

BIODIVERSITY AND DEVELOPMENT -  
SUPPLEMENTARY PLANNING GUIDANCE





# BIODIVERSITY AND DEVELOPMENT – SUPPLEMENTARY PLANNING GUIDANCE

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## GLOSSARY

### **Biodiversity Action Plan / Local Biodiversity Action Plan (BAP / LBAP)**

The UK's Biodiversity Action Plan recognises priority habitats and species and plans and works towards their conservation. Local biodiversity action plans are the mechanism for local delivery.

### **Local Nature Reserve**

Non-statutory sites of local significance that are designated by the local authority to offer protection and encourage public engagement with wildlife.

### **Natura 2000 site**

Sites protected under the Conservation (Natural Habitat) Regulations 1994, including Special Areas of Conservation, Special Protection Areas and Ramsar sites.

### **Priority habitats and species (S42)**

Those habitats and species that have been identified by WAG to be of principal importance for nature conservation in Wales. These are listed on S42 of the Natural Environment and Rural Communities Act 2006.

### **Ramsar Site**

Sites designated under the Ramsar Convention (enacted in the UK through the Conservation (Natural Habitats, &c.) Regulations 1994), to protect wetlands that are of international importance, particularly as waterfowl habitats.

### **Site of Importance for Nature Conservation (SINC)**

Locally important sites for nature conservation. These are currently identified against criteria in Wildlife Sites Guidance Wales.

### **Site of Special Scientific Interest (SSSI)**

A site identified under the Wildlife and Countryside Act 1981 (as amended) as an area of special interest for wildlife or geological features.

### **Special Area of Conservation (SAC)**

A site designated under the European Community Habitats Directive (enacted in the UK through the Conservation (Natural Habitats, &c.) Regulations 1994), to protect internationally important natural habitats and species.

### **Special Protection Areas (SPA)**

Sites classified under the European Community Directive on Wild Birds (enacted in the UK through the Conservation (Natural Habitats, &c.) Regulations 1994), to protect internationally important bird species.

## 1.0 INTRODUCTION

This Supplementary Planning Guidance (SPG) provides specific direction on how biodiversity will be conserved and enhanced throughout the planning process. It draws on national planning policy in PPW (2010), other Welsh Assembly Government (WAG) policy documents and the policies contained in the Adopted Vale of Glamorgan Unitary Development Plan 1996 – 2011 (UDP). Biodiversity must be actively considered by all development proposals.



The guidance will enable developers to meet the Council's proactive approach towards achieving a high quality natural environment and to address statutory duties and social responsibilities.

The SPG aims to:

- Ensure that the key principles of national planning guidance on biodiversity and nature conservation are fully met at the local level and specifically that local planning decisions maintain, enhance, restore or increase biodiversity in the Vale of Glamorgan.
- Ensure that best practice is followed in a consistent and open manner.
- Minimise delays and cost to developers by ensuring that nature conservation is incorporated into the planning process at the earliest stages so that impacts are predictable and only relevant development proposals are affected.
- Integrate the Vale's Local Biodiversity Action Plan (LBAP) into the planning process and identify pathways for delivery

## 2.0 BIODIVERSITY AND NATURE CONSERVATION

Biodiversity is the variety of life on earth and includes all species of plants and animals and the network of systems that support them. The conservation and enhancement of biodiversity are key elements of sustainable development.

The WAG has selected the status of priority habitats and species as a headline indicator, providing a measure of national progress towards sustainable development. Future development

in the Vale of Glamorgan will play a key role in ensuring that the status of habitats and species is improving.

Guidance on sustainable development is available in separate SPG that can be accessed on the Council’s website ([www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)).

This SPG uses the term wildlife features, which include:

- Sites designated for conservation interest
- Priority habitats
- Protected and priority species and their environment
- Habitats that provide corridors or stepping stones across the landscape, such as hedgerows or networks of ponds. Ecological connectivity allows species to forage, migrate, colonise new areas and respond to habitat and climate change.



These features often contribute to both local biodiversity and opportunities for people to experience and benefit from the natural environment.

### 3.0 LEGISLATION AND POLICY

PPW sets out the land use planning policies of the WAG. It is supplemented by a series of Technical Advice Notes (TANs). PPW, the TANs and circulars together comprise national planning policy which should be taken into account by local planning authorities in Wales in the preparation of development plans.

Guidance in relation to nature conservation is available in chapter five of PPW and TAN 5 – Nature Conservation and Planning (September 2009).

Nature conservation guidance in the Vale of Glamorgan draws from national policy, guidance and legal requirements. Key principles include:

- The local planning authority has a statutory duty to have regard to biodiversity conservation (NERC Act 2006)
- The local planning authority is expected to promote an approach to development to create new opportunities to enhance biodiversity, prevent losses and compensate for those losses that are unavoidable (PPW 2002)

- The Council is committed to the production and implementation of an LBAP that identifies nature conservation interest and sets targets for future work (Community Strategy 2003-2013)
- Certain sites, habitats and species are afforded legal protection. The Council has an obligation to protect and promote their long-term conservation as part of the planning process. Table 1 provides a brief overview of some examples.

The UDP reinforces and expands upon these principles, through strategic policies 1 and 2, which seek to ensure that all development within the Vale of Glamorgan will conserve and enhance biodiversity and the encouragement of projects that achieve this requirement.

Further policies in the UDP relating to the environment refer to landscape features of nature conservation value (Policy ENV 11), woodland management (Policy ENV 12), international, national and local sites of nature conservation importance (Policies ENV 13, 14, 15, respectively) and protected species (Policy ENV 16).



A series of Sites of Importance for Nature Conservation (SINCs) have been identified within the Vale of Glamorgan. Policy ENV 15 offers protection to all sites of local importance. Developers will be required to make an

assessment of sites that may fall within those criteria as laid out in Wildlife Sites Guidance Wales (a WAG adopted publication available from the Wales Biodiversity Partnership at [www.biodiversitywales.org.uk/wales\\_biodiversity\\_partnership\\_documents-134.aspx](http://www.biodiversitywales.org.uk/wales_biodiversity_partnership_documents-134.aspx)).

Policy ENV 16 emphasises the legal protection offered to certain species. Since adoption of the UDP, further emphasis has been placed by the Natural Environment and Rural Communities (NERC) Act 2006 and national guidance on those habitats and species of principal importance for conservation of biological diversity in Wales. Impacts of all development on these habitats and species will need to be considered by developers when drawing up schemes and more impacts will be fully assessed by the local planning authority when determining applications (TAN 5).

**Table 1 Examples of some sites, habitats and species that receive protection.**

	Importance	Example	Implication for development	Key legislation and policy / status
<b>Sites</b>	International or national importance	Special Area of Conservation (SAC)	Sites are protected against potentially damaging operations. Strong presumption against damaging development	Conservation (Natural Habitats, &c.) Regulations 1994
		Special Protection Area (SPA)		Conservation (Natural Habitats, &c.) Regulations 1994
		Site of Special Scientific Interest (SSSI)		Wildlife and Countryside Act 1981
	Local importance	Local Nature Reserve (LNR)	Sites to be protected and enhanced	National Parks and Access to the Countryside Act 1949 Planning Policy Wales
Site of Importance for Nature Conservation (SINC)				
<b>Habitats</b>	National importance	Hedgerows	Habitats to be protected and enhanced	Hedgerow Regulations 1997
		Habitat of principal importance for conservation (S42)		Natural Environment and Rural Communities Act 2006
	Local importance	Local biodiversity action plan habitat	Habitats to be protected and enhanced	Vale Local Biodiversity Action Plan
<b>Species</b>	International or national importance	Great crested newt	Avoid, mitigate and compensate adverse impacts	Conservation (Natural Habitats, &c.) Regulations 1994
		Bats (all species)		Conservation (Natural Habitats, &c.) Regulations 1994
		Rough marsh mallow		Wildlife and Countryside Act 1981
		Slow-worm (and all reptiles)		Wildlife and Countryside Act 1981
		High brown fritillary		Wildlife and Countryside Act 1981
		Barn owl		Wildlife and Countryside Act 1981
		All nesting birds		Wildlife and Countryside Act 1981
	Badgers	Protection of Badgers Act 1992		
National importance	Species of principal importance for conservation (S42)	Species to be protected and enhanced	Natural Environment and Rural Communities Act 2006	
Local importance	Local biodiversity action plan species	Species to be protected and enhanced	Vale Local Biodiversity Action Plan	

A complete list of species protected by law is considered within Annex 8 of TAN 5. Further guidance on protected sites and species in Wales is available from a wide range of sources including the Countryside Council for Wales ([www.ccw.gov.uk](http://www.ccw.gov.uk)).

Section 42 of the NERC Act 2006 lists those habitats and species of principal importance for nature conservation in Wales. The habitats and species selected for the Vale and for the Vale’s local biodiversity action plan is available on the UK biodiversity action reporting system (BARS, [www.ukbap-reporting.org.uk](http://www.ukbap-reporting.org.uk) – use the map on the right to find the Vale of Glamorgan).

Increases in our understanding of the natural environment will lead to further legislation and guidance being published. It is the responsibility of the developer to ensure that their proposals meet current policy and guidance.

## 4.0 BUILDING NATURE INTO DEVELOPMENT

Development should avoid impacting on any wildlife feature present on or in close proximity to a development site. If this is not possible then the scheme should be designed in such a way as to minimise any adverse effects on those habitats or species present by including or incorporating appropriate new features or habitats within the development.

This is best achieved by considering wildlife at the pre-application stage – which will also help to prevent delays that may otherwise be caused by the need for survey work and redesign.

The Council welcomes early discussion of ecological issues at the pre-application stage between developers, the local planning authority and statutory advisors such as the Countryside Council for Wales and the Environment Agency, as recommended by national policy (PPW 5.5.1). A developer may require separate consent or permission from the Environment Agency.

If the Council considers that negative impacts on wildlife features outweigh other material considerations, the application will be refused.

### **A1** Pre-application

The potential for wildlife features to be affected by a development must be considered by applicants at the first stage of any proposal. Failure to do so may prevent a planning application from being registered, lead to delays in the planning process or a refusal of planning permission.

#### **Survey**

- Where there is a reasonable likelihood for a development to impact on a designated site or protected/priority habitat or species, specific biodiversity surveys will need to be carried out. Annex 1 includes a trigger list of those applications that will require survey work and provide details of the information that will need to be considered during design and submitted with the planning application.

#### **Householder applications**

Householder applications can affect species including bats and birds. They regularly use loft spaces and will often go unnoticed by the owner. Applicants are encouraged to refer to figure 1 in annex 1 (local requirements) for advice on whether survey work will be a requirement. The local planning authority encourages pre-application discussion on all applications.

- The purpose of this guidance is not to make individual recommendations on ecological consultants. However, the Institute of Ecology and Environmental Management (IEEM, [www.ieem.org.uk](http://www.ieem.org.uk)) is one of the main bodies in the UK with a

purpose to promote good practice and professionalism in ecology – membership of this organisation is a good indication that the person is suitably qualified to carry out ecological surveys to a high standard of competence. The website has a directory of members which can be searched by region and specialism. CCW can also provide a list of those consultants currently working in Wales.

- In some cases there may not be a reasonable likelihood for a wildlife feature to be affected by development. In these instances survey work will not be required – details of these exceptions are included in Annex 1. In some instances the discussion between the local planning authority and the developer may lead to a requirement for further survey work.
- Up-front survey work will demonstrate a professional approach to your planning application; will enable your design work to take full account of constraints and opportunities on-site and hopefully minimise any delays in the application process.

### **Environmental Impact Assessment and Habitat Regulations Assessment**

For certain application types there may be a need for an environmental impact assessment (EIA) and/or Habitat Regulations Assessment (HRA).

**Environmental Impact Assessment** – certain projects that are likely to have a significant effect on the environment need to undergo Environmental Impact Assessment (Town and Country Planning (Environmental Impact Assessment) Regulations 1999). Projects are listed on two schedules within the legislation – schedule one includes large development such as airports and industrial works. Other development types are listed on schedule two that only require EIA if the proposal is likely to have significant environmental effects.

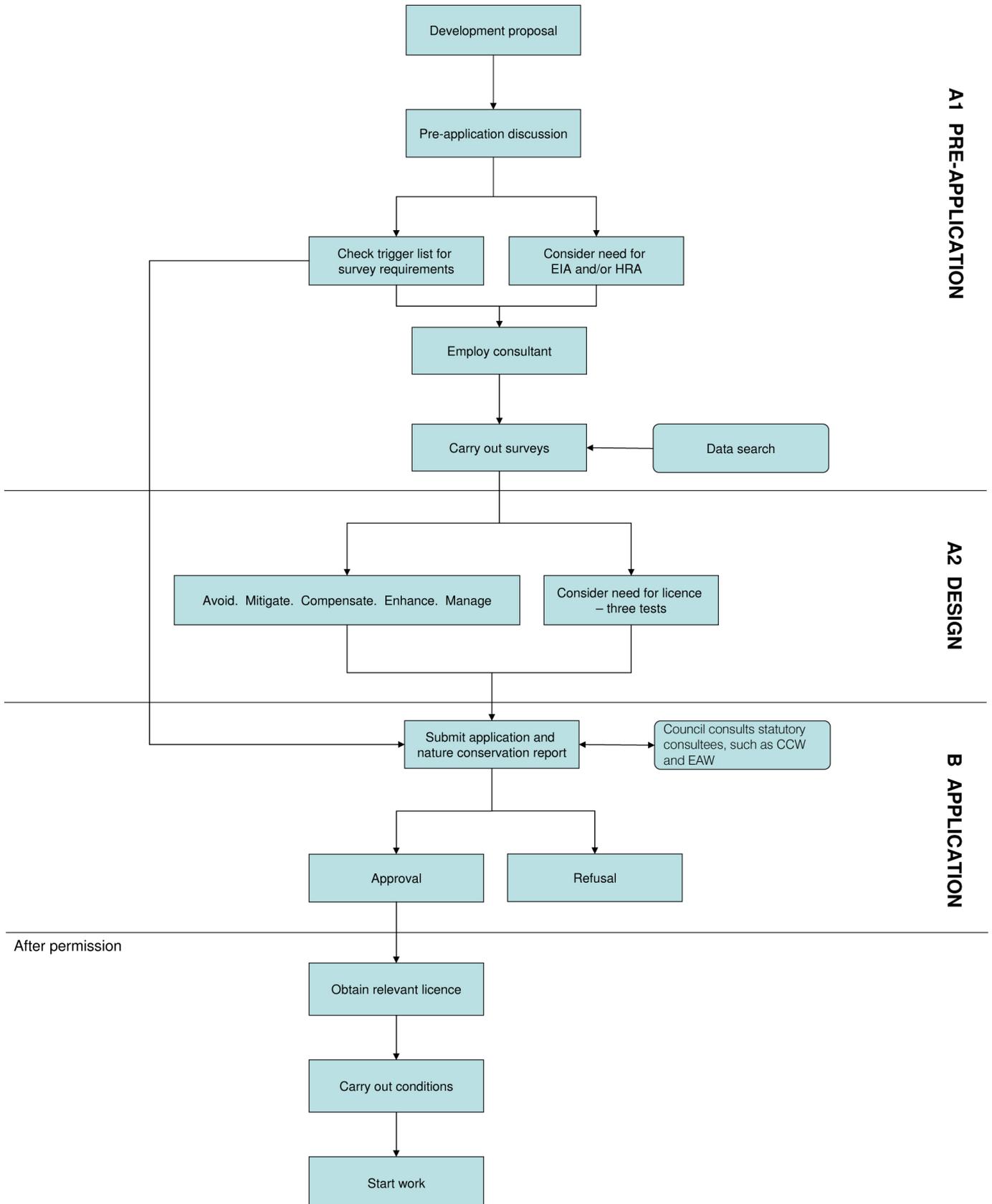
Contact the local planning authority for advice on whether your application will require EIA or visit the planning section at [www.communities.gov.uk](http://www.communities.gov.uk). The Institute for Ecology and Environmental Management have produced detailed guidance for EIA (available from [www.ieem.net/ecia](http://www.ieem.net/ecia)).

**Habitat Regulations Assessment** – Where a development proposal (alone or in combination with another plan or project) is likely to have a significant effect on a Natura 2000 site, the Competent Authority<sup>1</sup> must undertake an appropriate assessment, which is required under the Habitat Regulations.

The applicant must provide details of all the aspects of the development and its potential impacts to the local planning authority to allow an Appropriate Assessment to be carried out. This can take the form of an ecological report and be submitted along with the application – the scope and content of this assessment will vary depending on the proposal. Consent cannot be granted unless the results of the appropriate assessment show that the proposal will not have a significant negative effect.

<sup>1</sup> The Competent Authority is a body with the authority to grant consent (or with the authority to undertake projects themselves). Vale of Glamorgan Council, as a local planning authority, is a competent authority.

Figure 4.1 Building nature into development – good practice process



**A2 Design**

It's important that the findings of any survey work are taken into careful consideration during the design stage. Good survey work will give you the details of both constraints and opportunities on your site and allow you to...

**Avoid. Mitigate. Compensate. Enhance. Manage.**

Your primary objective should be to **avoid** negative impacts – by designing the site around the wildlife features. For example, if the development site includes a pond or existing hedgerow try to incorporate it into the layout. Where this isn't at all possible then the design should aim to **mitigate** any negative impacts.

Applicants should ensure that they take account of all the potential effects of a development and make sure that **avoidance** and **mitigation** are appropriate to the situation. Designing a scheme around an existing pond wouldn't be sufficient if that pond is then completely isolated from nearby terrestrial habitats.

All stages and processes of the development should be considered. Impacts can extend beyond the site boundary in unexpected ways such as light pollution or predation in nearby habitats by domestic pets. Relatively small developments can also have larger impacts on the wider landscape – for example, removing a hedgerow or line of trees could break up a bat feeding route, negatively affecting a breeding colony some distance from the development site.



Very occasionally, translocation of a certain species, habitat or feature can be considered when no other options exist – moving it to another part of the development site or to a receptor site in another area.

In some cases it isn't possible to avoid or mitigate for certain wildlife features on a site. In these instances either on or off-site **compensation** will be required. **Compensation** either restores or recreates the wildlife feature damaged by a development – ensuring no net loss although it should be noted that some habitats and features, such as ancient woodland, cannot be compensated for.

**Compensation** will not be regarded as an alternative to **avoidance** or **mitigation** and where a habitat or feature is lost to development a greater quantity of the replacement will be required. It takes time for new habitats and features such as hedgerows and ponds to establish and become functional and

there is no certainty that such new features will ever achieve the nature conservation value of the original.

A **replacement ratio** for 'like for like' compensation is set at 1:1.5 or 50% above the area to be replaced. This is the minimum that would be accepted and the ratio may be increased in some instances where, for example, fragmentation of important existing habitats needs to be avoided.

Compensation does not necessarily need to be on a like for like replacement basis as the post-development site may not be appropriate for the habitat type. In these cases the replacement ratio may need to be much greater than 1:1.5 so as to guarantee net biodiversity gain and this will be subject to discussion on a case by case basis.

Proposals resorting to compensatory measures must demonstrate why avoidance or mitigation is not achievable and may need to establish compensatory features prior to development.

PPW (5.2.8) requires that the planning system promotes approaches to development which create new opportunities to **enhance** biodiversity. The local authority also has a statutory duty under the NERC Act (2006) to conserve biodiversity through restoration and site **enhancement**. One of the primary ways the council can achieve this duty is through encouraging action by others.

Enhancement of biodiversity will be required for the majority of planning applications and is expected to contribute towards the targets set by the Vale LBAP.

The ways in which **enhancement** can be achieved will vary from site to site. The extent of enhancement will also vary depending on the specific nature of the development. As such it will be considered on a case by case basis by the local planning authority. Examples of how enhancement could be achieved are:

- bird boxes for protected or priority species such as barn owls, swifts or house sparrows
- provision for bats, such as open soffit boxes or access to loft spaces
- a reptile and amphibian hibernaculum
- planting of a native species hedgerow
- creation of a wildlife pond and scrapes
- establishment of a meadow area
- improving a waterway and creating buffer zones along its banks
- planting a native woodland area

Figure 4.2 Pre and post-development: how wildlife features can be avoided, mitigated, compensated, enhanced and managed



Where wildlife features are retained or new habitats and features are created either on or off site, appropriate ongoing **management** must be put in place to ensure long lasting benefits. Management needs will vary from site to site – in some cases a habitat will largely manage itself if the initial design is appropriate and some features require no management at all. However, for other sites there may be a need for specific management regimes for many years. This can be achieved through a S106 agreement or planning obligations. Separate SPG on planning obligations is available and can be accessed on the Council's website ([www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk))

In these cases a **management** plan will need to be produced and submitted as part of the report. As a minimum, a management plan should cover at least the 5 years following completion of a development and ideally plan for longer term management/maintenance to ensure maximum benefit.

Mechanisms to measure success should be included in the management plan and such measures can include the population of an indicator species reaching a certain size. It should identify specific actions required for good management and include phasing. The organisation and personnel responsible for implementing the plan also needs to be identified. A management plan may also need to include regular monitoring as part of a license granted for disturbance to a protected species.

In developments where a protected species or site is present a licence will often be required from WAG (see box 1).

## **B** Application

By the time a planning application is ready for submission the wildlife features present on site should have been fully considered. In those cases where the trigger list required survey work, a wildlife report should be submitted along with the application. A suggested layout for this report is included in Annex 1.

Failure to do so may prevent a planning application from being registered or may lead to delays in the planning process or a refusal of planning permission.

If permission is granted, conditions are likely to be attached to the consent. These might include restrictions on certain operations to particular times of year, good practice during construction or enhancement or appropriate future management, maintenance and monitoring. If monitoring shows that management isn't being achieved then enforcement action may be taken to ensure appropriate measures are implemented.

### Box 1 - Licences

Activities that are likely to cause harm or disturbance to a protected species or its habitat must be carried out under licence. This can include survey work, trapping and marking, photography and habitat management. For this reason, a professional ecologist should always be employed to carry out survey work.

The Welsh Assembly Government ([www.wales.gov.uk](http://www.wales.gov.uk)) and CCW ([www.ccw.gov.uk](http://www.ccw.gov.uk)) issue such licences for species protected under the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. It can also licence survey work for European protected species.

For development, a licence will often be needed if a protected species will be negatively affected. PPW (5.5.4) encourages pre-application discussion between the applicant, local planning authority and the Countryside Council for Wales in developments where protected species may be affected.

In some cases appropriate avoidance and mitigation will prevent the need for a licence – work can be managed so that it doesn't cause disturbance or harm.

With European protected species the developer will need to apply to the Welsh Assembly Government for a licence before any work on site can begin. A licence application will not be considered by WAG until planning permission has been granted.

It's important to note that planning permission (or a permitted development right) doesn't negate the need for a licence before work starts on site. Working without a licence could lead to a wildlife crime being committed and prosecution.

Before planning permission is granted, the council needs to address three tests during its decision on the application:

- i. it is 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'
- ii. there is 'no satisfactory alternative'
- iii. it is 'not detrimental to the maintenance of the populations of the species concerned at favourable conservation status in their natural range'

To enable the council to do this, test iii must be addressed in the nature conservation report that's submitted with the planning application. To further assist the local planning authority in its consideration of the application, a statement from the developer addressing tests i and ii will be requested.

Once the application is received the council will consult CCW to make sure that the approach detailed in the report is sufficient. If planning permission is then granted, conditions will be attached ensuring that the agreed approach is followed.

## USEFUL CONTACTS

### **Development and Building Control**

North team - Jane Crofts (01446) 704649

South team - Steve Ball (01446) 704602

### **Ecology team**

Richard May (01446) 704855

Liz Stewart (01446) 704627

[ecology@valeofglamorgan.gov.uk](mailto:ecology@valeofglamorgan.gov.uk)

### **Countryside Council for Wales**

Cardiff office 02920 772400

[southernteam@ccw.gov.uk](mailto:southernteam@ccw.gov.uk)

### **Environment Agency Wales**

Cardiff office 08708 506506

[enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)

## ANNEX 1 BIODIVERSITY CHECKLIST AND SURVEY REQUIREMENTS

The local planning authority will consider biodiversity conservation when determining a planning application through a regard to protected and priority habitats and species as required by Planning Policy Wales and the NERC Act 2006.

Applications that include restoration, enhancement or creation of habitats or features beneficial to protected and/or priority species are encouraged.

A biodiversity survey and report must be provided for applications where there is a reasonable likelihood for proposals to impact on a designated site or protected or priority habitat or species (see figures 1 and 3). Applications that involve one or more of the development types listed in column 1 of figure 1 must include the relevant species survey(s) as indicated in the table. Applications likely to affect any of the designated sites or priority habitats listed in figure 3 must include a survey and assessment for the relevant habitats.

The local planning authority will reject or require additional surveys if the information provided is deemed insufficient.

### Report requirements

All submitted reports must provide sufficient information for the local planning authority to fully consider the impacts of a proposed development. A report must address two requirements:

- 1) Assessment of the site through ecological survey(s) and assessment of ecological impacts
- 2) Measures to avoid, mitigate, compensate, enhance and manage wildlife features

### 1) A submitted report demonstrating thorough survey work and assessment must:

- Include a summary of the proposed development, description of the site (including existing wildlife features), and site history (e.g. ownership, general land use, type of and need for the proposed development);
- Include a search for data from the South East Wales Biological Records Centre (SEWBRc) and/or any other relevant organisations. (All data submitted to the local planning authority as part of the application will be made available to SEWBRc)
- Inform of the extent, scope, and methodology of the survey(s) being undertaken

- Be undertaken and prepared by competent persons with suitable qualifications, licenses and experience – and this information should be contained within the report
- Be carried out at an appropriate time and month of year (see figure 2), in suitable weather conditions and using nationally recognised survey guidelines/methods where available and working to best practice standards (for guidance visit sources for survey methods at [www.ieem.net/survey%2Dsources](http://www.ieem.net/survey%2Dsources))
- Record species and/or habitats present on site, identifying their numbers/extent and location – both on site and within an appropriate buffer zone around the site boundary
- Map species distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding)
- Map the habitat types present on site and/or in the surrounding area to be shown on an appropriate scale plan and record extent, area or length. Maps should indicate habitat and wildlife features, and any appropriate target notes, on and off site. Inclusion of photographs is recommended
- Briefly record species and habitats incidentally encountered as part of the survey as appropriate (for example, a bat survey should also include any evidence of nesting birds)
- Detail any limiting factors or constraints that may have affected survey work
- Assess site status against SINC criteria
- Identify ecological networks
- Identify and describe development impacts likely to harm the species, features used and habitats. This should take account of: direct and indirect effects; short-term and long-term impacts; direct and indirect impacts; scale and nature of impacts (set within a local/national context); and impacts during construction and operation

**2) A submitted report must first demonstrate why avoidance of negative impacts is unfeasible before providing a strategy that details mitigation and compensation proposals. These must include:**

- A strategy to ensure no overall detrimental affect on the maintenance of habitats and species affected
- On sites where European protected species are likely to be affected, an assessment against the three tests and a method statement following the requirements of WAG (available online from [www.wales.gov.uk](http://www.wales.gov.uk))
- Details of any translocation proposals, including methodology and full assessment and description of proposed receptor site
- Details of habitat/feature creation, restoration and/or enhancement

- Details of any resultant change in the status of priority habitats/species expressed in terms appropriate to the local biodiversity action plan (maintaining extent, achieving favourable condition, restoring, expanding priority habitats or extending the range or increasing populations of priority species)
- A work schedule (preferably to include maps and a diagram showing phasing/timing of works)
- Post development management and monitoring (either in the report or, preferably, as a standalone management plan)

### Exceptions to survey work

The requirements shown in figures 1 and 3 are unable to account for all development types and all possible situations. In some instances discussion between the local planning authority and the developer may lead to a requirement for additional survey work. Similarly in some cases survey work may not be required.

- 1) International and nationally designated sites: where the applicant provides copies of correspondence with the Countryside Council for Wales that confirm in writing that the proposed development will not affect any internationally or nationally designated site.
- 2) SINC and priority habitats: where the applicant provides copies of correspondence with the local planning authority that confirm in writing that the proposed development will not affect any SINC or priority habitat.
- 3) Protected/priority species: where one of the following applies
  - 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) It is clear that no protected species are present and the applicant provides evidence with the planning application to demonstrate that such species are absent (this may be in the form of a letter or brief report from a qualified and experienced professional).
  - c) The development proposal will have no effect on any protected species present on the site. In this instance only limited information needs to be submitted demonstrating why there will be no affect on any protected species present.

Figure 1 Local requirements for protected / priority species surveys

Types development / nature of application	Type of species survey required										
	Bats	Barn owls	Breeding birds	Otters	Dormouse	Badgers	Great crested newts	Reptiles	Amphibians	Invertebrates <sup>3</sup>	Plants <sup>3</sup>
Scale of development threshold	H Mi Ma	H Mi Ma	H Mi Ma	Mi Ma	Mi Ma	Mi Ma	H Mi Ma	Mi Ma	Mi Ma	Mi Ma	Mi Ma
<b>H = Householder application Mi = Minor application Ma = Major application<sup>1</sup></b>											
<b>(1) Conversion, modification, demolition or removal of buildings – if they are:</b> <ul style="list-style-type: none"> <li>• agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams</li> <li>• 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> </ul> Note: the above criteria also apply to hotels, schools, hospitals, churches, commercial premises and derelict buildings. Surveys are not required for livestock buildings with a single skin roof and board-and-gap or Yorkshire boarding.	✓ ✓ ✓ ✓ ✓	✓	✓ ✓ ✓								
<b>(2) Development affecting built structures:</b> <ul style="list-style-type: none"> <li>• tunnels, mines, kilns, ice-houses, military fortifications, air raid shelters, cellars and similar underground ducts and structures</li> <li>• bridge structures, aqueducts and viaducts (especially over water and wet ground)</li> </ul>	✓ ✓										
<b>(3) Floodlighting of:</b> <ul style="list-style-type: none"> <li>• churches and listed buildings, green space (e.g. sports pitches) within 50m of woodland, water, field hedgerows or lines of trees with connectivity to woodland or water</li> <li>• any building meeting the criteria listed in (1) above</li> <li>• agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams</li> <li>• river corridors, bridge structures, aqueducts and viaducts</li> </ul>	✓ ✓ ✓	✓		✓							

<p><b>(4) Felling, removal or lopping of:</b></p> <ul style="list-style-type: none"> <li>• woodland</li> <li>• hedgerows and/or lines of trees with connectivity to woodland or water bodies</li> <li>• old and veteran trees that are older than 100 years</li> <li>• mature trees with obvious holes, cracks or cavities (and also large dead trees)</li> </ul>	✓		✓		✓	✓		✓			✓
<p><b>(5) Proposals affecting ponds with respect to:</b></p> <ul style="list-style-type: none"> <li>• Applications within 500m of a pond marked on an OS map</li> <li>• Applications which directly impact on any pond</li> </ul>						✓	✓	✓			✓
<p><b>6) Proposals affecting water bodies:</b></p> <ul style="list-style-type: none"> <li>• In or within 200m of rivers, streams, canals, lakes, reedbeds or other aquatic habitats (water bodies)</li> </ul>			✓					✓			✓
<p><b>(7) Proposals located in or immediately adjacent to:</b></p> <ul style="list-style-type: none"> <li>• quarries</li> <li>• natural cliff faces and rock outcrops with crevices or caves</li> <li>• derelict land (brown field sites), allotments and railway land</li> <li>• arable or pasture land</li> <li>• apparently unmanaged habitats (e.g. scrub, rank grassland)</li> </ul>	✓		✓				✓	✓	✓	✓	✓
<p><b>(8) All proposals where protected species are known to be present<sup>2</sup></b> This may include proposed development affecting any type of building structures, feature or location</p>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<p><sup>1</sup>A major application 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</p> <p><sup>2</sup>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 the Countryside Council for Wales or other nature conservation organisation or by a credible report from a member of the public</p> <p><sup>3</sup>Only relating to those species listed on the Conservation (Natural Habitats, &amp;c.) Regulations 1994, Wildlife and Countryside Act 1981 and/or S42 of the NERC Act 2006</p>	Bats	Barn owls	Breeding birds	Otters	Dormouse	Badgers	Great crested newts	Reptiles	Amphibians	Invertebrates <sup>3</sup>	Plants <sup>3</sup>

Figure 2 Ecological survey seasons

Key: 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												
Otters												
Reptiles												
Water Voles												
Habitats/Vegetation												

More detailed requirements regarding survey timing may apply to certain species (for example, bats). In these instances detailed published guidance is available. Visit sources for survey methods at [www.ieem.net/surveymethods](http://www.ieem.net/surveymethods)

Adapted from ALGE 2007: Validation of Planning Applications Pilot Draft

Figure 3 Sites and priority habitats

<p><b>DESIGNATED SITES</b></p> <p><b>Internationally designated sites</b></p> <ul style="list-style-type: none"> <li>- Special areas of conservation (SACs)</li> <li>- Special protection areas (SPAs)</li> <li>- Ramsar sites</li> </ul> <p><b>Nationally designated sites</b></p> <ul style="list-style-type: none"> <li>- Site of special scientific interest (SSSI)</li> </ul> <p><b>Locally designated sites</b></p> <ul style="list-style-type: none"> <li>- Sites of importance for nature conservation (SINCs)</li> <li>- Local nature reserves (LNRs)</li> </ul> <p><b>PRIORITY HABITATS*</b></p> <ul style="list-style-type: none"> <li>- All priority habitats as listed on S42 NERC Act 2006, selected for the conservation of biological diversity in Wales</li> </ul>
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\* Habitat definitions are available in the UK biodiversity action plan priority habitat descriptions, available from [www.ukbap.org.uk](http://www.ukbap.org.uk) or the local planning authority