

APPENDIX 1: Biodiversity Survey and Report / Ecological Survey / Protected Species Survey and Report

PART I LOCAL REQUIREMENTS FOR PROTECTED SPECIES

Where a proposed development is likely to affect species protected under the [Wildlife and Countryside Act 1981](#) (as amended), the [Conservation of Habitats and Species Regulations 2010](#), the [Protection of Badgers Act 1992](#), and / or species of principal importance listed under Section 41 of the [Natural Environment and Rural Communities Act 2006](#), the applicant must submit an up-to-date Protected Species Survey and Assessment. Please refer to [Table 1](#) (Column 1) which provides guidance on when a survey is needed for particular species. Please note that this table is intended to assist the identification of a proposal for which a protected species survey will be required. It should be noted that there may be instances which fall outside those described where a protected species survey is required.

Protected species surveys and assessments must be submitted up-front with a planning application. Planning applications cannot be determined until surveys have been done to an acceptable standard, in accordance with paragraph 99 of ODPM Circular 06/2005. Further guidance is available in Government Circular: [Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within the Planning System \(ODPM Circular 06/2005, Defra Circular 01/2005\)](#) and [Planning for Biodiversity and Geological Conservation: A Guide to Good Practice](#).

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. See [Table 4](#) for more information on survey times for different species.

Where surveys involve disturbance, capture or handling of a protected species, only a licensed person can undertake such surveys. Licences are issued by Natural England; see the Wildlife Management and Licensing Service <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/default.aspx>.

Further advice on bat surveys, assessment and mitigation is available in the *Bat Protocol*, published by Leicestershire and Rutland Environmental Records Centre (<http://www.leics.gov.uk/index/environment/naturalenvironment.htm>).

The survey may be informed by the results of a search for ecological data from the local environmental records centre. 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).
- Data searches can be carried out by Leicestershire and Rutland Environmental Records Centre (<http://www.leics.gov.uk/index/environment/naturalenvironment.htm>).

Information on species distribution may also be obtained from the National Biodiversity Network (NBN): www.nbn.org.uk.

The **Assessment** must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (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;
 - How species numbers are likely to change, if at all, after development *e.g.* whether there will be a net loss or gain;
- How features or habitats used by protected species can be enhanced, restored or added to.

It is illegal to disturb protected species or the places in which they live; further information is available from www.jncc.gov.uk. Licences may be needed to carry out work that could affect protected species – further information and downloadable forms are available from the Wildlife Management and Licensing Service of Natural England at <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/default.aspx>. 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 species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

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 Species Survey	Species Likely To Be Affected And For Which A Survey Will Be Required										
	Bats	Barn Owls	Breeding	G C Newt	Otters	*Dormouse	Kingfisher	Water Vole	Badger	Reptiles	WC Crayfish
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 and/or with wooden beams; 	Y	Y	Y								
<ul style="list-style-type: none"> ▪ buildings and structures close to woodland, trees and/or water, particularly those with weather boarding, hanging tiles and/or gable ends; 	Y		Y								
<ul style="list-style-type: none"> ▪ all tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; 	Y										
<ul style="list-style-type: none"> ▪ all bridge structures, aqueducts and viaducts (especially over water and wet ground). 	Y		Y								
Proposals involving lighting of churches and listed buildings or flood lighting of green space close to woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.	Y	Y	Y								
Proposals affecting woodland, parkland, large gardens with trees or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.	Y		Y			Y			Y		
Proposed tree work (felling or lopping) and/or development affecting:											
<ul style="list-style-type: none"> ▪ mature and veteran trees; 	Y		Y								
<ul style="list-style-type: none"> ▪ trees with obvious holes, cracks or cavities. 	Y		Y								
Proposals affecting gravel pits or quarries and natural cliff faces and rock outcrops with crevices or caves.	Y		Y							Y	Y
Major proposals within 500m of a pond or Minor proposals within 100m of pond <i>(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 1000m² floor area or more than 1 hectare)</i>				Y							

Proposals adjacent to or affecting rivers, streams, canals, lakes, or other aquatic habitats.	Y		Y		Y		Y	Y			Y
Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.			Y	Y					Y	Y	
Proposed development affecting any buildings, structures, feature or locations where <u>protected species are known to be present</u> **	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
	Bats	Barn Owls	Breeding	G C Newt	Otters	*Dormouse	Kingfisher	Water Vole	Badger	Reptiles	WC Crayfish

* Note that Dormice are very rare in Leicestershire and Rutland, and the only recent confirmed records are from a few woodlands to the south of the two Counties.

** Confirmed as present by either a data search (for instance via the local environmental records centre) 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

- 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.
- Evidence is provided in e.g. the form of a letter or brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation, that no protected species are present.

PART II LOCAL REQUIREMENTS FOR DESIGNATED SITES AND PRIORITY HABITATS

Where a proposed development is likely to affect designated sites and priority habitats, the applicant must submit an *Ecological/Geological Survey and Assessment*.

Please refer to [Table 2](#) and [Table 3](#).

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 (see [Table 4](#)), in suitable weather conditions and using locally or nationally recognised survey guidelines/methods where available.

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

The survey may be informed by the results of a search for ecological and/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 and priority habitats (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;

- How area (hectares) of priority habitat on the site are likely to change after development *e.g.* whether there will be a net loss or gain;
- How designated sites and priority habitats can be enhanced, restored or added to.

Information on **Local Wildlife Site criteria** for Leicester, Leicestershire and Rutland is available from Leicestershire and Rutland Environmental Records Centre (<http://www.leics.gov.uk/index/environment/naturalenvironment.htm>). Existing environmental information may be available from Local Record Centres, Wildlife Trusts, and Local RIGS Groups *etc.* 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 Wildlife Site (formerly known as Site of Importance for Nature Conservation) Local Nature Reserve (LNR)
2. PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006)	
<ul style="list-style-type: none"> • Arable field margins • Eutrophic standing waters • Hedgerows • Inland rock outcrop • Floodplain grazing marsh • Lowland calcareous grassland • Lowland dry acid grassland • Lowland fens • Lowland heathland 	<ul style="list-style-type: none"> • Lowland meadows • Lowland mixed deciduous woodland • Mesotrophic lakes • Open mosaic habitats on previously developed land • Ponds • Reedbeds • Rivers • Wet woodland • Wood-pasture and parkland
3. OTHER BIODIVERSITY HABITATS (as identified by the Local Biodiversity Partnership - see paragraph 84 ODPM Circular 06/2005)	
<ul style="list-style-type: none"> ▪ Mature Trees ▪ Fast-flowing streams ▪ Spring and flushes ▪ Sphagnum ponds 	

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 4 - ECOLOGICAL SURVEY SEASONS

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												
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).
- Local Biological / Environmental Records Centre may have useful existing information and records.