

# Guidance on Local Requirements for the Validation of Planning Applications: Biodiversity and Geodiversity Conservation Statements

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**Development Management**

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## **INTRODUCTION**

Cheshire East Council, like all Council's, has a duty to consider the conservation of biodiversity and geodiversity<sup>1</sup> when determining a planning application. This includes having regard to the safeguard of species protected under the law and also sites designated for their wildlife or geological importance and a range of other important species and natural features.

In order to assess the potential impact of proposed development, it is now necessary to submit a *Biodiversity and Geodiversity Conservation Statement* with many planning applications.

The level of detail required will vary with the individual circumstances of the proposals. Some schemes may require detailed ecological and geological surveys to be undertaken by experienced field workers, however in many instances a simple statement explaining why it is unlikely that there will be any biodiversity or geodiversity impacts will be sufficient.

This guidance will assist the applicant or their agent in assessing what level of information should be included as part of the *Biodiversity and Geodiversity Conservation Statement*.

Where significant potential impacts are identified the *Biodiversity and Geodiversity Conservation Statement* must identify and describe them (including 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 the overall nature conservation value of the site will be enhanced as part of the development.

It is often useful if the Statement is informed by the results of a search for ecological data from a local environmental records centre, however a data search is not a substitute for a detailed field investigation.

The following guidance is split into a number of parts. Part 1 details the types of development when protected species surveys will be required, whilst Part 2 deals with designated sites, priority habitats and Geodiversity. A table is provided giving guidance on the appropriate time of year for surveys to be undertaken and finally a suggested format for *Biodiversity and Geodiversity Conservation Statements* is provided in Annex 1.

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 biodiversity or geodiversity conservation after the registration of the application but prior to determination.

<sup>1</sup> Biodiversity refers to diversity of all life, including all species of animal, plants and fungi and the ecosystems they are found in, geodiversity is the variety of rocks, fossils, minerals and natural geological processes.

## **PART 1: LOCAL REQUIREMENTS FOR PROTECTED SPECIES**

If the application involves any of the development proposals shown in **Table 1** (Column 1), a protected species survey and assessment must be submitted as part of the *Biodiversity and Geodiversity Conservation Statement*. Examples of when a survey and assessment may **not** be required are also explained below the table.

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 Licence. 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.

\* 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.ieem.org.uk/>

**TABLE 1**

**Criteria and Indicative Thresholds (Trigger List) for when Protected Species Surveys and Assessments may be required as part of a *Biodiversity and Geodiversity Conservation Statement***

Column 1  Proposals for Development That Will Trigger a Protected Species Survey	Bats	Barn Owls	Breeding Birds	Great Crested Newts*	Otters	Dormouse	Kingfisher	Water Vole	Badger	Reptiles	White-Clawed Crayfish	Lesser Silver Water Beetle
<p>Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving the following:</p> <ul style="list-style-type: none"> <li>all agricultural buildings (e.g. farmhouses and barns) particularly of traditional brick or stone construction and/or with exposed wooden beams greater than 20cm thick;</li> <li>all buildings with features suitable for bats (ie accessible soffit boxes, weather boarding and/or hanging tiles) that are within 200m of woodland and/or water;</li> <li>pre-1960 detached buildings and structures within 200m of woodland and/or water;</li> <li>pre-1914 buildings within 400m of woodland and/or water;</li> <li>pre-1914 buildings with gable ends or slate roofs, regardless of location;</li> <li>all tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures;</li> <li>all bridge structures, aqueducts and viaducts (especially over water and wet ground).</li> </ul>	•	•										
Proposals involving lighting of churches and listed buildings or 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.	•		•			•			•			

	Bats	Barn Owls	Breeding Birds	Great Crested Newts*	Otters	Dormouse	Kingfisher	Water Vole	Badger	Reptiles	White-Clawed Crayfish	Lesser Silver Water Beetle
Proposed tree work (felling or lopping) and/or development affecting: <ul style="list-style-type: none"> <li>old and veteran trees that are older than 100 years;</li> <li>trees with obvious holes, cracks or cavities,</li> <li>trees with a girth greater than 1m at chest height;</li> </ul>	• • •	•	• • •									
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 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 <sup>2</sup> 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 the floodplain of a river or within 10m of rivers, ditches, streams, canals, lakes, or other aquatic habitats.	•		•		•		•	•			•	
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> **.	•	•	•	•	•	•		•	•	•	•	•

\* 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.

\*\* 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. Note: a data search not recording any protected species will not in itself be sufficient evidence that such species are not present.

**Exceptions for When a Full Species Survey and Assessment may not be required as part of a Biodiversity and Geodiversity Conservation Statement**

- 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 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 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**

If the application is likely to affect any of the designated sites listed in **Table 2**, priority habitats or biodiversity features **Table 3** or geological features listed in **Table 4**, a survey and assessment for the relevant feature is likely to be required as part of a *Biodiversity and Geodiversity Conservation Statement* with the application. Exceptions when a survey and assessment may not be required are also explained below these tables.

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 give an indication of likely change in the area (hectares) of priority habitat or geological feature on the site after development *e.g.* whether there will be a net loss or gain. An ecological/geological survey and assessment may form part of a wider Environmental Impact Assessment.

### *Notes:*

\* 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.ieem.org.uk>

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](http://www.natureonthemap.org.uk)

**TABLE 2**

**Local Requirements for Designated Sites Criteria (Trigger List) for when a Survey and Assessment is Required as Part of a *Biodiversity and Geodiversity Conservation Statement***

<b>DESIGNATED SITES</b> (as shown on the Council's Development Plan Proposals Map)	
<b>Internationally designated sites</b>	Special Protection Area (SPA) Special Area of Conservation (SAC) Ramsar Site
<b>Nationally designated sites</b>	Site of Special Scientific Interest (SSSI) National Nature Reserve (NNR)
<b>Regionally and locally designated sites</b>	Local Sites (e.g. Sites of Nature Conservation Importance or Sites of Biological Importance) Local Nature Reserve (LNR) Land owned by Nature Conservation Organisations eg CWT, WT, RSPB, NT



**TABLE 3**

**Local Requirements for Priority Habitats Criteria (Trigger List) for when a Survey and Assessment is likely to be required as Part of a *Biodiversity and Geodiversity Conservation Statement***

**PRIORITY HABITATS** (UK Biodiversity Action Plan Priority Habitats recorded in Cheshire)

- Hedgerows
- Blanket bog
- Arable Margins
- Coastal and floodplain grazing marsh
- Coastal saltmarsh
- Eutrophic standing waters
- Fens
- Lowland beech and yew woodland
- Lowland calcareous grassland
- Lowland dry acid grassland
- Lowland heathland
- Lowland meadows
- Lowland raised bog
- Wood-pasture and parkland
- Mesotrophic lakes
- Intertidal Mudflats
- Purple moor grass and rush pastures
- Wet Reedbeds
- Upland heathland
- Native Woodland Types (including wet woodland)
- Ancient Woodland
- Traditional Orchards
- Ponds
- Rivers
- Open Mosaic Habitats on Previously Developed Land
- Inland Rock Habitat & Scree Habitat

**Note** – Whilst this list is accurate at the time of writing. The lists are subject to revision. See <http://www.ukbap.org.uk/habitats.aspx>

**3. OTHER BIODIVERSITY FEATURES**

(as identified by the Local Biodiversity Partnership - see paragraph 84 ODPM Circular 06/2005)

- Secondary Woodland and Mature/Veteran Trees
- Caves and disused tunnels and mines (e.g. roosts for bats)
- Trees and scrub used for nesting by breeding birds
- Previously developed land with biodiversity interest
- Urban green space (e.g. parks, allotments, flower-rich road verges and railway embankments)
- Dry Stone Walls
- Heathland
- Limebeds
- Meres
- Roadside Verges
- Unimproved Grassland
- Waxcap grassland

**Exceptions When a Full Survey and Assessment May Not Be Required in Respect of the Features Identified in Table 2 and 3**

*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 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**



**Local Requirements For Designated Geodiversity Sites And Features  
Criteria (Trigger List) for when a Survey and Assessment are Required as Part of a  
Biodiversity and Geodiversity Conservation Statement**

<b>1. DESIGNATED SITES</b> (as shown on the Council's Development Plan Proposals Map)	
<b>Nationally designated sites</b>	Site of Special Scientific Interest (SSSI) National Nature Reserves (NNRs)
<b>Regionally and locally designated sites</b>	Regionally Important Geological Sites (RIGS) Local Nature Reserves (LNRs)
<b>2. OTHER GEOLOGICAL CONSERVATION FEATURES</b> (Based on the Earth Science Conservation Classification)	
<b>Exposure or Extensive Sites</b>	<ul style="list-style-type: none"> <li>▪ Active quarries and pits</li> <li>▪ Disused quarries and pits</li> <li>▪ Coastal cliffs and foreshore</li> <li>▪ River and stream sections</li> <li>▪ Inland outcrops</li> <li>▪ Exposure underground mines and tunnels</li> <li>▪ Extensive buried interest</li> <li>▪ Road, rail and canal cuttings</li> </ul>
<b>Integrity Site</b>	<ul style="list-style-type: none"> <li>▪ Static (fossil) geomorphological</li> <li>▪ Active process geomorphological</li> <li>▪ Caves</li> <li>▪ Karst</li> </ul>
<b>Finite Site</b>	<ul style="list-style-type: none"> <li>▪ Finite mineral, fossil or other geological</li> <li>▪ Mine dumps</li> <li>▪ Finite underground mines and tunnels</li> <li>▪ Finite buried interest</li> </ul>

**Exceptions When a Full Survey and Assessment May Not Be Required**

*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 nature conservation importance.

**Figure 1 ECOLOGICAL SURVEY SEASONS**

<b>Key:</b>	
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												
Invertebrates												
Natterjack Toads												
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.
- 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 on the following web sites: IEEM at: (<http://www.ieem.org.uk/Publications.htm>) - Guidelines for Survey Methodology) Natural England: (<http://www.naturalengland.org.uk/publications/default.htm>)

## **Annex 1: A suggested format for Biodiversity & Geological Conservation Statements**

### **Biodiversity & Geological Conservation Report**

#### **1 Sites**

- 1.1 International statutory sites subject to the Habitat Regulations (SAC, SPA, Ramsar sites)
- 1.2 National statutory sites subject to the provisions of the Wildlife and Countryside Act (Sites of Special Scientific Interest) and National Nature Reserves
- 1.3 Local Statutory sites (Local Nature Reserves) and non statutory sites (Sites of Biological Importance/Regionally Important Geological Sites)

#### **2 Legally Protected Species**

#### **3 Biodiversity Habitats and Species**

#### **4 Geological and Geomorphological Features**

Each of the above sections will require cross references to lists of sites, species, habitats and geological interests and details of when these would be relevant.