Suffolk Biodiversity Validation requirements

A Biodiversity or Geodiversity Assessment: where the site includes or is close to:

- sites designated or proposed for their biodiversity or geodiversity importance, i.e. Sites of Special Scientific Interest (SSSI), Ramsar sites, National Nature Reserves (NNR), Special Areas of Conservation (SAC), Special Protection Areas (SPA), County Wildlife Sites (CWS), and UK and Suffolk Priority (BAP) Habitats and Regionally Important Geological/geomorphologic Sites (RIGS) designations; See Tables 2 & 3.

- areas including or close to recorded locations of Protected species, and UK and Suffolk Priority (BAP) species; See Table 1; and;

- other areas identified in pre-application discussions as potentially containing Protected and Priority species.

Where Assessment is required according to the development type and Species affected as identified in Tables 2 and 3, the appropriate seasons for undertaking ecological surveys are identified in Figure 2 attached to Table 1.

Where there are likely to be biodiversity issues associated with a proposed development, Suffolk planning authorities will determine the planning application in accordance with Clauses 7, 8 and 9 of BS42020 *Biodiversity – Code of Practice for Planning and Development* (2013). In doing so, this provides applicants with a transparent process that is in accordance with a nationally recognised professional standard.

BS42020 2013 is a Code of Practice for biodiversity in planning. Section 8 refers to the requirement to provide adequate information to enable determination of planning applications.

Extract from BS42020 The British Standards Institution 2013 (p.30) from licensed to Suffolk County Council under licence number 2015-TP-SCC-UK until 30.10.2016

Section 8 Decision Making (Stage 3)

8.1 Making decisions based on adequate information

The decision-maker should undertake a thorough analsysis of the applicant's ecological report as part of its wider determination of the application. In reaching a decision, the decision-maker should take the following into account.

a) The soundness and technical content of ecological information, to ensure:
    1. the proposals are based on adquate (see 6.2) and up-to-date ecological field data that substantiate clearly the conclusions reached and recommendations made;
    2. ecological methods are, where available, in accordance with good practice guidance (see 6.3.6); and
    3. departures from any good practice are made clear, are valid and can be justfied (see 4.4, 6.3.6 and 6.3.7)

b) Whether biodiversity is likely to be affected and whether all potential impacts are described adequately, for example, in relation to:
    1. location and extent;
    2. timing and frequency;
    3. duration/lifespan;
    4. scale or magnitude;
    5. reversibility/recoverability/resilience;
    6. in-combination/cumulative effects; and
    7. likelihood/degree of certainty associated with predicted effects.

c) Whether effects are significant and, if so, capable of being mitigated.

d) Whether the mitigation hierarchy has been applied (see 5.2).

e) Whether it has been adequately demonstrated that the proposals will deliver the stated outcomes if consent is granted, with particular regard to:
    1. likely effectiveness, e.g. proposed ecological measures are appropriate to the case and technically feasible and, if implemented, likely to achieve desired outcomes; and
    2. certainty over deliverability, e.g. there is evidence of commitment and adequate legal mechanisms to secure sufficient land and resources to implement necessary measures.

f) Whether the measures are capable of being secured through appropriate planning conditions and/or obligations (see 9.2, 9.4 and Annex D) and/or likely to be permitted through another consent regime, e.g. licences for European protected species (see 9.5, Annex D and Annex E).

g) Whether the proposals are compliant with statutory obligations and policy considerations (see Annex B).

h) Whether there is a clear indication of likely significant losses and gains for biodiversity.

i) Whether any material considerations have been identified that might require changes to the application.

TABLE 1
Local Requirement for Protected and Priority (UK BAP) Species:
Criteria and Indicative Thresholds (Trigger List) for when a Survey and Assessment is Required with an Application to meet BS42020:2013

Column 1 **Proposals for Development That Will Trigger a Survey for the relevant Protected Species**	Bats	Barn Owls	Breeding Birds	Gt. Crested Newts	Otters	Dormouse	Water Vole	Badger	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Stag Beetle	Aculeate hymenoptera	Other Priority species
Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving the following:														
▪ 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, peg tile 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 (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:														
▪ old and veteran trees that are older than 100 years;	●	●	●									●		
▪ trees with obvious holes, cracks or cavities,	●	●	●											
▪ trees with a diameter greater than 1m at chest height;	●	●	●											

	Bats	Barn Owls	Breeding Birds	Great Crested Newt	Otters	Dormouse	Water Vole	Badgers	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Stag Beetle	Aculeate hymenoptera	Other BAP species
Proposals affecting gravel pits or quarries and natural cliff faces, crevices or caves.	●		●	●					●				●	
Major or Large proposals within 500*m of a pond/moat or Minor proposals within 100*m of pond/moat. (Note: A Large proposal 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, lakes, or other aquatic habitats such as reedbed, grazing marsh and fen.	●		●		●		●		●	●	●			
Proposals affecting brownfield sites, allotments and railway land.			●	●				●	●	●		●		
Proposals for large wind turbines: see Natural England TIN 051 (bats and onshore wind turbines) , TIN 059 (bats and single large wind turbines) and TIN069 (Assessing the effects of onshore wind farms on birds) http://publications.naturalengland.org.uk/category/9001	●		●											
Proposals for small wind turbines: see flowchart for bats on www.suffolkbiodiversity.org)	●	●	●											
Proposed development affecting any buildings, structures, feature or locations where protected or priority (BAP) species are known to be present **.	●	●	●	●	●	●	●	●	●	●	●	●	●	●

* Distances may be amended to suit local circumstance on the advice of the local Natural England team and/or Suffolk Biodiversity Partnership planning support group.

** Confirmed as present by either a data search (for instance via the Suffolk Biological Records Centre www.suffolkbrc.org.uk) or as notified to the developer by the local planning authority, and/or by Natural England, the Environment Agency or other nature conservation organisation.

Exceptions for When a Full Species Survey and Assessment may not be Required

a. Following consultation by the applicant at the pre-application stage, the LPA has stated in writing that no protected or priority species surveys and assessments are required.

b. If it is clear that no protected or priority 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 brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation).

c. If it is clear that the development proposal will not affect any protected or priority species present, then only limited information needs to be submitted. This information should, however, (i) demonstrate that there will be no significant impact on any protected or priority 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 or priority 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.

TABLE 2

Local Requirements for Designated Sites and Priority Habitats and Habitats Listed in Suffolk BAP: Criteria (Trigger List) for When a Survey and Assessment are Required with an Application

1. DESIGNATED SITES (as shown on the Council's Development Plan Proposals Map)

Internationally designated sites and identified HRA constraint zones	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	County Wildlife Sites (CWS) Local Nature Reserve (LNR)

2. PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006) & Regulations 9 (1) and 9 (5) of Conservation of Habitats & Species Regulations 2012) (BAP)

- Arable field margins
- Coastal and Floodplain grazing marsh
- Coastal saltmarsh (see combined Suffolk plan for saltmarsh & mudflats)
- Coastal sand dunes
- Coastal vegetated shingle
- Hedgerows
- Intertidal mudflats (see combined Suffolk plan for saltmarsh & mudflats)
- Lakes
- Lowland calcareous grassland (e.g. species-rich chalk and limestone grasslands) No Suffolk plan at present
- Lowland dry acid grassland (see combined Suffolk plan for Heathland)
- Lowland Fen (e.g. fen, marsh & swamp)
- Lowland heathland (see combined Suffolk plan for Heathland)
- Lowland meadows (e.g. species-rich flower meadows) (Suffolk plan is lowland hay meadows)
- Lowland mixed deciduous woodland (ancient woodland)
- Maritime cliff and slopes
- Mixed deciduous woodland
- Mud habitats in deep water
- Open Mosaic Habitats on Previously Developed Land
- Ponds
- Reedbeds
- Rivers & streams
- Saline lagoons
- Seagrass beds
- Sheltered muddy gravels
- Sub tidal sands and gravels
- Traditional orchards
- Wet woodland
- Wood-pasture and parkland

3. OTHER BIODIVERSITY FEATURES

These may also be a material consideration if identified by the Suffolk Biodiversity Partnership see paragraph 84 ODPM Circular 06/2005); such features may include: 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, school grounds and railway embankments) and other habitats and features identified in the Suffolk Biodiversity Action Plan (www.suffolkbiodiversity.org.uk .

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 Suffolk 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)
See Earth Heritage Suffolk Handbook Part 2 Protecting Our Geodiversity p S1and S2

Nationally designated sites	Site of Special Scientific Interest (SSSI) National Nature Reserves (NNRs)
Regionally and locally designated sites	Regionally Important Geological/Geomorphological Sites (RIGS) Public County Geosites/Local Geodiversity Sites as in Earth Heritage Suffolk Part 6 Gazetteer p G1 – G8

2. OTHER GEODIVERSITY CONSERVATION FEATURES
See Earth Heritage Suffolk Handbook

Natural

- Coasts and estuaries – cliffs, beaches, salt marshes, processes
- Rivers and streams – valleys, channels, interfluves, processes
- Groundwater – springs, seepages, solution features, processes
- Relic landforms – terraces, periglacial patterned ground, palaeosols, etc.
- Buried interest – geological deposits including fossils and former lake beds

Man Made

- Quarries and pits – active and disused
- Road and rail cuttings
- Underground features – wells, tunnels, etc.
- Built environment, including building stone, decorative stone, artificial stone
- Large stones – sea defences, erratics and sarsens (as features), etc.
- Works of art, memorials, street and pub etc. signs.

- Unavailable sites – landfill, major engineering sites, etc.

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 specialists (such as GeoSuffolk) that they are satisfied that the proposed development will not affect any regional or local sites designated for their geodiversity conservation importance.

Appendix B ECOLOGICAL SURVEY SEASONS **Key: Optimal Survey Time** **Extending into**

The survey calendar below broadly indicates appropriate survey periods – for further details, reference should be made to published guidance and mitigation guidance documents listed below.

	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 TERRESTRIAL												
AQUATIC												
Invertebrates												
Amphibians												
Otters												
Reptiles												
Water Voles												
White-Clawed Crayfish												
Habitats/Vegetation												

Points to note regarding surveys are as follows:

- It is important that surveys for protected (and priority) species are carried out at an appropriate time of year, as indicated by published guidance and/or nationally recognised survey guidelines/methods where available. This is so that there is the greatest chance of detecting protected (and priority) species if present. At other times of year, it can be very difficult to detect protected (and priority) species as their levels of activity decreases as temperatures decline and the weather worsens, they take refuge in areas that are difficult to access and bad weather destroys evidence of their presence. Therefore, surveys undertaken at an inappropriate time of year will not provide a true reflection of the likely impacts of a proposed development on protected (and priority) species.
- 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 above.
- Surveys conducted outside of optimal times will be unreliable. As a consequence, there may be insufficient information for determination of an application. 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.
- 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).
- Suffolk Biological Records Centre may have useful existing information and records (www.suffolkbrc.org.uk)

Published Survey and Mitigation Guidance

Competent ecologists should carry out any surveys & assessments. Where surveys involve disturbance, capture or handling of a protected species, then only a person licensed by Natural England can undertake such surveys. Surveys should follow published national or local methodologies set out below. Further details may be found on the following web sites:
Biodiversity Planning Toolkit at www.biodiversityplanningtoolkit.com – one stop shop for planning and biodiversity
IEEM at: www.ieem.org.uk/Publications.htm - Guidelines for Survey Methodology)
Natural England: http://publications.naturalengland.org.uk/category/9001

The following is a list of published guidance on protected species which gives information on survey methodologies, assessment of impacts, and mitigation measures.

Bats

Bat Conservation Trust (2007). *Bat Surveys: Good Practice Guidelines.* London: Bat Conservation Trust.

Mitchell-Jones, A.J. (2004). *Bat Mitigation Guidelines*. Peterborough: English Nature.

Mitchell-Jones, A.J. & Mcleish, A.P. (2004). *Bat Workers' Manual.* Peterborough: JNCC.

Schofield, H.W. (2008). *The Lesser Horseshoe Bat Conservation Handbook*. Ledbury: The Vincent Wildlife Trust.

Great Crested Newts

English Nature (2001). *Great Crested Newt Mitigation Guidelines*. Peterborough: English Nature.

Langton, T., Beckett, C. & Foster, J.(2001). *Great Crested Newt Conservation Handbook*. Halesworth: Froglife.

Dormice

Bright, P., Morris, P. & Mitchell-Jones, A.J. (2006). *The Dormouse Conservation Handbook 2nd Ed.* Peterborough: English Nature.

Otters

Countryside Council for Wales (2009). *Otters: A Guide for Developers.* Bangor: Countryside Council for Wales.

Scottish Natural Heritage (2008). *Otters and developmen*t. http://www.snh.org.uk/publications/on-line/wildlife/otters/biology.asp

Chanin, P. (2003). *Ecology of the European Otter. Conserving Natura 2000. Rivers Ecology Series No. 10*. English Nature, Peterborough.

LIFE publications on otters available to download from www.english-nature.org.uk/lifeinukrivers/species/otter.html

Water Voles

Strachan, R. & Moorhouse, T. (2006). *Water Vole Conservation Handbook 2nd Ed.* Oxon: The Wildlife Conservation Research Unit.

Welsh Assembly Government & Countryside Council for Wales (2009). *Water Voles and Development.* Bangor: Countryside Council for Wales.

Badgers

Countryside Council for Wales (2005). *Badgers: A Guide for Developers.* Bangor: Countryside Council for Wales.

RSPCA (1994). *Problems with Badgers?* Horsham, Sussex: RSPCA.

Barn Owls

Barn Owl Trust (2002). *Barn Owls on site: A guide for developers and planners*. Peterborough: English Nature.

Countryside Council for Wales (2005). *Owls in Wales*. Bangor: Countryside Council for Wales.

Royal Society for the Protection of Birds (2007). *Wild Birds and the Law England and Wales: A Plain Guide to Bird Protection Today*. Sandy, Bedfordshire: RSPB.

White-clawed crayfish

Peay, S. (2000). *Guidance on works affecting White-clawed crayfish.* Peterborough: English Nature & Leeds: Environment Agency.

Holdich, D. (2003). *Ecology of the White-clawed Crayfish. Conserving Natura 2000 Rivers Ecology Series No.1.* Peterborough: English Nature.

Reptiles

English Nature (2004). *Reptiles: guidelines for developers.* Peterborough: English Nature.

Gent, T. & Gibson, S. (1998) *Herpetofauna Worker's Manual*. Peterborough: JNCC.

Countryside Council for Wales (2001). *Reptiles in Wales.* Bangor: Countryside Council for Wales.

Phase 1 Survey

Nature Conservancy Council (1990). *Handbook for Phase 1 habitat survey*. Peterborough: JNCC

Recommended Survey and Assessment Template for Protected Species

As a guide to what constitutes sufficient information for the planning authority, any submitted survey and report should be based on the following:

1. Executive summary (no more than one side of A4)

2. Introduction

a. Background to development - *justification for why the proposal is necessary*
b. Description of the proposed works *e.g. building conversion, new build, demolition etc.*
c. Summary of statutory provisions for protected species

3. Survey and Site Assessment

a. Qualifications and experience/competence of surveyor(s) *e.g. details of EPS license number etc. and equipment used (type of bat detectors and data loggers)*
b. Scale plan/map and 6 or 8 figure grid reference
c. Desk top data trawl – *details of information sought and obtained from local records centre*
d. Conclusions of walkover survey
e. Objectives of the detailed survey
f. Field surveys - *details of internal/external inspections, emergence/re-entry surveys, transect surveys, timings (day/evening), dates, weather conditions (wind, rain, temperature tabulated for multiple survey visits)*
g. Survey results – *including: text, tables, photos, maps, illustrations, plans (with raw data appended (including sonagrams)*
h. Site/habitat - *description of features of value to commuting, foraging and roosting bats*
i. Interpretation/evaluation of results – *estimate of bat numbers and status of site e.g. presence of hibernation, maternity, feeding roosts, swarming sites and their significance locally / regionally.*

4. Impact Assessment

a. Short term disturbance impacts
b. Long term impacts
    i. Roost modification
    ii. Roost loss
    iii. Fragmentation and isolation of habitat
c. Post development interference impacts e.g. lighting / use of loft space
d. Predicted scale of impacts
e. Land ownership and viability for any proposed mitigation sites

Note: A submitted report must first demonstrate that alternatives have been considered and show why avoidance of negative impacts is not feasible before providing a strategy that details mitigation and compensation proposals.

5. Measures for Mitigation, Compensation and Enhancement

a. Full mitigation, compensation and enhancement plan / strategy
b. Works to be undertaken by an ecologist or suitably qualified person
    i. Capture and exclusion (as an example of possible works)
c. Works to be undertaken by the developer /landowner
    i. In-situ retention of bat roost
    ii. Modification of existing roosts
    iii. New roost creation
    iv. Scaled maps/plans

6. Compliance With Development Plan Policies And Statutory Obligations

a. How biodiversity features will change with development – *a prediction of net loss or gain*
b. How the proposal is in accordance with the relevant policies within the development plan
c. Likelihood of obtaining any necessary Regulation 44 European Protected Species licences

7. Post-development site safeguard

a. Habitat/site management and maintenance where necessary
b. Population monitoring, roost usage etc.
c. Mechanism for ensuring delivery – *planning conditions/obligations and/or Reg. 44 licence*

8. Timetable of works

Evidence that conservation proposals are compatible with the proposed development timetable