

Planning Application Validation:

Staffordshire Requirements for Biodiversity and Geological Conservation



Including Criteria and Indicative Thresholds

Revised: January 2011

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Part 1: Local Requirements for Protected and Priority Species

The planning authority has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of species protected under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2010 and the Badgers Act 1992. In addition, under s.40 of the Natural Environment & Rural Communities (NERC) Act 2006 local authorities have a duty to have regard for the conservation of biodiversity in the exercise of all of their functions. Reference is made in s.41 to a list of habitats and species maintained by Defra which are of principal importance for the conservation of biodiversity, here referred to as priority species and habitats. Where a proposed development is likely to affect protected or priority species, the applicant must submit a Protected and Priority Species Survey and Assessment.

If the application involves any of the development proposals shown in Table 1 (Column 1), a protected species survey and assessment must be submitted with the application unless the LPA has otherwise confirmed in writing. Following the table, exceptions to when a survey and assessment may not be required are explained. There may be limited circumstances where survey will be required outside of these criteria due to unusual local circumstances. Pre-application discussion is recommended to ensure clarity in regard of survey and assessment requirements.

The Survey should be undertaken and prepared by competent persons with suitable qualifications and experience, and appropriate protected species licences, 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 available¹ Survey methodology should be documented. The survey should be informed by the results of a search for ecological data from Staffordshire Ecological Record. The survey must be to an appropriate level of scope and detail, cover land outside of the development site where species ecology and/or survey guidelines require, and must:

- Record which species are present and identify their numbers (may be approximate);
- Map their distribution and use of the area, site, structure and/or features (e.g. for feeding, shelter, breeding);
- Record any uncertainties and limitations that might affect survey results;
- Identify if further survey is required.

The Assessment must identify and describe potential development impacts likely to affect the species and/or their habitats identified by the records search and survey (these should include direct and indirect effects both on-site and off-site during site preparation, 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..

For European Protected Species, such as bats and great crested newts, sufficient information must be submitted to allow the LPA to apply the three criteria found in Reg. 53 of the Conservation of Natural Habitats & Species Regulations 2010 as follows:

- That the proposal involves “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment” – evidence of the social, economic and/or environmental benefits of the development is required, such as evidence of compliance with the Local Development Plan, Economic Regeneration Strategy, Sustainable Community Strategy etc;
- That there is no satisfactory alternative – that alternative locations for the development have been considered and are not viable and that alternative designs and lay-outs have been considered and are not viable;
- That the proposed development “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range” – evidence that impacts will be fully mitigated so that there will not be an impact on the local population of the species.

In addition, in accordance with the local authority’s duty under s.40 of the NERC Act, proposals are encouraged that will enhance, restore or add to features or habitats used by protected species. 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.

Where relevant, the information provided in response to the above requirements should be consistent with that required for an application to Natural England for a European Protected Species Licence. A protected and priority species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

¹ Further information on appropriate survey and assessment methods can be found in:

- Staffordshire County Council’s protected species survey and assessment guidance is available at: www.staffordshire.gov.uk/environment/e-Land/planners-developers/biodiversity/development/protectedspecies/ProtectedSpeciesAdviceDocument.aspx

- ‘Guidance on Survey Methodology’ published by the Chartered Institute of Ecology and Environmental Management is available at <http://www.cieem.net/ecia-guidelines-terrestrial-> with guidance on report writing at: <http://www.cieem.net/guidelines-for-ecological-report-writing>

- ‘Bat surveys – Good Practice Guidelines’ Bat Conservation Trust 2007 is available at: <http://www.bats.org.uk/>

- Natural England Standing Advice for development and bats is available at: <https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>

- Natural England Standing Advice for development and great crested newts is available at: <https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects>

- Existing species data from Staffordshire Ecological Record is available at:
<http://www.staffs-ecology.org.uk/>.

Table 1: Local Requirement for Protected Species: Criteria and Indicative Thresholds (Trigger List) for when a Survey and Assessment is Required

Column 1 Proposals for Development that will Trigger a Protected/Priority Species Survey and Assessment	Species Likely to be Affected and for which a Survey may be Required														
	Bats	Gt. Crested Newts	Otters	Dormouse	White clawed crayfish	Floating water-plantain	Water Vole	Badger	Reptiles	Amphibians	Barn Owls	Breeding Birds ¹	Wintering & Migrating Birds ¹	Invertebrates ²	BAP plant & fungi species ³
Proposed development which includes the modification conversion, demolition or removal of buildings and structures (especially roof voids) involving the following: <ul style="list-style-type: none"> ▪ all agricultural buildings (e.g. farmhouses and barns) particularly of traditional brick or stone construction; ▪ all buildings with weather boarding, hanging tiles or soffit boxes and that are within 200m of woodland and/or water, are close to lines of trees and/or a network of hedges; or to mature gardens, parks, cemeteries or other urban open space;⁴ ▪ pre-1960 detached buildings and structures within 200m of woodland and/or water; ▪ pre-1914 buildings within 400m of woodland and/or water; ▪ pre-1914 buildings with gable ends or slate roofs, regardless of location; ▪ all caves, tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; ▪ all bridge structures, aqueducts and viaducts (especially over water and wet ground). 	•									•	•				
Proposals involving lighting of churches and listed buildings. Flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.	•									•	•				
Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.	•			•				•			•			•	
Proposed tree work (felling or lopping) and/or development affecting: <ul style="list-style-type: none"> ▪ mature and veteran trees that are older than 100 years; ▪ trees with obvious holes, cracks or cavities, ▪ trees with a girth greater than 1m at chest height; 	• • •										• • •				

Column 1 Proposals for Development that will Trigger a Protected/Priority Species Survey and Assessment	Species Likely to be Affected and for which a Survey may be Required														
	Bats	Gt. Crested Newts	Otters	Dormouse	White clawed crayfish	Floating water-plantain	Water Vole	Badger	Reptiles	Amphibians	Barn Owls	Breeding Birds1	Wintering & Migrating Birds1	Invertebrates2	BAP plant & fungi species3
Proposals affecting quarries and natural cliff faces and rock outcrops with crevices, caves or other fissures.	●							●	●			●		●	
Where there are no existing great crested newt records: ponds within 500 m of Major proposals; ponds within 250 m of Minor proposals; Where there are local records and no barriers to movement all ponds within 500 m of all proposal sites. (Note: A major proposal 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)		●													
Proposals affecting or within 50 m of rivers, streams, canals, lakes, swamps, reedbeds or other aquatic habitats.	●		●		●	●	●		●	●		●	●	●	●
Proposals affecting 'derelict' land (brownfield sites), allotments, mature gardens and railway land including bare ground that may support ground-nesting birds or invertebrates.		●						●	●	●		●		●	
Proposals affecting arable, pasture, semi-natural habitats and uncultivated land								●	●		●	●	●	●	●
Proposals for wind turbines and farms	●											●	●		
Proposed development affecting any buildings, structures, feature or locations where protected or priority species are known or strongly suspected to be present ⁵	As records and scoping reports indicate														

1. With particular focus on WCA Schedule 1, NERC s.41, RSPB red list and Staffordshire BAP species

2. There is a suite of biodiversity priority species including solitary and mining bees and wasps, certain butterflies and a range of other species. Guidance on survey requirements should be sought where semi-natural habitat will be affected

3. Staffordshire Biodiversity Action Plan plant and fungi species are: dyers greenweed, hybrid bilberry, floating water-plantain, grass-wrack pondweed, native black poplar & pink meadow cap

4. Bats may be found in other situations. For example pipistrelle bats will use modern buildings such as schools or industrial buildings. Developers should be mindful that disturbance to any bats or harm to a bat or bats is a criminal offence. Where buildings are close to woodland water, tree lines, hedges, mature gardens, cemeteries, parks or other open space a scoping survey is recommended and its findings should be implemented.

5. Confirmed as present by either a data search through Staffordshire Ecological Record or as notified to the developer by the local planning authority, and/or by Natural England, the Environment Agency or other nature conservation organisation or by credible report from the public.

NB. Whilst carrying out any species survey note should be taken of potential for use of the site by other protected or priority species and survey extended to cover these.

Table 1: Exceptions for when a Full Species Survey and Assessment may not be Required

- a. Following consultation by 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 the guidance in the above table indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (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, 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 recorded or likely to be 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 above 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.

Part 2: Local Requirements for Designated Sites, Priority Habitats and Geological Conservation

The planning authority has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of designated sites and priority habitats. Where a proposed development is likely to affect such a site, habitat or geological feature, the applicant must submit an Ecological/Geological Survey and Assessment.

Effects on designated sites may be direct or indirect; the proposed development may, in some cases, be at some distance from the site, for example where there may be hydrological or air quality effects. Particular attention should be given to potential for effects on internationally designated sites which may require Appropriate Assessment. Natural England should always be contacted where there is potential for adverse effects on internationally or nationally designated sites.

If the application is likely to affect any of the designated sites, priority habitats or biodiversity features listed in Table 2 or geological features listed in Table 3, a survey and assessment for the relevant feature must be submitted with the application. Following the tables, exceptions to when a survey and assessment may not be required are explained. The Survey should be undertaken and 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 should be informed by the results of a search for ecological or geological data from a local environmental records centre. 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, other listed biodiversity features or geological 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 alternatives 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.

The ecological/geological survey and assessment may form part of a wider Environmental Impact Assessment.

Staffordshire County Council's guidance on ecological survey and assessment requirements is available at:

<http://www.staffordshire.gov.uk/environment/eLand/planners-developers/biodiversity/development/biodiversitysurvey/ecological-survey-and-assessment.pdf>

Further information on appropriate survey methods can be found in 'Guidance on Survey Methodology' published by the Institute of Ecology and Environmental Management; available at:

<http://www.cieem.net/sources-of-survey-methods-sosm->

Existing environmental information is available from Staffordshire Ecological Record, www.staffs-ecology.org.uk Staffordshire Wildlife Trust and the Staffordshire RIGS Group. Also online information on internationally and nationally designated sites can be found at: www.natureonthemap.org.uk

Table 2: Local Requirements for Designated Sites and Priority Habitats Criteria (Trigger List) for when a Survey and Assessment are Required

1. Designated Sites	
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 Nature Reserve (LNR) Site of Biological Importance (SBI) Natural Heritage Sites (Stoke-on-Trent)
2. Priority Habitats - Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006 (including UK BAP 2007 Habitats and Species Review Report recommendations)	
<ul style="list-style-type: none"> ▪ Native species hedgerows ▪ Lowland mixed deciduous woodland (e.g. ancient woodland) ▪ Upland woodlands (e.g. mixed ash woods, oak woods, and birch woods) ▪ Wet woodland ▪ Lowland wood-pasture and parkland ▪ Traditional orchards ▪ Floodplain grazing marsh ▪ Fen, marsh, swamp and reedbeds ▪ Purple moor grass and rush pastures ▪ Lowland calcareous grassland (e.g. species-rich limestone grasslands) ▪ Upland calcareous grassland and upland hay meadows ▪ Lowland meadows (e.g. species-rich flower meadows) ▪ Lowland heathland and/or dry acid grassland ▪ Upland heathland ▪ Lowland raised bog ▪ Upland blanket bog and flushes ▪ Rivers and streams ▪ Standing open water (e.g. lakes, reservoirs, ponds) and canals ▪ Open mosaic habitats on previously developed land ▪ Inland Saltmarsh ▪ Inland rock outcrops and scree habitats 	
3. Other Biodiversity Features	
(as identified by the Staffordshire Biodiversity Partnership - see paragraph 84 ODPM Circular 06/2005))	
<ul style="list-style-type: none"> ▪ Native Woodland ▪ Lowland Wet Grassland ▪ Unimproved Neutral Grassland 	

Table 2: Exceptions when a Full Survey and Assessment may not be Required

International and National Sites: A survey and assessment will not be required where the applicant is able to provide copies of pre-application correspondence with Natural England, where the latter confirms in writing that they are satisfied that the proposed development will not affect any statutory sites designated for their national or international importance.

Regional and Local Sites and Priority Habitats: 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's ecologist (where employed), or ecological advisor and/or the local Wildlife Trust 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 features.

Table 3: Local Requirements for Designated Geodiversity Sites and Features Criteria (Trigger List) for when a Survey and Assessment are Required

1. Designated Sites (as shown on the Council's Development Plan Proposals Map)	
Nationally designated sites	Site of Special Scientific Interest (SSSI) National Nature Reserve (NNR)
Regionally and locally designated sites	Regionally Important Geological Site (RIGS) Local Nature Reserve (LNR)
2. Other Geological Conservation Features of the following types where they are likely to be:-	
	a) Infilled or wholly or partially destroyed or
	b) Created (exposure must potentially be able to be retained within the final scheme) (Based on the Earth Science Conservation Classification)
Exposure or Extensive Sites	Active quarries and pits Disused quarries and pits River and stream sections Inland outcrops Exposure underground mines and tunnels Extensive buried interest Road, rail and canal cuttings
Integrity Site	Static (fossil) geomorphological Active process geomorphological Caves Karst
Finite Site	Finite mineral, fossil or other geological Mine dumps Finite underground mines and tunnels Finite buried interest

Table 3: Exceptions when a Full Survey and Assessment may not be Required

International and National Sites: A survey and report will not be required where the applicant is able to provide copies of pre-application correspondence with Natural England, where the latter confirms in writing that they are satisfied that the proposed development will not affect any statutory sites designated for their national importance.

Regional and Local Sites: A survey and report will not be required where the applicant is able to provide copies of pre-application correspondence with

appropriate local geological experts (such as the Local RIGS Group) that they are satisfied that the proposed development will not affect any regional or local sites designated for their local geodiversity importance. The RIGS Group can be contacted via Staffordshire Wildlife Trust.

Figure A1: Ecological Survey Seasons

Key: Optimal Survey Time: Extending into:

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Badgers												
Bats (Hibernation Roosts)												
Bats (Summer Roosts)												
Bats (Foraging/Commuting)												
Birds (Breeding) *												
Birds (Over Wintering)												
Dormice												
Great Crested Newts (Terrestrial)												
Great Crested Newts <i>adults</i> (Aquatic) <i>larvae</i>												
Invertebrates **												
Otters												
Reptiles												
Water Voles												
White-Clawed Crayfish												
Habitats *** <i>Woodland</i>												
<i>Other Habitats</i>												

* Some breeding birds, such as owls, breed outside of the main season shown in Figure 2. Survey timing should therefore be adjusted according to specialist ecological knowledge of species likely to be encountered

** The optimum time to survey for invertebrates is highly dependant on the weather and the target groups or species under consideration. Survey timing should therefore be adjusted according to specialist knowledge of the ecology of target groups or species.

N.B. For great crested newts at least four survey visits are required to confirm presence or absence between March and June.

Points to note regarding surveys:

- For certain species and habitats surveys can be carried out at any time of year, but for other species, particular times of year are required to give the most reliable results, as indicated in Figure A1.
- Surveys conducted outside of optimal times (Figure A1) 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 maybe required during the optimal survey season. This is especially important where existing surveys and records show the species has been found previously on site or in the surrounding area. An application may not be valid until survey information is gathered from an optimum time of year.
- Species surveys can be very weather dependent so it may be necessary to delay a survey or to carry out more than one survey if the weather is not suitable, 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 there, nor that its habitat is not protected (e.g. a bat roost is protected whether any bats are present or not).
- Staffordshire Ecological Record and local species conservation groups such as Staffordshire Bat Group may have useful existing information and records which should be used to help scope and plan surveys.
- Competent ecologists should carry out any 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. Further details may be found in the Local Authority's SPD for Biodiversity or on the following web sites:

CIEEM's Guidelines for ecological survey are available at:
<http://www.cieem.net/technical-guidance-series-tgs->

Natural England's guidance is available at:
<http://publications.naturalengland.org.uk/category/34013>