



Amphibian and Reptile Groups of the United Kingdom

ARG UK Advice Note 1 Engaging with the Planning System

November 2006

Background

The planning system has a major influence on the conservation of amphibians and reptiles (herpetofauna). Forward planning sets out the basic framework for future land use changes, and the development control process determines the outcome of individual applications. Government has recently produced new policies concerning the impact of planning on biodiversity. These mean there will be a growing opportunity for planning to enhance herpetofauna populations, as well as maintain them. Planning authorities need the support of local expertise to maximise this potential, and Amphibian and Reptile Groups (ARGs) are well placed to help. In addition, working with local authorities is useful as they have roles outside planning that can affect herpetofauna (e.g. countryside services). This note sets out some basic steps and sources of further information for ARGs wanting to work with the planning system to help herpetofauna locally.

Note: This document focuses on the English planning system. Similar principles apply to planning in Scotland, Wales and Northern Ireland, but legislation and guidance will be different.

Some Fundamentals of Planning and Biodiversity

The following is a summary of key points. More detailed accounts of the planning system are given in the boxed sections at the end of this document.

The planning system has recently undergone major changes. The old framework of Local Plans, Structure Plans and Unitary Development Plans is gradually being replaced by a new system. The fundamental elements are Regional Spatial Strategies (RSSs) and Local Development Frameworks (LDFs).

For ARGs, probably the best place to start is to engage with LDFs. The LDF is a folder of documents that together set out how your area might change over the next few years. These documents include Development Plan Documents and Supplementary Planning Documents. Two key points to note are:

- Drawing up these plans requires community involvement, which means that ARGs can get involved.
- All plans must take account of the environment and should progress the Government's overarching objective of sustainable development.

Government has produced policy for local authorities on nature conservation and planning. This is called *Planning Policy Statement 9: Biodiversity and Geological Conservation* (often abbreviated to PPS9). It is accompanied by a *Government Circular*, which provides administrative guidance on the application of the law relating to planning and nature conservation, and *A Guide to Good Practice*, which gives practical implementation guidance for planners. These three documents contain important statements that should help greatly with herpetofauna conservation. Key points to note include:

- Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity interests.
- Local authorities should take measures to protect the habitats of protected and Biodiversity Action Plan (BAP) priority species from further decline through policies in local development documents.
- Plan policies and decisions should be based on up-to-date information about the environmental characteristics of their areas.
- The presence, or otherwise, of protected species, and the extent to which they may be affected by a proposed development, must be established before planning permission is granted.

From October 2006, Local Authorities (and indeed all public sector bodies) have a duty to consider biodiversity in their work. This arises from Section 40 of the Natural Environment and Rural Communities Act 2006. Guidance on what this means in practice for local authorities is expected to be available in early

2007. This new duty should be a significant boost for the consideration of herpetofauna conservation in planning.

How Can Your ARG Get Involved?

The following are general points about how ARGs can engage:

- **Make contact** – key local contacts are the county ecologist (or equivalent, if there is one) and development control team. It may be best if you can nominate one contact from your ARG, to facilitate effective communication.
- **Get involved in local Biodiversity Action Planning** – it is likely that this is the main way local authorities will engage with herpetofauna conservation on their patch.
- **Know the background** – your input will be more effective if you learn about at least the basics of national and local planning policy and procedure (see boxed sections below). Often a local authority ecologist will be happy to help you learn.
- **Offer to help** – for example, by providing data, constructing alert maps, assessing planning applications, selecting local sites (known by a plethora of local names such as SINCs, SBIs) and writing leaflets (more suggestions below).
- **Be a source of local expertise** – this is likely to be your unique role – to provide specialist information tailored to your patch.
- **Liase with others** - often the county Wildlife Trust and others will be involved with planners, so avoid duplication of effort by speaking to them first. Talk to other ARGs, who have greater experience with planners, to get tips.

The following list of ideas for engaging with planning authorities comes from a workshop held at the Herpetofauna Workers' Meeting (February 2006). Some points will be more relevant than others depending on the way your local authority, biological records centre etc. operate. Even if your ARG can do just a few of these, you can have a major influence locally.

- Work with the County Ecologist (or equivalent) to ensure your ARG's input to the Local Development Framework is maximised. Look for opportunities for enhancement – for example, the potential for linking currently isolated populations or even reintroducing populations – as well as protection.
- As part of the LDF process, local authorities must produce an Annual Monitoring Report (AMR), which includes a biodiversity section, and there is scope for local authorities to choose local indicators. These may include amphibian and reptile indicators, for example the number of robust adder or great crested newt populations.
- Establish links and work with Natural England, the Wildlife Trust and the Environment Agency locally to ensure good contacts with staff who deal with planning issues.
- Assist with training days for planners on biodiversity.
- Raise awareness of herpetofauna among councillors and planning officers – invite them to field trips, write letters outlining key local priorities (e.g. important populations).
- Work with your local biological records centre (if one exists) and development control to ensure there is an effective internal system for checking applications against recorded distribution. Focus on the protected species and BAP priorities. Taking this a stage further, and recognising that amphibians and reptiles are seriously under-recorded, develop a system that assesses the likelihood of herpetofauna being present, perhaps based on habitat type. Use this to develop an alert map or a system of criteria for planners, to allow effective flagging of potential herp interest.
- Work with the Wildlife Trust etc. to develop an external system (if needed) for screening planning applications to ensure impacts on herpetofauna are flagged up independently of planners' systems.

- Work with appropriate bodies to select local sites to conserve herpetofauna. Help develop herpetofaunal selection criteria if necessary. Ensure the purpose of the local site series is clear and supported by planning procedure.
- Work with planners and your local biological records centre to develop a system that encourages environmental consultants to provide their survey data to the record centre.
- Use feedback from planners to help adjust your ARG's survey and recording strategy, if necessary. But beware of being too influenced such that your ARG's resources become driven by planning needs.
- Consider the most effective use of your time. Proactive engagement aimed at protecting locally important populations may be more productive than reacting late in the planning process. Try to avoid getting too involved in "fighting battles" on sites with low herpetofaunal interest.
- Provide assessments to planners and others on whether effective mitigation methods are proposed in applications.
- Catalogue examples of good and bad practice in development and mitigation, to show to planners and others.
- Develop guidance on planning and herpetofauna locally, if needed.
- Most importantly, know your limits. Do not promise to do too much (this can be an issue, for example, with screening planning applications). Work out your most effective contribution, in liaison with the local authority ecologist.

Work with parts of the local authority outside planning, for example countryside services, to ensure that amphibians and reptiles are considered in habitat management plans.

Planning Policy and Guidance

General information on planning: www.communities.gov.uk; www.planningportal.gov.uk

Association of Local Government Ecologists (2004). *Increasing the momentum: A vision statement for biodiversity in local government 2004-2010*. ALGE.

Association of Local Government Ecologists (2005). *Framework for biodiversity: Integrating biodiversity into Local Development Frameworks*. ALGE.

Association of Local Government Ecologists (2005). *Local authorities, nature conservation and biodiversity*. ALGE.

The three publications above can be downloaded from www.alge.org.uk (also contains ecologist contacts and other useful information).

ODPM (2005). *Planning Policy Statement 9: Biodiversity and geological conservation*. ODPM.

ODPM (2005). *Government Circular: Biodiversity and geological conservation – statutory obligations and their impact within the planning system*. [ODPM Circular 06/2005; Defra Circular 01/2005. ODPM.

ODPM, Defra & English Nature (2006). *Planning for Biodiversity and Geological Conservation: A Guide to Good Practice*. ODPM.

The three publications above can be downloaded from www.communities.gov.uk (since these were published, the ODPM has been replaced by the Department for Communities and Local Government).

Town and Country Planning Association (2004). *Biodiversity by design*. TCPA.

Can be downloaded from www.tcpa.org.uk

Species and General Planning Advice

English Nature (2004). *Reptiles: guidelines for developers*. English Nature.

English Nature (2001). *Great crested newt mitigation guidelines*. English Nature.

English Nature (2006) *Wildlife and development*. English Nature.

The three publications above can be downloaded from www.english-nature.org.uk or www.naturalengland.org.uk (at time of writing the status of the English Nature website is subject to change) or ordered free of charge from the Natural England Enquiry Service (0845 600 3078).



Froglife (1998). *The planning system and site defence*. Froglife Advice Sheet 9.

Available from www.froglife.org

Wildlife and Countryside Link (2006). *Spatial Planning Guidance*. WCL.

Available from www.wcl.org.uk

Local Guidance and Research on Species and Planning

Kent Reptile & Amphibian Group, Kent Wildlife Trust & English Nature (2003). *Great crested newts and development*.

Kent Reptile & Amphibian Group, Kent Wildlife Trust & English Nature (2003). *Protected reptiles and development*.

These two publications can be downloaded from KRAG's website: www.kentarg.org

English Nature (2002). *Grass snakes, slow-worms and common lizards: Advice for local planning authorities on protected species issues in Greater London*.

Suffolk Wildlife Trust (2003). *Planning for biodiversity: A Suffolk perspective*. Suffolk Wildlife Trust.

Biodiversity Action Planning

www.ukbap.org.uk contains all Species and Habitat Action Plans, and has links and contact details for Local Biodiversity Action Plans.

Hampshire County Council (2005). *Conserving nature for the community. Corporate Biodiversity Action Plan*.

This Advice Note is based on a workshop run by Andy Glencross (Wokingham District Council) and Jim Foster (English Nature, now Natural England) at the Herpetofauna Workers' Meeting, February 2006. Note that the views expressed in this leaflet are not necessarily those of Wokingham District Council or Natural England. Thanks to all workshop participants for providing useful suggestions.

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This document can be downloaded from the ARG UK website: www.arg-uk.org.uk

ARG UK is the network of volunteer conservation groups, concerned with the native amphibians and reptiles of the UK.

