



ASSOCIATION OF
Local Government Ecologists

In collaboration with Defra and Natural England

Validation of Planning Applications

PLANNING APPLICATION REQUIREMENTS (LOCAL)

TEMPLATE FOR BIODIVERSITY
AND GEOLOGICAL CONSERVATION

VALIDATION CHECKLISTS

In Accordance With

The Town and Country Planning (General Development Procedure)
(Amendment) (England) Order 2007

Pilot Draft

June 2007

Contents

Foreword		1
1	Introduction	2
2	Background	
3	Standard Application forms	3
4	Planning Application Requirements (National and Local)	4
5	Purpose of Biodiversity and Geological Conservation Local Requirements	4
6	Template for Biodiversity and Geological Conservation Local Requirements	4
7	Benefits of Introducing the Local Requirements	5
8	Recommendations for Customising the Template for Local Requirements	6
9	Users of the Local Requirements	6
10	The Validation Process	6
11	Policy Context for Biodiversity and Geological Conservation in the Planning System	7
12	Link Between Local Requirements and Supplementary Planning Documents	7
13	The Local Requirements and Consultation with Statutory Consultees	
Figure 1	Standard Application Form Question on Biodiversity and Geology	3
Figure 2	Ecological Survey Seasons	16
Figure 3	Using the Biodiversity & Geological Requirements to Validate Applications for Full and Outline Permission	18
Figure 4	Using the Biodiversity & Geological Requirements to Validate Applications for Householder, Listed Buildings and Conservation Area Consent <i>etc.</i>	19
Annex A	Local Requirements Template for Biodiversity and Geological Conservation	9
Annex B	Validation Process for Biodiversity and Geological Conservation	17
Annex C	Recommendations for Customising the Template to Local Requirements	20
Annex D	Legislative and National Policy Context for Biodiversity and Geology	25
Annex E	Useful Web Sites	25
Annex F	Habitats of Principal Importance for Conservation S.41 NERC)	26
References		27

Foreword

Local planning authorities must take account of various statutory obligations and policy requirements for nature conservation in the exercise of their planning functions. However, this work has often been hindered by the problem of having poor or insufficient information with which to determine an application. The introduction of a standard planning application form, along with new procedures for the validation of applications, offers a unique opportunity to dramatically improve the quality of information on biodiversity and geological features submitted with planning applications.

This document provides a model approach, which if adopted by each local planning authority, will ensure:

- Firstly that there is clarity for applicants about the information that they need to submit for their application to be valid, and;
- Secondly, it will provide planning authorities with a consistent means by which they can identify whether they have all necessary information with which to make a planning decision that is compliant with their statutory obligations for nature conservation.

The guidance and template herein have been prepared in consultation with professional planners and ecologists and with officials from Defra, Natural England, the Planning Portal and the Department for Communities and Local Government. Particular attention has been given to ensuring that the guidance and template are in accord with the latest government guidance on both the validation of planning applications and also on biodiversity and geological conservation.

The guidance has also been subject to peer review by members of the Royal Town Planning Institute, and the Institute of Ecology and Environmental Management.

Consequently, a planning authority which adopts the template for its own use can be confident that it is applying an approach which is accepted as good practice and conforms with the necessary statutory and policy requirements.

Acknowledgement: The template used in this guidance is inspired by and is based on an approach developed by the Peak District National Park Authority for the validation of applications involving protected species. The Peak Park's approach is cited as good practice in *Planning for Biodiversity and Geological Conservation: A Guide To Good Practice* (ODPM 2006).

1 Introduction

This document has been produced by the Association of Local Government Ecologists (ALGE), the Department of Environment and Rural Affairs (Defra) and Natural England (NE) in consultation with the Department for Communities and Local Government (DCLG). A number of nature conservation organisations and planning authorities have also been consulted and have made valuable comments on its content and format.

The document provides guidance and a template to enable local planning authorities (LPAs) to establish whether, with regard to biodiversity and geological conservation, an application is valid and consequently that they have received sufficient up-to-date information to determine the application lawfully¹ and in accordance with relevant planning policy².

This guidance and the template have been prepared with careful reference to the policy requirements set out in PPS 9 and to the good practice cited in *Planning for Biodiversity and Geological Conservation: A Guide To Good Practice* (ODPM 2006).

It is stressed that this document only provides a template in Annex A and LPA's should make any necessary revisions to it prior to publishing their own version on their web site. Revisions should be made after reading section 8 and following the advice in Annex C and also in consultation with the Natural England local team and the Local Biodiversity Partnership and the Local RIGS Group.

2 Background

As part of the Government's objective to provide a quicker, more predictable and efficient planning service, the DCLG has introduced a Standard Application Form and associated guidance for use by all LPAs in England. The Standard Application Form is supported by amendments to the *Town and Country Planning (General Development Procedure) Order 1995* [‘the GDPO’].

The new GDPO (2007) and accompanying *Best Practice Guidance* (2007)³ provide clarity over what is meant by and what comprises a ‘valid planning application’. The changes introduced should ensure that both LPAs and applicants can be certain of what is and what isn't required by an authority to enable the proper validation and determination of an application. Likewise, the introduction of the Standard Application Form provides an opportunity to ensure that there is a ‘level playing field’ and consistency in approach for planning applicants.

Following these procedural changes, a planning application will now only be valid if it provides the relevant information required by:

- (i) The questions on the Standard Application Form, and;
- (ii) Any further specific information required by the local planning authority. DCLG states that if an application does not meet the validation requirements as outlined then the application will not be valid.

The GDPO (2007) makes it clear that non-valid applications are not open to appeal on the grounds of non-determination.

¹ For instance, to comply with statutory requirements for biodiversity conservation; such as under Regulation 3(4) and 44 of the Habitat Regulations relating to European Protected Species; and Regulation 48 relating to International Sites; and under Section 28I of the Wildlife and Countryside Act relating to Sites of Special Scientific Interest;

² For instance to meet the policy requirements expressed in the key principles of Planning Policy Statement (PPS) 9 *Biodiversity and Geological Conservation* (ODPM 2005). The first key principle states that planning decisions should be based on up-to-date information on the environmental characteristics of an area.

³ The Validation of Planning Applications: Best practice guidance for local planning authorities (DCLG; 2007)

3 Standard Application Forms

Full copies of the Standard Application Form with the full set of questions can be found on the Planning Portal at: <http://www.planningportal.gov.uk/>

The Standard Application Form includes a question for *Biodiversity and Geological Conservation* that is for use with full and outline planning applications. A copy of this question is shown in Figure 1. The question has three elements, dealing with (a) protected and priority species, (b) designated sites and important habitats and (c) features of geological conservation importance.

Figure 1
Standard Application Form Question for Biodiversity and Geological Conservation

135. Biodiversity and Geological Conservation	
<p><i>To assist in answering the following questions, refer to the help text for further details on what information is going to be required as part of the planning application when there is reasonable likelihood that important biodiversity or geological conservation features may be present or nearby are likely to be affected by your proposals.</i></p>	
<p>Having referred to the guidance notes and the authority's local Planning Application Requirements, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, OR on land adjacent to or near the application site:</p>	
<p>a) Protected and priority species (see help text):</p>	
<input type="checkbox"/>	Yes, on land adjacent to the development site
<input type="checkbox"/>	Yes, on the development site
<input type="checkbox"/>	No
<p>b) Designated sites, important habitats or other biodiversity features (see help text):</p>	
<input type="checkbox"/>	Yes, on the development site
<input type="checkbox"/>	Yes, on land adjacent to the development site
<input type="checkbox"/>	No
<p>c) Features of geological conservation importance (see help text):</p>	
<input type="checkbox"/>	Yes, on the development site
<input type="checkbox"/>	Yes, on land adjacent to the development site
<input type="checkbox"/>	No

4 Planning Application Requirements (National and Local)

The *Validation of Planning Applications: Best practice guidance for local planning authorities* (DCLG; 2007) provides details on both national and local requirements.

The guidance includes details of a core mandatory list of information that is required if an application is to be valid. This list is the **Planning Application Requirements (National)**; it is concise and focuses only on requirements explicitly mentioned in the GDPO (2007).

The guidance also describes how and in what circumstances local planning authorities are able to add to the DCLG's national list with their own additional mandatory information that is required by them to meet local circumstances. This list is the **Planning Application Requirements (Local)** and following public consultation should be published on the LPA's web site.

Questions on the Standard Application Form specify where applicants should refer to the local application requirements shown at the end of the form and on the LPA's website before submitting their application. In the *Local Requirements* the local authority should specify exactly what information is required with regards to validation to ensure that the requirements meet local needs within the context of national policy.

DCLG recommends that validation requirements be prepared, consulted upon and adopted by planning authorities; these should then set out the scope of information required for particular types of development prior to the validation of an application for planning permission.

The *Best Practice Guidance* states that local planning authorities should tailor the lists provided in the guidance to their own context and requirements and "**should include indicative thresholds and criteria for the submission of particular types of information**".

The template in this document (see Annex A) includes indicative thresholds and criteria indicating when the submission of biodiversity and geological conservation information will be required with a planning application.

5 Purpose of Biodiversity and Geological Conservation Local Requirements

The template (see Annex A) will clarify for planning authorities and planning applicants what is meant by and what comprises a 'valid planning application' in relation to biodiversity and geological conservation issues.

It is important to emphasise that the local requirements checklist only raises questions relating to the quality of the information submitted with the application. The requirements cannot be used to judge the merits of the development proposal itself; this must be done later during the determination stage.

The local requirements template for biodiversity and geological conservation can be used with all relevant types of planning application, as identified in the DCLG Best Practice Guidance (2007).

6 Template for a Biodiversity and Geological Conservation Local Requirements

A template for *Biodiversity and Geological Conservation Local Requirements* is provided in Annex A.

This template has been prepared in accordance with the principles explained in the *GDPO* (2007) and the accompanying *Best Practice Guidance* (2007) and is intended as a basis from which an LPA can prepare its own customised version for inclusion in its Planning Application Requirements (Local). It also offers a practical means by which an LPA can implement many of the requirements set out in *PPS 9 Biodiversity and Geological Conservation* (ODPM 2005) and comply with the statutory provisions explained in ODPM Circular 06/2005: *Biodiversity and Geological Conservation – Statutory*

obligations and their impact within the planning system. The template also draws substantially from case studies and examples of good practice cited in *Planning for Biodiversity and Geological Conservation: A Guide To Good Practice* (ODPM 2006). Reference has particularly been made to examples of pre-application information gathering and development control checklists in the latter document.

There are three elements to the question for *biodiversity and geological conservation* on the Standard Application Forms (see Figure 1) and the guidance provided by DCLG that accompanies the question. The template in Annex A provides a means of validating information provided in response to the question on the standard application form; as such it is structured as shown below:

Part I Protected Species and Species of Principal Importance (Priority Species)

Part II Designated Sites, Priority Habitats and Features of Biodiversity Importance and Features of Geological Conservation Importance

The Importance of Including Part I and II. Local authorities should include separate requirements for both Part I and II (as shown in Annex A), to ensure that they and applicants can distinguish between those application types where species may be an issue, but where no designated sites or priority habitats are involved, and *vice versa*. This is important because the *criteria* and *thresholds* that will trigger when information may need to be submitted are different in Part I from Part II. Also, discrete statutory obligations may apply to the determination of applications involving certain protected species from those involving designated sites and may therefore require information to be submitted in difference circumstances – as distinguished in Tables 1, 2 and 3 of Annex A.

7 Benefits of Introducing the Local Requirements

The introduction of local requirements for biodiversity and geological conservation should bring a number of significant benefits for planning authorities, planning applicants and consultees; these include:

- (i) Ensuring that planning authorities issue planning permissions that are lawful and in accordance with their statutory obligations for wildlife;
- (ii) Reducing the occasions where planning consent which does not give proper consideration to biodiversity and geological conservation results in harm to important species, habitats or features;
- (iii) Ensuring applications do not get held up unnecessarily, or even refused because insufficient information on biodiversity and geology has been submitted by the applicant;
- (iv) Reducing the number of delays caused when the LPA has to await further information on biodiversity and geological issues – where this means the LPA fails to meet its BVPI 109 targets for determination periods;
- (v) Improving the sufficiency and timeliness of biodiversity and geological information made available to statutory consultees, enabling them to better provide a substantive and timely response to the LPA⁴;
- (vi) Ensuring that LPAs have sufficient information with which to give due weight to the presence of European protected species, taking them fully into account when making their planning decisions, particularly with regard to their obligations under Regulation 6 and 3(4) of the 1994 Habitat Regulations (for further information on obligations see Chapter 4 *Conservation of Species Protected by Law*: ODPM Circular 06/2005);
- (vii) Reducing the occasions where developers are likely to breach wildlife law as a result of *deliberate* or *reckless* action, thereby risking prosecution;
- (viii) Minimizing ‘nasty surprises’ during actual development e.g. when protected species are discovered for the first time during development causing a suspension of work;

⁴ As required by paragraph 16(4) of Schedule 6 of the 2004 Act and as explained in ODPM Circular 08/2005 *Guidance on Changes to the Development Control System*

- (ix) Improving the quality and quantity of information available to an authority so that it can gather sufficient data to report against DCLG's proposed LDF core output indicators for biodiversity, as part of its Annual Monitoring Report to the Secretary of State (*i.e. changes in priority habitats and species and areas designated for their intrinsic environmental value*⁵).
- (x) Avoiding the need for costly remedial works when harm has been done to important features;
- (xi) Ensuring that developers and their agents have a clear understanding of the LPA's requirements concerning biodiversity and geological conservation;
- (xii) Encouraging planners and developers to ensure that wildlife and geological conservation forms a positive part of early development design rather than being an after thought.

8 Recommendations for Customising the Template for Local Requirements

While the requirements template picks up on the majority of features that are likely to be encountered, some LPAs and their partners may feel that it does not cover all of the features that are of relevance or particular interest in their area.

An LPA may therefore wish to customise the template to produce validation requirements criteria and thresholds that are tailored to the biodiversity and geological conservation features in its area and specific to the issues and threats which it has identified. For instance, an LPA that does not have a coastline will be able to delete all coastal habitat types from Part B Table 2, and all LPAs should delete any habitat of principal importance from the table that do not occur in their area. Alternatively, an LPA in consultation with its partners may wish to add or delete species and/or to select slightly different criteria in Annex A Table 1 Column 1 for the validation of applications where protected species and species of principal importance are likely to be encountered – where these may be a material consideration (see ODPM Circular 06/2005 Section 84).

It is strongly recommended that the template be customised by the LPA by working closely with their local Natural England team and members of the Local Biodiversity Partnership and/or the Local RIGS Group whichever is most appropriate.

Further guidance and suggestions on how the template can be customised is provided in Annex C.

9 Users of the Local Requirements

The validation requirements may be used by:

- LPA administrative staff responsible for initial validation and registration of applications;
- LPA planning staff responsible for ensuring that they have sufficient information with which to determine planning applications;
- LPA ecological staff responsible for advising on whether sufficient has been submitted to enable determination of planning applications;
- Planning applicants;
- Planning consultees (*e.g.* Natural England, The Environment Agency and Local Wildlife Trusts);
- Local Environmental Records Centres.

10 The Validation Process

An at-glance guide to the process that an LPA should use to validate a planning application using the biodiversity and geological conservation requirements is shown in Annex B.

⁵ ODPM (2005) *Local Development Framework Monitoring: A Good Practice Guide* (page 29)

The validation process, making use of the template, for *Full and Outline* applications and *Householder* applications is further illustrated respectively in Figures 2 and 3.

The process described in Annex B recognises that, in the first instance, an application is likely to be validated by administration staff when an application is first received by the LPA. Article 5 of the GDPO (2007) then requires that an LPA shall, as soon as reasonably practicable, send to the applicant an acknowledgement of the application.

However, Article 5(5) makes clear that if the LPA subsequently considers that the application does not include all of the required information, they should notify the applicant as soon as practicable. Such a situation might arise where, for instance, an application is first judged by administration staff, as being valid because the applicant has indicated that no biodiversity or geological conservation features specified in the template will be affected. However, if after professional consideration⁶ it is later identified that the application will affect features clearly specified in the validation requirements (e.g. a designated site or a feature likely to contain protected species), then in the absence of relevant biodiversity information the LPA may judge the application to be invalid.

Where local authorities have access to biodiversity and geological conservation information in their own evidence base (as required by PPS 12 and PPS 9) and as may be available in GIS⁷, they will be able to check and verify information provided by applicants against their own data as part of the validation exercise. For instance, they should check the location of proposed development to establish whether it is near⁸ any types of designated sites specified in their local requirements checklist. Local environmental records centres may also be able to provide invaluable information for this purpose.

11 Policy Context for Biodiversity in the Planning System

The template does not provide the national policy background and context for biodiversity and geological conservation within the planning system. The legislative and national policy context can be found elsewhere and key references are provided in Annex D.

The **local policy context** for biodiversity and geological conservation should be available through development plan documents e.g. the relevant Regional Spatial Strategy and the relevant Local Development Framework documents (including supplementary planning documents for biodiversity – see below)

12 Link between Local Requirements and Supplementary Planning Documents

DCLG states that an LPA's validation requirements should not be published as a Supplementary Planning Document (SPD). However, the preparation of separate SPD for biodiversity and geological conservation provides an opportunity for an LPA to issue further guidance and advice (for use at the pre-application stage) on the information that it requires to determine an application that could have implications for biodiversity. This can be used to supplement the information referred to in the local requirements.

SPD can also provide very useful information on the features or species specified in Parts I and II of the template (see Tables 1, 2 and 3) and may explain where they are likely to be encountered in the LPA's area and how development is likely to affect them.

⁶ Appropriate professional consideration may be given either by a planning case officer or preferably the LPA's ecologist (where available in house) or the LPA's ecological advisor (e.g. Natural England, the local wildlife trust).

⁷ LPAs may have access to relevant data on their own GIS alert maps and/or through access to information held by their local environmental record centres (LRCs).

⁸ Local authorities may wish to define the term 'near' in their local context. For instance, what an urban authority may judge as 'near' in a highly built up and fragmented environment may be very different to that of a rural area where the degree of natural connectivity is greater. Near may also depend on the mobility and dispersal powers of the plant or animal involved.

13 The Local Requirements and Consultation with Statutory Consultees

Under Section 54 of the 2004 Planning and Compulsory Purchase Act, statutory consultees are required to respond to consultation within a set period. This duty applies to both consultations from potential developers (at the pre-application stage) and from local planning authorities (at the application stage). However, in either situation the consultee must be provided with sufficient information to enable it to give a substantive reply⁹.

The validation requirements therefore offer a means to ensure that there is local consensus over what will trigger and constitute the submission of biodiversity and geological information, sufficient to then enable a substantive, effective and timely response to a planning consultation.

Pilot Draft

⁹ Further guidance explaining the new duty on consultation set out in Section 54 (between LPAs, statutory consultees and applicants) is provided in ODPM Circular 08/2005 *Guidance on Changes to the Development Control System*.

ANNEX A

Local Requirements Template for Biodiversity and Geological Conservation

Including Criteria and Indicative Thresholds

Pilot Draft

PART I LOCAL REQUIREMENTS FOR PROTECTED SPECIES

This can also be adapted to include *UK Priority Species* and *Species listed by Local Biodiversity Partnerships* where these may be a material consideration (see paragraph 84; ODPM Circ. 06/2005).

Recommended Text for Local Requirement

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 under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Badgers Act 1992. Where a proposed development is likely to affect protected species, the applicant must submit a **Protected Species Survey and Assessment**.

If the application involves any of the development proposals shown in **Table 1** (Column 1), a protected species survey and assessment must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in this table. The **Survey** should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available*. The survey may be informed by the results of a search for ecological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and identify their numbers (may be approximate);
- Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).

The **Assessment** must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards). 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 are to be encouraged that will enhance, restore or add to features or habitats used by protected species. The Assessment should also give an indication of how species numbers are likely to change, if at all, after development e.g. whether there will be a net loss or gain.

The information provided in response to the above requirements are consistent with those required for an application to Natural England for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

* Further information on appropriate survey methods can be found in *Guidance on Survey Methodology* published by the Institute of Ecology and Environmental Management; available at:

<http://www.ieem.org.uk/Guidelines%20for%20Survey%20Methodology.htm>

TABLE 1
Local Requirement for Protected Species: Criteria and Indicative Thresholds (Trigger List) for when a Survey and Assessment is Required

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	Gt. Crested Newts	Otters	Dormouse	Red Squirrel	Water Vole	Badger	Reptiles	Amphibians	Plants	Other species ?	Other species ?	Other species ?
Proposed development which includes the modification conversion, demolition or removal of buildings and structures (especially roof voids) involving the following: <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 buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water; ▪ pre-1960 detached buildings and structures within 200m of woodland and/or water; ▪ pre-1914 buildings within 400m of woodland and/or water; ▪ pre-1914 buildings with gable ends or slate roofs, regardless of location; ▪ all tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; ▪ all bridge structures, aqueducts and viaducts (especially over water and wet ground). 	•	•	•												
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"> ▪ 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.	•		•							•					
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 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> **.	•	•	•	•	•	•	•	•	•	•	•	•	•		
Other potential criteria (to be inserted by LPA on consultation with local biodiversity partners) or above criteria amended to suit local requirements															
<p>* Distances may be amended to suit local circumstance on the advice of the local Natural England team and/or Local Biodiversity Partnership</p> <p>** 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.</p>	Bats	Barn Owls	Breeding Birds	Great Crested Newt	Otters	Dormouse	Red Squirrel	Water Vole	Badgers	Reptiles	Amphibians	Plants	Other species - to be inserted as appropriate	Other species - to be inserted as appropriate	Other species - to be inserted as appropriate

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.

PART II LOCAL REQUIREMENTS FOR DESIGNATED SITES, PRIORITY HABITATS AND GEOLOGICAL CONSERVATION

Recommended Text for Local Requirement

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 and priority habitats. Where a proposed development is likely to affect such a site, habitat or geological feature, the applicant must submit an ***Ecological/Geological Survey and Assessment***.

If the application is likely to affect any of the designated sites, priority habitats or biodiversity features listed in **Table 2** or geological features listed in **Table 3**, a survey and assessment for the relevant feature must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in these tables. The **Survey** should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available*. The survey may be informed by the results of a search for ecological or geological data from a local environmental records centre. The survey must be to an appropriate level of scope and detail and must:

- Record which habitats and features are present on and where appropriate around the site;
- Identify the extent/area/length present;
- Map their distribution on site and/or in the surrounding area shown on an appropriate scale plan.

The **Assessment** should identify and describe potential development impacts likely to harm designated sites, priority habitats, other listed biodiversity features or geological features (these should include both direct and indirect effects both during construction and afterwards). 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 are to be encouraged that will enhance, restore or add to designated sites, priority habitats, other biodiversity features or geological features. The Assessment should give an indication of likely change in the area (hectares) of priority habitat on the site after development e.g. whether there will be a net loss or gain. An ecological/geological survey and assessment may form part of a wider Environmental Impact Assessment.

Notes:

Further information on appropriate survey methods can be found in *Guidance on Survey Methodology* published by the Institute of Ecology and Environmental Management; available at: <http://www.ieem.org.uk/Guidelines%20for%20Survey%20Methodology.htm>

Existing environmental information may be available from Local Record Centres, Wildlife Trusts, and Local RIGS Groups etc. Also online information on internationally and nationally designated sites can be found at: www.natureonthemap.org.uk

TABLE 2

**Local Requirements for Designated Sites and Priority Habitats
Criteria (Trigger List) for When a Survey and Assessment are Required**

1. DESIGNATED SITES (as shown on the Council's Development Plan 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 (e.g. Site of Nature Conservation Importance) Local Nature Reserve (LNR)
2. PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006)	
<ul style="list-style-type: none"> ▪ Ancient and/or species-rich hedgerows ▪ Coastal saltmarsh, sand dunes, vegetated shingle and inshore sands, muds and gravels, saline lagoons ▪ Floodplain grazing marsh ▪ Fen, marsh, swamp and reedbeds ▪ Purple moor grass and rush pastures ▪ Lowland beech and yew woodland ▪ Lowland calcareous grassland (e.g. species-rich chalk and limestone grasslands) ▪ Lowland heathland and/or dry acid grassland ▪ Lowland meadows (e.g. species-rich flower meadows) ▪ Lowland mixed deciduous woodland (ancient woodland) ▪ Lowland raised bog or Upland blanket bog ▪ Lowland wood-pasture and parkland ▪ Maritime cliffs and slopes and littoral and sub-littoral rock outcrops ▪ Native pine woodlands or Upland woodlands (e.g. mixed ashwoods, oakwoods, and birchwoods) ▪ Rivers and streams (e.g. chalk streams) ▪ Standing open water and canals (e.g. lakes, reservoirs, ponds, aquifer fed fluctuating water bodies) ▪ Upland calcareous grassland and upland hay meadows ▪ Upland heathland <p>Wet woodland</p>	
3. OTHER BIODIVERSITY FEATURES	
(as identified by the Local Biodiversity Partnership - see paragraph 84 ODPM Circular 06/2005))	
<ul style="list-style-type: none"> ▪ Secondary Woodland and Mature/Veteran Trees ▪ Caves and disused tunnels and mines (e.g. roosts for bats) ▪ Trees and scrub used for nesting by breeding birds ▪ Previously developed land with biodiversity interest ▪ Urban green space (e.g. parks, allotments, flower-rich road verges and railway embankments) ▪ Other habitats and features identified in the Local Biodiversity Action Plan (to be specified by LPA) 	

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 (where employed), or ecological advisor and/or the local Wildlife Trust 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**

1. DESIGNATED SITES (as shown on the Council’s Development Plan Proposals Map)	
Nationally designated sites	Site of Special Scientific Interest (SSSI) National Nature Reserves (NNRs)
Regionally and locally designated sites	Regionally Important Geological Sites (RIGS) Local Nature Reserves (LNRs)
2. OTHER GEOLOGICAL CONSERVATION FEATURES (Based on the Earth Science Conservation Classification)	
Exposure or Extensive Sites	<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
Integrity Site	<ul style="list-style-type: none"> ▪ Static (fossil) geomorphological ▪ Active process geomorphological ▪ Caves ▪ Karst
Finite Site	<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

	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				■	■	■	■	■	■			
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. Further details may be found in the Local Authority's SPD for Biodiversity or on the following web sites:

IEEM at: (<http://www.ieem.org.uk/Publications.htm> - Guidelines for Survey Methodology)

Natural England: (<http://www.naturalengland.org.uk/publications/default.htm>)

ANNEX B

Validation Process for Biodiversity

The table below outlines recommended procedures for LPA staff to ensure biodiversity and geological conservation issues are addressed adequately in the validation of planning applications

STEPS	NOTES
<p>1. Application is received</p>	
<p>2. Initial Checks (see note a)</p> <p>Check 1: Has the applicant answered 'yes' to questions (a), (b) and (c) of the <i>Biodiversity and Geological Conservation</i> question' on the standard application form?</p> <p>Check 2: Has the applicant indicated with reference to Tables 1, 2 and 3 in the Local Requirements what, if any, <i>Protected Species, Designated Sites, Priority Habitats</i> and <i>Geological Features</i> could potentially be affected?</p> <p>Check 3: Is the LPA satisfied with the responses provided by the applicant? (see note b)</p> <p>Check 4: Has the applicant submitted all necessary surveys and assessments specified in the Local Requirements (e.g. triggered by a 'yes' to any question in Tables 1, 2 or 3)? (see note c)</p> <p>Check 5: Has the applicant claimed that exceptions apply – as explained in Tables 1, 2 or 3?</p> <p>Check 6: Is the LPA satisfied that exceptions do apply? (see note d)</p>	<p>Note (a) It is intended that the initial checks should be a quick, coarse filter to 'strain out' the applications that obviously lack the key information on biodiversity/geological conservation required. Administrative staff are expected to carry out these initial checks.</p> <p>Note (b) Where the applicant has answered 'No' to all parts of the biodiversity/geology question on the standard application form, the LPA should, wherever possible, seek to confirm the validity of these responses by referring to its own 'environmental evidence base' (e.g. on the LPA's GIS or via the Local Environmental Records Centre).</p> <p>Note (c) Where an applicant meets any of the criteria in Tables 1, 2 or 3, they must also provide relevant surveys and assessments for the application to be valid.</p> <p>Note (d) It may be necessary to delay validation of an application where an applicant claims that exceptions apply (e.g. they do not need to submit a survey and assessment) while further checks are carried out to confirm that features specified in the requirements are not present or likely to be affected.</p>
<p>3. Initial Determination</p> <p>Check 7: Do surveys and assessments submitted contain sufficient information to describe features present, to assess potential impacts and to propose adequate mitigation, compensation and enhancement? (see note e)</p>	<p>Note (e) In consultation with consultees, the LPA should confirm that the applicant's response to Tables 1, 2 and 3 are accurate.</p> <p>As part of the initial determination of the application, the LPA should also ensure that any surveys and assessments submitted contain all of the details required. Their content should be checked for accuracy and comprehensiveness.</p> <p>These further checks should be undertaken by the planning case officer responsible for the application supported by the LPA's ecologist / ecological advisor. It is unlikely that a planning case officer will be able to complete these further checks without consultation to professional ecological expertise e.g. LPA ecologist/advisor or statutory consultee.</p>
<p>4. Final Determination The application can be determined taking account of information submitted and any other data required to evaluate the potential effects of the proposed development on biodiversity and geological conservation (see note f).</p>	<p>Note (f) The LPA should determine the application against national and local planning policies and following consultation with relevant stakeholders, and with reference to its own environmental evidence base.</p>

Figure 3 Using the Biodiversity & Geological Requirements to Validate Applications for Full and Outline Permission

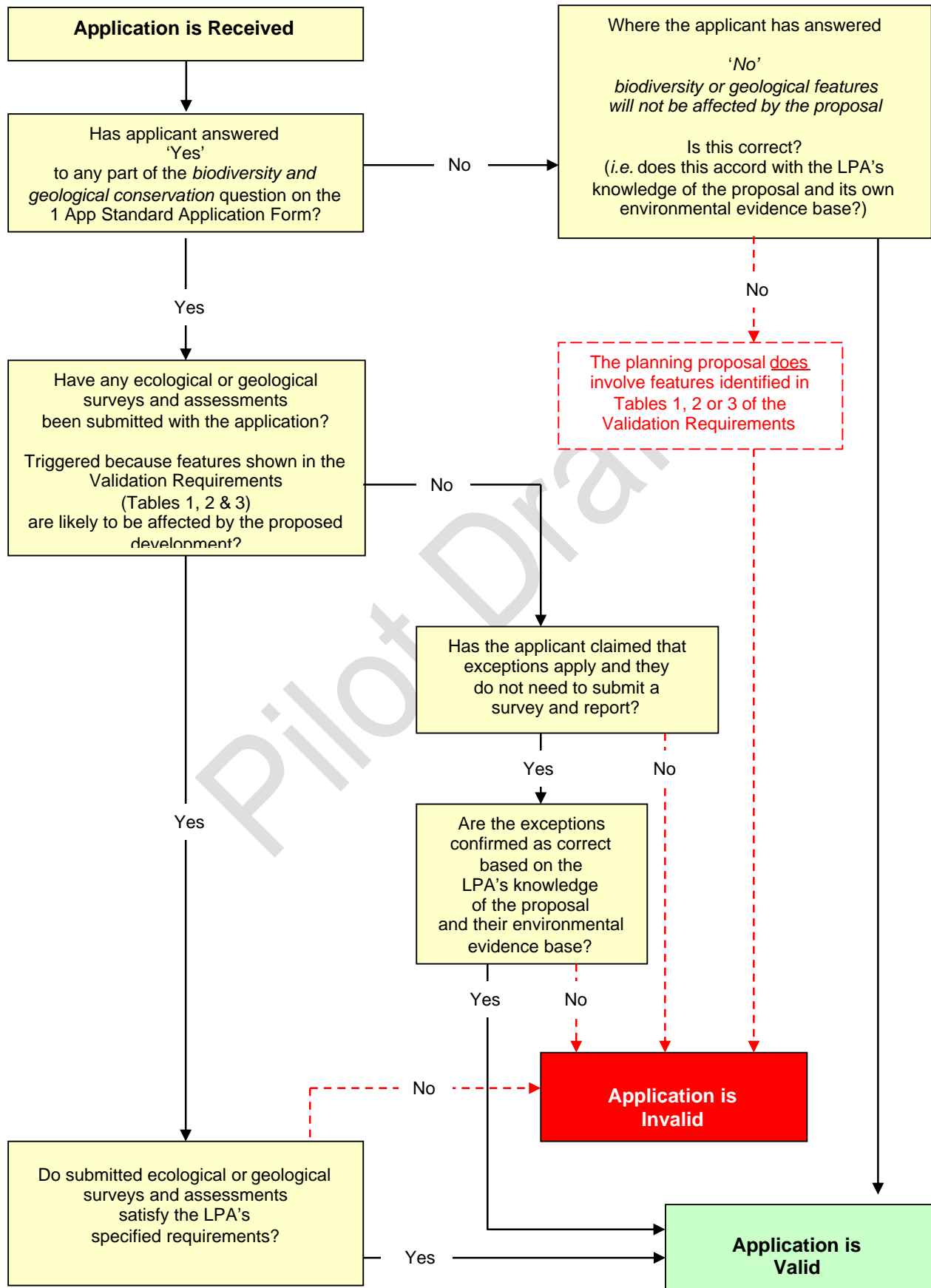
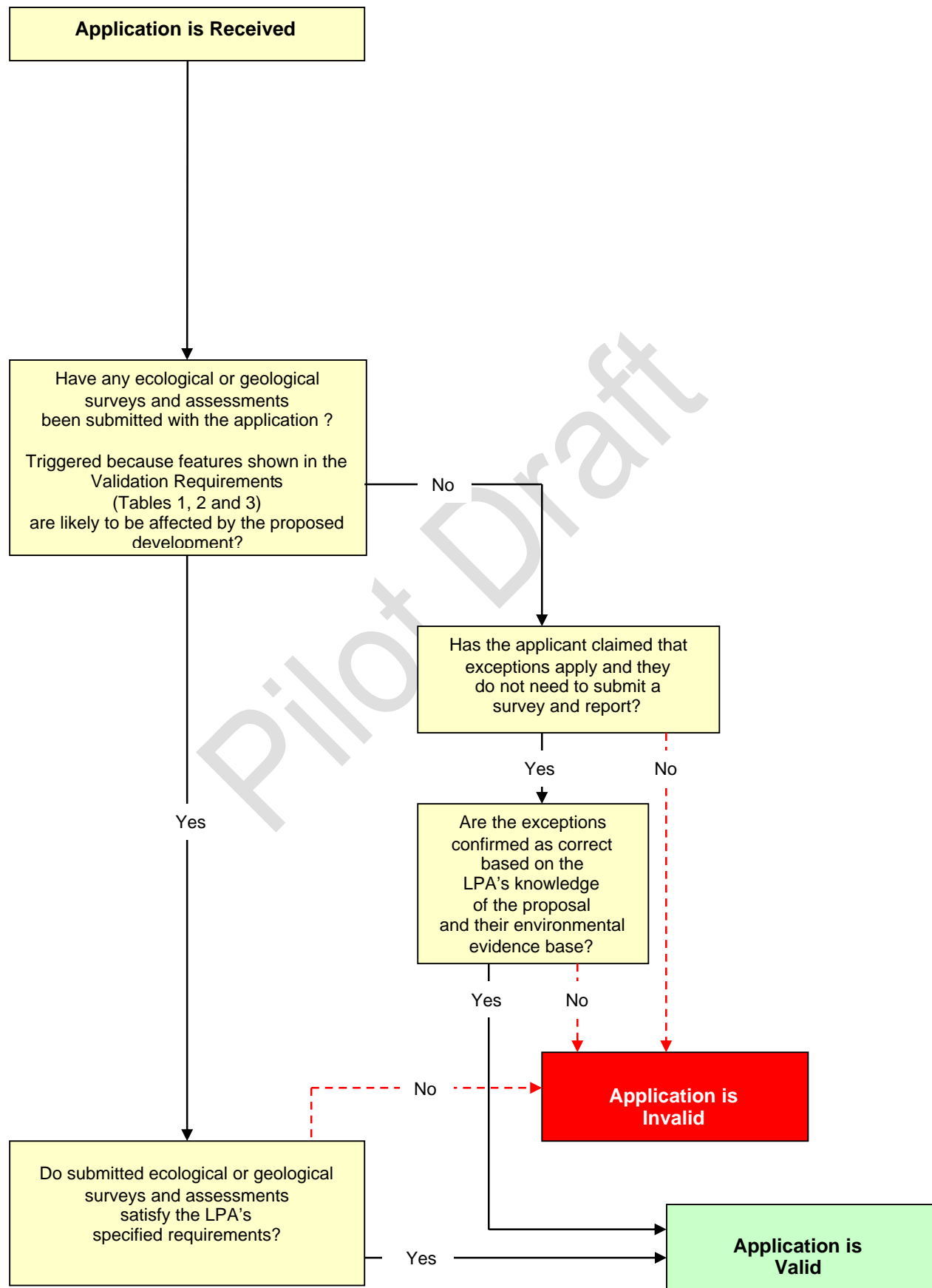


Figure 4 Using the Biodiversity & Geological Requirements to Validate Applications for Householder, Listed Buildings and Conservation Area Consent



ANNEX C

Recommendations for Customising the Template for Local Requirements

A *Microsoft Word* version of this template can be found on the ALGE web site at: www.alge.org.uk
The template should be downloaded and customised to local requirements.

When an LPA seeks to tailor the Template to its own local requirements, it is strongly recommended that it does so in close collaboration with the local team of Natural England and with relevant members of the Local Biodiversity Partnership.

Outlined briefly below are some of the ways that an LPA may customise the template.

Creation of a Local Requirements Checklist for Full and Outline Applications

LPAs may create their own checklist for full and outline applications (including for minerals and waste applications), based on the full template (e.g. Parts A and B), customising it accordingly as suggested in the sections below.

Creation of a Local Requirements Checklist for Householder Applications (also relevant for Listed Buildings and Conservation Area Consents, Change of Use Applications and TPO Consents)

It is unlikely that householder applications will often encounter designated sites, habitats of principal importance or geological conservation features covered in Parts B and C of the template.

LPAs may therefore create their own requirements for householder applications by using only Part A of the template. This can also be done where appropriate for applications for Listed Buildings and Conservation Area Consents, Change of Use Applications and TPO Consents.

Note: A householder checklist may also be usefully supported by a biodiversity leaflet for householders (examples are provided in ODPM's Guide to Good Practice 2006).

Customising the Template for Confidential Records

(relevant in situations where particular data should not pass into the public domain)

The LPA may wish to specify any survey records *etc.* that they wish to see submitted in a confidential report, so that they do not automatically pass into the public domain. This is for the purpose of protecting those species that are known to be particularly threatened by criminal activity e.g. at risk of harm and disturbance from human persecution should their location become widely known, such as badgers and some species of birds of prey.

Customising the Template for Protected Species (see Part I Table 1)

LPA's may wish to amend Part I to take account of their own experience and the advice of their partners as to what and when protected species are likely to be affected by particular development activities. To do this they may:

- Add or delete relevant protected species in Table 1
- Modify, delete or provide further criteria in Column 1 of Table 1
- Change specified dates within the criteria in Table 1
- Change specified distances within the criteria in Table 1

Note: The current criteria for different types of development that may affect bats are based on work done by Surrey Bat Group and Surrey County Council and Durham Bat Group and Durham County Council. The criteria also draw on the Bat Mitigation Guidelines (English Nature 2004), and follow extensive consultation with the Bat Conservation Trust.

The criteria in Column 1 of Table 1 triggering when bat a survey and assessment is required have been set to particularly identify situations where the population of bat species could be harmed or disturbed; that is their Favourable Conservation Status would be adversely affected and therefore would be contrary to the statutory requirements of the Habitat Regulations (Reg. 44). However, it is recognised that bats may still be found in other situations that are not covered by the current template. Disturbance of roosts or harm to bats in these other situations is still a criminal offence.

LPA's may therefore wish to adjust the criteria to include some or all of these other situations. For instance, inclusion of the some or all of following features would be likely to identify situations where single or low numbers of bats might be encountered *i.e.* structures with – stone or clay tiles – hanging tiles – wood cladding – weather-boarding – fascia, soffit and barge boards – and walls with holes, cracks and crevices – and not necessarily within the distances specified in the template from water or woodland.

In amending the criteria for bats, LPA's are strongly recommended to take the advice of local bat experts and their Natural England local team, and should be guided by local evidence and experience of when and where it is reasonable to expect to find bats present.

A full list of all protected species found in England can be found in ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System; available at:

http://www.communities.gov.uk/pub/319/Circular0605BiodiversityandGeologicalConservationStatutoryObligationsandTheirImm_id1144319.pdf

Customising the Template for UK BAP Species of Principal Importance (see Part I Table 1)

LPA's are required to take measures to protect *Species of Principal Importance* for the conservation of biodiversity (see paragraphs 15 and 16 of PPS 9), and ODPM Circular 06/2005 Section 84 states that these species and species identified by the Local BAP Partnerships may be a material consideration.

LPA's may therefore edit Table 1 to add any *Species of Principal Importance* that occur in their area that they wish to be particularly protected and/or enhanced through their planning policies. A full list of these species is published by the Secretary of State for Environment, Food and Rural Affairs and is available at: <http://www.defra.gov.uk/wildlife-countryside/cl/habitats/habitats-list.pdf>

The LPA may choose to add *Species of Principal Importance* to Table 1 or to create a separate table just for these species in order to achieve distinction from species that are legally protected and already shown in Table 1. Where such species are to be added, the LPA should also indicate what types of development proposals they think may affect such species, by adding appropriate criteria – for instance in Column 1.

Customising the Template for Designated Sites (Table 2 Section 1)

LPAs may first wish to delete any designations that do not occur in their area (e.g. international sites).

LPAs working closely with Natural England should also identify any statutory designations where development beyond 2km will still trigger a requirement for survey and assessment. Examples of this are the Thames Basin Heaths SPA where development within 5km will trigger the need for careful assessment. Likewise, Greater Horseshoe Bat Maternity Roosts designated as SACs may also require assessment of proposals within 5km or even 10km.

Also, to provide further local certainty, LPAs may wish to insert their own terminology for local sites e.g. Sites of Importance for Nature Conservation (SNCIs) or Local Wildlife Sites (LWS) etc.

Customising the Template for Habitats of Principal Importance (Table 2 Section 2)

LPAs are required to take measures to protect *Habitats of Principal Importance* for the conservation of biodiversity (see paragraphs 10 and 11 of PPS 9). A full list of these habitats is published by the Secretary of State for Environment, Food and Rural Affairs and is shown in Annex G; and is also available on line at: <http://www.defra.gov.uk/wildlife-countryside/cl/habitats/habitats-list.pdf>

The Template in Table 2 does not include all of the habitats published in S.41 of the NERC Act; a full list is provided in Annex F of this document.

LPAs may therefore wish to edit Section 2 of Table 2 to highlight or add any *Habitats of Principal Importance* that occur in their area and that they particularly want to protect and/or enhance through their planning policies. They should also delete any habitats that do not occur in their area (and for which there are no objectives in local biodiversity action plans for their restoration or creation) e.g. coastal habitats in non-coastal LPAs.

Customising the Template for Other Features of Biodiversity Importance (Table 2 Section 3)

LPAs should liaise particularly with their LBAP partnership to identify any local biodiversity action plan features of importance that should be added to those already in Section 3, or any of the features currently shown that should be deleted because they are not relevant to the LPA's area.

Customising the Template for Geodiversity (see Table 3)

LPAs may wish to edit Table 3 to highlight or add any Geological Conservation features that occur in their area and that they particularly want to protect and/or enhance through their planning policies. They should also delete any features that do not occur in their area. To do this they should liaise close with their local Natural England team and their local Regionally Important Geological Sites (RIGS) Group.

Customising the Template for Specific Requirements (Annex A Parts I and II)

The text in Parts A and B may be adapted to local requirements, drawing upon national good practice documents and also on any relevant guidance expressed in the LPA's local biodiversity Supplementary Planning Documents.

For instance, Supplementary Planning Documents may particularly set out the requirements of the LPA and its partners in relation to one or more of the following:

- Survey requirements (e.g. survey methods, survey seasons, qualifications and experience of surveyors)
- Impact avoidance
- Impact mitigation
- Impact compensation
- Enhancement of biodiversity and geodiversity resources

NOTE: Reasonable steps for making an assessment of environmental effects have been established in the courts (Mr. Justice Harrison; Regina -v- Cornwall County Council ex parte Jill Hardy; paragraph 66). This court judgment is cited as a case study in *Planning for Biodiversity and Geological Conservation: a Guide to Good Practice* (ODPM 2006).

The judicial review judgment states that an application should provide:

- (i) a description of the development,
- (ii) it must contain data to identify and assess the main effects which development is likely to have on the environment, and
- (iii) it must contain a description of the measures envisaged to avoid, reduce and if possible remedy significant adverse effects.

The text requirements in Parts I and II are based on this judgment and on the key principles set out in PPS 9 and in the *Guide to Good Practice* (ODPM 2006) (see case study page 47).

The requirements set out in Parts I and II have been further informed by *Guidelines for Ecological Impact Assessment* (Institute of Ecology and Environmental Management 2006) are available at: www.ieem.org.uk/ecia.html

They have also been prepared in accordance with Table 3 of British Standards Institution PAS 2010 available at: <http://eshop.bsi-global.com/ProductDetails.aspx?p=30154979&cat=Environment>

The requirements are also consistent with the information required to complete applications to Natural England for European Protected Species Licences; for more information see: <http://www.naturalengland.org.uk/conservation/wildlife-management-licensing/licensing.htm>

When considering any modification to text requirements, LPAs should therefore be mindful of (a) the above documents and their guidance on what constitutes reasonable elements of an assessment of environmental impacts and (b) the national planning policy requirements set out in the key principles of PPS 9.

Customising Figure 4 Ecological Survey Seasons

Based on their own experience, LPAs may wish to add or delete additional species and habitats that they know occur in their area to Figure 2 and to indicate optimum times for survey for any of these additional features.

Also, the optimum time for ecological survey for different species and habitats is likely to vary slightly in different geographical locations in England e.g. for some species and habitats the survey seasons may be shorter in the north reflecting lower mean seasonal temperatures and shorter day length *etc.*

LPAs may therefore wish to edit Figure 2 to reflect these local variations. Advice from Natural England and the Local Biodiversity Partnership will be crucial for such amendments.

Customising the Template with Regard to the 'Exceptions' provided in Tables 1, 2 and 3

Tables 1 and 2 state exceptions for when a survey and assessment will not be required. LPAs may therefore wish, based on their own experience, to change the circumstances in which they would wish to see exceptions apply. This might include changes to the specific evidence they require to demonstrate that features listed in Tables 1 and 2 are either absent or unlikely to be affected by the development proposal.

ANNEX D

Legislative and National Policy Context for Biodiversity in the Planning System

The legislative and national policy context for biodiversity within the planning system in England can be found in the following documents available through the web sites shown.

- PPS 9 *Biodiversity & Geological Conservation* (2005); available at:
http://www.communities.gov.uk/pub/833/PlanningPolicyStatement9BiodiversityandGeologicalConservationPDF243Kb_id1143833.pdf
- ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System; available at:
http://www.communities.gov.uk/pub/319/Circular0605BiodiversityandGeologicalConservationStatutoryObligationsandTheirImm_id1144319.pdf
- Further information can also be found in *Planning for Biodiversity and Geological Conservation: A Guide to Good Practice* (2006); available at:
http://www.communities.gov.uk/pub/843/PlanningforBiodiversityandGeologicalConservationAGuidetoGoodPractice_id1164843.pdf

ANNEX E

Useful Web Sites

Online information on internationally and nationally designated sites can be found at:
www.natureonthemap.org.uk

Association of Local Government Ecologists	http://www.alge.org.uk
Department of Communities and Local Government	http://www.communities.gov.uk/
Department of Environment and Rural Affairs	http://www.defra.gov.uk
Environment Agency	http://www.environment-agency.gov.uk
Institute of Ecology and Environmental Management	http://www.ieem.org.uk
National Biodiversity Network (NBN)	http://www.nbn.org.uk/
Natural England	http://www.naturalengland.org.uk/default.htm
Planning Officers Society	http://www.planningofficers.org.uk
Planning Portal	http://www.planningportal.gov.uk/
Royal Town Planning Institute	http://www.rtpi.org.uk
Royal Society for the Protection of Birds	http://www.rspb.org.uk
The Wildlife Trusts	http://www.wildlifetrusts.org
Town and Country Planning Association	http://www.tcpa.org.uk
Wildlife and Countryside Link	http://www.wcl.org.uk/index.html

ANNEX F

SECTION 41: LIST OF HABITATS AND SPECIES OF PRINCIPAL IMPORTANCE FOR THE CONSERVATION OF BIOLOGICAL DIVERSITY IN ENGLAND

This list has been prepared by the Secretary of State for Environment, Food and Rural Affairs under Section 41 of the Natural Environment and Rural Communities Act 2006. It identifies the habitats and living organisms (species) which the Secretary of State, following consultation with her statutory nature conservation advisers, Natural England, considers are of principal importance for the conservation of biological diversity in England, in accordance with the 1992 UN Convention on Biological Diversity.

Habitat and Species Action Plans under the UK Biodiversity Action Plan are already in place or under preparation for all the listed habitats and species. The Biodiversity Strategy for England¹ sets out the means by which the Government will comply with its duty under Section 74 to take or promote the taking by others of steps to further the conservation of the listed habitats and species, including through the continued implementation of the Action Plans.

The list will be kept under review and is available at:

<http://www.defra.gov.uk/wildlife-countryside/cl/habitats/habitats-list.pdf>

Ancient and/or species-rich hedgerows	Mesotrophic standing water
Aquifer fed naturally fluctuating water bodies	<i>Modiolus modiolus</i> beds
Blanket bog	Mud habitats in deep water
Cereal field margins	Mudflats
Chalk rivers	Native pine woodlands
Coastal and floodplain grazing marsh	Purple moor grass and rush pastures
Coastal saltmarsh	Reedbeds
Coastal sand dunes	<i>Sabellaria alveolata</i> reefs
Coastal vegetated shingle	<i>Sabellaria spinulosa</i> reefs
Eutrophic standing waters	Saline lagoons
Fens	Seagrass beds
Limestone pavements	Serpulid reefs
Littoral and sublittoral chalk	Sheltered muddy gravels
<i>Lophelia pertusa</i> reefs	Sublittoral sands and gravels
Lowland beech and yew woodland	Tidal rapids
Lowland calcareous grassland	Upland calcareous grassland
Lowland dry acid grassland	Upland birchwood
Lowland heathland	Upland hay meadows
Lowland meadows	Upland heathland
Lowland mixed deciduous woodland	Upland mixed ashwoods
Lowland raised bog	Upland oakwood
Lowland wood-pasture and parkland	Wet woodland
Machair	
Maerl beds	
Maritime cliff and slopes	

Further References

British Standards Institution (2006) PAS 210 Planning to halt the loss of biodiversity: biodiversity conservation standards for planning in the United Kingdom – Code of Practice.

DCLG (2006) Validation of Planning Applications – Consultation

DCLG (2007) The Validation of Planning Applications: Best practice guidance for local planning authorities

Institute of Ecology and Environmental Management (2006) Guidelines for Ecological Impact Assessment (EclA)

Judicial Review (2001) Mr. Justice Harrison; Regina -v- Cornwall County Council ex parte Jill Hardy. Journal of Planning Law 786

Pilot Draft