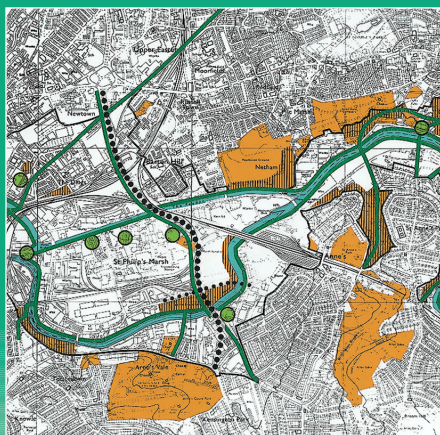


PAS 2010

Planning to halt the loss of biodiversity

Biodiversity conservation standards for planning in the United Kingdom -
Code of Practice



ASSOCIATION OF
Local Government Ecologists

ICS codes: 13.020.01; 91.020

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'English Nature believes that PAS 2010 will help reinforce messages over the sort of practical actions that planners need to take in order to implement existing government planning policy and guidance in their day to day work'

Environmental Impacts Team
English Nature



**baker
shepherd
gillespie**

ECOLOGICAL CONSULTANCY



'The Home Builders Federation welcomes PAS 2010 as a practical specification that illustrates how planners and developers can identify and promote a consistent and effective means of conserving biodiversity within the planning and development process'

John Slaughter
Home Builders Federation



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Foreword

This Publicly Available Specification, PAS 2010, has been prepared by BSI in consultation with the Association of Local Government Ecologists, to help the planning system play its part in halting the decline of biodiversity. As such, the PAS provides recommendations for the integration of biodiversity conservation into land use and spatial planning in the UK.

Acknowledgement for funding and technical support is given to Baker, Shepherd and Gillespie Ecological Consultants, The Countryside Council for Wales, Environment and Heritage Service (Northern Ireland), Department of Trade and Industry, English Nature, The Institute of Ecology and Environmental Management, The Landmark Practice, The Local Government Association for England, The Royal Society for the Protection of Birds and The Wildlife Trusts.

In addition The Environment Agency, The Institute of Environmental Management and Assessment, The Planning Service (Northern Ireland), The Planning Officers Society, The Royal Town Planning Institute, The Scottish Executive, Scottish Natural Heritage, The United Kingdom Environmental Law Association, The Welsh Assembly Government, Wildlife and Countryside Link and the Department of Environment, Food and Rural Affairs provided valuable technical input into the development of this PAS.

Wider comments from other organisations were invited by BSI, including Audit Commission, CIRIA (Construction Industry's Research and Information Association), Home Builders Federation, Improvement and Development Agency, Office of the Deputy Prime Minister, Town and Country Planning Association, Convention of Scottish Local Authorities and the Welsh Local Government Association.

The contributions made by all organisations and individuals consulted in the development of this PAS are gratefully acknowledged.

This Publicly Available Specification takes the form of recommendations and provides a model procedure that planning authorities are encouraged to adopt as a code of practice.

This Publicly Available Specification (PAS) has been prepared and published by BSI, which retains its ownership and copyright. BSI reserves the right to withdraw or amend this PAS on receipt of authoritative advice that it is appropriate to do so. This PAS will be reviewed at intervals not exceeding two years, and any amendments arising from the review may be published as an amended Publicly Available Specification and publicised in *Update Standards*. Feedback on this Publicly Available Specification will be gratefully received.

This Publicly Available Specification is not to be regarded as a British Standard. This publication does not purport to include all necessary provisions of a contract. Users are responsible for its correct application.

The technical author for PAS 2010 was Michael Oxford (ALGE Project Officer).

Compliance with a Publicly Available Specification does not in itself confer immunity from legal obligations.



'The RTPI commends PAS 2010 to planners as a foundation stone from which to halt biodiversity decline by 2010. Good spatial planning can build from this foundation. The RTPI's New Vision for Planning envisages that biodiversity should make an integrated contribution towards more livable and prosperous places, where planners do not just halt loss, but deliver net biodiversity gains as part of green infrastructure provision. Sound development plan policies that deliver good design and support creative development management can all help to realise this broader vision'

Rynd Smith RTPI Head of Policy



PAS 2010 is aimed first at all competent authorities involved in the planning process in the UK. It also provides a key source of information for others with an interest in biodiversity and planning - such as statutory nature conservation bodies, environmental non-governmental organisations, planning consultees, planning applicants and their agents and consultants, along with local community groups. The PAS specifies a procedure by which a competent authority can implement biodiversity statute, policy and good practice.

0.1 Background

PAS 2010 shows where and how competent authorities can *have regard to* or *seek to further* biodiversity conservation in the exercise of their planning functions - as required under statutory obligations¹.

While central government guidance and advice on nature conservation already exists, many competent authorities remain unaware of their potential role, their statutory obligations, or how and when they can and should address biodiversity issues, both in plan preparation and in development control decisions.

- Previously, the delivery of planning services involving the consideration of biodiversity has been extremely varied throughout the UK².
- It is still often the case that newly consented developments cause unnecessary damage or loss of valuable habitats and harm or disturbance to important and protected species³.

PAS 2010 identifies where competent authorities have clear responsibilities for biodiversity conservation, and recommends tasks that should be undertaken to discharge their planning functions in a manner that is compliant with statutory obligations, government policy and professional good practice.

1 In England and Wales "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". (S. 40 of the *Natural Environment & Rural Communities Act* (2006). The Act states that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

In Scotland, it is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions. (Part 1, Section 1) *The Nature Conservation (Scotland) Act* (2004).

2 *Measuring the Momentum* (ALGE; 2004) - a survey into biodiversity performance in local government in the UK - has shown that there is wide variation in the accepted way that local authorities tackle the issue of biodiversity as part of their planning functions.

3 Biodiversity: The UK Action Plan. Cm 2428. HMSO (1994).



Further to promoting lawful compliance, the PAS also provides a specification for the delivery of a quality service that is based on systematic environmental good practice capable of delivering positive outcomes for biodiversity.

The PAS provides a consistent framework by which competent authorities can take effective action to ensure, through their forward planning and development control and management decisions, that they are able to help halt the loss of biodiversity and thus contribute to sustainable development.

0.2 Countdown 2010... and beyond

Countdown 2010 is a European wide initiative that aims to ensure *“that governments, at all levels, take the necessary actions to halt the loss of biodiversity by 2010”*.

Countdown 2010 represents a radical departure from previous approaches. For the first time, an overall conservation target has been adopted rather than generally formulated objectives or specific measures that may or may not have the desired conservation effect⁴. The UK Government is committed to the aims of Countdown 2010.

As well as promoting effort by national governments, Countdown 2010 is working with regional and local authorities to implement the initiative at all levels through tangible action on the ground.

PAS 2010 enables competent authorities in the UK to identify action by which they can contribute towards the Countdown 2010 target, not only to help halt the loss of biodiversity but also to contribute towards its ongoing enhancement and restoration up to and well beyond the year 2010.

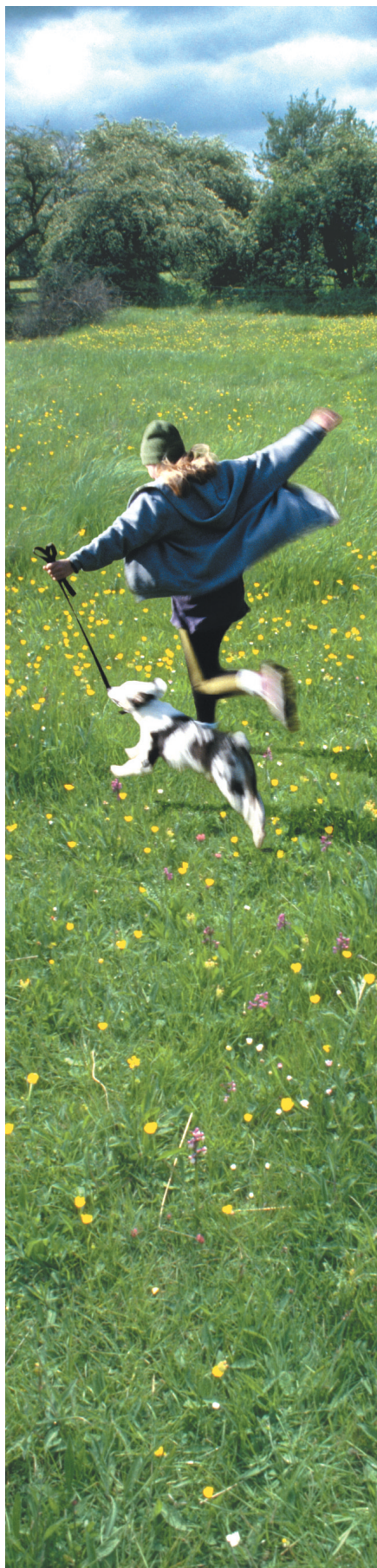
0.3 Aims for PAS 2010

PAS 2010 will help competent authorities build the capacity to achieve improvements in the effectiveness, efficiency, consistency, accountability and transparency of planning decisions that affect biodiversity.

PAS 2010 aims to achieve:

- A reduction in the net loss of biodiversity arising from development to zero by 2010.
- Effective compliance with statutory obligations for biodiversity and better use of legal powers and regulatory controls for the benefit of biodiversity.
- Definition of a commonly understood process and set of tasks for biodiversity woven into all of the relevant stages and responsibilities of the planning system.
- Consistent implementation by all competent planning authorities of central government planning policy guidance and advice for biodiversity.
- Wider understanding and application of good practice for biodiversity in the planning process (e.g. the implementation, where appropriate, of the tasks specified in PAS 2010).
- Greater certainty for planning applicants over the information required of them when addressing biodiversity issues as part of their development proposals, irrespective of which competent authority they are dealing with.
- Confidence on the part of stakeholders that biodiversity will enjoy similar levels of protection, and be offered similar opportunities for improvement, by all competent authorities considering a development proposal anywhere in the UK.
- A consistent basis among competent authorities for monitoring and reporting on their planning performance.
- Clarification among stakeholders of a standard role to be played by competent authorities and how the role of other stakeholders relate to each other.

⁴ More information about Countdown 2010 can be found at: www.countdown2010.net/



0.4 Adopting PAS 2010 as a code of practice

Competent authorities may wish to adopt PAS 2010 as a code of practice, thus demonstrating publicly their intention to comply with policy and statute and to achieve good practice standards for biodiversity.

Adoption of the PAS as a code of practice will encourage the use of a consistent framework (e.g. a set of common and clearly defined procedures understood by all) that illustrates where and how biodiversity fits into the authority's planning functions. In PAS 2010 the framework for such a code of practice is defined by a series of planning **Responsibilities** and associated detailed **Tasks** relating to biodiversity.

NOTE 1 While the above responsibilities are perhaps well recognised within the planning profession, the specific tasks that should be undertaken, to ensure that due regard is given to biodiversity conservation, are not as clearly understood or as consistently implemented.

The Responsibilities

The relationship and interactions between the different responsibilities are shown diagrammatically in:

Figure 1 Forward planning for biodiversity

Figure 2 Development control and management for biodiversity

The Tasks

The specified tasks associated with each responsibility are shown in:

Table 1 Forward planning for biodiversity

Table 2 Development control and management for biodiversity

Identification and use of common responsibilities and tasks will make it easier for competent authorities, planning applicants and other stakeholders to establish their own role in the process and their relationship to each other. Also, by working to the same procedures, it should be easier to achieve greater shared understanding of what the planning system requires for fair, efficient and effective determination of any application that has implications for biodiversity.

NOTE 2 PAS 2010 is aspirational and recognises that some competent authorities may take a little time before they are able to fully implement the range of tasks specified in the PAS. With this in mind, ALGE and its partners are preparing a range of materials, training resources and other fit-for-purpose tools to help authorities implement and build upon the PAS (Further information is available on the ALGE web site at: www.alge.org.uk).

NOTE 3 Biodiversity conservation and ecology are broad and complex subjects. Competent authorities are therefore likely to find it easier to meet the recommendations in this PAS, and to discharge their statutory and policy obligations, if they have full access to qualified professional ecological expertise.

1.0 Scope

PAS 2010 provides recommendations for competent authorities on the responsibilities and the tasks that they should perform in order to have regard to biodiversity in their planning functions.

PAS 2010 is particularly relevant to land use and spatial planning in terrestrial, coastal and freshwater environments, but its principles can also be applied to planning in the marine environment.

PAS 2010 provides recommendations and information for the following:

- Key tasks to be undertaken to ensure lawful compliance and good practice.
- Key planning responsibilities that should incorporate biodiversity conservation.
- A consistent framework for incorporating biodiversity into both forward planning and development control and management functions.
- Main sources of information (including both statute, policy guidance and advice).

NOTE 1 *The recommendations presented in PAS 2010 are based on relevant statutory documents, government policy guidance, environmental standards, codes of practice, best practice guidelines and emerging performance indicators.*

The PAS encompasses principles that are common to all current planning legislation and policy that exists throughout the UK. As such, the PAS is applicable in England, Wales, Scotland and Northern Ireland, and is relevant to:

- All local competent authorities (which currently includes central government in Northern Ireland⁵).

In addition:

- In England - to Regional Planning Bodies (RPBs) responsible for the preparation of Regional Spatial Strategies (RSS).
- In Northern Ireland - to the Department of Regional Development in relation to their responsibility for the Regional Development Strategy.
- In Scotland - to the Scottish Executive in relation to their responsibilities for national planning policy, the preparation of the National Planning framework and in their role in determining applications of national importance.
- In Wales - to the Welsh Assembly Government in relation to their responsibility for the Wales Spatial Plan.

NOTE 2 *The PAS offers practical recommendations on how to implement the biodiversity duties of all competent authorities; it does not provide the policy context for these requirements, which can be found in existing government guidance relevant to each country⁶.*

NOTE 3 *The principles and specifications in PAS 2010 can be applied to all forms and types of planning application (see Section 5).*

⁵ Most planning functions in Northern Ireland will pass to District Councils under the Local Government (Transfer of Functions) Order 2007.

⁶ For example: PPS 9 in England, TAN 5 in Wales, NPPG 14 and PAN 60 in Scotland and PPS 2 in Northern Ireland.

