Biodiversity Evidence -Better Outcomes from Planning



FINAL REPORT

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Glossary

Ecologist: For the purpose of this project, an ecologist (or biodiversity officer) refers to the officer in a Local Authority whose work focuses on or has a major component of biodiversity delivery and nature conservation.

ADEPT: Association of Directors for Environment, Economy, Planning and Transport

ALERC: Association of Local Environmental Records Centres

ALGE: Association of Local Government Ecologists

BCT: Bat Conservation Trust

BNG: Biodiversity Net Gain

CIEEM: Chartered Institute of Ecology and Environmental Management

Defra: Department for Environment, Food and Rural Affairs

GiGL: Greenspace Information for Greater London CIC

GLA: Greater London Authority

LBBF: London Boroughs Biodiversity Forum

LERC: Local Environmental Records Centre

LPA: Local Planning Authority

RTPI: Royal Town Planning Institute

SINC: Site of Importance for Nature Conservation

SLA: Service Level Agreement

TCPA: Town and Country Planning Association

UGF: Urban Greening Factor

<u>Terminology</u>

In the text the term ecologist is used to refer to boroughs' ecologists whose job title could be biodiversity officer, nature conservation officer or something similar. In addition, for the purpose of this report the terms biodiversity and ecology are used interchangeably. When the term planner is used, it refers to both development management officers/ managers and strategic planning officers. The terms strategic planner is used to refer to planners working in policy whatever the title of the team/ department is or job title. Development management officers are often referred to as case officers. The term wildlife corridor is used in the report but some LPAs might be referring to these areas as green corridors.

Executive Summary

This report summarises the "Biodiversity Evidence – Better Outcomes from Planning" project, delivered by Greenspace Information for Greater London CIC (GiGL) from October 2019 to September 2020. Its purpose is to provide an overview of the results and conclusions of the project and provide recommendations for future work. The project's aim was to understand the challenges, limitations and needs of Local Planning Authorities (LPAs) in London with regard to taking account of biodiversity early on in the planning process, and to provide resources to help them overcome any barriers.

Considering biodiversity early in the planning process, increases opportunities for conserving and enhancing biodiversity. It can avoid delays, and provide opportunities for delivering positive outcomes for other policies such as adaptation to climate change, health and wellbeing, air quality, green infrastructure and flood alleviation, as well as supporting reporting requirements for biodiversity net gain that will soon become mandatory under the Environment Act.

We have identified how London's LPAs are currently taking biodiversity into account in planning and their particular challenges and needs. This information has indicated a number of areas requiring improvement in the use of biodiversity data for planning to help support LPAs achieve better outcomes for biodiversity. Within the scope of this project, we delivered in 2020 a resource package and a training event for London's LPAs planners to guide evaluation of biodiversity matters of planning applications. We recommend that these resources are maintained and developed to provide LPAs with on-going support.

Overall, 23 LPAs participated by completing the questionnaire and/ or contributing their insights in meetings. The responses from participants reflect different roles within LPAs and a wide range of circumstances, including inner and outer London LPAs and differing access to ecological or data support.

Screening for biodiversity - The process in London's LPAs

As a rule of thumb, we found biodiversity is mainly taken into account by LPAs in major developments and in minor developments on a case-by-case basis. The majority of LPAs use the proximity to designated sites and defined wildlife corridors as the first criterion for identifying the potential impacts of a planning application on biodiversity. Where present, in-house ecologists in most cases would check biodiversity data and use their own local knowledge when reviewing specific planning applications.

We identified one LPA in which planning officers actively use protected and notable species data to identify potential biodiversity impacts, before requesting further advice from their ecologist. From personal communications, at least one LPA uses a customised alert layer, which provides automatic notification when a planning application falls within the specified biodiversity criteria, triggering the involvement of their in-house ecologist. Furthermore, we have found cases where ecologists and planners are seeking to introduce new methods or guidance locally to identify potential impacts to biodiversity from development.

Approaches include customised alert layers, detailed biodiversity validation checklists¹ and use of the GiGL Biodiversity Hotspots for Planning layer².

The role of LPAs' ecologists

About half (47.8%) of the LPAs that participated in the first phase of the project have an inhouse ecologist providing advice on ecology aspects of planning applications. Similarly, surveys conducted by ALGE (recently in collaboration with the Association of Directors for Environment, Economy, Planning and Transport (ADEPT) and the Department for Environment, Food and Rural Affairs (Defra)) over the years have found that many LPAs in England have no or limited access to an in-house ecologist³. In-house ecologists providing planning advice play a very important role in the LPAs and they are an invaluable resource when they are present. However, they also have capacity issues and cannot provide advice on every single application, making the screening criteria and the awareness of case officers on biodiversity matters very important. In LPAs that do not have in-house ecologists to provide advice, development management planners tend to lean on colleagues (usually in their policy teams), who have some knowledge of ecology, for inputs and in some cases request external experts for advice.

Challenges

The project revealed common characteristics among LPAs are that planning departments and in-house ecologists are under a lot of pressure with high workloads and short timeframes, they are under-resourced and often have to balance many, sometimes conflicting, requirements. Even though our findings indicate more challenges than initially anticipated, the Association of Local Government Ecologists (ALGE)⁴, the Royal Town Planning Institute (RTPI)⁵ and the Town and Country Planning Association (TCPA)⁶ have previously highlighted resource and capacity issues in LPAs too.

The role of GiGL - London's LERC

A high proportion, about 75%, of questionnaire respondents indicated that they were familiar with GiGL. However, our findings show that some employees of LPAs that are GiGL partners are unaware of the partnership or that they have access to biodiversity data

¹ For example Sutton's Biodiversity Validation checklist: <u>https://www.sutton.gov.uk/documents/20124/455426/Validation+Information+for+Biodiversity+-+2022.pdf/32f07e40-</u> <u>a53d-9d51-8e8c-f0f873bc82b3?t=1651583907254</u>

² Biodiversity Hotspots for Planning layer, <u>https://data.london.gov.uk/dataset/biodiversity-hotspots-for-planning</u> ³ ALGE report on impact of spending cuts (2011-2012), <u>https://www.alge.org.uk/publications-and-reports/</u> & ALGE report on Ecological Capacity and Competence in English Planning Authorities (2013), <u>https://www.alge.org.uk/publications-and-reports/</u> & ALGE report <u>and-reports/</u> & Survey of local planning authorities and their ability to deliver biodiversity net gain in England (2021), <u>https://www.alge.org.uk/local-planning-authorities-biodiversity-net-gain/</u>

⁴ ALGE report on impact of spending cuts (2011-2012), <u>https://www.alge.org.uk/publications-and-reports/;</u> written evidence submitted by ALGE to the Select Committee's Inquiry (2012),

<u>https://publications.parliament.uk/pa/cm201213/cmselect/cmenvfru/492/492vw65.htm; and ALGE Response to</u> Implementation of 25 Year Plan (2020), <u>https://www.alge.org.uk/publications-and-reports/</u>..

⁵ RTPI research paper "Invest and Prosper" (2020), <u>https://www.rtpi.org.uk/media/6721/investandprosper_oct2020.pdf</u> and research paper "Resourcing Public Planning" (2019),

https://www.rtpi.org.uk/media/5906/resourcingpublicplanning2019.pdf.

⁶ Raynsford Review of Planning in England (2018), <u>https://tcpa.org.uk/resources/the-raynsford-review-of-planning/</u>

through their Service Level Agreement (SLA). This highlights the need for more communication between departments and suggests priorities for awareness raising by GiGL. Where staff were aware of their access to GiGL services, we found that data provided by GiGL are used in many stages of the development management process and in many ways.

Supporting London's LPAs

Challenges that London's planners and ecologists have highlighted to us during the project include limited or inconsistent awareness of guidance, advice and tools regarding biodiversity and planning, and low confidence in accessing or using biodiversity data to support screening and decisions. In response, we have developed resources and a training event to address this need. The <u>resource package</u> provides, in one place, an overview of policies and legislation relevant to biodiversity in planning in London and a compilation of external resources that can be used in different aspects of the planning process. We held a training event on the 23rd September 2020 and hosted 44 attendees from 23 LPAs (and two other public bodies). The event was designed to provide a grounding in the current context for biodiversity in London planning, and specific pointers and methods for planners to use or investigate.

Recommendations

The research showed that there are differences in how LPAs approach the assessment of potential biodiversity impacts from development proposals. However, what is driving these approaches is a set of common issues. We are therefore setting out a series of recommendations which we believe will help deal with these issues and disparities and GiGL commits to preparing an action plan for their successful implementation.

Conclusions

The project has revealed examples of good practice in London regarding use of biodiversity data for planning decision-making. However, we have also found areas for improvement that could achieve better outcomes for biodiversity. We have delivered a successful training event and launched a range of support resources for planners within the scope of this project. We have also identified the need for resource development that was beyond the scope of this project. Therefore, we recommend further work after the completion of the project in order to achieve better outcomes for biodiversity from planning in London.

1. Introduction

Background

The National Planning Policy Framework (NPPF)⁷ and London Plan⁸ policies require biodiversity to be protected through the planning process and for developments to seek opportunities to deliver net gains for biodiversity. Local Planning Authorities (LPAs) have a statutory duty to have regard to conserving and enhancing biodiversity in the exercise of their functions (Natural Environment and Rural Communities Act 2006⁹, Environment Act 2021¹⁰). The Environment Act (2021) also sets a biodiversity net gain requirement for developments and the framework of a system of interconnected sites for nature's recovery through the Local Nature Recovery Strategies.

When assessing the impacts of a development on biodiversity it is essential to first examine the current status of biodiversity on site and the surrounding areas. A desk study by an ecological consultant, which should include a background data search, is therefore the first step towards understanding whether a development can potentially have an adverse effect on biodiversity and can highlight the need for further site-based assessments. The Chartered Institute of Ecology and Environmental Management (CIEEM) recommends that where a Local Environmental Records Centre (LERC) exists it should always be consulted during the data search¹¹.

Greenspace Information for Greater London CIC (GiGL), London's LERC, holds comprehensive data on London's habitats, species and protected sites, including Sites of Importance for Nature Conservation (SINCs). In 2016, a project by the Mayor of London¹² concluded that around 18% of planning applications in a year in London should have been supported by a biodiversity data search, based on a set of criteria used to assess the potential impacts of the proposed developments on biodiversity. However, only 1% of the applications that were validated were accompanied by a GiGL data search during the same period. More recent figures provided by GiGL¹³ show that this has not changed much since 2016.

When this project started 24 of the 35 LPAs in London were GiGL partners and able to access these biodiversity data. More local authorities have since become GiGL partners. However, with the exception of individual cases, it was unclear if and how this source of information is used by local authorities in London in their planning process.

¹¹ CIEEM's "UK Guidelines for Accessing and Using Biodiversity Data" (2016), <u>https://cieem.net/wp-content/uploads/2019/02/Guidelines-for-Accessing-and-Using-Biodiversity-Data.pdf</u>
 ¹² Mayor of London's report "Planning for Biodiversity?" (2016),

https://www.london.gov.uk/sites/default/files/biodiversity_and_planning_research_report_0.pdf

⁷ National Planning Policy Framework (2021), <u>https://www.gov.uk/government/publications/national-planning-policy-framework--2</u>

⁸ The London Plan – (2021), <u>https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf</u>

⁹ Natural Environment and Rural Communities Act (2006), <u>http://www.legislation.gov.uk/ukpga/2006/16/data.pdf</u>

¹⁰ Environment Act (2021), <u>https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted</u>

¹³ Data Searches and Planning, <u>https://www.gigl.org.uk/our-data-holdings/data-searches-and-planning/</u>

As a follow on to the 2016 research GiGL and the Mayor of London wanted to find out more about how London's local authorities are taking biodiversity into account in the development management process, particularly how biodiversity data are being used at the beginning of the planning approval process, so that suitable support could be provided. Even though there are other aspects of planning that can have an impact on biodiversity (e.g. strategic planning or the construction phase of development), this project focused on the development management process.

The Biodiversity Evidence – Better Outcomes from Planning (BE-BOP) project commenced in October 2019 to take this work forward. It was a one-year project hosted by GiGL and supported by the Mayor of London. A group of six local authority ecologists and representatives from GiGL and the Mayor of London formed an advisory group for the project. They provided advice and valuable help throughout the project.

The project examined how Local Planning Authorities (LPAs) are currently considering biodiversity in their planning process. It aimed to identify best practice approaches for the use of biodiversity data to support planning officers, but it also aimed to identify the challenges they face and the needs that they have in relation to biodiversity matters in planning. Based on the findings, tailored guidance material and a training event were delivered, to support LPAs to consider biodiversity in the early stages of the planning process and achieve better outcomes for biodiversity.

Methods

The scope of the project was Greater London and its LPAs. There are 35 LPAs in London; this includes all Boroughs, the City of London and two Mayoral Development Corporations (London Legacy Development Corporation and Old Oak and Park Royal Development Corporation).

The project collected information from London's LPAs on current practices for taking biodiversity into account in planning and existing challenges and needs. Two methods were selected to obtain this information: questionnaire and direct meetings. A copy of the questionnaire survey can be provided upon request.

The questionnaire was sent through various communication networks to London LPAs requesting their participation and assistance in disseminating it to relevant contacts. These networks included: the London Boroughs Biodiversity Forum (LBBF), the Planning Officers Society, GiGL contacts, London Wildlife Trust, contacts in Public Practice and other specific contacts of the advisory group. This approach resulted in all 35 London LPAs being contacted and requested to participate. A question in the questionnaire prompted further communication in order to arrange direct meetings with LPAs. Results of the questionnaire are presented in graphs and percentages have been rounded off.

The second phase of the project focused on producing resources and training that can be used by LPAs as guidance in order to improve the consideration of biodiversity in the planning process. The content of the resources and training was informed by the responses provided during the first phase of the project.

Participation

Even though participation from all 35 LPAs was pursued and it was highly desired it was, as anticipated, not feasible. There were 39 responses to the questionnaire by 21 LPAs (60% of LPAs) and 16 meetings with 14 LPAs (40% of LPAs). Overall, 23 LPAs participated and provided information either by completing the questionnaire and/or contributing in meetings. Questionnaire responses per LPA ranged from 1 per LPA (for 11 LPAs) to 5 for one LPA. In total, 31 LPA representatives attended the meetings which varied from one to one meeting, to meetings with up to 6 representatives from different LPA departments.

Out of the 35 LPAs in London 24 LPAs (68.6%) were GiGL Service Level Agreement (SLA) partners at the beginning of the project. The LPAs that participated in the project represented at the time, 17 SLA partners and 6 non-SLA partners. Furthermore, participants represented a wide coverage of inner and outer London LPAs with 13 outer and 8 inner London LPAs, plus the two Mayoral Development Corporations.

Participants represented different departments and had various roles within departments, as well as levels of seniority. The roles of questionnaire respondents were grouped into four categories: development management, ecology/biodiversity/nature conservation (including rangers), policy (including spatial planning and strategic planning) and "other" where the response could not be attributed to one or only one of the other categories. As the graph shows, there was a good representation of respondents from different roles involved in planning within LPAs and the majority of responses (38%) were from development management roles.



Figure 1: Participation to the questionnaire survey by different roles. Total number of respondents is 39.

Responses from development management had the most variation in terms of years of experience (range: 2 – 30 years of experience). All respondents from Ecology/Biodiversity

roles but one had more than 10 years of experience in the role (range: 6 – 32 years of experience). Strategic planning respondents' experience ranged from 0 to 19 years and respondents in the category "other" had 1 to 20 years of experience. For those respondents who were responsible for biodiversity matters in planning, their experience in ecology field ranged from 13 to 39 years for those in ecology roles and 4 to 30 years for those in strategic planning.

2. Screening for biodiversity – The process in London's LPAs

Key Messages

- Questionnaire respondents indicated that only or mainly major applications are screened for biodiversity and occasionally minor developments.
- In most LPAs proximity to blue/green spaces appears to be the main factor determining if a planning application should be assessed for biodiversity impacts.
- Exceptions include one LPA's planners actively using biodiversity data to identify potential biodiversity impacts of development before seeking advice from the inhouse ecologist and another LPA using a customised alert layer.
- Other LPAs are looking into introducing methods for more effective screening of planning applications, such as customised alert layers, detailed biodiversity validation checklists and use of the Biodiversity Hotspots for Planning layer.

During the first phase of the project, we explored the current screening practices in London's LPAs in relation to biodiversity. Just above half of questionnaire respondents (54%) said that only, or mostly, major applications are screened for biodiversity and occasionally minor developments. However, in some cases there was a difference of opinion between respondents from the same LPA, indicating that the perception of which planning applications are screened for biodiversity matters varies. Respondents who chose the option "other" included justifications such as: they are screened "when relevant", that it is officer and capacity dependent, that there are inconsistent approaches (depending on case officer's experience).



Figure 2: Questionnaire responses to question "Are you aware if any of the planning applications at your LPA are currently screened for biodiversity?". Total number of respondents is 39.

Questionnaire participants were asked about the factors that determine if an application should be screened for biodiversity. The most frequent responses were proximity to green and/or blue spaces (chosen by 29 respondents), biodiversity data (chosen by 27 respondents) and scale of proposed development (chosen by 25 respondents), with type of development chosen 15 times. Responses in the "other" option included: 1) back garden developments, 2) "*Local knowledge of area Officer visit site photographs and desk top study from aerial maps*", and 3) case officer assessment (in two occasions).

Based also on the direct meetings' responses, proximity to green and/or blue spaces is a criterion used by most LPAs when determining if an application should be assessed for biodiversity impacts. From discussion during the direct meetings, biodiversity data would refer in most cases to records of SINCs, open spaces and protected areas and not species data.



Figure 3: Questionnaire responses to question "Which factors determine if an application should be screened for biodiversity?". Respondents were able to choose more than one response.

Respondents who indicated "biodiversity data" triggers screening were requested to describe the source of these data. The majority (19 participants) responded that they use their own LPA data and 13 indicated that they use data provided by GiGL. However, based on levels of awareness identified during interviews, it is likely that at least some development management officers do not know the source of the information they use to determine screening and may assume it is the LPA's data when it originates from another source, which may have led to the figures for use of these data being inflated. Respondents who chose the option "other" indicated their use of Magic maps and the local knowledge of the area. Discussions with LPA ecologists highlight that personal knowledge of their local area is a very important factor which they take into account. Most LPA ecologists participating in this study have been working in the same area of London for many years.



Figure 4: Questionnaire responses to question "What is the source of your data (e.g. biodiversity data, SINCs, green spaces etc.)?" which appeared when "biodiversity data" was selected in previous question.

Participants were asked when in the development management process they tend to consider potential biodiversity matters. The majority of respondents selected "Sometimes" for all four development management stages (pre-app, validation, decision making, determination) with the second most popular answer being "Always". Some additional comments indicated that this depends on whether it is a material consideration; the local ecology, potential impact and scale of development; the case officer; whether the ecologist has reviewed the application. Other comments included that there are inconsistent approaches and that biodiversity matters are considered when they felt it was appropriate.



Figure 5: Questionnaire responses to question "When in the development management process does your authority tend to consider any potential biodiversity matters?".

Participants were asked when applicants tend to consider biodiversity in the development management process and "sometimes" was again the most frequent response for all stages. Additional comments provided indicated that this may vary depending on the scale of the development, by applicant, or the requirements or intervention of the LPA.



Figure 6: Questionnaire responses to question "When in the development management process do applicants tend to consider any potential biodiversity matters?".

When asked if applicants should consider biodiversity matters before submitting a planning application, 74% of respondents said "Yes, for all applications". It was noted by some respondents that they felt this would depend on the siting, type and scale of development, for example not necessary for most householder applications.



Figure 7: Questionnaire responses to question "Do you believe applicants should consider biodiversity matters before applying and incorporate impact avoidance, minimisation, mitigation and biodiversity net gain in their submitted applications?". Total number of respondents is 39.

Most LPAs appeared to have some biodiversity criteria in their validation checklist but the extent of their use, or the checks by validation officers, is not clear and definitely varies between LPAs. Some LPAs have guidance for planners and/or developers but again the extent of their use varies. Some ecologists mentioned that they provide training to planners at their LPA but it was infrequent and, with the high turnover of planners in some cases, training needs to be more regular to be more effective.

The majority of LPAs taking part, report using the proximity to designated sites and, if available, proximity to green corridors as triggers for taking biodiversity into account. Development management planners in only one LPA of the 23 participating LPAs (4.3%) reported that they actively use protected species records to identify potential impacts to biodiversity by development. This reference to protected species records allows the planners to identify developments that are not adjacent to sensitive sites (designated sites or wildlife corridors) but nevertheless can potentially have an impact on protected species; case officers then request the advice of the ecologist.

Planners in some LPAs have access to protected species data but they were either not aware or not instructed to use them. This does not mean that LPAs where planners are not using biodiversity data are not using these data at all, because in-house ecologists of LPAs that are GiGL partners will, in most cases, be checking protected and priority species records when reviewing planning applications. However, it indicates the use of these data is mostly within ecology roles, emphasising the importance of that role and significance of which applications receive ecological scrutiny. It also highlights a potentially impactful area of training and system development to encourage more planners to use biodiversity directly.

In LPAs that do not have access to an in-house ecologist, development management planners find it more difficult to assess applications regarding biodiversity matters and request advice from more knowledgeable colleagues, usually in their policy teams. For certain cases, external expert advice might be sought.

There was no other process identified during the first phase of the project that could be considered as best practice. However, during the training event, one in-house ecologist from an LPA that did not participate in the first phase of the project indicated that they are using a customised alert layer which automatically notifies them when a planning application falls within the specified criteria. This layer incorporates information on protected species, conservation areas, priority habitats and SINCs and notifies the delegated officer when the location of a planning applications falls within its boundaries.

Furthermore, there were many cases were ecologists and even planners are seeking to introduce new ways of adding more triggers to the process of identifying potential impacts to biodiversity from developments or guidance. Some of these triggers include customised alert layers, detailed biodiversity validation checklist¹⁴ and the Biodiversity Hotspots for Planning layer¹⁵.

Our findings indicate that there is a process in place for considering biodiversity in the development management process and there is definitely the intention of doing more to take biodiversity into account however several challenges, that will be discussed later (Chapter 4), might hinder progress in this area. The common approach followed by the majority of LPAs (i.e. proximity to designated sites and wildlife corridors triggering further ecological investigation) though very important in identifying potential impacts of development projects on biodiversity, might be inadvertently missing the protected and priority species which are present in other locations, further from designated sites and identified wildlife corridors. Furthermore, not taking into account protected and priority species appropriately early on in the process might cause delays later and in some cases failure to protect biodiversity can have costly legal or other implications¹⁶.

¹⁵ Biodiversity Hotspots for Planning layer, <u>https://data.london.gov.uk/dataset/biodiversity-hotspots-for-planning</u>
 ¹⁶ For example: Metropolitan Police press release (2020) <u>https://www.nwcu.police.uk/news/wildlife-crime-press-coverage/london-building-company-handed-largest-ever-fine-in-relation-to-a-wildlife-crime/</u>Ombudsman's decision (2020), https://www.lgo.org.uk/decisions/planning/planning-applications/18-004-227

¹⁴ For example Sutton's Biodiversity Validation checklist: <u>https://www.sutton.gov.uk/documents/20124/455426/Validation+Information+for+Biodiversity+-+2022.pdf/32f07e40-a53d-9d51-8e8c-f0f873bc82b3?t=1651583907254</u>

3. The role of LPAs' ecologists

Key Messages

- Almost half of the LPAs that participated in the project do not have an in-house ecologist providing advice on biodiversity matters of planning applications.
- Development management planners of LPAs that do not have an in-house ecologist providing advice seek the advice of more knowledgeable colleagues usually in their policy teams (but also of rangers, landscape officers or tree officers).
- In some cases, LPAs that do not have an in-house ecologist seek the advice of external experts but discussions indicate that this is on a more ad-hoc basis and for more complex cases.
- Protected and priority species data, if available, are mostly used by in-house ecologists or in some cases by planners in policy teams that help their colleagues in development management in LPAs without in-house ecologist.
- Ecologists providing planning advice are an invaluable source of knowledge and skills for planners and are easier to access on a more regular basis in contrast to an external expert.

Out of the 23 LPAs that participated in the project, 11 had an in-house ecologist providing planning advice on biodiversity matters of planning applications. More specifically, 42.5% of LPAs (i.e. 9 LPAs) that participated in the questionnaire survey have an in-house ecologist providing regular or occasional advice. Furthermore, 19% (i.e. 4 LPAs) said that they have external experts providing advice, whereas 28.5% (i.e. 6 LPAs) provided different responses ("other"), some of which included the use of external experts when necessary or seeking the advice of other colleagues (e.g. rangers, landscape officers, planning policy officers or tree officers). Broadly this aligns with the national picture, where in 2013 about 65% of local authorities had no or limited access to an in-house ecologist¹⁷. A more recent survey¹⁸ (2021) found that 53% of respondents reported that their LPA has limited access to an ecologist for planning work (0.5 or less full time equivalent) and 8% reported they do not have any access (internal or external) to ecological expertise (though the authors argue that this number could be as high as 26%).

¹⁷ ALGE report on Ecological Capacity and Competence in English Planning Authorities (2013), <u>https://www.alge.org.uk/publications-and-reports/</u>

¹⁸ Survey of local planning authorities and their ability to deliver biodiversity net gain in England (2021), <u>https://www.alge.org.uk/local-planning-authorities-biodiversity-net-gain/</u>



Figure 8: Questionnaire responses to question "Does your planning authority have an ecologist who provides advice on biodiversity matters of planning applications?" grouped by LPA. Total number of LPAs that responded to this question is 21.

Research by Tydesley and associates (2012)¹⁹ indicates that the absence of in-house ecologists and/or an informed organisation in development management is a great impediment to achieving better outcomes for biodiversity. Furthermore, they found that when ecology reports were submitted with planning applications the biodiversity outcomes tended to be better than the applications with no ecological reports. They also reported the following observations: "During discussions planning officers stressed that the process of validation of applications and assessment of the adequacy of ecological reports etc were dependent on in-house checks by expert staff. Likewise, where internal (or shared) ecological expertise was absent, the involvement of ecological consultees was even more important. In a number of cases formal arrangements with, for example, the Wildlife Trusts, or Biological Records Centres were in place, reducing the perceived risk of inadequately considering biodiversity interests from the outset. Such arrangements were strongly supported by planning officers. The use of Geographic Information System biological records has also significantly enhanced the ability to assess proposals against recorded biodiversity interests, particularly when located outside designated sites."

From information provided during our meetings with LPAs, it appears that when LPAs have external experts providing advice they are mostly used for specific, more complex cases. Two out of the four LPAs who indicated they employ external experts often consult internal staff with some knowledge on ecology (strategic planners and landscape architects) first. During the meetings several approaches were mentioned that were either implemented or

¹⁹ Tydesley and associates, Effectiveness of the application of current planning policy in the town and country planning system (2012), <u>http://randd.defra.gov.uk/Document.aspx?Document=10054_PhaseIIFINALREPORTPDF.pdf</u>

suggested including: 1) shared services with other LPAs, 2) external ecologists hired on a case by case basis, 3) local groups or local biodiversity partnerships, 4) neighbouring county council's services, 5) potential for London Wildlife Trust advisory service, 6) collating a list of accredited ecologists whose reports will be trusted, and 7) a chargeable service within the LPA if an ecologist exist in another department but whose responsibilities does not include planning advice. However, some of the above are not appropriate in providing a consistent and sound mechanism of reviewing biodiversity matters of planning applications. Especially for LPAs without in-house ecologists, there is the need of a straightforward, effective and consistent approach of receiving expert advice not only for more complex cases but for all developments that can have an adverse impact on biodiversity.

Ecologists receive applications that require their consultation if the validation process has identified the need or when case officers deem necessary. Therefore, they are not always aware exactly in which cases biodiversity is considered by planners. When reviewing a planning application, the ecologist would examine the location and type of the development, and in most cases, if available, the protected and priority species records for the area. However, many would also rely on their knowledge of the local area. If ecology reports are submitted with planning applications, ecologists also examine if these have followed professional requirements and best practice, as well as local requirements.

As mentioned in chapter 2, protected and priority species records, if available, are mostly used by in-house ecologists when reviewing applications or in some cases for LPAs that do not have in-house ecologist by planners in policy teams that help their colleagues in development management. This highlights the importance of the screening process of applications and that ecologists providing planning advice are an invaluable source of knowledge and skills for planners. However, they face many challenges themselves, including having various other responsibilities apart from providing planning advice²⁰. From discussions, it appears that development management officers in LPAs with ecologists tend to overestimate the time the ecologists spend dealing with planning applications, probably assuming that they have very limited other responsibilities or that the majority of their contractual hours are spent on planning.

Often in-house ecologists indicated that they provide resources or training to planners but this is not very regular. Our findings indicate that planners are keen on training on biodiversity matters but this has to be more frequent since case officers' turnover is high in some cases. Furthermore, better and more frequent communications between departments can enable better flow of information, knowledge and available resources which could be beneficial for everyone.

²⁰ ALGE report on impact of spending cuts (2011-2012), <u>https://www.alge.org.uk/publications-and-reports/</u>

4. Challenges

Key Messages

- There is willingness to improve the process of delivering better outcomes for biodiversity through planning but both planners and ecologists face many challenges.
- Some challenges can be addressed with more resources, training and communications but others are more systemic, such as the lack of in-house ecological expertise providing advice on planning applications in many LPAs.

Both planners and ecologists face many challenges. Questionnaire participants were asked about challenges they face and the majority of respondents provided a detailed response. Many LPAs reported the same, or similar, challenges when it comes to considering biodiversity during planning application decisions. A summary of the responses is provided in the following table. An attempt has also been made in their categorisation. At the beginning of the project it was hypothesised that particular factors contribute to inadequate consideration of biodiversity during some planning decisions (i.e. low awareness, lack of ecological expertise and resources, time constraints and inadequate communications). Some of these factors were confirmed as challenges faced by LPA staff, hindering their consideration of biodiversity in planning. However, many other factors were also provided. Table 1: Summary of responses to question "What challenges can you identify in relation to considering biodiversity when deciding a planning application?" from questionnaire survey and meeting discussions grouped by topic.

Validation & Development Management	 Lack of knowledge/expertise on biodiversity matters, policy, legislation and guidelines. Lack of awareness of the legal duty. Lack of interest from managers. Lack of guidance & training. Capacity/ time/ resource constraints. High turnover of officers. Competing demands. Biodiversity overshadowed by other issues. Validation without necessary information. Having enough evidence to justify decision in an appeal.
Ecological expertise	 Lack of in-house ecological expertise or lack or access to specialist advice. Lack of access to biodiversity data. Lack of understanding on how to use GiGL data for planning applications. Difficulty in recruitment of ecologists. Capacity of ecologist and statutory consultees (e.g. Natural England). Ecology advice provided by non-experts. Having expertise to defend any appeals related to biodiversity matters. Short timeframes for reaching decisions.
Applicant/ Developer	 Lack of awareness of applicants/ developers. Construction activities damaging biodiversity. Developers see it as a constraint and an unnecessary expense. Most developers submit the minimum information required for compliance and some resist to provide information. Poor quality ecological reporting Not engaging in pre-app advice process. Lack of multi-disciplinary consultants or collaboration between teams. Biodiversity expertise not embedded in the design team. Very low on list of priorities. Not enough weight awarded to biodiversity especially for small applications.
Policy & Guidance	 Current policies require greater housing densities. Policies not strong or clear enough or lack of policy and guidance. Conflicting policies – other policies given priority over biodiversity. Natural England's standing advice not very helpful in relation to protected species. Weak, heavily caveated NPPF and Development Plan policies.
Biodiversity Net Gain (BNG)	 Limited awareness about biodiversity net gain and the metric. Not in the agenda until it becomes compulsory. Difficulty seeing how biodiversity net gain is going to work. Biodiversity net gain will be difficult to implement without appropriate expertise.

Other	 Nature conservation not high political priority. Councillors not interested. There is a push for development. Lack of enforcement/ limited resources in enforcement departments. Need for affordable housing. Subjectivity. Large developments using offsetting & green roofs without providing sufficient
	 green space. Limited conversations between departments. Outer LPAs' not identifying with inner LPAs or GLA.

As mentioned earlier, these challenges obstruct the progress of more effectively protecting biodiversity in planning. Many of the challenges reported above can be addressed with more training and communication between departments. On the other hand, other challenges are more systemic and require more drastic changes. For example, funding for in-house ecological expertise in all LPAs would be an important step towards more effective consideration of biodiversity in planning. However, the capacity of in-house ecologists is also limited as they often have many other responsibilities apart from reviewing planning application.

As RTPI's research paper "Invest and Prosper"²¹ states LPAs "are under pressure to deliver more services with fewer resources" and capacity issues in LPAs have also been highlighted by ALGE²² and TCPA²³. In 2020, ALGE in its recommendations²⁴ to government on the 25 Year Plan and Environment Bill highlighted that though LPAs are essential in implementing them there are insufficient "local delivery mechanism, skills and capacity available". RTPI's research paper on "Resourcing Public Planning"²⁵ argued for the importance of investment in planning to deliver social, environmental and economic outcomes. It also stressed the need for increased resourcing for "place-based professionals across the board", including ecological expertise in order to be able to manage a variety of issues with spatial implications (e.g. climate change and biodiversity loss). In 2021/2022, with a changing landscape of environmental and planning legislation, resourcing and capacity within LPAs is an important discussion point with government. A further study²⁶ by ALGE, Defra and ADEPT assessing the current expertise and capacity of LPAs and their needs in light of the new Environment Act requirements, found several capacity issues, with only 5% of respondents reporting that they currently have adequate ecological resources to assess all application that might affect biodiversity.

²⁵ RTPI research paper on Resourcing Public Planning (2019),

²¹ RTPI research paper "Invest and Prosper" (2020), <u>https://www.rtpi.org.uk/media/6721/investandprosper_oct2020.pdf</u> ²² ALGE report on impact of spending cuts (2011-2012), <u>https://www.alge.org.uk/publications-and-reports/</u> and written evidence submitted by ALGE to the Select Committee's Inquiry (2012),

https://publications.parliament.uk/pa/cm201213/cmselect/cmenvfru/492/492vw65.htm

 ²³ Raynsford Review of Planning in England (2018), <u>https://tcpa.org.uk/resources/the-raynsford-review-of-planning/</u>
 ²⁴ ALGE Response to Implementation of 25 Year Plan (2020), <u>https://www.alge.org.uk/publications-and-reports/</u>.

https://www.rtpi.org.uk/media/5906/resourcingpublicplanning2019.pdf

²⁶ Survey of local planning authorities and their ability to deliver biodiversity net gain in England (2021), https://www.alge.org.uk/local-planning-authorities-biodiversity-net-gain/

5. The role of GiGL – London's LERC

Key Messages

- Almost ³/₄ of questionnaire respondents said that they are familiar with GiGL.
- Our findings indicate that employees of LPAs that have a Service Level Agreement (SLA) with GiGL might not be aware that they are GiGL partners; highlighting the need for more communication between their own departments.
- Data provided by GiGL are used in several stages of the development management process and in many ways.

In a series of questions regarding biodiversity data and GiGL, 29 out of the 39 respondents (74%) said they are familiar with GiGL. Furthermore, when asked if their LPA had a Service Level Agreement (SLA) with GiGL 41% responded "Yes" and 8% said "No" (though 2 out of 3 actually had an SLA with GiGL). Many respondents, 41%, said that they are not sure if their LPA has an SLA with GiGL and some of those included some long-term GiGL partners. This highlights the need for communication between departments and possibly some untapped potential that a partnership with GiGL can provide. It also indicates areas to prioritise raising awareness by GiGL.

Just over half of respondents (54%) said that they have used data provided by GiGL in their work. When asked if they have used GiGL data for planning applications 38% responded "Yes" and 41% responded "No". However, some planners might be using data provided by GiGL without being aware.



Figure 9: Questionnaire responses to: top left - "Are you familiar with GiGL (Greenspace Information for Greater London CIC)?", top right - "Does your planning authority have a Service Level Agreement with GiGL?", bottom left - "Have you ever used GiGL data for your work?", and bottom right: "Have you ever used GiGL data for a planning application?". Total number of respondents is 39.

When respondents said that they have used data provided by GiGL for a planning application they were prompted to provide further information on how they have used the data. A summary of the responses is provided below:

- to identify ecological constraints,
- to identify presence of protected or priority species,
- to justify when an ecological appraisal is needed,
- to check submitted information,
- to confirm data searches,
- as evidence base when commenting on applications,
- to inform targeted enhancements,
- to inform planning conditions,
- as evidence base when defending planning appeals.

This demonstrates that biodiversity data can be used in several stages of the development management process and in various ways. Communication between departments and teams is critical in making the best use of the available evidence base. Exchange of ideas and experiences between LPAs would also be beneficial. It is very important to raise the awareness of the many uses of biodiversity data in the planning process and help LPAs to use these data in order to achieve better outcomes for biodiversity.

6. Supporting London's LPAs

Key Messages

- Collective responses on resource use indicate that Natural England's standing advice and Bat Conservation Trust's (BCT) guidelines were the most frequently selected resources but there are differences in the use of resources between different roles.
- Participants from planning roles, indicated that they would mostly benefit from training, biodiversity validation checklist and guidance material followed by expert advice.
- Within the framework of this project a set of resources was produced and a training event was delivered, both informed by participants' responses.
- Based on inputs from participants, our experience interacting with them and discussions with the advisory group, we provide proposals for future work that can raise awareness and improve the way biodiversity is taken into account.

Questionnaire participants were asked which resources they use when considering biodiversity matters. Natural England's standing advice was the most frequently selected resource by strategic planners, followed by Bat Conservation Trust's (BCT) guidelines. Ecologists selected BCT's guidelines followed by CIEEM's guidelines. Development management planners most frequently selected the "not sure" option which indicates that they rely on the advice of other colleagues. Some, however, selected Natural England's standing advice, followed by BS42020 Biodiversity – Code of practice for planning and development. These results are not surprising as BCT's and CIEEM's guidelines are documents mostly relevant to ecologists. However, especially for LPAs without in-house ecologists, planners need to be familiar with these documents if required to assess biodiversity matters of planning applications. This is indicated by the responses of strategic planners who in many cases are providing advice to case officers, in the absence of in-house ecologists.



Figure 10: Questionnaire responses to question "Are you using any of the following documents/tools when considering biodiversity matters of planning applications?". Colours correspond to different roles. Number of respondents for each role shown in brackets. Respondents were able to choose more than one response. [CIEEM Guidelines for Preliminary Ecological Appraisal; CIEEM Guidelines for Ecological Impact Assessment; Bat

Conservation Trust's Bat Surveys for Professional Ecologists, Good Practice Guidelines; British Standards 42020 Biodiversity – Code of practice for planning and development; Government Circular: Biodiversity and Geological Conservation (ODPM 06/2005, Defra 01/2005); Natural England's standing advice; Partnership for Biodiversity in Planning Wildlife Assessment Check online tool and resources]

Another question asked what additional resources the LPA would benefit from in relation to considering biodiversity in the early stages of the planning process. The top three responses for the three main groups (development management, strategic planning & ecology/biodiversity) were training, biodiversity validation checklist and guidance material followed by expert advice for development management and strategic planners. Furthermore, two out of the four respondents who chose "other" said that their LPA would benefit from an in-house ecologist.



Figure 11: Questionnaire responses to question "What do you think your LPA would benefit from in relation to considering biodiversity in the early stages of the planning process?". Colours correspond to different roles. Number of respondents for each role shown in brackets. Respondents were able to choose more than one response.

Since a key aim of this project is to support LPAs with resources that benefit them, we asked in both the questionnaire surveys and in meetings what participants would like to be included in our new guidance material and training. We received a variety of responses which informed the content of guidance material and our training event.

An ambition of the project was to identify challenges faced by LPAs, regarding taking biodiversity into account during planning (see Chapter 4), and define support, resources and training that address these particular needs. The project aimed to deliver initial support tools and make recommendations for future developments. This section of the report summarises the publication and delivery of guidance material and a training event for London's planners.

6.1 Guidance

A plethora of suggestions were made in the questionnaire responses but also during meetings about what would be useful to incorporate within guidance materials. Taking into account the scope and duration of the project, and the key needs identified by research participants, the following resources were produced in 2020:

- An overview of policies and legislation related to biodiversity and planning. The purpose of this resource is to demonstrate the importance and legal obligation of considering biodiversity in planning. This resource can be found <u>here</u>.
- 2) A compilation of relevant guidance documents produced by various organisations and that can be used for different aspects of planning. This resource can be found <u>here</u> and we will also be looking into making it available in a more interactive format.

3) A resource on what to look for in a preliminary ecological appraisal is under preparation and is based on a resource drafted by LBBF members. This resource will highlight the necessary sections and content of a preliminary ecological appraisal so planners can use it as a quick reference when reviewing ecology reports accompanying planning applications.

Participants requested that relevant information is available in a central repository in order to make it easier and less time consuming to find this information. Furthermore, there are some further resources that will be produced as a result of ideas and suggestions that were initiated during this project. These will be produced by GiGL with help and advice from LBBF members, ALGE members, and the members of the Green Infrastructure team of the GLA.

6.2 Training

Similarly with above, there were numerous suggestions that could be incorporated in training some of which were out of the scope of this project but could be explored as options in the future. We delivered a half-day training event with learning objectives and content based on needs identified by the research and suggestions made by LPAs.

The training took place online on 23rd September 2020. In total, there were 53 registered participants of whom 44 attended the event on the day. Those that attended the event represented 23 London LPAs, Transport for London and Lee Valley Regional Authority. Even though the target audience was LPA planners there were also in-house ecologists, arboriculturalists and rangers that attended the event.

The training event included the following sessions:

- Session 1: Introduction to legislation & London focused policies, presented by Sam Davenport (GLA) and supported by Steve Whitbread (London Borough of Harrow).
- Session 2: Biodiversity data in the planning process, presented by Eleni Foui (GiGL) and supported by Chloë Smith (GiGL).
- Session 3: Common pitfalls in relation to biodiversity matters in planning.
 - Sub-session 3a: Common triggers for further ecological investigation, presented by David Warburton (London Borough of Sutton) and supported by John Archer (London Borough of Tower Hamlets).
 - Sub-session 3b: Ecology reports: best practice and red flags, presented by Iain Boulton (London Borough of Lambeth) and supported by Sam Davenport (GLA).
 - Sub-session 3c: Common wildlife law violations related to development, presented by DC Sarah Bailey (Wildlife Crime Unit of Metropolitan Police) and supported by Chloë Smith (GiGL).

The event was designed to provide a grounding in current context for biodiversity matters in London planning and specific pointers and methods for planners to use or investigate. Event feedback indicates this form of training delivered useful information and improved participants' knowledge and confidence on biodiversity matters in planning. The success and high attendance of our event demonstrates the importance of such training for all those involved in planning and highlights the need of sharing the knowledge and experience between London LPAs, also picked up by the research.

6.3 Proposals based on participants' inputs

As mentioned above there were many recommendations from participants that were either out of the scope of this project or not possible in its timeframe. Based on these recommendations from participants, our experience interacting with them and discussions with the advisory group, we formulated the following proposals for future work.

- 1. Provide regular training to planners (and others involved in planning at LPAs) on how to better take biodiversity into account.
- 2. Prepare and share a GiGL welcome pack for planners and provide more targeted technical support and awareness on using data in the planning process. (In preparation)
- 3. Form a planning working group within the LBBF that will keep the resources from this project up-to-date and will adjust them when/if requirements change.
- 4. Increase awareness of LBBF and their work.
- 5. A resource (e.g. guide) on different enhancement options for development sites, their effectiveness, how to choose between them and some case studies of implementation (focused on Greater London or urban settings). Note: Generic 'one-size-fits-all' approaches should be avoided due to the need for a tailored approach dependent on the local situation and details of developments. (A "Biodiversity Toolkit for Housing Providers"²⁷ has recently been produced by the UK Centre for Ecology & Hydrology and partners)
- 6. Development of an appropriate, reliable and consistent approach/ system for considering biodiversity in the planning process for LPAs that do not have an inhouse ecologist. Note: For example, some Wildlife Trusts have an advisory service which enables consistent advice on the application of British Standards and other guidance, as well as compliance with policies and legislation.
- 7. Raise awareness in LPAs of the importance of biodiversity in urban areas.
- 8. Raise LPAs planners' and ecologists' awareness on BNG requirements. Familiarity with the metric and what to expect in planning applications.
- 9. Raise LPAs planners' awareness of training on BNG and the Urban Greening Factor (UGF).
- 10. A compilation of relevant appeal decisions showing sound approaches but also negative outcomes when appropriate processes are not followed. (In preparation)
- 11. London specific guidance or awareness of biodiversity matters in development project/sites for applicants and developers.
- 12. A review/ evaluation of green corridors in London and recommendation of more effective methods (nature recovery networks).

²⁷ Biodiversity Toolkit for Housing Providers (2021), <u>https://www.shgroup.org.uk/media/1023167/biodiversity-toolkit_23022021.pdf</u>

- 13. A follow-up research project expanding on the 2016 research that will examine planning applications and compare them with the available biodiversity data.
- 14. A campaign to make submitting biodiversity data from planning applications a requirement./ A workshop to explore the difficulties and reasons why data are not shared from ecology reports and try to find an acceptable/appropriate solution.
- 15. Promote the incorporation of biodiversity modules in the curriculum of planning, architecture, and landscape architecture degrees (which could include familiarisation with: policies and legislation; potential impacts from development; avoidance, mitigation, compensation measures; BNG; etc.).
- 16. Support new/younger ecologists to join LPAs as in-house ecologists (including advice on how to assess planning applications). Examine potential difficulties in recruiting ecologists in LPAs (e.g. positions not being advertised in platforms that ecologists would check).
- 17. Raise awareness of accreditation and standards that already exist in relation to nature and development projects. (In preparation)

7. Recommendations & Conclusions

7.1 Recommendations for achieving better outcomes for biodiversity

Our main aim is to support LPAs in London to take biodiversity and biodiversity data into account more effectively and earlier on in the planning system and achieve better outcomes for biodiversity. We believe that the following recommendations can incorporate many of the proposals included in paragraph 6.3 and would make a difference in protecting biodiversity in the planning process. GiGL is committed to preparing an action plan for these proposals and recommendations in collaboration with partners and work alongside them or support other organisations for their successful implementation.

1. Having in-house ecological expertise providing advice on ecological matters of planning applications.

Lack of funding and resources have resulted in many LPAs deprived of in-house ecological expertise. This often means that in these LPAs planners struggle to make the right decisions without an ecologist in their arsenal and biodiversity is not adequately taken into account. LPAs with specialised ecologists have a significant advantage and are more equipped to tackle the upcoming changes to environmental and planning legislation. It is important to highlight the significant role these specialists play in providing advice to planning departments and the wealth of local biodiversity knowledge they can have. Though lack of resources is a systemic issue it is important to raise awareness of the importance of in-house ecologists and support LPAs that would like and have the capacity to employ one.

2. If in-house expertise is not available, having a consistent and efficient alternative approach/system.

Even though in-house ecological expertise should be preferred, some LPAs might still not have the resources to employ one. During the project several other options were mentioned but many of them might not be appropriate solutions to the lack of expertise. For example, even though some LPAs have external experts they seek advice from, this is usually done on an ad hoc manner and in more complex cases. Therefore, there is the need to explore other options which will provide LPAs in London with a consistent and efficient approach for receiving high quality advice for planning applications. This will allow LPAs to conserve and enhance biodiversity as per their biodiversity duty under the NERC Act but also be better equipped to handle biodiversity net gain and other changes under the Environment Act.

3. Supporting London's LPAs through resources and regular training.

LPAs' planners and ecologists who participated in the project expressed their need for London specific guidance and training that will help them assess potential impacts of planning applications and achieve better outcomes for biodiversity throughout the planning process. Some resources were produced by this project but more are required, as well as regular training. Regular training will give the opportunity to train more people and new recruits and keep the content of the training current and relevant.

4. Accessing biodiversity data and having systems in place for their effective use in planning.

At the time of writing 29 out of the 35 LPAs in London are GiGL SLA partners and therefore have access to GiGL's data holdings. However, our results and experience show that in some cases LPA staff might not be aware of this partnership or of the rich evidence base they have access to. Hence, there is the need to raise awareness of the opportunities a partnership with GiGL offers not only for LPAs that are not partners but also for LPAs that are partners but under-use the various services that GiGL can provide. Furthermore, sharing of best practice in the use of this evidence base, case studies and supporting the establishment of appropriate systems for the use of biodiversity data in planning should be encouraged and supported.

5. Having regular communication between departments and between LPAs.

Our interactions with LPAs showed that communications between departments and between LPAs can have several benefits, such as the exchange of ideas and experiences that help improve the process of how biodiversity is considered in planning. However, competing demands and lack of capacity hinder these communications. We recommend supporting LPAs to have better communication systems and showcasing the benefits of regular engagement with colleagues. LBBF is an excellent example of people coming together to exchange ideas and experiences with the common aim of protecting and enhancing London's natural environment. Highlighting the importance of these interactions at different levels is key to making a change.

6. Establishing an annual conference on biodiversity and planning for people involved in development management in London's LPAs (planners, in-house ecologists and others) which will include presentations, workshops and networking.

There are many aspects to consider when assessing potential impacts of a development proposal on biodiversity. Participants expressed their desire to learn more about how they can better protect biodiversity through planning. An annual conference on biodiversity and planning will give the opportunity to both planners and in-house ecologists to keep track of developments in environmental policies and legislation relevant to London; learn about best practice in ecological surveying and reporting; share case studies and learn from peers; and communicate with colleagues and network. A series of workshops will give the opportunity to attendees to obtain a deeper understanding on a specific topic. A similar conference, organised by Surrey Nature Partnership and hosted by Surrey Wildlife Trust, has been well received in Surrey and has had high attendance from Surrey's LPAs.



Figure 12: Project's recommendations for achieving better outcomes for biodiversity from planning

7.2 Conclusions

Biodiversity is considered, but the approach risks missed opportunities

Across London's LPAs, biodiversity is mainly taken into account in major developments and in minor developments only on a case-by-case basis. Findings suggest householder applications do not trigger biodiversity scrutiny during the planning decision-making very often and as a result their impacts on biodiversity are unclear.

In most LPAs, proximity to green and/or blue spaces and, if locally identified, to wildlife corridors is the most common criterion used to determine if an application should be assessed for biodiversity impacts. This approach is important, but it runs the risk of missing protected and priority species found further away from designated sites and wildlife corridors. When protected and priority species are not adequately taken into account early on in the planning process, impacts on biodiversity can be detrimental; however, it can have many other consequences such as delays or failure to obtain planning permission, or costly legal and other implications²⁸.

Systemic and local factors contribute to missed opportunities

Time constraints, capacity issues, low knowledge and awareness, and inadequate communication between departments are confirmed as factors contributing to the risk that biodiversity is not appropriately taken into account in the planning process. Additionally, in general, planners and their advisors report they experience a high level of pressure, are under-resourced, often have to balance conflicting demands (policies) and that biodiversity tends to be relatively low in their list of priorities. There is also variation between LPAs

²⁸ For example: Metropolitan Police press release (2020) <u>https://news.met.police.uk/news/company-handed-largest-ever-fine-in-relation-to-a-wildlife-crime-417227</u> and Ombudsman's decision (2020), https://www.lgo.org.uk/decisions/planning/planning-applications/18-004-227

depending on staff skill sets or awareness, for example some development management officers are more sensitive to or knowledgeable about biodiversity matters than others. Some of these challenges relate to systemic factors (such as lack of funding) that should be addressed at a national level, especially in light of the recent and impending changes in environmental and planning legislation and in order to tackle the ecological and climate emergencies many LPAs and organisations have declared.

Specialist staff make a significant positive contribution, but are insufficiently available or resourced

In-house ecologists providing planning advice play a very important role in the LPAs where they are present (approximately half of LPAs that participated in the first phase of the project) and they are an invaluable resource. Many of them have extensive experience and use their knowledge of the local area when assessing planning applications. This highlights the importance of knowledgeable and experienced specialists who have spent a considerable time in one area but also the gaps that can potentially exist in areas with, highturnover, non-permanent or external experts. However, presently, ecologists themselves report they have capacity issues and cannot provide input to every single application; consequently screening criteria and the awareness of case officers remain important and relevant.

In LPAs that do not have in-house ecologists providing advice, planners tend to lean on colleagues (usually in their policy teams), who have some knowledge of ecology, for ecological advice and in some cases contract external experts. When external experts were mentioned during meetings it appeared that they were used infrequently and in more complex cases. Some planners indicated that it is unlikely for planning departments to have the capacity to employ a full-time ecologist to provide advice. For LPAs that do not have an in-house ecologist a mechanism or process to engage with external experts would be required in order for it to be consistent. The option of an in-house ecologist should be preferred where there is capacity to employ one as they are an important resource that is easier to reach on a regular basis and can have (or develop) valuable knowledge of the local area. This is becoming increasingly important for LPAs due to biodiversity net gain requirements.

Specialist training and guidance are needed/wanted

Training and guidance material regarding biodiversity for planning are identified as key needs for LPA staff. These resources would raise awareness of the importance of biodiversity and why it needs to be taken into account, increase the knowledge on considerations related to ecology matters of planning applications (including requirements for site surveys and appropriateness of ecology reports) and improve the understanding and skills related to the use of biodiversity data. Training and guidance content in line with reported needs have been produced by this project, other resources are under preparation or included in proposals for future work (see section 6.3). GiGL will prepare an action plan

for these proposals and recommendations and collaborate with or provide support to other organisations for their successful implementation.

Observations also indicate that there is a lack of routine communication between departments/ teams involved in planning, which might be a reflection of the time pressures and capacity issues they experience. Our interactions highlighted that regular exchange of information and experiences would be beneficial. Moreover, communication and exchange of experiences between LPAs and regular training is also very important, as was demonstrated during the training event discussion sessions. Enhanced communications between relevant departments, perhaps linked to training, could be a relatively small change that we believe would have positive outcomes.

LPAs want systems and data flow improvements to mobilise planning application data

There is concern within LPAs about loss of information/data from ecological reports submitted as part of planning applications, which are publicly available in the LPAs' websites. When there is no mechanism to capture this information, an opportunity is missed to potentially fill gaps in data coverage. At least one LPA has a clause in their "Planning Application Requirements" communicating that such data will be shared with GiGL, which overcomes barriers of responsibility or permission, but there is no efficient mechanism in place that allows this data flow to happen and overcome the time cost or technical difficulties of extracting records from survey results.

In a survey by the Association of Local Environmental Records Centres (ALERC) and CIEEM²⁹, the majority of ecological consultants cited a simple submission system and resolution of data copyright issues would increase the supply of data to LERCs. The report suggests that the latter could be addressed if there is an obligation for the applicant to share the ecological data with the corresponding LERC. The obligation of sharing data was also recommended (Recommendation 12) by a recent report for the Geospatial Commission on "Mapping the Species Data Pathway"³⁰. An article on "Sharing Ecological Data Using GIS Files" (2016)³¹ indicated that nationally only 3.5% of biodiversity data collated by LERCs are from consultants. The article refers to lack of time, costs and confidentiality as reasons that hinder data sharing. They recommend more effective methods of sharing data but also cite work by Build UK members to encourage data sharing with the aim of reducing barriers (including passing costs to developers).

Siloing expertise makes departments vulnerable to staff changes

We observe that one person can make a big difference when it comes to biodiversity in planning, whether it is an in-house ecologist or a planner with additional responsibilities and knowledge on biodiversity issues. This poses a risk of regression when keystone people

²⁹ Surveying Consultants' Attitudes to LRCs and Biodiversity Data (2012),

http://www.alerc.org.uk/uploads/7/6/3/3/7633190/ieem_-_alerc_survey_article.pdf

³⁰ Mapping the Species Data Pathway: Connecting species data flows in England (2021),

https://www.gov.uk/government/publications/mapping-the-species-data-pathway-connecting-species-data-flows-inengland

³¹ Article on "Sharing Ecological Data Using GIS Files" (2016) in CIEEM's inpractice bulletin (p. 51), <u>https://cieem.net/wp-content/uploads/2019/01/InPractice91_March2016_FINAL_DiscUpdate.pdf</u>

leave their positions and makes the need of a consistent and straightforward approach more crucial. It also emphasises the need for consistent, quality training and interdepartmental communications to enhance knowledge sharing and exchange.

Final conclusions

In order to be effective in the planning process, biodiversity data must be collected, shared, digitised and available with appropriate coverage, currency and quality. They need to be accessed and considered early in the planning process by LPA staff with skills (or access to skills) for ecological interpretation; and must inform the need for and suitability of further ecological investigations (e.g. site surveys, Ecological Impact Appraisals, etc.). This project has focused on the use of data early in the planning process, however it also identified the importance of data coverage and currency. LPAs feel that local gaps in data coverage and relevance to planning applications could be partially addressed by establishing good mechanisms for data flow and mobilisation of data from planning application documents. Addressing these gaps is particularly important for meeting the ambitions of Local Nature Recovery Strategies and supporting a reformed planning with the best data.

Our findings show that there is a basic approach in place for considering biodiversity and incorporating biodiversity data within planning departments in London. However, we also identified shortcomings to this approach that may lead to some biodiversity being overlooked, especially further away from designated sites. In terms of early use of data, there is a willingness within LPAs to improve the process and enhance the knowledge and skills available but there are many challenges that hinder progress. In-house ecologists who provide advice to planning teams are valuable assets, and planners in LPAs without ecologists rely on more knowledgeable colleagues for advice. Communication and interaction between departments and between LPAs is important, and could be improved. There is also the need to support LPAs with resources and regular training. We have prepared resources and delivered training within the framework of this project, but further work is required in order to achieve better outcomes for biodiversity from planning in London.

This project focused on the development management process but did not consider expectations for or changes to Environmental Impact Assessments. We note that there are other aspects of planning/ development that require attention too as they can adversely impact biodiversity if not carried out appropriately, for example strategic planning or the construction phase of development.

This is a time of uncertainty and change for planning, with the new Environment Act and biodiversity net gain requirements, and reforms proposed to the planning system which may include significant changes to environmental assessment and plan-making. At the same time, there have been significant declines in biodiversity and many local authorities are declaring climate emergencies. Therefore, addressing the skills, resources and infrastructural needs of planning authorities to meet and exceed their biodiversity duties has never been more important.

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CREDITS

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