



Local Validation Requirements/Checklists:

## **Biodiversity & Geodiversity - Additional Planning Check Information**

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## Appendix 1

*Ecological (Biodiversity) Information Considerations* (as part of a Preliminary Ecological Appraisal [PEA] or Ecological Impact Assessment [EclA])

### A. Surveys

Up to date ecological surveys (normally no more than 2 to 3 years old) are required to determine whether biodiversity may be adversely affected by development as well as when beneficial impacts may occur. All surveys carried out should be assessed and undertaken and prepared by competent persons with suitable ecological qualifications and experience. Surveys must be carried out at an appropriate time and month of the year, in suitable weather conditions.

#### ECOLOGICAL SURVEY SEASONS

Key: Optimal Survey Time ■ Extending into ■

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	
<b>Badgers</b>													
<b>Bats</b> (Hibernation Roosts)													
<b>Bats</b> (Summer Roosts)													
<b>Bats</b> (Foraging/Commuting)													
<b>Birds</b> (Breeding)													
<b>Birds</b> (Over Wintering)													
<b>Dormice</b>													
<b>Great Crested Newts</b>					TERRESTRIAL (rarely acceptable on their own)								
			AQUATIC										
<b>Invertebrates</b>													
<b>Otters</b>													
<b>Reptiles</b>													
<b>Water Voles</b>													
<b>White-Clawed Crayfish</b>													
<b>Habitats/Vegetation</b>													

Ecological survey should be informed by a desk study of available information which should include the results of a search for ecological data/records. The Gloucestershire Centre for Environmental Records (GCER) is the Local Biological Records Centre (Website: [www.gcer.co.uk](http://www.gcer.co.uk) , Email - [gcer@gloucestershirowildlifetrust.co.uk](mailto:gcer@gloucestershirowildlifetrust.co.uk) or Tel. 01452 383333). They can search for the location of designated sites, habitats and notable species on or near to a proposed development site.

Surveys should normally follow published national or local methodologies and these should be stated in the subsequent ecological report submitted to the Planning Authority. More information on appropriate ecological survey methods can be found on the Chartered Institute of Ecology and Environmental Management website at: [www.cieem.net](http://www.cieem.net).

A site survey must be suitably scoped and to an appropriate level of detail. It must:

- Record which habitats and features are present
- Identify the extent/area/length of habitats and features present
- Map on a scaled plan the distribution of habitats and features recorded on the site and as necessary in the surrounding area
- Include target notes indicating habitat/feature condition and (potential) presence of notable species.

General points to note regarding species focused surveys are as follows:

- Only a licensed person can undertake ecological surveys involving disturbance, capture or handling of a protected species. Licences are issued by Natural England.
- Surveys conducted outside of optimal times (table above) may be unreliable. An application may not be valid until survey information is gathered from an optimum time of year. This is especially important where existing surveys and records show the species has been found previously on site or in the surrounding area.
- The results of species survey can be heavily influenced by the weather. It may be necessary to delay a survey or to carry out more than one survey for these reasons. One example of this is that heavy rain (or flooding) can wash away otter spraints or droppings. Likewise bat surveys carried out in wet or cold weather may not yield accurate activity data.
- Absence of evidence of a species occurring does not necessarily mean that it is not there or that its potential breeding or resting place should be deemed to be completely unoccupied. An example is that a bat roost should normally be assumed to be occupied for a few years beyond the time that bats have last been recorded.

## **B. Assessments**

The type of ecological assessment (appraisal) required will depend on the risks to biodiversity plus the scale and size of a development proposal. A Preliminary Ecological Appraisal (PEA) or Ecological Impact Assessment (EclA) will be based on both a desk study of existing information/records and field survey(s). It is recommended that all ecological assessments for developments are based on guidelines produced by the Chartered Institute of Ecology and Environmental Management (CIEEM) at [www.cieem.net](http://www.cieem.net) . The assessment should be carried out by a suitably qualified and experienced person and include:

- Evaluation of the biodiversity importance of the site and surrounds using desk and site survey results. This will include designated sites, habitats, species and features that could be used by wildlife likely to be present.
- Identification of all potential impacts and magnitude of direct, indirect and residual effects upon biodiversity and whether these are short or long-term. These would cover the set up, construction, landscaping/restoration and operational phases.
- How avoidance and/or reduction/mitigation and/or compensation/offset measures have been considered, justified and selected
- How the development can provide net gain for biodiversity. There should be a summary table of losses and gains that demonstrate overall enhancement. This may require additional or extra extent of habitats or features to be created, installed or better managed. If this is not relevant to the development a clear reason for why this is so must be given.
- The relevance of restoration/landscaping to biodiversity
- Arrangements for appropriate immediate after-care and longer term management of landscaping/habitats/species/features

The County Council expects proposals to enhance, restore or create habitats or features of value to wildlife. Any positive change in reducing habitat fragmentation and strengthening ecological networks will be looked at favourably. Developments in the vicinity of strategically important ecological recovery networks or adopted local Nature Improvement Areas should particularly show how they can make a positive contribution to these special places. For more information see the Gloucestershire Local Nature Partnership website at [www.gloucestershirenature.org.uk](http://www.gloucestershirenature.org.uk).

Please note there may be a need to request additional ecological information from an applicant after submission if findings are deemed unclear, deficient or incomplete. This cannot always be determined until the application has been considered by various consultees such as Natural England, the Environment Agency and the County Council's own ecologist.

More on survey and assessment requirements can be found on the Natural England website at [www.gov.uk/construction-near-protected-areas-and-wildlife](http://www.gov.uk/construction-near-protected-areas-and-wildlife) and also within the British Standard BS 42020 'Biodiversity – Code of practice for planning and development' which is available at <http://shop.bsigroup.com/>.

**Appendix 2** Local Requirements for *Designated Sites, Priority Habitats and Other Features*: Criteria (Trigger List) for when a Biodiversity Survey and Assessment (Appraisal) is required

1. DESIGNATED SITES

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>
Locally designated sites	<b>Local Site (e.g. <i>Key Wildlife Site</i>) Local Nature Reserve (LNR)</b>

Check with [www.gcer.co.uk](http://www.gcer.co.uk) GCER

**Designated Sites likely to be affected by the proposal? Yes/No**

2. HABITATS OF PRINCIPAL IMPORTANCE FOR BIODIVERSITY

(S.41 of the NERC Act 2006, also known as English List of Priority Habitats) for the county these habitats probably include:

- Coastal/Marine habitats (e.g. saltmarsh, intertidal mudflats, estuarine rocky habitats, saline lagoons, subtidal sands and gravels,)
- Wetland (e.g. coastal and floodplain grazing marsh, reedbeds, lowland fens, lowland raised bog)
- Freshwater (e.g. eutrophic standing waters (including lakes and canals), mesotrophic lakes, ponds and rivers)
- Heathland, i.e. lowland heathland
- Woodland (e.g. lowland beech and yew woodland, wet woodland, lowland mixed deciduous woodland, wood-pasture and parkland)
- Boundary, i.e. hedgerows
- Grassland (e.g. lowland calcareous grassland, lowland dry acid grassland, lowland meadows)
- Arable & horticulture (i.e. traditional orchard & arable field margins)
- Inland Rock (e.g. open mosaic habitats on previously developed land, limestone pavements)

*IMPORTANT - this is not a definitive list for the county and the English List of Habitats of Principal Importance for Biodiversity which should be accessible via the JNCC website at <https://webarchive.nationalarchives.gov.uk> . To find what priority habitats may occur contact GCER at [www.gcer.co.uk](http://www.gcer.co.uk) .*

**Priority Habitats likely to be affected by the proposal? Yes/No**

### 3. OTHER BIODIVERSITY FEATURES

- **Ancient or Secondary Woodland and Mature/Veteran Trees**
- **Caves, scowles, sink holes and disused tunnels and mines (e.g. roosts for bats)**
- **Trees, scrub and structures used for nesting by breeding birds and roosting by bats**
- **Urban green space and previously developed land with biodiversity interest (e.g. parks, allotments, flower-rich road verges and railway embankments supporting habitats and notable plants, invertebrates, amphibians or reptiles)**

Distribution of these features might also be obtained by inspecting aerial photography and by contacting GCER see [www.gcer.co.uk](http://www.gcer.co.uk) .

Other Biodiversity Features likely to be affected by the proposal?	Yes/No
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#### *Exceptions When a Full Survey and Assessment May Not Be Required*

***Internationally and Nationally Designated Sites:*** A survey and assessment (appraisal) 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.

***Locally Designated Sites plus Priority Habitats and Other Features:*** A survey and assessment (appraisal) will not be required where the applicant is able to provide copies of pre-application correspondence with the Planning Authority's Ecologist or biodiversity advisor that they are satisfied that the proposed development will not affect any local sites designated for their local importance or any priority habitats or listed biodiversity features above or the presence of priority species on the S41 NERC (English) List.

### **Appendix 3** Local Requirements for *Protected Species*: Trigger List for when a Survey and Assessment (Appraisal) is required

See the [JNCC](#) and [government](#) webpages for information on protected species and contact GCER at [www.gcer.co.uk](http://www.gcer.co.uk) who can check for known records of all legally protected and in addition priority species on the S41 NERC (English) List at <https://webarchive.nationalarchives.gov.uk>.

The table below covers legally protected species and there is a *black dot under a species column that indicates a survey & assessment trigger for each species*. If the proposal matches the trigger then a ‘Yes’ should be checked in the final column. If pre-application advice/evidence from the Planning Authority or qualified ecologist indicates otherwise then this must be stated under the ‘No’ column and the advice/evidence submitted with the application. See further notes beneath this table.

Proposals for Development that will trigger a Legally Protected Species Survey & Assessment	Bats	Barn Owls	Breeding Birds	Gt. Crested Newts	Otters	Dormouse	Water Vole	Badger	Reptiles	Amphibians	Plants	White-clawed Crayfish species?	No	Yes
<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) 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>	•	•	•											

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.	•		•			•		•			•			
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 or scowles and natural cliff faces and rock outcrops with crevices, caves or swallets/sinkholes.	•		•						•					
Major proposals within 500m of a pond or minor proposals within 100m 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 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, storage or waste piles and other suitable features that protected species may be reasonably likely to inhabit or locations where protected species are known to be present * on site or in the immediate vicinity	•	•	•	•	•	•	•	•	•	•	•	•		

Bats	Barn Owls	Breeding Birds	Great Crested Newt	Otters	Dormouse	Water Vole	Badgers	Reptiles	Amphibians	Plants	White-clawed Crayfish
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\* Confirmed as present by either a data search (for instance from GCER) or as notified to the developer by the Planning Authority, and/or by Natural England, the Environment Agency or other nature conservation organisation.

***Exceptions for When a Full Protected Species Survey and Assessment (Appraisal) 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.

## **Appendix 4** Guidance - *Bats in Buildings/Structures*

In such situations where bats may be present in a building or structure undergoing works or near works (Appendix 3) it is helpful if a planning application includes the following information as part of the submission:

- Photographs of the structure both general views and views of the edge of the roof including any eaves, soffits etc.
- A description of the structure, e.g. is there a void, is it insulated and are there any visible gaps allowing access to a void?

In gathering this information at an early stage the applicant will be in a better position to consider themselves if a bat survey and assessment (appraisal) should be carried out and submitted to the LPA. This can mean that delays in the processing of applications can be avoided or minimised. If this advice is followed then only in a minority of cases is it envisaged there would be a need to request additional information or arrange a site visit and/or request a meeting.

### **Background**

Many species of bats are endangered or threatened, so both national and European legislation gives them very full protection. It is illegal to intentionally kill, injure or take bats or recklessly, damage or destroy their roosts or disturb bats. As bats tend to return to the same roosts each year, these sites are protected whether the bats are present or not.

All UK bats are small, eat insects and rarely damage property. They roost in a variety of places including buildings (usually in roofs and cellars or similar voids) and may form colonies or be found singly or in small groups. You may find bats in buildings at any time of the year, though they are most commonly found in summer when some species can form maternity (breeding) colonies.

When bats use buildings, they usually conceal themselves in crevices, behind roofing felt, in cavity walls or under ridge tiles. They are not often seen in the roof space. Some species will also use cellars or other voids in structures such as bridges. So you can expect most kinds of buildings and structures to be potential bat roosts but it is the likelihood of this being the case and whether bats could be affected by works that is important.

### **Bats and Planning**

The National Planning Policy Framework alongside Standing Advice issued by Natural England gives direction to planning authorities in their decision-making with respect to biodiversity and development. In addition ODPM Circular 06/2005/Defra Circular 01/2005 states that the presence of a legally protected species is a material consideration when considering a development proposal that could harm the species or its habitat.

Where bat presence is reasonably likely then an appropriate bat appraisal (survey and assessment) should be submitted as part of a planning application. Surveys and assessments cannot be conditioned (except in exceptional circumstances) as all relevant



information (e.g. at least an outline mitigation strategy) must be available prior to the determination of a planning application.

- A survey and assessment (appraisal) for bats may be required when the application involves:
- Any building or structure with an existing bat record or subject to a report of bat activity
- Modification, conversion or demolition of agricultural barns/farm buildings (structures with roofs)
- Modification or conversion of derelict building (structures with roofs)
- Modifications, conversion or demolition of any existing pre 1914 house/building with gable ends or slate roofs
- Works to tunnels, mines, kilns, cellars etc. or similar underground ducts and structures
- Demolition of any existing house/building or structure
- Conversion of attic space – includes installation of roof lights or dormer windows \*
- Extensions that tie-in to roof space
- Suitable building or structure where there are trees, hedgerows, woodland, water or other suitable bat foraging, commuting or roosting habitat nearby

It is the Planning Authority's job to assess each application to ascertain the most appropriate approach having regard to the three derogation tests in the Habitats Regulations 2017 (as amended). It may attach conditions to any permission to safeguard bats, habitats and their resting places. Conditions may dictate the timing of certain works, implementation of mitigation measures and management of sites following completion of the development. A European Protected Species Licence may be required before any work can start from Natural England which is a separate issue but linked to the planning application determination (see [www.gov.uk](http://www.gov.uk)).

#### Demountables/Temporary and Flat Roof Buildings

*Although flat roofs and temporary buildings are less likely to harbour bats, their use by bats cannot always be ruled out, especially if there is good foraging or commuting habitat in the adjoining area.*

Usually with modern temporary and flat roof buildings (e.g. classrooms, offices) there are generally no voids within the shell and it will likely be **filled** with insulation. However in older buildings and those in poorer condition some voids could be present and accessible, e.g. at the edge or eaves. This means that often there can be some potential for bat occupation, e.g. pipistrelles which can enter through small crevices or remain hidden in crevices themselves at certain times of year. There are two things to check in these types of structure:

- is any void fully insulated?; and
- are there any crevices or access points to a space or void which could be used by bats?

If the applicant can demonstrate that there are no crevices or voids (for bats to reasonably occupy or enter) in a building/structure then this can speed up planning application processes. It potentially allows the LPA to agree that the likelihood of bats being present is low without the need to request additional bat appraisal information from the applicant.

However, it should be borne in mind that occupation by bats is possible in virtually any kind of structure, e.g. bats have been found even in "unsuitable" structures such as



'Portacabin' type temporary buildings. These cases are unusual and the LPA has to consider the likelihood of bats being present, if this is reasonably unlikely then a survey and assessment (appraisal) would not be requested.

In summary, if there is no known bat roosts at a site, the LPA would make a judgement on the basis of a brief description of the building/structure and appropriate photographs. If there appeared to be some access potential for bats and places to roost in we might attach a condition to dismantle the building by hand. This may need to be carried out under the supervision of an ecologist. In quite low risk situations an advisory notice might be attached to any planning consent instead. Examples of a planning condition and advisory note which could be attached to a planning decision are set out below:

### **Condition**

*The development hereby permitted shall not commence unless a licensed bat consultant has been appointed by the applicant to supervise all destructive works to the roof of any buildings or structures to be demolished. The licensed worker must be present and supervise all destructive work. Should bats or evidence of bat occupation be found during this operation, then work must cease immediately while the licensed bat consultant are consulted for further advice.*

### **Advisory Notice**

*Bats and their roosts are protected under the Wildlife and Countryside Act 1981 (as amended) and also the Conservation of Habitats and Species Regulations 2017 (as amended). Bats can be found in many buildings and trees, even those that initially appear to be unsuitable. To avoid possible prosecution if a bat or evidence of bats using a feature on site is discovered during operations all works that may affect bats should cease and a licensed bat consultant contacted and the situation assessed before works can proceed. This advice note should be passed on to any persons/contractors carrying out the development.*

**Appendix 5** Local Requirements for *Designated Geodiversity Sites and Features*: Criteria (Trigger List) for when a Survey and Assessment (Appraisal) is Required

<b>1. DESIGNATED SITES</b>	
<b>Nationally designated sites</b>	Site of Special Scientific Interest (SSSI) National Nature Reserves (NNRs)
<b>Locally designated sites</b>	Regionally Important Geological Sites (RIGS) Local Nature Reserves (LNRs)
Visit the <a href="#">MAGIC</a> website at and/or contact <a href="#">Gloucestershire Geology Trust</a>	
<b>Designated Sites likely to be affected by the proposal?</b>	<b>Yes/No</b>
<b>2. OTHER GEOLOGICAL CONSERVATION FEATURES</b> (based on the Earth Science Conservation Classification) Presence of these features outside designated sites may need to be checked and <a href="#">Gloucestershire Geology Trust</a> contacted for further assistance if needed.	
<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>• Cliffs and coastal foreshore</li> <li>• River and stream sections</li> <li>• Inland outcrops</li> <li>• Exposure underground mines, tunnels and scowles</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 (i.e. water dissolved limestone systems)</li> </ul>
<b>Finite Site</b>	<ul style="list-style-type: none"> <li>• Finite mineral, fossil or other geological features</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**

*Internationally and Nationally Designated Sites:* A survey and report (appraisal) 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.

*Locally Designated Site and other geological features:* A survey and report will not be required where the applicant is able to provide copies of pre-application correspondence with appropriate geological experts (such as the Gloucestershire Geology Trust - GGT) that they are satisfied that the proposed development will not affect any locally important sites or features for geodiversity.

