

Guidance on Survey of Protected Species, Habitats and Features for Development Purposes

Buckinghamshire County Council

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1 Introduction

The purpose of this document is to provide guidance on when ecological surveys are required in order to ensure due consideration is given to protected species, habitats and sites in development proposals. Impacts as a result of development on protected species, habitats and sites must be avoided or alternatively mitigated against and enhancements provided. Advice on the requirement for ecological surveys is available as part of the pre-application process.

Local planning authorities have a duty under the [NERC Act 2006](#) to consider the conservation of biodiversity when determining a planning application. The [National Planning Policy Framework](#) sets out national policy whilst local policy is expressed in relevant development plan documents. Requirements include having regard to safeguarding species protected under the law, sites designated for their wildlife importance and a range of other important species and natural features.

2 Background

Where it is likely that a proposal will impact on any features of biodiversity importance, up-to-date survey information will be required with the planning application. The type of assessment required will vary from ecological surveys and reports, to Environmental Impact Assessment and Appropriate Assessment if a European site is involved. Establishing survey needs at pre-application stage can reduce the likelihood of delays which could otherwise arise if survey requirements were identified at a later stage.

When submitting a planning application, applicants must identify protected or priority species, designated sites, important habitats or other biodiversity features on, or adjacent to the development site. Failure to provide this information might impede validation of planning applications in accordance with the Local List.

The checklists on the following pages should be consulted to assess the likelihood of surveys being required.

Where harm is likely to occur as a result of development proposals, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.
- How the overall nature conservation value of the site will be enhanced as part of the development.

3 Process when assessing biodiversity

The below steps outline the process and steps which should be followed when assessing biodiversity in development proposals.

Ecological surveys should always answer the following three questions:

- What is there
- How will it be affected by the development
- How adverse effects can be avoided, mitigated or compensated and what enhancements will be provided. All mitigation, compensation and enhancement measures must be definitively stated in order to be enforceable.

1. Adequate Information

Provide sufficient environmental information to the local planning authority about the site's interests and the likely effects of the development.

- Consider fully the site's biodiversity interests and the presence or absence of protected species.
- Consider linkages with habitats or natural features outside the site.
- Contact the [Buckinghamshire and Milton Keynes Environmental Record Centre](#) (BMERC) to request site-specific habitat and species data that may assist in shaping the details of any survey.
- Consider whether the development requires an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. A screening request can be made to the Local Planning Authority to determine whether the proposal warrants an Environmental Statement.
- Consider whether an Appropriate Assessment may be required under the Habitats Regulations
- Use the survey to:
 - Assess the impact of the development on biodiversity.
 - Provide sufficient environmental information to the planning officer about the site's interests and the likely effects of the development.
 - Consider whether [protected species licences](#) need to be applied for.

2. Avoidance of Harm

- Avoid adverse impacts on designated sites and protected species.
- Avoid adverse impacts on priority habitats and species identified.
- Retain existing habitats and species in the site layout and design.
- Provide a landscaping scheme showing this prior to the grant of planning permission.
- Avoid leaving existing habitats and species isolated within the finished development by linking them to adjacent habitats via appropriate wildlife corridors and "stepping stones", having identified these in advance.

3. Mitigation to Reduce Unavoidable Harm

- Minimise adverse affects of development by appropriate measures that can be guaranteed, for example, by conditions or planning obligations / agreements.
- Carry out works at the appropriate time of year to avoid disturbance to species.
- Ensure all other measures have been taken to reduce effects on biodiversity to a minimum by for example: creating buffer zones between sensitive areas and development areas to reduce disturbance to habitats; ensuring that new infrastructure such as bridges are built to enable continued movement of wildlife.

4. Compensation to Offset Residual Harm

- Consider how compensatory measures can be guaranteed by conditions or planning obligation / agreements.
- Recreate, enhance or restore habitats on the site or on other areas of land.
- Where necessary, alter the site design to accommodate compensatory features at an early stage in the planning process.

5. New Benefits

- Consider how the development can make a positive contribution to biodiversity by creating new habitats or enhancing existing ones.
- Consider design measures that might achieve new benefits.

Example Methods to Enhance Biodiversity

- Create areas of new habitat, or incorporate existing habitats, such as woodland, scrubland, coarse grassland or ponds into landscaped areas or public open space.
- Use native tree, grass and wildflower species from a local source.
- Create habitat links through developments to adjacent habitats to form wildlife corridors.
- Leave rough grassland areas with appropriate management regimes as wildlife corridors.
- Use management conditions to ensure chemical-free rough grassland buffer zones are kept on field edges and alongside hedgerows and ditches.
- Use sustainable drainage systems (SUDS), where possible, so that the drainage infrastructure can provide habitats for wildlife e.g. run off collected in balancing ponds, ditch systems, and reedbed filtration systems.
- Make provision on new buildings for species such as bats, swifts, barn owls or other species that might live locally e.g. nest boxes, suitable gaps in roofs.
- Provide green roofs or climbing plants on unused walls as nesting habitats for birds and for invertebrates, using native species such as wild clematis, and honeysuckle.
- Leave dead-wood piles to encourage insects.
- Include reptile hibernacula in landscape design proposals
- In development of roads or railways provide underpasses or other structures for toad, badger, otter and other animals to cross, if these species are known to be in the area.

4 European Protected Species

The survey report should state whether the proposed works have the potential to impact on a European protected species and result in an offence under the [Conservation of Habitats and Species Regulations 2010](#). If an offence is likely, the applicant will need a licence from Natural England and the Local Planning Authority must consider whether a licence from Natural England is likely to be given before granting planning permission.

To obtain a licence from Natural England, the applicant must demonstrate how they meet the following three tests:

1. The development is for imperative reasons of overriding public interest including those of a social or economic nature
2. There is no satisfactory alternative
3. The action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

If the proposed works are likely to result in an offence, the applicant must state how the development meets these tests in order that the Local Planning Authority can demonstrate that it has considered the impacts of the development against the Conservation of Habitats and Species Regulations 2010. The recommendations and proposed enhancements outlined in the ecological survey report should be incorporated into the development design and shown on drainage schemes, lighting schemes, planting/landscaping schemes and architects drawings.

Whilst this guidance has been designed to cover the most likely scenarios, protected species and other important natural features are often encountered in the most unexpected circumstances. The Council may therefore request further information relating to survey activity and biodiversity conservation after validation of the application but prior to determination.

Further advice can be found in "Biodiversity and Planning in Buckinghamshire" Guidance which has been produced by Berks Bucks and Oxon Wildlife Trust on behalf of the Buckinghamshire and Milton Keynes Biodiversity Partnership.

The document contains:

- A framework for the consideration of biodiversity in the planning process
- Summaries of relevant legislation and planning policies
- Maps showing designated sites in the county
- Maps indicating protected and priority species and priority habitats
- Maps showing Biodiversity Opportunity Areas and Green Infrastructure Networks

This document can be downloaded via:

http://www.buckinghamshirepartnership.co.uk/partnership/bmkbp/biodiversity_and_planning.page?

5. Survey Guidance

5.1 Protected Species

If the application involves any of the development proposals shown in **Table 1** a protected species survey and assessment may be required. Examples of when a survey and assessment may **not** be required are explained below.

Exceptions for When a Full Species Survey and Assessment may not be required

- a. Following consultation with the applicant at the pre-application stage, **the LPA has stated in writing that no protected species surveys and assessments are required.**
- b. If it is **clear that no protected species are present**, despite guidance in the above table indicating potential presence, the applicant should provide evidence with the planning application to demonstrate species absence (*e.g.* this might be in the form of a letter or brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation).
- c. If it is **clear that the development proposal will not affect any protected species present**, then only limited information needs to be submitted. This information should, however, (i) demonstrate that there will be no significant affect on any protected species present and (ii) include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed.

In some situations, it may be appropriate for an applicant to provide a protected species survey and report for only one or a few of the species shown in the Table below *e.g.* those that are likely to be affected by a particular activity. Applicants should make clear which species are included in the report and which are not because exceptions apply.

Surveys should be undertaken and reports prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available.

The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and identify their numbers (may be approximate);
- Map their distribution and use of the area, site, structure or feature (*e.g.* for feeding, shelter, breeding).

The Assessment should also give an indication of how species numbers are likely to change, if at all, after development *e.g.* whether there will be a net loss or gain.

The information provided in response to the above requirements are consistent with those required by Local Plan Policy and for an application to Natural England for a European Protected Species License. A protected species survey and assessment may also form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment required for specific types of development.

We expect that ecological information is accompanied by a data search of protected species, habitats and sites from an area of at least 2km. This can be provided by the Buckinghamshire and Milton Keynes Environmental Record Centre (BMERC). By carrying out a search the applicant can ensure that all current species records and designated sites are considered.

Information about how to contact BMERC can be found on:

http://www.buckinghamshirepartnership.co.uk/partnership/BucksMKERC/data_search.page

Erection of wind turbine												
Major proposals within 500m of a pond (or similar water body)* (Note: A major proposals is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential development is more than 1000m ² floor area or more than 1 hectare)												
Minor proposals within 100m of a pond (or similar water body) *												
Proposals directly affecting or within 10m of a pond (or similar water body) *												
Proposals affecting or within 200*m of rivers, streams, canals, lakes, or other aquatic habitats												
Proposals affecting greenfield land												
Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.												
Proposed development affecting any buildings, structures, feature or locations where <u>protected species</u> are known to be present **.												
<p>* The Impact of development on great crested newts is highly variable and site specific, hence these distances are for guidance only. For large developments it may sometimes only be necessary to survey ponds 250m away. Conversely, minor developments may sometimes need to consider ponds further than 100m. An impact assessment in the absence of a full survey may be appropriate in some circumstances.</p> <p>** Confirmed as present by either a data search (via BMERC) or as notified to the developer by the local planning authority, and/or by Natural England, the Environment Agency or other nature conservation organisation. Note: a data search not recording any protected species will not in itself be sufficient evidence that such species are not present.</p>	Bats	Barn Owls	Breeding Birds	Great Crested Newt*	Otters	Dormouse	Amphibians	Water Vole	Badgers	Reptiles	White-Clawed Crayfish	Species of principle Importance

5.2 Designated sites and priority habitats

If the application is likely to affect any of the designated sites listed in **Table 2**, priority habitats or biodiversity features listed in **Table 3**, a survey and assessment for the relevant features may be required. Exceptions when a survey and assessment may **not** be required are explained below.

Exceptions when a full survey and assessment may not be required in respect of the features identified in table 2 and 3

International, National, Regional and Local Sites, Priority Habitats and other biodiversity features:
A survey and assessment will not be required where the applicant is able to provide copies of pre-application correspondence with the Local Planning Authority stating that they are satisfied that the proposed development will not affect any regional or local sites designated for their local nature conservation importance or any other priority habitats or listed feature (i.e. species of principal importance).

The Survey should be undertaken and report prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available*. The survey must be to an appropriate level of scope and detail and must:

- Record which habitats and features are present on and where appropriate around the site;
- Identify the extent/area/length present;
- Map their distribution on site and/or in the surrounding area shown on an appropriate scale plan.

The **Assessment** should identify and describe potential development impacts likely to harm designated sites, priority habitats or other listed biodiversity features (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

In addition, proposals are to be encouraged that will enhance, restore or add to designated sites priority habitats, other biodiversity features or geological features. The Assessment should give an indication of likely change in the area (hectares) of priority habitat on the site after development e.g. whether there will be a net loss or gain. An ecological survey and assessment may form part of a wider Environmental Impact Assessment.

* Further information on appropriate survey methods can be found in *Sources of Survey Methods* published by the Institute of Ecology and Environmental Management; available at: <http://www.ieem.net/surveymethods.asp>

Table 2
Local requirements for designated sites criteria for when a survey and assessment is required

<u>Designated Sites</u>	
Internationally designated sites	Special Protection Area (SPA) Special Area of Conservation (SAC) Ramsar Site
Nationally designated sites	Site of Special Scientific Interest (SSSI) National Nature Reserve (NNR)
Regionally and locally designated sites	Local Wildlife Site (LWS) Local Nature Reserve (LNR) Biological Notification Site (BNS)

Table 3
Local requirements for priority habitats criteria for when a survey and assessment is required

<p>Priority Habitat UK Biodiversity Action Plan Priority Habitats recorded in Buckinghamshire</p> <ul style="list-style-type: none"> • Aquifer-fed naturally fluctuating water bodies • Hedgerows • Arable Field Margins • Floodplain grazing marsh • Eutrophic standing waters • Lowland Fens • Lowland beech and yew woodland • Lowland calcareous grassland • Lowland dry acid grassland • Lowland heathland • Lowland meadows • Lowland mixed deciduous woodland • Wood-pasture and parkland • Mesotrophic lakes • Purple moor grass and rush pastures • Reedbeds • Traditional Orchards • Ponds • Rivers • Open Mosaic Habitats on Previously Developed Land • Wet woodland
<p>Other Biodiversity Features</p> <ul style="list-style-type: none"> • Ancient Woodland • Secondary Woodland • Mature/Veteran Trees • Trees and scrub used for nesting by breeding birds • Previously developed land with biodiversity interest • Urban green space (<i>e.g.</i> parks, allotments, flower-rich road verges and railway embankments) <p>Note – Whilst this list is accurate at the time of writing. The lists are subject to revision.</p>

Note – This list is a brief summary of some features that may be recorded in Buckinghamshire. Please refer to the following for a full list of LBAP species and habitats.

http://www.buckinghamshirepartnership.co.uk/partnership/bmkbp/biodiversity_action_plan.page

Table 4
Ecological Survey Season

Key: Optimal Survey Time ■ Extending into ■

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
Badgers	Limited sett/bait surveys	Limited Activity			Limited bait marking and sett surveys				Sett surveys			Limited sett/bait surveys	
Bats	Inspection of hibernation, tree and building roosts			Limited Activity	Summer roost emergence and activity surveys. (Maternity roosts start to form in May, females give birth in June, Mating starts in September) Note: Potential roost and internal inspection surveys are possible all year round. Trees				Limited Activity	Inspection of hibernation, tree and building roosts			
	Note: Potential roost and internal inspection surveys are possible all year round. Trees are best surveyed in winter.												
Birds	Winter species		Breeding birds/migrants species		Breeding birds		Low activity		Migrant species		Winter species		
Dormice	Gnawed hazelnut search (sub-optimal)		Nest tube / cage trap survey from April to November Nest searches (optimum time September to March)						Gnawed hazelnut search (optimum November to December)				
Great-Crested Newts	Newts hibernating		Pond surveys for adults / Terrestrial surveys / Egg surveys April to mid-June / Larvae surveys from mid-May				Terrestrial habitat and larvae surveys		Terrestrial habitat survey		Newts hibernating		
Invertebrates													
Otters	Limited by vegetation cover and weather conditions rather than seasons												
Reptiles	Reptiles hibernating		Peak survey months are April and May				Reduced basking time reduces effectiveness of refugia survey		Peak survey month	Limited activity	Reptiles hibernating		
Water Voles	Low activity	Initial habitat survey	Habitat and field signs / activity surveys May be limited by vegetation cover and weather								Initial habitat survey	Low activity	
White-Clawed Crayfish	Reduced activity			Searching Torching Trapping		Breeding torchlight survey only (no handling due to females releasing their young)		Substrate search by hand Torchlight and trapping surveys				Reduced activity	
Habitats	Phase I (sub-optimal) No other detailed plant surveys Mosses and lichens only			Detailed habitat assessment surveys National Vegetation Classification Surveys for higher plants and ferns Mosses and lichens in April, May and September only						Phase I (sub-optimal) No other detailed plant surveys Mosses and lichens only			
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	

6. Points to note regarding surveys

- For certain species and habitats surveys can be carried out at any time of year, but for other species, survey activity at particular times of year is required to give the most reliable results, as indicated in Figure 1.
- Surveys conducted outside of optimal times may be unreliable. For certain species (*e.g.* Great Crested Newt) surveys over the winter period are unlikely to yield any useful information. Similarly negative results gained outside the optimal period should not be interpreted as absence of a species and further survey work may be required during the optimal survey season. This is especially important where existing surveys and records show the species has been found previously on a site or in the surrounding area. An application may not be valid until survey information is gathered at an optimum time of year.
- Species surveys are also very weather dependent so it may be necessary to delay a survey or to carry out more than one survey if conditions are unsuitable, *e.g.* heavy rain is not good for surveying for otters, as it washes away their spraint (droppings). Likewise bat surveys carried out in wet or cold weather may not yield accurate results.
- Absence of evidence of a species does not necessarily mean that the species is not present, nor that its habitat is not protected (*e.g.* a bat roost is protected whether any bats are present or not).
- Competent ecologists should carry out surveys. Where surveys involve disturbance, capture or handling of a protected species, then only a licensed person can undertake such surveys (*e.g.* issued by Natural England). Surveys should follow published national or local methodologies.