepare a Supplementary Planning Document to support the policy. WCC has been commissioned to prepare a 'template' SPD to minimise the time spent of the formulation of an SPD by Strategic Planning Officers. However, time to consult on the SPD may fall with this service area.

Should the Biodiversity Net Gain be included within the Annual Monitoring Report, then there will be a requirement to collate biodiversity impact assessments for all applications that trigger the need for an assessment.

Conclusions:

Policy Formation – no additional resource implications
SPD Formation – minimal as WCC have a 'template' document (possible delegation to another officer)
Annual Monitoring Report – moderate resource implication (possible delegation to another officer)

Development Management Officers

It is recommended that the need for a BIA is added to the local validation check list such as:

> *All Minor and Major applications must include appropriate Ecological Assessments for habitat and species directly or indirectly impacted upon by the development. This assessment is to include a Biodiversity Impact Assessment, unless previously agreed in writing.*

If this is achieved then any application that fails to include a BIA is not validated unless there is documentation from a bona fide source to say one is not required. Those applications that include a BIA will be sent to an Ecological Adviser. The Ecological Advisor subsequently recommends the necessary conditions and obligations for any approval notice. For the purposes of this report it has been assumed that all LPAs already have access to this resource.

Conclusions:

Planning Application determination – minimal resource implications (at validation stage).

Legal Officers

Biodiversity Accounting schedules will need to be prepared for S106 or unilateral undertakings. These will inevitably take time despite the potential to prepare 'standard' clauses / schedules.

Conclusions:

Obligation preparation – moderate resource implications.

Ecological Advisory Officers

It is assumed that all LPAs in Buckinghamshire currently resource ecological advisory provision, therefore, this section will only cover additional resource implications. These additional implications are listed below followed by a discussion and an initial assessment to any additional resource requirement:

a) **Initial training and familiarisation of the BIA** – It will be necessary for the Ecological Advisor(s) to acquaint themselves to a sub-regional Biodiversity Accounting procedures and method of calculating Biodiversity Impact.

Resource implication – Minimal (short term)

b) **Biodiversity Impact Assessment discussions** – Ecological discussions are likely to be occurring on other aspects of the applications. WCC has found that the BIA provides a 'framework for discussion' and is a record of that discussion. WCC has noticed that this can reduce time spent on certain ecological aspects of an application. WCC has also witnessed an increase in Pre-application / Discretionary Advice to resolve concerns and fix offsetting costs prior to submission enabling applicants to put offsetting costs 'onto' land purchase. This can provide a degree of 'certainty' into the planning function. For the LA this can provide income opportunities.

Resource implication – Moderate (with cost recovery – Minimal)

c) **Condition Formulation and Discharge** – The BIA records habitat that will be retained during the application. These habitats usual form part of Construction Environmental Management Plan (CEMP) and subsequently the Landscape and Ecological Management Plan (LEMP) secured through conditions. Habitat to be enhanced or created will also be included within these conditions. Therefore, the BIA may reduce time spent on the discharging of these conditions. Similarly, the BIA and associated plans will illustrate the habitats to be protected during the development and can be used during site assessment visits or any future enforcement issues.

Resource implication – None (possibly assists monitoring / enforcement functions).

d) **Obligation Formation and Discharge** – The Ecological Advisor will become involved in the preparation of Section 106 schedules. This area of their role will increase as a result of a Net Gain Policy; be this an additional aspect of their current role or an increase in their current caseload. However, for multi-phased major developments there will be a need to 'track' actual biodiversity impacts as reserve matters are agreed. This provides the opportunity to recover these costs through an 'Assistance Fee'. This fee covers the time an Ecological Officer takes to verify the BIA for each phase and cross-reference it to the original BIA agreed at the outline stage. It also covers the time the Ecological Officer takes to advice the client on how to achieve a net gain, either through the lessening of impacts or the offsetting of losses. These offsets could be within later phases or offsite.

Resource implication – Moderate (Minimal-None, where multi-phased development are delivered)

e) **Annual Monitoring Reporting roles** – The Ecological Advisory will probably be required to report on biodiversity gains and losses either nationally, sub-regional reporting (Local Biodiversity Action Plans) and locally (such as Annual Monitoring Reporting for the LPA's Core Strategy). This will entail the collation of all impacts (positive and negative) recorded within developments and any subsequent phases of multi-phased development that have commenced that year and 'triggered' the need to submit a BIA. This could be a significant resource unless adequate communication between planning sections (including Building Control) has been established. However, it is possible for this to be recoverable within legal obligations. On this assumption this resource impact can be covered.

Resource implication – Minimal (if communication exists between departments plus cost recovery).

f) **Offset Site provision, preparation and delivery** – Where offset sites are required the Ecological Advisor will be involved in the verification of offset sites to ensure they match the type and value of habitat lost to developments within the respective LPA(s) they advise. Depending upon the delivery mechanism to find and deliver offsetting within the sub-region, all these resource implications should be based on the 'full cost recovery' model with contingency arrangements should any offset scheme not result in their predicted net gains.

Resource implication – None (full cost recovery) or income generation (contingency costs)

Conclusions:

Ecological Advisor – major resource implications (minimal if full cost recovered).

Resource Impacts Conclusions

Strategic Planning Officers

- Policy Formation – no additional resource implications
- SPD Formation – minimal as WCC have a 'template' document (possible delegation to another officer)
- Annual Monitoring Report – moderate resource implication (possible delegation to another officer)

Development Management Officers

- Planning Application determination – minimal resource implications (at validation stage)

Legal Officers

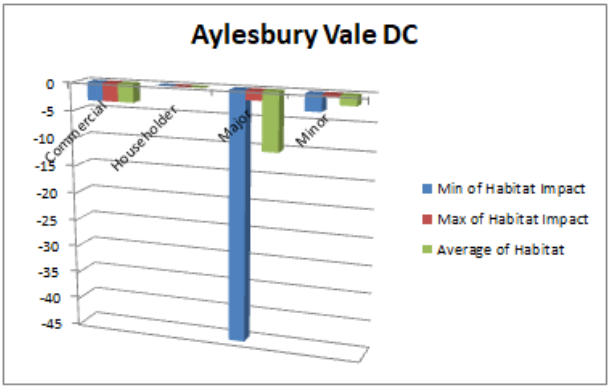
- Obligation preparation – moderate resource implications.

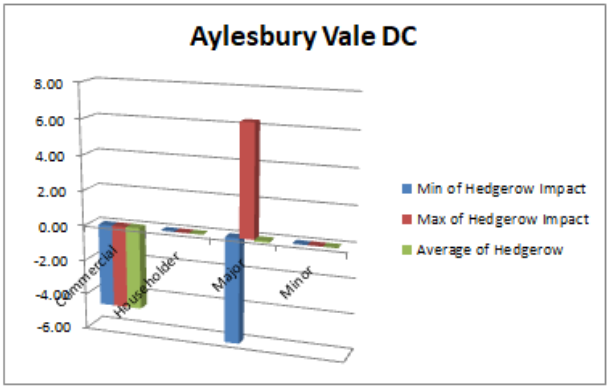
Ecological Officers

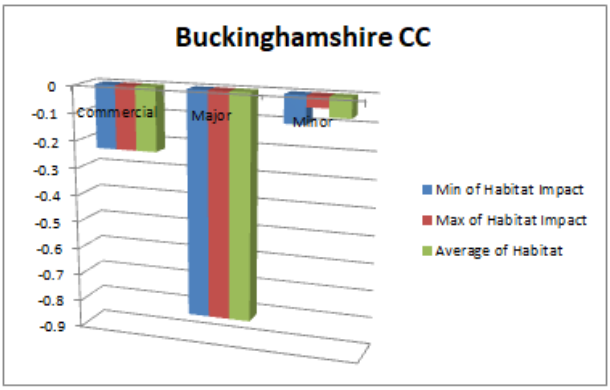
- Ecological Advisor – major resource implications (minimal if full cost recovered).

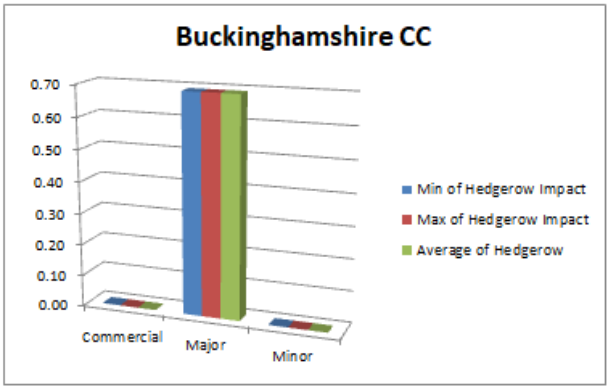
Overall impact – moderate to major resource impacts until the biodiversity offsetting methodology has been embedded until the process. This impact should be reduced to zero over time as offsetting monies are received and a business plan is produced to fully recover all costs associated to offsetting.

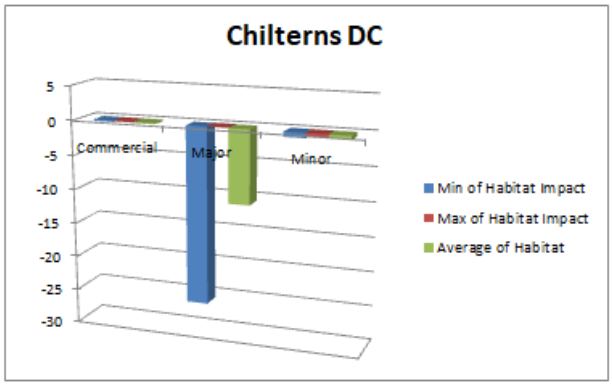
Annex A: Graphical Representation of District Impact Results

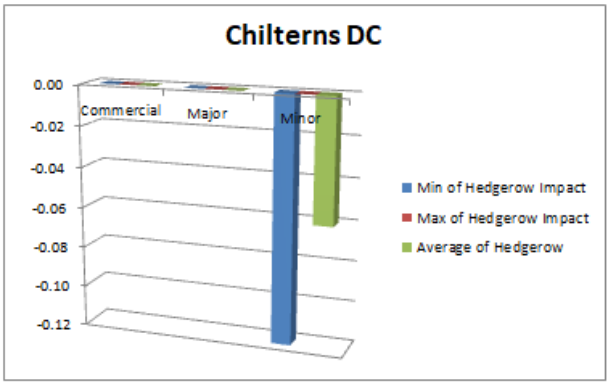


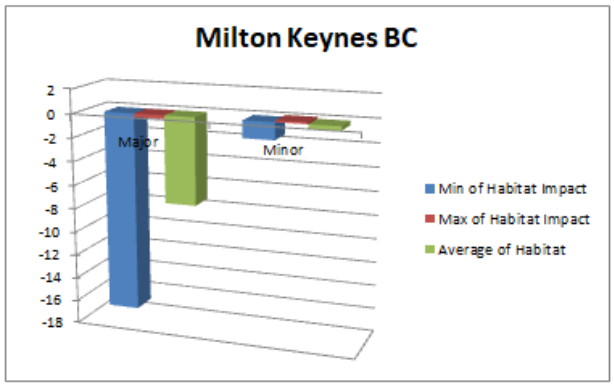


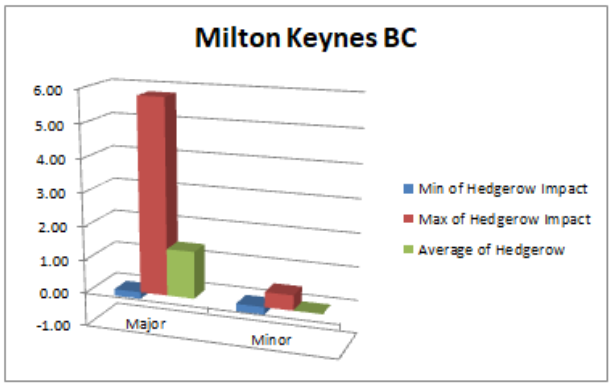


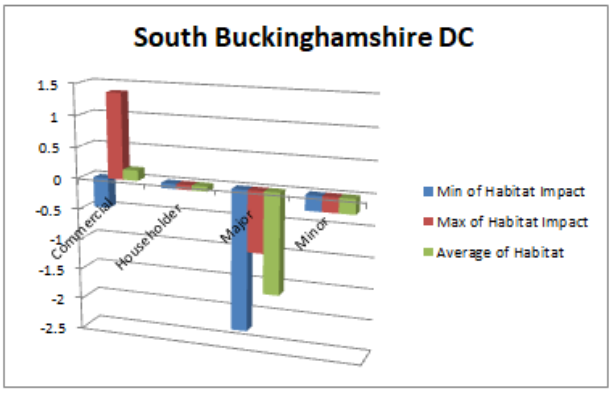


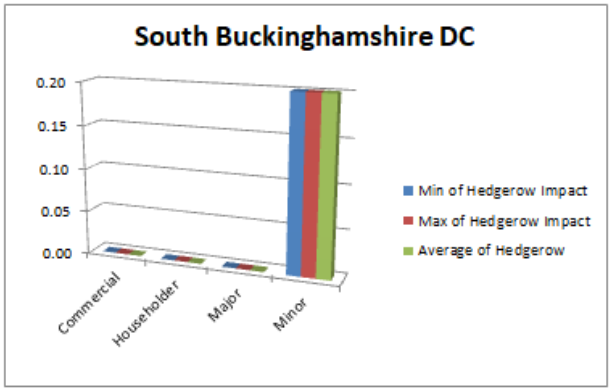


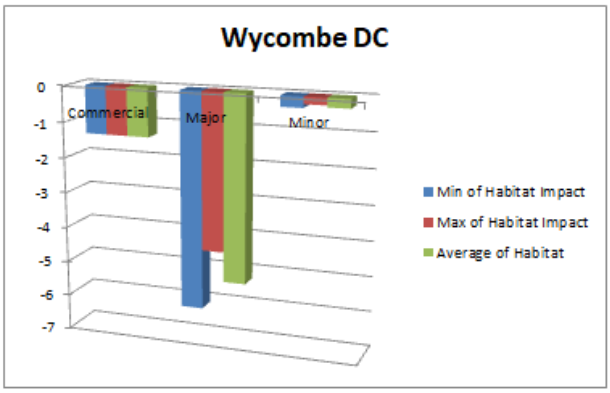


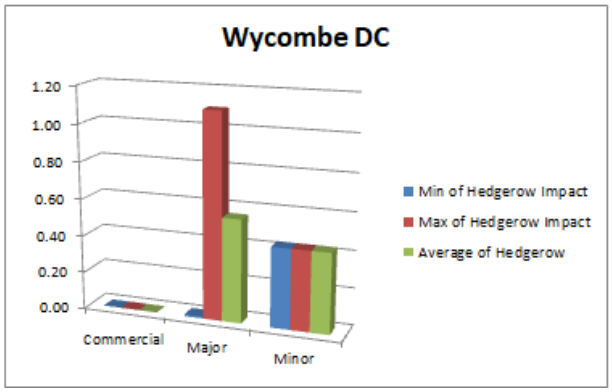

Milton Keynes BC
2
0
-2
-4
-6
-8
-10
-12
-14
-16
-18
Major
Minor
Min of Habitat Impact
Max of Habitat Impact
Average of Habitat


Milton Keynes BC
6.00
5.00
4.00
3.00
2.00
1.00
0.00
-1.00
Major
Minor
Min of Hedgerow Impact
Max of Hedgerow Impact
Average of Hedgerow


South Buckinghamshire DC
1.5
1
0.5
0
-0.5
-1
-1.5
-2
-2.5
Commercial
Householder
Major
Minor
Min of Habitat Impact
Max of Habitat Impact
Average of Habitat


South Buckinghamshire DC
0.20
0.15
0.10
0.05
0.00
Commercial
Householder
Major
Minor
Min of Hedgerow Impact
Max of Hedgerow Impact
Average of Hedgerow


Wycombe DC
0
-1
-2
-3
-4
-5
-6
-7
Commercial
Major
Minor
Min of Habitat Impact
Max of Habitat Impact
Average of Habitat


Wycombe DC
1.20
1.00
0.80
0.60
0.40
0.20
0.00
Commercial
Major
Minor
Min of Hedgerow Impact
Max of Hedgerow Impact
Average of Hedgerow

Graphical Representation of Major, Minor and Commercial impacts per subcategory