

Local Requirements Template
for
Biodiversity and Geological Conservation

Including Criteria and Indicative Thresholds

PART I

LOCAL REQUIREMENTS FOR PROTECTED SPECIES

Validation of Planning Applications (1 App)

Part I 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 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 priority species for biodiversity set out under S41 of the Natural Environment and Rural Communities Act 2006. Where a proposed development is likely to affect protected or priority species, the applicant must submit a **Protected/Priority Species Survey and Assessment**.

If the application involves any of the development proposals shown in Table 1 (Column 1), a protected/priority species survey and assessment must be submitted with the application. Exceptions are explained in this table. 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/priority species or their habitat, including the structures or places which they may use for shelter or protection. These should include both direct and indirect effects both during and after construction. They should also include the potential impact on 'networks of natural habitats' (PPS9 para 12) 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.

TABLE 1

Local Requirement for Protected and Priority Species: Criteria and Indicative Thresholds (Trigger List) requiring a Survey and Assessment

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 Birds	Red Kites	Wintering/ Passage Birds	Amphibians	Otters	White-clawed Crayfish	Water Vole	Badger	Reptiles	Plants	Fish	Harvest Mouse	Notable Invertebrates	Lower Plants
<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"> ▪ 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; ▪ all tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; ▪ all bridge structures, culverts, aqueducts and viaducts (especially over water and wet ground). ▪ any work affecting roofs, soffits, gable ends, hanging tiles, barge boards or walls with cracks or holes within 200m of woodland or water. 	•	•	•													
Proposals involving lighting of churches and listed buildings or flood lighting of sports pitches, equestrian arenas etc 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.	•		•		•				•					•		
<p>Proposed tree work (felling or lopping) and/or development affecting:</p> <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.	•		•								•	•		•		

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Major proposals within 500*m of a pond or Minor proposals within 100*m of pond (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 ² floor area or more than 1 hectare)			•		•	•								•		
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> **.	•		•		•	•	•	•	•	•	•	•	•	•	•	•
Proposed wind turbines: <ul style="list-style-type: none"> within 50m of a known bat roost or potential bat habitat including buildings, mature trees, woodland, hedgerows, water, railway corridors within 5km of Harewood House 	•															

** 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

- 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 II Local Requirements for Designated Sites, Important Habitats 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, priority habitats and other local biodiversity action plan habitats. 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' (PPS9 para 12). 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 or priority species. 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, Priority Habitats and Other Local Biodiversity Action Plan Habitats Criteria (Trigger List) for When a Survey and Assessment are Required

1. DESIGNATED SITES (as shown on the Leeds Unitary Development Plan Review Proposals Map)	
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 Sites including Site of Ecological/Geological Importance (SEGI) Local Nature Reserve (LNR) Leeds Nature Area (LNA)
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▪ Blanket bog▪ Floodplain grazing marsh▪ Eutrophic standing waters (not small pools or field ponds)▪ Hedgerows▪ Lowland calcareous grassland▪ Lowland dry acid grassland▪ Lowland fens▪ Lowland heathland (generally below 300m)▪ Lowland meadows▪ Lowland mixed deciduous woodland▪ Open mosaic habitats on previously developed land▪ Ponds▪ Reedbeds▪ Rivers▪ Traditional orchards▪ Upland flushes, fens and swamps▪ Upland heath▪ Upland mixed ash woodland▪ Upland oakwood▪ Wet woodland▪ Wood-pasture and parkland (large trees in grazed grassland)	
3. Other Local Biodiversity Action Plan Habitats (see paragraph 84 ODPM Circular 06/2005)	
<ul style="list-style-type: none">▪ In-bye grassland (with high numbers of breeding birds)▪ Lowland wet grassland (supporting high numbers of birds)▪ Canals (mainly for aquatic plant communities)▪ Ancient woodland and ancient/veteran trees▪ Scrub	

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 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**

<p>1. DESIGNATED SITES (as shown on the Leeds Unitary Development Plan Review Proposals Map)</p>	
<p>Nationally designated sites</p>	<p>Site of Special Scientific Interest (SSSI) National Nature Reserves (NNRs)</p>
<p>Regionally and locally designated sites</p>	<p>Sites of Ecological or Geological Interest (SEGIs)</p>
<p>2. OTHER GEOLOGICAL CONSERVATION FEATURES (Based on the Earth Science Conservation Classification)</p>	
<p>Exposure or Extensive Sites</p>	<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
<p>Integrity Site</p>	<ul style="list-style-type: none"> ▪ Static (fossil) geomorphological ▪ Active process geomorphological ▪ Caves ▪ Karst
<p>Finite Site</p>	<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 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 2 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)	■	■									■	■
Dormice	■				■	■	■	■	■		■	■
Great-Crested Newts TERRESTRIAL AQUATIC		■	■	■	■	■	■	■	■	■		
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.