

Guidance Notes for Completion of the Biodiversity Checklist

1. Introduction

Planning guidance and legislation means there is a need to ensure that adequate ecological information accompanies planning applications. Failure of the Council to consider an appropriate level of information about ecology could result in decisions being open to challenge.

The biodiversity checklist and these associated guidance notes are intended to address these requirements through a proactive approach that will not only ensure that sufficient ecological information accompanies an application, but which will also be transparent and offer assistance to applicants to help them determine what will reasonably be required to accompany their submission. This should help to allow a planning decision to be made in a timely manner, which is beneficial for both the planning applicant and the planning authority. The requirements set out in the Local Validation Requirements (LVR) and the Biodiversity Checklist has been designed to comply with the requirements of the Policy INF2 of the Development Management Policy Annex (CLG 2010).

2. Who should complete the biodiversity checklist and what sort of applications will it be required for?

The submission of the biodiversity checklist is required with every application for planning permission, conservation area and listed building consent. It is not required for applications for advertisement consent or any form of notification with the exception of notification of demolition of a building. It is also not required for householder applications.

It should be possible for a non specialist member of the public, planning agent or developer to complete the biodiversity checklist. However once the need for an ecological survey has been identified this must be undertaken by a suitably qualified ecologist. Where a specialist piece of design to retain a feature has been identified it is expected that this would be informed through the involvement and input of a suitably qualified ecologist.

3. Completing the Biodiversity Checklist

Prospective applicants and their agents should complete the Biodiversity Checklist. It must be submitted with all applications (see paragraph 2 for exceptions). This is because the Council has a duty to consider all biodiversity impacts in respect of all the planning decisions it makes. The Council cannot do this effectively unless surveys are provided to quantify any harm and propose mitigation or evidence is provided that such surveys are not necessary. If the Biodiversity Checklist is not included with an application, even if the Local Validation Checklist has been submitted, the application will be made invalid and no further checking will be undertaken until the Biodiversity Checklist is received.

Example

In the case of Bats the Biodiversity Checklist asks whether a survey has already been undertaken; if it has tick the 'yes' box and include the survey with your application. Details of the location of the documentation should be included on the Local Validation Checklist. If no survey has been undertaken then tick the 'no' box.

The Biodiversity Checklist then asks "Are there any structures on the site which have the

potential to support roosting bats?” There is then a list of structures that would potentially support bats. If one or more of these structures is affected in any way by your proposal then you would need to tick the ‘yes’ box. The Council would then expect the relevant survey work to have been done and submitted with the applications. The location of the information with the submission should be given on the Local Validation Checklist.

Guidance on the survey requirements can be found by following the links given on the Biodiversity Checklist.

Any surveys or information identified as required by the checklist and subsequent Phase 1 survey should accompany a planning application or it may be considered to be invalid. You should contact us for a pre application discussion if you are unclear about the requirements or believe that the checklist has incorrectly identified that survey work is required.

3.1 Ecological survey requirements

The surveying and assessment of impact upon ecology is a specialist task in its own right. Survey work should therefore 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. Figure 1 outlines ecological survey seasons for the species identified in the biodiversity checklist.

Where surveys involve disturbance, for example capture or handling of great crested newts and bats, then only a licensed person can undertake such surveys under a licence issued by Natural England. Surveys should follow best practice guidelines, further details of which may be found using the links provided.

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

- A brief description establishing that the surveyor is qualified to undertake the survey and make an assessment of impact. This should include survey licence details where relevant.
- A description of the methodology used for the survey.
- An adequate description of the site (a phase 1 habitat survey) which should make recommendations for further survey work (including that for invasive species), which should then have been carried out.
- An adequately detailed account of the results of the survey work, recording which species are present, or likely to be impacted by the proposal. Numbers (including where possible, population size) should be identified although this may be approximate.
- The results should also include mapping of the distribution of species over a site and the use of the area, site, structure or feature (e.g. for feeding, shelter, breeding). Relevant features of the proposed development and working areas should also be indicated.

Natural England provides written advice on how to undertake surveys in respect of individual protected species and these can be found here

<https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>
Improperly carried out surveys will result in the application being refused unless it is withdrawn.

Figure 1

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Badgers	Shaded											
Bats (hibernating roosts)	Shaded	Shaded	White	Shaded	Shaded							
Bats (summer roosts)	White	White	White	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded	White	White	White
Bats (foraging community)	White	White	White	Shaded	White	White						
Birds (breeding)	White	White	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded	White	White	White	White
Birds (over wintering)	Shaded	Shaded	White	Shaded	Shaded							
Great Crested Newts (terrestrial survey)	White	White	Shaded	White	White							
Great Crested Newts (aquatic survey)	White	Shaded	Shaded	Shaded	Shaded	Shaded	White	White	White	White	White	White
Invertebrates	White	White	White	Shaded	Shaded	Shaded	Shaded	Shaded	Shaded	White	White	White
Otters	Shaded											
Reptiles	White	White	Shaded	White	White	White						
Water Voles	White	White	Shaded	White	White							
Habitats/ Vegetation	Shaded											
Optimal Survey Time			Shaded	Shaded	Shaded	Shaded	Shaded	Shaded				
Extending into			Shaded	Shaded	Shaded	Shaded	Shaded					

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 1.

- Surveys conducted outside of optimal times (Figure 1) may be unreliable. For certain species (e.g. great crested newt) surveys over the winter period are unlikely to yield any useful information. 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 used in the summer is protected during the winter whether any bats are present or not).

• **3.2 Ecological assessment**

The assessment of ecological impact should be undertaken in relation to as detailed a layout for the proposal as is possible. Use of an experienced ecologist at an early stage can inform the design process making the avoidance of impact more easily achieved. The assessment must identify and describe:

- The significance of the ecological interest present.
- 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).
- Conclusions and recommendations including if a development licence for the relevant species will be required from Natural England in order for the proposed development to proceed?

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.
- The significance of residual impacts having considered all of the above.

Recommendations should be made in respect of, but not limited to, habitat retention, working practices, locations of structures and working areas.

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, gain or no change.

3.3 Exceptions for when an ecological survey and assessment may not be required

The checklist aims to identify when protected species, habitats and species of principal importance are reasonably likely to be present and as such focuses on the main protected species and habitats which have tended to be found on development sites in the District.

If it is clear that no protected species are present, despite the checklist indicating that they are likely, evidence should be provided with the planning application to demonstrate that protected species are not reasonably likely to be present.