



**AGENTS & DEVELOPERS WORKING GROUP**  
**Planning & Regeneration Services including Building Consultancy**  
 Wednesday 30<sup>th</sup> May 2012  
 2 – 4:30pm The Study, Upton House

<b>ATTENDEES:</b>																																	
<b>Borough of Poole:</b> ST – Stephen Thorne ( <i>chair</i> ), SE – Shelley Edwards ( <i>minutes</i> ) SPL – Sue Ludwig DE – Doug Evans NP – Nicholas Perrins AMH – Andy Holmes	<b>Agents and Developers:</b> CE – Carol Evans, PR – Paul Robinson, LB – Laurence Bowen, AB – Adrian Black, MJP – May Palmer, MH – Martin Hanham & BS - Brian Simpson on behalf of John Souter.																																
<b>APOLOGIES:</b>																																	
RTG – Richard Genge & WL – Warren Lever	JY – John Yeoman, GT – Graham Thorne & SG – Simon Greenwood																																
<b>1.</b>	<p><b>Attendees and who they represent:</b></p> <table border="0"> <tr><td>Stephen Thorne:</td><td>Head of Planning and Regeneration Services</td></tr> <tr><td>Shelley Edwards:</td><td>PA to Stephen Thorne</td></tr> <tr><td>Sue Ludwig:</td><td>Business Manager for Planning and Regeneration Services</td></tr> <tr><td>Doug Evans:</td><td>Borough Wide Team Manager, Development Management</td></tr> <tr><td>Nicholas Perrins:</td><td>Senior Planning Officer, Policy and Implementation</td></tr> <tr><td>Andy Holmes:</td><td>Team Leader, Building Consultancy</td></tr> <tr><td>Adrian Black:</td><td>You Home</td></tr> <tr><td>Carol Evans:</td><td>Evans and Traves</td></tr> <tr><td>Brian Simpson:</td><td>Lionel Gregory Architects</td></tr> <tr><td>Paul Robinson:</td><td>RB Studio</td></tr> <tr><td>Laurence Bowen:</td><td>RB Studio</td></tr> <tr><td>Martin Hanham:</td><td>Martin Hanham</td></tr> <tr><td>May Palmer:</td><td>Harry J Palmer</td></tr> <tr><td>Nick Squirrell:</td><td>Natural England</td></tr> <tr><td>Katie Pollard:</td><td>KP Ecology</td></tr> <tr><td>Louise Lowans:</td><td>Lowans Ecology &amp; Associates</td></tr> </table> <p><b>Terms of Reference:</b>  <i>“To work together, in the best interests of Poole to achieve high quality development outcomes in an open and transparent way.”</i>          The group to agree the Terms of Reference and offer any suggested amendments to the next meeting if necessary.</p>	Stephen Thorne:	Head of Planning and Regeneration Services	Shelley Edwards:	PA to Stephen Thorne	Sue Ludwig:	Business Manager for Planning and Regeneration Services	Doug Evans:	Borough Wide Team Manager, Development Management	Nicholas Perrins:	Senior Planning Officer, Policy and Implementation	Andy Holmes:	Team Leader, Building Consultancy	Adrian Black:	You Home	Carol Evans:	Evans and Traves	Brian Simpson:	Lionel Gregory Architects	Paul Robinson:	RB Studio	Laurence Bowen:	RB Studio	Martin Hanham:	Martin Hanham	May Palmer:	Harry J Palmer	Nick Squirrell:	Natural England	Katie Pollard:	KP Ecology	Louise Lowans:	Lowans Ecology & Associates
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<b>2.</b>	<p><b>Bats and Biodiversity</b> Presentation by Katie Pollard of KP Ecology Ltd, supported by Louise Lowans of Lowans Ecology &amp; Associates and Nick Squirrel from Natural England. <b>See Appendix 1.</b>          The presentation covered a protocol that had been put together as Council’s do not have specific ecologists and it became a main concern by the Wildlife Trust that their advice was not being listened to.          KP highlighted that a leaflet had been sent out in the past to encourage homeowners to preserve the wildlife in their homes and gardens. Further information is available at; <a href="http://www.dorsetforyou.com/391637">http://www.dorsetforyou.com/391637</a>. The group members were already using this</p>																																

	<p>procedure and felt the presentation was mainly aimed at the Planning Service for their adoption. ST responded that the best point of dealing with this was at the pre-app stage and will discuss internally with DM Managers. The trigger would be on a location basis and this would be in accordance with guidance from Natural England. However, there are concerns with regard to the integrity of the data provided on the GIS layer for bats.</p>
<b>3.</b>	<p><b><u>Proposed Change of Procedure</u></b>  The group discussed the report and the comments were:</p> <ul style="list-style-type: none"> <li>• Request for guidelines of how to measure plans online</li> <li>• Should we require scale bars on drawings?</li> <li>• Are the proposals in line with other Councils?</li> </ul> <p>Overall the feedback with regard to listing the plans as a condition was very well received. The group raised concerns with regard to the scanning quality and quality of the paper. MH requested to continue to receive stamped plans and offered collection – however the duplication in procedure would not be efficient. The majority of the group were happy to proceed. All drawings will require a clear reference (drawing no.) and revision – to be added to the validation checklist.</p>
<b>4.</b>	<p><b><u>Contents and Quality of Decisions</u></b>  CE raised a concern with recent decision notices having typographical errors in them and the impact of this has resulted in legal issues. The lack of clarity in conditions is also causing an issue.  ST highlighted that there had been a few issues when amending the report templates, however these have been resolved now.</p>
<b>5.</b>	<p><b><u>Balanced Judgement</u></b>  CE felt that consultees were making the decisions rather than the case officer making a balanced judgement. This was supported by other members of the group; who felt that the officers were not empowered to make those judgements potentially in fear of the consultees. DE to report this back to the planning officers.</p>
<b>6.</b>	<p><b><u>CIL Update</u></b>  NP provided an update on the CIL process - the Examination in Public starts on 13<sup>th</sup> June and is scheduled to last for 2 days. This is an opportunity for the Inspector to review all of the information and make a decision whether the rates set out are considered appropriate. The inspector is expected to make a decision 4-6weeks after the examination. The implementation of CIL is likely to come into force from 1<sup>st</sup> January 2013. CE asked whether it would cover decisions already in the planning process. ST responded that it is a decision to be made. The instalments policy is to be created over the next 6 months and in consultation with the group.  The group agreed an agenda item for the next meeting to be a discussion on CIL instalments.</p>
<b>7.</b>	<p><b><u>Fees Update - See Appendix 2</u></b>  The group discussed the customer service level and complimented Building Consultancy on their partnership working schemes. Concerns were raised with regard to the levels of customer service within Planning and the lack of returned calls. This was down to certain individuals.</p>

8.	<p><b><u>Progress on recent Consultations 2012</u></b></p> <p>AMH reported that a response is still awaited from the consultation which finished in January 2012.</p> <p>AMH reported that there is an intention to relax sections of Part P to promote more DIY work and to consolidate Parts K, M and N to cover structural safety and fire safety. There are also changes to strengthen the enforcement element and fine more cowboy builders.</p>
9.	<p><b><u>Allied Services</u></b></p> <p>ST asked the group whether an in-house assessor for the Code for Sustainable Homes would be helpful. Members of the group reported that they had difficulty in finding suitable assessors in the locality. A Code 3 Assessor is potentially a service to provide in the future? ST asked the group to suggest any services that Building Consultancy could potentially provide in the business model.</p>
10.	<p><b><u>A.O.B</u></b></p> <ul style="list-style-type: none"> <li>• <b>Delay in Breeam Certificate</b> – BS raised concern that the Breeam/Code for Sustainable Homes conditions were beginning to apply now and causing problems due to a delay in Breeam certificates and therefore cannot disclose conditions. A letter from the assessor to the case officer should be sufficient to overcome.</li> <li>• <b>Viability info available online</b> – MP raised concern with the current practise of viability information being available online – this can have a negative impact on local business. MP to write to ST with concerns and ST to discuss with Legal.</li> </ul>
	<p><b>Next Meeting:</b> Wednesday 19<sup>th</sup> September 2012 – Room 134, Civic Centre. 2 - 4:30pm</p>

## CERTIFICATE OF APPROVAL FOR BIODIVERSITY MITIGATION PLAN

This is to certify that the Biodiversity Mitigation Plan

from (Consultant)

dated

for (Address)

is approved by the Natural Environment Team

Regulation 9(5) of The Conservation of Habitats & Species Regulations (2010) places a duty on the planning authority, in considering an application for planning permission, to have regard to its effects on European protected species<sup>1</sup>. Section 40 of the Natural Environment and Rural Communities Act 2006, also places a duty on Local Planning Authorities, to have regard, so far as is consistent with the proper exercise of its functions, to the purpose of conserving biodiversity.

In this case, providing the above Plan, and its implementation in full, is conditioned as part of any grant of planning permission, it is the opinion of the Natural Environment Team of Dorset County Council that the planning authority will have regard to these duties. In conditioning this Plan, the planning authority is entitled to rely:

*Either* That the Biodiversity Mitigation Plan avoids the likelihood of deliberate disturbance,  
*Or* That the Biodiversity Mitigation Plan provides sufficient measures likely to remedy any disturbance whereby Natural England, in considering an application for a disturbance licence, would likely be satisfied that the test in regulation 53(9)(b)<sup>2</sup> is capable of being met<sup>3</sup>.

And the Plan is considered to provide reasonable ecological mitigation and enhancement measures to meet the NERC Act duty.

Should the proposed development change materially prior to application submission to the planning authority, the measures put forward in Biodiversity Mitigation Plan should be reviewed. The Natural Environment Team should be given the opportunity to comment on any revisions to the Plan.

Natural Environment Team  
Dorset County Council  
County Hall  
Colliton Park  
Dorchester  
Dorset DT1 1XJ  
T: 01305 225037 / 01305 224290  
E: [net@dorsetcc.gov.uk](mailto:net@dorsetcc.gov.uk)  
W: [www.dorsetforyou.com/350682](http://www.dorsetforyou.com/350682)

Signed

Date



**THIS APPROVAL IS VALID FOR 3 YEARS FROM ISSUE DATE**

<sup>1</sup> European Protected Species include the following terrestrial species: all bat species, Great Crested newt, Sand Lizard, Smooth Snake, Dormouse, Otter under Regulation 41(1) a person who deliberately captures, injures or kills, or deliberately disturbs these wild animals, or takes or destroys the eggs, or damages or destroys a breeding site or resting place is guilty of an offence.

<sup>2</sup> Habitats Regulations, 2010, Regulation 53(9)(b) 'The relevant licensing body must not grant a licence under this regulation unless they are satisfied that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

<sup>3</sup> The issue of this Certificate does not guarantee a licence. It is relevant only to the purposes of consideration of the proposed development by the Local Planning Authority. This Certificate does not in any way prejudice Natural England's decision on whether a licence regarding European Protected Species should be issued to the applicant.

# BIODIVERSITY MITIGATION PLAN

## Section A: Planning Application Details

Planning Authority:	Planning Application Ref. No: (if available)
Location:	Proposed Development:
Post Code:	
Grid Reference:	
Ecological consultant:	Planning Officer: (if known)

## Section B: Details of Biodiversity Interest Features Affected

Protected species / BAP interests	Habitat Feature (e.g. sett, pond, hedgerow etc) / Type of Bat Roost (e.g. maternity, summer etc)	Population estimate / status

### Summary of Survey Findings / Roost Description

## Section C: Details of Existing Bat Roost

Roost Type:	Roof void:	Crevice:	Other:
Roost Dimensions (m):	Void width:	Void length:	Void height (at apex):
Roof Aspect:	N / S	NE / SW	E / W

## Section D: Bat Mitigation Details

Type of Mitigation Measures To Be Implemented			
Permanent Replacement /	Temporary Replacement Bat	Bat boxes / bricks	

<b>Modified Roost (roof void):</b>		<b>Roost:</b>		<b>required:</b>	
<b>Timing of works on bat roost (Please specify by calendar month)</b>					
<b>Disturbance to Existing Roost:</b>					
<b>Completion of Temporary Roosting Opportunities (if applicable):</b>					
<b>Completion of Permanent Roost (if applicable):</b>					
<b>EPS Licence Required for Works:</b>	<b>YES</b>		<b>NO</b>		

<b>Details of Permanent Bat Roost Features</b>					
<b>Replacement Roost Type:</b>	<b>Roof void:</b>	<b>Bat box / brick built within fabric of building:</b>		<b>Bat box(es):</b>	
<b>Roost Void Dimensions (m):</b>	<b>Void width:</b>	<b>Void length:</b>	<b>Void height (at apex):</b>		
<b>Roof Aspect:</b>	<b>N / S</b>	<b>NE / SW</b>	<b>E / W</b>	<b>SE / NW</b>	
<b>Make of bat box / brick to be installed</b>		<b>No.</b>	<b>Make of bat box / brick to be installed</b>		<b>No.</b>

<b>Description of Permanent Bat Roost Features</b>					
<b>Include details on location / roof plan, showing access point(s), bat bricks / boxes and internal roosting features.</b>					

<b>Description of Temporary Replacement Roost (i.e. structures / boxes that will be removed on completion of works)</b>					
<b>(Please include information on locality e.g. whether in existing building, new structure etc)</b>					

<b>Section E: Mitigation Plan Summary (Other than bats)</b>					
<b>Summary of Mitigation Measures To Be Implemented (please tick relevant techniques)</b>					
<b>Avoidance of harm through best practice</b>		<b>Measures to deter individuals from location</b>		<b>Capture and translocation of individuals</b>	

Controlled destruction of place of shelter / breeding site		Replacement of place of shelter / breeding site		Habitat enhancement measures	
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EPS / NE Licence Required for Works:	YES		NO	
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**Section F: Biodiversity Mitigation Method Statement**

Please list all mitigation features that *must* be applied to mitigate impacts to protected species and habitats and will form a permanent part of the new development (e.g. number of bird boxes, length of native hedge planting, number or area of ponds etc)

**Section G: On-site Biodiversity Compensation and Enhancement Measures**

Please summarise as bullet points the onsite biodiversity compensation / enhancement measures to be secured in accordance with PPS9 and Section 40 of the NERC Act 2006.

After onsite mitigation will the scheme result in a residual loss to biodiversity? If Yes please summarise additional offsite compensation measures in Section H.	YES		NO	
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**Section H: Off-site Compensation Measures**

**N.B. OFFSITE MEASURES SET OUT IN THIS SECTION WILL NOT BE COVERED BY PLANNING CONDITION**

Residual biodiversity losses may occur due to loss of nesting habitat, rough grasslands, etc. and maybe addressed by an appropriate funding contribution to the Dorset Biodiversity Project, or equivalent measures on another site\*.

**Section I: Declaration (N.B. To be filled in by Applicant)**

I hereby confirm that the measures set out in this Biodiversity Mitigation Plan will be completed in full.

Applicant Name (Print):	Or Agent Name (Print):	Date (DD/MM/YYYY):

\*Please refer to the Natural Environment Team web pages on Dorsetforyou.com for further advice on when compensation measures are appropriate.

**Section D to G: Biodiversity Mitigation Plan Continuation Sheet**

**Other Mitigation / Compensation Measures Continued:**

**Section I: Declaration (N.B. To be filled in by Applicant)**

I hereby confirm that the measures set out in this Biodiversity Mitigation Plan will be completed in full.

Applicant Name (Print):

Or Agent Name (Print):

Date (DD/MM/YYYY):

# Dorset Biodiversity Protocol

## When LPAs need to request bat / barn owl checks

Does the application include:

- **Any buildings, or structures with an existing DERC bat or barn owl record, or subject to a report of bat activity.**

**Or:**

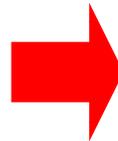
In all localities (except in heavily built up urban areas where the site is **not** adjacent to green space such as protected wildlife sites, fields, woodland, parks, rivers, canals, large areas of gardens, golf courses, sports fields, areas of rough grassland / scrub, watercourses, railway embankments, allotments, etc.)

**Either the,**

- **Demolition of an existing house**
- **Conversion of house attic space – including the installation of roof lights or dormer windows**
- **Renovation or conversion of derelict building (structures with roofs)**
- **Conversion or demolition of agricultural barns / farm buildings (structures with roofs)**

**Egs of applications types typically not requiring bat checks:**

- Properties in heavily urban areas (large conurbations) remote from green infrastructure.
- Typical garages (i.e. without an enclosed roof space).
- Sheds
- Flat roofed buildings (e.g. blocks of flats, petrol stations)
- Buildings where entire roof space already in use
- Buildings where entire roof space affected by skylights or windows (NB large / tall roof spaces with windows may be sufficiently dark in the roof apex to attract roosting bats and should be subject to a check)



**Proceed with application**

**Request standard bat check, and in the case of barns and rural derelict buildings, a barn owl check**

**Negative survey received**

**Proceed with application**

Copies of all negative bat checks should be sent to Natural England for monitoring purposes

**Positive Bat Surveys, positive barn owl surveys and *all* rural barns - Do not validate the application until a signed and NET approved Biodiversity Mitigation Plan has been received.**

**Secure Approved Mitigation Plan (s) by standard condition.**

**Suggested standard condition for mitigation plans involving European Protected Species (EPS) (eg bats, dormouse, sand lizard, otter, etc.)**

“The development hereby approved shall not be first brought into use unless and until the mitigation measures as detailed in the approved mitigated plan dated xxx have been completed in full, unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence, or the results of subsequent bat surveys have first been submitted to and agreed in writing by the local planning authority. Thereafter approved mitigations measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority”.

**Suggested standard condition for none EPS Mitigation Plans:**

“The biodiversity mitigation measures as detailed in the approved mitigated plan dated XXX shall be implemented in accordance with any specified time table and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation measures shall be permanently maintained and retained

# Dorset Biodiversity Protocol for determining when Local Planning Authorities need to request ecological surveys

**A]**  
 Does the application affect a green or brown field site greater than 0.1 ha that is not currently in use as a residential or business premises, or a used or disused rural barn ?  
**NB** The redevelopment of unusually large gardens, large business premises, or multiple gardens may require protected species surveys if they meet the requirements of the Natural England Standing Advice.

**B]**  
 Does the application affect any known ecological interests, such as designated sites (SSSI / SNCIs / nature reserves etc) or semi natural habitat such as woodland, heath, reedbed / fen, downland, ponds, rivers and streams etc.  
 Or  
 Other than bats are there any existing protected species records for the application site (e.g. from Local Records Centre or reports from local residents) ?

**C]**  
 Does the application involve:  
 1) Any building or structure with an existing bat record, or subject to a report of bat activity ?  
 Or  
 In all localities (except in heavily built up urban areas where the site is not adjacent to green space such as protected wildlife sites, fields, parks, rivers, canals, large areas of gardens etc.)  
 Either the;  
 2) Demolition of an existing house  
 3) Conversion of house attic space – including the installation of roof lights or dormer windows  
 4) Renovation or conversion of derelict building (structures with roofs)  
 5) Conversion or demolition of agricultural barns / farm buildings (structures with roofs)

**D]**  
 Does the application affect an existing residential garden or operational business premises ? (including buildings not included in the local bat protocol?).

Register application and if available provide applicant with information leaflet setting out potential for protected species issues.  
 It is recommended that an informative is also appended to any consent stating that if a protected species is discovered during the course of the development, then works should cease and advice sought from an ecological consultant.

**NB**  
 Applications affecting an SSSI / EIA applications will require a consultation with Natural England.  
 Applications affecting an SNCI require a consultation with the Dorset Wildlife Trust.

**NB:** Applications affecting barns with a negative bat check should secure enhancements for barn owl via a Biodiversity Mitigation Plan

**Request a Biodiversity Assessment and / or bat check that includes:**

- An Environmental Records Centre check
- A Biodiversity Mitigation Plan that has been approved by the DCC Natural Environment Team.

To ensure that the applicant is fully aware of the provisions of the plan the Biodiversity Mitigation Plan should be signed by the applicant.

**NB** The application should not be validated until a signed and a NET approved Biodiversity Mitigation Plan has been received

**Proceed with application**

**Approved Biodiversity Mitigation Plan should be secured by standard condition.**

**Suggested standard condition for mitigation plans involving European Protected Species (EPS) (eg bats, dormouse, sand lizard, otter, etc.):**

“The development hereby approved shall not be first brought into use unless and until the mitigation measures as detailed in the approved mitigated plan dated xxx have been completed in full, unless any modifications to the agreed mitigation plan as a result of the requirements of a European Protected Species Licence, or the results of subsequent bat surveys have first been submitted to and agreed in writing by the local planning authority. Thereafter approved mitigations measures shall be permanently maintained and retained in accordance with the approved details, unless otherwise first agreed in writing by the local planning authority”.

**Suggested standard condition for none EPS Mitigation Plans:**

“The biodiversity mitigation measures as detailed in the approved mitigated plan dated XXX shall be implemented in accordance with any specified time table and completed in full prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation measures shall be permanently maintained and retained”



## Appendix 2

19 Apr 2012

# Government to rethink planning fees again

The Government has announced that it will re-examine proposals to decentralise the planning application fees process and allow councils to set application fees locally.

The Government is rethinking the approach to decentralising the function following a consultation on proposals for changes to planning application fees last year, amid fears that the changes would have made the system unclear.

The previous consultation on planning application fees was not acted upon amid fears that developers would not have been able to get clear advice on the cost of submitting a planning application.

The planning fee proposals aimed to reduce the number of planning applications that have to be subsidised by the local authority, and therefore by local taxpayers. The consultation documents showed that the majority of councils received less in planning fees than they spent processing applications.

The Government is now working alongside the Local Government Association to set "benchmark" levels for planning fees, before it publishes its revised proposals, according to reports. The aim is to propose a number of measures and systems to introduce consistent fees that reflect the work required by Local Authorities.

"As Minister for decentralisation I think decisions should be taken as locally as is reasonable," said Greg Clark at a planning seminar, according to reports. "However, it becomes unreasonable if you couldn't get an answer as to how much fees are now going to be. It turned out to be very difficult to discover what fees would be."

"It's an area where, having called for greater decentralisation, we're not actually in a position to introduce it," added Clark.

The Royal Town planning Institute (RTPI) said that the inconsistencies and potential increases in fees were of great importance, in response to last year's consultation. The Government must ensure that "fee structures are reasonable and transparent...and that safeguards are in place", the RTPI said.

Westminster City Council led a campaign in November 2011, calling on the Government to let local planning authorities set their own fees. "[Councils are] either unable to charge for, or are required to subsidise, a significant proportion of the applications we handle every year", a group of Council's said in a letter to Clark. Under current legislation, there is no charge attached to applications for listed buildings, conservation area consents or for tree works. Westminster City Council spends £5 million a year of taxpayers' money subsidising half of its 10,500 planning applications which it is not allowed to charge for.

A further announcement on the Government's plans is expected in the coming months.