

# Guidance on protected species survey and report requirements

## Introduction

The District Council has a duty to consider the conservation of biodiversity when determining a planning application and must have regard to the safeguarding of species protected under legislation, in particular the Conservation (Natural Habitats etc) Regulations 1994<sup>1</sup>, The Wildlife and Countryside Act 1991 and the Badgers Act 1992. Local Authorities also have a duty to have regard to the conservation of biodiversity in the exercise of all their functions under the Natural Environment & Rural Communities Act 2006.

## Requirements

If the application involves any of the development proposals shown in the attached table, a **protected species survey and assessment** must be submitted with the application unless the Local Planning Authority has otherwise confirmed in writing. Following the table, exceptions to when a survey and assessment may not be required are explained. There may be circumstances where a survey will be required outside of these criteria due to unusual local circumstances.

## Survey

The survey should be undertaken and prepared by competent persons with suitable qualifications, experience and protected species licences. Surveys must be carried out at an appropriate time and month of the year, in suitable weather conditions, using nationally recognised survey guidelines and methods, and survey methods must be included in the report. The survey must be to an appropriate level of scope and detail, cover land outside of the development site where species ecology and/or survey guidelines require and should be informed by the results of a search ecological data from the Devon Biodiversity Records Centre. The survey should include:

- A record of which species are present and identify their numbers (may be approximate)
- A map of species distribution and use of the area, site, structure and/or features (e.g. for feeding, shelter, breeding)
- Details of any uncertainties and limitations that might affect survey results

The survey **should not recommend further surveys** as all necessary surveys will be required in order to assess the impacts fully.

## Assessment and mitigation

The assessment must identify and describe potential development impacts likely to affect the species and/or their habitats identified by the records search and survey (these should include direct and indirect effects, both on-site and off-site during site preparation, construction and afterwards). Where harm is likely, evidence must be submitted to show:

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<sup>1</sup> A Natural England Licence is required for any development that would affect a European Protected Species.

- How alternative designs or location 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 (harmful effects on European Protected Species must be fully mitigated)
- How success of the mitigation will be monitored

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 (i.e. whether there will be a net loss or gain).

Where relevant, the information provided should be consistent with that required for an application to Natural England for a European Protected Species Licence.

Further information on appropriate survey and assessment methods can be found in:

*Guidance on Survey Methodology* published by the Institute of Ecology and Environmental Management ([www.ieem.org](http://www.ieem.org)).

*Bat surveys – Good Practice Guidelines* published by the Bat Conservation Trust ([www.bats.org.uk](http://www.bats.org.uk)).

*Bat mitigation guidelines* published by Natural England ([www.naturalengland.org.uk](http://www.naturalengland.org.uk)).

*Great crested newt mitigation guidelines* published by Natural England ([www.naturalengland.org.uk](http://www.naturalengland.org.uk)).

Species data is available from Devon Biodiversity Records Centre ([www.devonwildlifetrust.org](http://www.devonwildlifetrust.org)).

**TABLE**

**Local Requirement for Protected Species: Criteria and Indicative Thresholds (Trigger List) for when a Survey and Assessment is Required**

<p>Column 1</p> <p><b>Proposals for Development That Will Trigger a Protected Species Survey</b></p>	<p><b>Species Likely To Be Affected And For Which A Survey Will Be Required</b></p>											
	Bats	Barn Owls	Breeding Birds	Gt. Crested Newts	Otters	Dormouse	Red Squirrel	Water Vole	Badger	Reptiles	Amphibians	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"> <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 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>	• • • • • •	•	•									
<p>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.</p>	•	•	•									
<p>Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.</p>	•		•			•	•		•			•
<p>Proposed tree work (felling or lopping) and/or development affecting:</p> <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 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 <sup>2</sup> floor area or more than 1 hectare)				•								
Proposals affecting or within 200*m of rivers, 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 protected species are known to be present **.	•	•	•	•	•	•	•	•	•	•	•	
* Distances may be amended to suit local circumstance on the advice of the local Natural England team and/or Local Biodiversity Partnership  ** 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.	Bats	Barn Owls	Breeding Birds	Great Crested Newt	Otters	Dormouse	Red Squirrel	Water Vole	Badgers	Reptiles	Amphibians	Plants

**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.
- 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).
- 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.