

Local Requirements Template for Biodiversity and Geological Conservation

Local List Requirement A12 (List published July 2013)

Including Criteria and Indicative Thresholds

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PART I: LOCAL REQUIREMENTS FOR PROTECTED SPECIES AND SPECIES OF PRINCIPAL IMPORTANCE

Validation of Planning Applications

Part I Local Requirements for Protected Species and Species of Principal Importance

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 by law which includes the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 (as amended) and the Badgers Act 1992, as well as Species of Principal Importance for biodiversity set out under S41 of the Natural Environment and Rural Communities Act 2006. Where a proposed development is likely to affect Protected Species or Species of Principal Importance, the applicant must submit a **Protected Species and/or Species of Principal Importance survey**.

If the application involves any of the development proposals shown in Table 1 (Column 1), a Protected Species/Species of Principal Importance survey and assessment must be submitted with the application. **Note that bats are covered by separate guidance (see A2 on the local list)**. Exceptions when a survey is not required are explained in the text below Table 1.

The survey should be undertaken by competent persons with suitable Protected Species licences, qualifications and experience and must be carried out at an appropriate time of day and month of the year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available. The survey should be informed by the results of a data search with West Yorkshire Ecology, the local ecological records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and in what numbers (may be approximate);
- Map their distribution and suitable habitat both on the proposal site and, where appropriate in the surrounding area;
- State any constraints on the scope of the survey.

The assessment should identify and describe potential development impacts likely to harm the Protected Species/Species of Principal Importance or their habitat, including the structures or places which they may use for shelter or protection. This should include both direct and indirect effects both during and after construction.

They should also include the potential impact on 'networks of natural habitats' for the species. 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.

Enhancement measures to meet obligations relating to Section 118 of the NPPF should be included in the report.

TABLE 1

Local Requirement for Protected Species/Species of Principal Importance Criteria and Indicative Thresholds (Trigger List) requiring a Survey and Assessment (NB: see A2 on Local List for information relating to bats)

Column 1 Proposals for Development That will Trigger a Protected Species/Species of Principal Importance Survey	Species Likely To Be Affected And For Which A Survey Will Be Required												
	Barn Owl	Breeding Birds	Wintering/ Passage Birds	Amphibians	Otter	White-clawed Crayfish	Water Vole	Badger	Reptiles	Plants	Fish	Notable Invertebrates	Lower Plants
<ul style="list-style-type: none"> Proposed development which includes the modification conversion, demolition or removal of buildings and structures (especially roof voids) involving all agricultural buildings (e.g. farmhouses and barns) 	•	•											
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"> old 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; 		• • •									• •		
Proposals affecting gravel pits or quarries and natural cliff faces and rock outcrops with crevices, caves or swallets.		•							•	•		•	
Major proposals within 500m of a pond or Minor proposals within 100m of pond (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)		•	•	•									

Column 1 Proposals for Development That will Trigger a Protected Species/Species of Principal Importance Survey	Species Likely To Be Affected And For Which A Survey Will Be Required												
	Barn Owl	Breeding Birds	Wintering/ Passage Birds	Amphibians	Otter	White-clawed Crayfish	Water Vole	Badger	Reptiles	Plants	Fish	Notable Invertebrates	Lower Plants
Proposals affecting or within 200*m of rivers, streams, canals, lakes, or other aquatic habitats.		•	•		•	•	•			•			
Proposals on heathland or fields adjacent to heathland		•							•				
Proposals involving works in or immediately adjacent to rivers and streams which may result in silt, water pollution or other disturbance to banks or bed of the watercourse		•			•	•	•				•		
Proposals resulting in the loss of 1ha or more of arable land or improved grassland		•	•							•			
Proposals resulting in the loss of 0.1ha or more of any semi-natural habitat (eg ancient woodland, unimproved or good semi-improved grassland, fen etc)		•								•		•	
Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.		•							•			•	
Proposed development affecting any buildings, structures, feature or locations where <u>protected species are known to be present</u> *.		•	•	•	•	•	•	•	•	•	•	•	•

* Confirmed as present by either a data search (for instance via West Yorkshire Ecology) or as notified to the developer by the local planning authority, and/or by Natural England, the Environment Agency or other nature conservation organisation.

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/Species of Principal Importance surveys and assessments are required.
- b. If it is clear that no Protected Species/Species of Principal Importance 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/Species of Principal Importance 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/Species of Principal Importance 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 II Local Requirements for Designated Sites, Habitats of Principal Importance or Other Biodiversity Features.

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, Habitats of Principal Importance. Where a proposed development is likely to directly or indirectly affect such a site or habitat the applicant must submit an **Ecological Survey and Assessment**.

If the application is likely to affect any of the designated sites or habitats listed in Table 2, a survey and assessment must be submitted with the application. The survey should be undertaken by competent persons with suitable qualifications and experience and must be carried out at an appropriate time of the 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 with West Yorkshire Ecology, the local ecological records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which habitats are present on and around the site.
- Include surveys for any notable species or groups of species associated with the habitat.
- Identify the size of the habitat resource and where appropriate population of associated species.
- Map the distribution of the habitats and notable species on an appropriately scaled map.

The assessment should identify and describe potential development impacts likely to harm the designated sites or habitats, including both direct and indirect effects both during and after construction. These should also include the potential impact on 'networks of natural habitats'. 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 should maximise opportunities to enhance and restore biodiversity particularly by adding to, or linking, features or habitats used by protected species/species of principal importance. The assessment should give an indication of how the species numbers are likely to change, whether there will be losses and/or potential gains for the species concerned and their associated habitat(s).

TABLE 2: Designated Sites, Habitats of Principal Importance 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)
Nationally designated sites	Site of Special Scientific Interest (SSSI)
Regionally and locally designated sites	Local Geological Site (LGS) Local Nature Reserve (LNR) Local Wildlife Site (LWS)
2. Habitats of Principal Importance (for Biodiversity under S.41 of the NERC Act 2006)	
See Kirklees Biodiversity Action Plan and Biodiversity Opportunity Zones for information.	

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 Wildlife Sites and Habitats of Principal Importance: 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 that they are satisfied that the proposed development will not affect any regional or Local Wildlife Sites designated for their local nature conservation importance or any other Habitats of Principal Importance or listed features.

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

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

1. DESIGNATED SITES	
Nationally designated sites	Site of Special Scientific Interest (SSSI)
Regionally and locally designated sites	Local Geological Site (LGS)
2. OTHER GEOLOGICAL CONSERVATION FEATURES (Based on the Earth Science Conservation Classification)	
Exposure or Extensive Sites	<ul style="list-style-type: none"> ▪ Active quarries and pits ▪ Disused quarries and pits ▪ Coastal cliffs and foreshore ▪ River and stream sections ▪ Inland outcrops ▪ Exposure underground mines and tunnels ▪ Extensive buried interest ▪ Road, rail and canal cuttings
Integrity Site	<ul style="list-style-type: none"> ▪ Static (fossil) geomorphological ▪ Active process geomorphological ▪ Caves
Finite Site	<ul style="list-style-type: none"> ▪ Finite mineral, fossil or other geological ▪ Mine dumps ▪ Finite underground mines and tunnels ▪ Finite buried interest

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 West Yorkshire Geology Trust) that they are satisfied that the proposed development will not affect any regional or Local Geological Sites designated for their local geological conservation importance.

TABLE 4: ECOLOGICAL SURVEY SEASONS Key: Optimal Survey Time ■ Extending into ■

	JA N	FE B	MA R	AP R	MA Y	JUN E	JUL Y	AU G	SEP T	OC T	NO V	DE C
Badgers		■	■	■	■	■	■	■	■	■	■	■
Bats (Hibernation Roosts)	■	■	■								■	■
Bats (Summer Roosts)				■	■	■	■	■	■	■		
Bats (Foraging/Commuting)				■	■	■	■	■	■	■		
Birds (Breeding)			■	■	■	■	■	■				
BIRDS (Over Wintering)	■	■									■	■
TERRESTRIAL Great-Crested Newts AQUATIC		■	■	■	■	■	■	■	■	■		
Invertebrates				■	■	■	■	■	■			
Otters	■	■	■	■	■	■	■	■	■	■	■	■
Reptiles			■	■	■	■			■			
Water Voles		■	■	■	■	■	■	■	■	■		
White-Clawed Crayfish							■	■	■			
Habitats/Vegetation				■	■	■	■	■	■			

Points to note regarding surveys are as follows:

- 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 2
- Surveys conducted outside of optimal times (Figure 2) 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 are also 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).
- West Yorkshire Ecology may have useful existing information and ecological records.
- 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.