

BIODIVERSITY TEAM UPDATE 2015

1 Purpose

- 1.1 To highlight the Biodiversity Team's key achievements since the last update to committee in 2012. Progress made in generating funds to reduce the cost of the service.

2 Recommendations/for decision

That the Committee:

- 2.1 Notes the key achievements in relation to supporting biodiversity and planning and highlights any matters to be brought to the attention of the Cabinet Member for Leisure.

3 Executive summary

- 3.1 This report sets out the central areas of work that the Biodiversity Team delivers to meet growth agenda, health and well-being and community engagement objectives. It also sets out how the Biodiversity Team scrutinise Planning applications to ensure no net loss and where possible net gains to biodiversity in accordance with National Planning Policy Framework (NPPF). Income generation from biodiversity consultancy services to other LA's and non government organisations (NGO's) is also discussed.
- 3.2 The Biodiversity Team oversees many species and habitat projects including the North Bucks Bat Group, AVDC Great Crested Newt Project, Water Vole and Otter Spotter Project, Peregrine Falcon Project, Swift Group, Vale Countryside Volunteers, UK Black Poplar Conservation Group and Local Wildlife Sites Project. All these groups were created by AVDC and are now run by volunteers and supported with advice from the Biodiversity Team. They contribute vast amounts of time towards the protection and expansion of the species or habitat they deal with generating huge amounts of community input.
- 3.3 The Barn Owl Project is now largely overseen by volunteers and supported by AVDC with seed funding from HLF and WREN coming to an end. The group is now known as [Bucks Owl and Raptor Group \(BORG\)](#). The increased autonomy of this group maintains their effectiveness and reduces time implications for AVDC staff. The group contributes over 330 days of volunteer time to this project annually and has become the second largest Barn Owl project in the country.
- 3.4 [North Bucks Bat Group](#) continues to grow in capability and recognition. A grant of £46,000 from HLF gained by AVDC has enabled the group to purchase specialist equipment and engage a larger number of people for the benefit of Bat conservation. The group has been invited to talk about its research projects nationally and internationally.
- 3.5 [Vale Countryside Volunteers](#) contributed over 450 days worth of volunteering in 2014. Work of the group enables the Biodiversity Team to carry out conservation initiatives at minimal cost to the council. For example in 2014 they planted over 8,000 trees.
- 3.6 In 2015 AVDC will be organising and hosting the [UK Black Poplar Conservation Group National Conference](#). Since our last update we have established a national clone bank for the species in Aylesbury. Thousands of trees generated from this clone bank have been planted in the Olympic Park,

every London Borough, The Royal Parks, Arla development and many other sites in Aylesbury Vale and the UK. This is good conservation for this UK priority species and generates income for the council.

- 3.7 The [Peregrine Falcon Project](#) is in its fifth year and was used as a case study on how to encourage urban wildlife in the [Bat Conservation Trust publication 'Landscape & Urban Design for Bats and Biodiversity'](#). AVDC was invited to present a talk at the European Symposium for Urban Wildlife Design. Breeding has been successful for a fourth year and the web cameras attract interest and attention for AVDC globally.
- 3.8 We were commissioned to draw up two Higher Level Stewardship schemes (HLS) which included specialist ecological surveys. A new HLS agreement was negotiated for 3 AVDC green spaces in 2014 which pays for beneficial management and ecological enhancement measures for these sites.
- 3.9 In partnership with a number of conservation organisations and Natural Environment Partnership (NEP) AVDC contributed to the updating of the Bucks Biodiversity Action Plan. This plan will set future targets for biodiversity gains in the county for the next five years.
- 3.10 Berryfields Farmland Bird Scheme was negotiated by the Biodiversity Team to compensate for ecological impacts of the Berryfields development. In 2014 three agreements with local landowners have been established with two more waiting to be ratified. 36 Ha of wildflower meadow have been sown using seed from local wildlife sites with 7 new ponds created. The forthcoming schemes will include 1km of hedge planting, 30 new ponds and a further 10ha of wild flower meadow. This project is entirely funded by developer contributions and covers the cost of AVDC officers on this project.
- 3.11 The Biodiversity Team's approach to planning advice has been recognised as best practice by the Royal Town Planning Institute, Royal Society for the Protection of Birds and Chartered Institute for Ecologists and Environmental Managers in their publication ['Planning Naturally'](#). We have responded to increased financial pressures by contracting our specialist expertise to other LAs and NGOs. In 2014 this generated over £30K income for the council. Our pre application screening service scrutinised over 1000 applications generated a further £6500.
- 3.12 There have been a number of notable planning successes including identifying and conserving 60 protected species sites, the routine provision of bat and bird roosting sites and priority habitat creation in appropriate new development. The most notable success was the negotiation and design of the Kingsbrook development (Land East of Aylesbury). This scheme will set the national standard for integrating and delivering biodiversity enhancement through development. Through its negotiations with AVDC Biodiversity Team Barratts has changed its development practices and now work in partnership with RSPB towards biodiversity enhancement. It is expected that Kingsbrook will become the exemplar for sustainable biodiversity in the UK.

4 Engaging the local community through biodiversity

- 4.1 The Biodiversity Team makes one of the largest contributions to community engagement in the council, with 2,800 volunteer days generated in 2015. The different groups undertake practical conservation work, biological surveys, liaison with landowners and scientific studies.
- 4.2 Volunteers play an important role in carrying out work for which the council would otherwise have to pay, such as the conservation management of

AVDC's parks and open spaces through planting wildflower meadows, hedges and trees as well as hedge laying.

- 4.3 One of the most important groups is Vale Countryside Volunteers (VCV) which has now been running 12 years and whose volunteers go out most weeks throughout the year. Over 450 days were given by its volunteers delivering practical conservation action such as hedge laying, tree planting, wildlife surveys, pond restoration, otter holt construction, wildflower collection and sowing.
- 4.4 The Biodiversity Team has created and facilitated or advised 10 separate conservation groups who deliver significant conservation gains to the District. Whilst these groups are designed to be relatively independent they rely on the guidance and support of the Biodiversity Team. These groups provide a conservation network through the Vale which enable us to maximise our effectiveness. If for example a landowner enquires about how they can improve their land for wildlife the Biodiversity Team can conduct a survey to highlight the current situation and potential of the site. The landowner can then be put in touch with a group to deliver conservation gain. The involvement of the Biodiversity Team ensures that the highest conservation standards are employed and all efforts are coordinated with current Bucks Biodiversity Action Plan targets.

5 Flagship Project: Black Poplar Clone Bank

- 5.1 The UK Black Poplar Conservation Group was set up in 1999 by the Biodiversity Team with the objective of nationally coordinating conservation effort on this rare tree. 2011 saw the establishment of the national Black Poplar clone bank in Aylesbury, creating a collection of cuttings taken from genetically distinct trees from all over the country. The clone bank has now matured to the degree that cuttings can now be taken to establish other clone banks around the country. By establishing other clone banks it is hoped that all future planting of Black Poplar will use the maximum genetic diversity of stock. This will aid sexual reproduction of the species and increase resistance to disease.
- 5.2 In 2014 the Biodiversity Team provided the first native Black Poplar seed for the Millennium Seed Bank. This seed will be stored at the bank in this internationally important conservation project. Knowledge gained this year by AVDC will be shared with other Black Poplar conservation projects at the upcoming national Black Poplar conservation group conference hosted and coordinated by the Biodiversity Team.
- 5.3 A partnership with a local tree nursery has been established to supply native Black Poplars on a commercial basis. We supply material from the clone bank to the nursery to ensure guaranteed genetic authenticity and diversity for planting schemes. Developers or landowners from around the country are then put in touch with the nursery when they require native Black Poplars. AVDC receives £1 for every tree supplied. Through our planning function we ensure that native Black Poplars are planted wherever appropriate in landscaping schemes. This contributes to the conservation of the species and a financial gain to the council.
- 5.4 As an example of how this arrangement can work native Black Poplars were requested by the Biodiversity Team to be part of the Arla development landscape scheme. 3000 trees were subsequently planted which represents a 25% increase in the UK population of Black Poplar, all paid for by the development. The new Kingsbrook development will create the UK's largest

Black Poplar woodland including a tree trail consisting of all known individual clones. This will make a huge contribution to Black Poplar conservation and effectively establish and other clone bank on the site.

6 Planning Support

- 6.1 The Team supports the Planning Division by providing expert ecological advice. The Team provided over 1000 responses to planning applications and minor householder modifications in 2014 ensuring that protected species, priority species and habitats are properly taken into account as outlined in **Appendix 1**. A combination of pre-application advice and pre-registration reviews are used to reduce delays and costs for the Planning Division and applicants. The Biodiversity Team play an important role in seeking maximum possible benefits for biodiversity are achieved from each development and our most important sites for nature are protected. The Team also play an important role in assessing ecological mitigation fore major infrastructure projects such as HS2 and East West Rail as part of the select committee process.
- 6.2 Since our last review the proportion of our work related to planning has increased substantially. In order to generate funds for AVDC we advertised our expertise to other LAs and NGOs. We have subsequently been engaged by Oxford City Council, Wycombe DC, South Oxford DC, Vale of White Horse DC, South Northants DC, Milton Keynes Council, Bucks County Council and The Wildlife Trusts. This is a reflection of the high esteem our expertise is held and as reflected through recognition of our biodiversity and planning procedure in national best practice guidance publications since last review.
- 6.3 Whilst this consultancy has generated funds from outside Aylesbury Vale we were encouraged to seek mechanisms to cover our time scrutinising AVDC planning applications. In July 2013 we introduced a Biodiversity Screening service which offered applicants the opportunity for expert ecological advice at the pre application stage. This service has proved very popular with applicants because it reduces the requirement for expensive ecological surveys and reduces delays. It also enables us to fulfil our LA duty to the conservation of biodiversity in all our functions (NERC 2006, NPPF and Conservation of Habitats and Species Regs. 2010) through proper consideration of the impact of development on protected species and habitats.
- 6.4 Through both these initiatives we have demonstrated innovative working practices that have substantially reduced the cost of our service to AVDC, maintained the highest standard of wildlife conservation and enhancement through the planning system and raised the profile of the authority. We have constantly exceeded the targets set for the team by the New Business Model initiative.
- 6.5 The Kingsbrook scheme provides a good case study of the benefits to wildlife and people of the Vale of strong and informed ecological scrutiny of planning applications. When the scheme was first proposed it contained minimal biodiversity benefits and a substantial net loss in species and habitats. By maintaining our objection and engaging in dialogue with the developer over many years we have transformed the development into the ground breaking scheme it is now. Measures that we have induced the developer to provide above those originally proposed include: 120ha wetland nature reserve

created managed by the RSBP at no cost to the council, substantial visitors centre managed by RSPB servicing the nature reserve, national Black Poplar trail, native trees throughout the development, integrated bat and bird boxes in all appropriate buildings, 70% of the development will be green space primarily managed for nature conservation, Sand Martin bank, over 50 new ponds, BAP priority habitat created throughout, ground breaking SUDS systems designed to be functional and benefit biodiversity, fruit trees in over 50% of the gardens, fencing designed to be permeable to wildlife, wildlife crossings under roads and gardens designed to be wildlife friendly.

- 6.6 This level of provision within development has never been attempted before. The principles of development by Barratts in partnership with RSPB has been significantly changed. This has all been at the instigation of the Biodiversity Team and would not have happened without it.
- 6.7 Lessons learnt from this development have influenced input into the Vale of Aylesbury Local Plan and neighbourhood plans. The emergence of the biodiversity impact assessment calculator (part of biodiversity offsetting process) has provided case law and a mechanism to ensure future development in the vale can deliver similar biodiversity benefit. We have provided and continue to provide advice to Forward Plans to ensure the appropriate policies are included within local and neighbourhood plans to achieve this aspiration.

7 Changes to the Planning system

- 7.1 As of January 2015 changes were made to the way the Biodiversity Team interacts with the planning process as outlined in **Appendix 2**. Under this new system there will no longer be a pre or post validation check for householder applications relating to loft conversions, impact on roof spaces and barn conversions. Based on the evidence of previous years we estimate that this will result in the loss of 60 -80 bat roosts and likely reduce income for the service.
- 7.2 The Biodiversity Team will no longer be required to scrutinise submitted ecological reports at the pre validation stage.
- 7.3 The Biodiversity Team will only be consulted at pre validation stage on major developments without an ecological survey or on sites where there is a record of protected species or habitats. At present there is no arrangement with the local records centre to supply information on protected and priority species or habitats. Therefore future decisions on when to consult the biodiversity team will not be based on up to date information. It should be noted that protected species records do not reflect the distribution of protected species. They are a reflection of incidental survey effort. The majority of protected species roosts and habitats are unknown as evidenced by the fact we find 60-80 new bat roosts per year. Even if it were possible to find every protected species place of shelter and protection they have evolved to constantly prospect for new sites.
- 7.4 The previous system was recognised by RSPB, RTPI, CIEEM, Association of Local Government Ecologists (ALGE) and Bat Conservation Trust (BCT) as an exemplar. It generated £6500 per annum and enabled effective species and habitat protection within the Vale. Delays were avoided by dealing with applications at the pre validation stage. This system is used by the other LAs we currently work for. The new system will drastically reduce the number of

applications passed to the Biodiversity Team for scrutiny but still require the same level of scrutiny for validation by planning technicians.

- 7.5 We are very concerned that recently introduced changes to the planning process at AVDC will reduce our capacity to locate protected species & habitats in developments, end our ability to engineer substantial and innovative biodiversity gains through planning such as those proposed within the Kingsbrook scheme.

8 Resource implications

- 8.1 As a result of working for other LA and NGOs providing ecological assistance there will be less time spent on conservation initiatives within AVDC e.g. Water Vole Project. We will concentrate on continued support for existing conservation groups with resources available. It is anticipated that our ability to seek grants, to respond to future ecological priorities, establish new conservation groups will reduce and may require changes to service provided.
- 8.2 We are concerned that the quality of ecological outcomes through planning development will be negatively affected by the new system and represents a poorer system for biodiversity assets in the Vale.
- 8.3 We will continue to seek opportunities for income generation to provide advice to other LAs but is limited to staff resources working outside of the district.
- 8.4 We will seek to develop strategies to deliver ecological gains through development as in the Kingsbrook scheme. This will be achieved by inputting policies into the Vale of Aylesbury Local Plan and emerging neighbourhood plans in such a way that growth and biodiversity gains are achieved. The model of the Kingsbrook project demonstrates that this is possible but it will need to be facilitated and guided by appropriate policy.
- 8.5 We will continue to develop innovative ways of working and income generation to reinforce AVDC's outputs on conserving and enhancing Biodiversity in the District.

Response to Key Aims and Objectives

The work contributes to the Corporate Plan targets as follows:

- Improve participation in leisure and cultural activities across the Vale
- Support the voluntary and community sector through advice information, training and funding.
- Encourage greater community ownership and involvement in our local environment
- Encourage higher environmental standards in new development
- Manage and protect designated wildlife sites and AVDC land
- Oppose the HS2 rail project
- Identify the infrastructure required to support new development and wider Vale needs
- Deliver innovative new services that customers value
- Contribute AVDC news and updates to local newsletters and local area forums
- Consider how best we can help people get involved in their local community

Contact Officer
Background Documents

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Appendix 1: Biodiversity and the Planning Process 2013
Appendix 2: Biodiversity Screening Criteria for Technicians 2015

Appendix 1

Biodiversity and the Planning Process – Ecological Assessment 2013

Justification for survey

1. Background

The presence of protected species is a material consideration in planning decisions. The National Planning Policy Framework (NPPF, 2012) sets out the Government's national planning policies on conserving and enhancing the natural environment. It is accompanied by ODPM Circular 06/2005 which explains the statutory obligations of planning authorities towards biodiversity in the planning process.

Paragraph 109 of the NPPF states that "*the planning system should contribute to and enhance the natural and local environment by:*

- *recognising the wider benefits of ecosystem services;*
- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.*

Paragraph 118 of the NPPF states that "*When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and*
- *opportunities to incorporate biodiversity in and around developments should be encouraged.*

This guidance is consistent with the Conservation of Habitats and Species Regulations 2010 which places a duty on all competent authorities to have regard to the requirements of the Habitats Directive in the exercise of their functions. It is implicit in this statement that the presence or otherwise of protected species is understood and informed by survey before planning decisions can be made. Clearly it would not be reasonable to request a survey for all planning decisions so further guidance is given in ODPM Circular 06/2005.

Section 99 of ODPM Circular 06/2005 states;

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations, before permission is granted.'

2. The legal obligations of Local Authorities

AVDC's statutory duties relating to biodiversity include the following:

- The duty to have regard, in exercising its functions (so far as is consistent with the exercise of its functions) to the purpose of conserving biodiversity (s40 Natural Environment and Rural Communities Act 2006);
- The duty under regulation 9(3) of the Conservation of Habitats and Species Regulations 2010 on competent authorities (including local authorities) "to have regard (in the exercise of their functions) to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions"; and
- The under regulation 9A of the Conservation of Habitats and Species Regulations 2010 on local authorities "to take such steps in the exercise of their functions as they consider appropriate to contribute to the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds".

3. Biodiversity as a material planning consideration

AVDC has developed a procedure, based upon best practise guidance generated by Natural England (the statutory nature conservation organisation) and ODPM, designed to screen applications for development for potential presence of protected and priority species and habitats. The intention of this procedure is to fulfil the requirements of ODPM Circular 06/2005 so that surveys will only be requested when there is a 'reasonable likelihood' of protected and priority species and habitats being present and negatively affected by the development. This consists of a checklist which identifies site features where protected and priority species and habitats are likely to be present, thus filtering out applications worthy of further investigation. Applications falling within the criteria of this checklist are then passed to the Green Spaces Team (Biodiversity) who will assess each application.

If it is deemed that there is a 'reasonable likelihood' of protected or priority habitats and species the application will not be validated without supporting ecological information, in accordance with our local list requirements. This information can be provided by an ecological consultant or alternatively AVDC's Green Spaces Team (Biodiversity) can conduct a screening visit. Screening visits over the last 10 years have eliminated the need for further ecological survey in 80% of instances and are considerably less expensive. **If you wish the AVDC's Green Spaces Team (Biodiversity) to provide this service there will be a charge of £60 to cover the costs of this service for householder applications.** By providing this service it is expected that ecological consultants will be engaged only when absolutely necessary, thereby minimising negative survey results and extra expense/delay for applicants.

4. The Application

It should be noted that applicants are always encouraged to contact the planning department prior to application if the development falls within the Biodiversity Checklist or they suspect protected species may be present. AVDC Green Spaces Team (Biodiversity) can then assess the application and advise if more information is required, which can then be submitted with the development

proposals thus minimising delay. Applications identified by the Biodiversity Checklist will not be registered without an accompanying ecological survey unless the Green Spaces Team (Biodiversity) have assessed the site and determined that an ecological survey is not required. **If you wish the AVDC's Green Spaces Team (Biodiversity) to provide this service there will be a charge of £60 to cover the costs of this service for householder applications.** This procedure is consistent with the guidance provided by the Communities and Local Government publication 'The Validation of Planning Applications: Guidance for local planning authorities. December 2007'.

Pre application advice is particularly important with regard to provision of ecological information. N.B. Survey for protected species and assessment of the implications of development on their populations is frequently seasonally restricted.

5. Planning Application Process

It is often not possible to provide the necessary information on protected species within the Central Government target time for the determination of planning applications. For example if the application has been submitted at the wrong time of year to conduct a particular type of ecological survey. If an application has been registered but requires an ecological survey and the necessary information has not or cannot be submitted due to seasonal constraints, the applicant will be asked to decide whether to withdraw the application and resubmit with the appropriate information or ask for the application to be determined as submitted. If this information is not supplied the application is likely to be refused because AVDC will be unable to address all material considerations in making a decision. ODPM Circular 06/2005 is clear that surveys cannot be conditioned except in exceptional circumstances because all relevant material considerations may not have been addressed in making the decision.

6. Assessment of Ecological Survey

Once survey information, and if necessary, mitigation/compensation proposals have been submitted they will be scrutinised by the GST and Natural England (where appropriate). The GST will assess whether the information has been gathered to the requisite standard (in accordance with national guidance) and decide whether the mitigation/compensation is sufficient to ensure that harm can be prevented to biodiversity interests.

If the survey and mitigation/compensation proposals are satisfactory they will be conditioned in the planning approval, which is consistent with ODPM Circular 06/2005. Where possible mitigation and compensation measures will be expected to be in place before activities that may disturb protected species are commenced. Conditions will state that the development can only proceed in accordance with the approved mitigation/compensation strategy. Conditions will be considered discharged after an inspection by the GST (Biodiversity) and where appropriate a testimony from the ecological consultant affirming that the strategy has been applied appropriately.

Screening criteria and their reason for selection

- Barn conversion – There is a high incidence of occupation by bats and nesting birds of barns. Studies in Hertfordshire have shown that up to 80% of timber framed barns surveyed had evidence of bat occupation (Briggs, 1995). A study in the North of England (McCausland, 2003) indicated that stone framed barns that exhibit no evidence of bats regularly contain resident populations. In this

study up to 10 times more roosts were located using night vision equipment than were revealed by conventional survey methodologies alone.

Barns with the following features are highly likely to require a survey: traditional barns (wooden frame, stone framed, tiled roof), brick barns (2 storey, tiled roof), mortise and tenon joints constructed from green wood, in close proximity to woodland, water or good foraging habitat.

Barns with the following features are unlikely to require survey: steel framed barns with asbestos walls and roof, modern single storey.

- Change of use with associated works involving alterations to the roof structure – Roof spaces exhibiting certain features and the spaces underneath tiles are favoured roosting habitats for particular bat species. The condition of surrounding habitat may increase or decrease the likelihood that bats are present and will be assessed during the visit by a Biodiversity officer.
- Loft conversion - Roof spaces exhibiting certain features are favoured roosting habitats for particular bat species.

Applications impacting roofs with the following features are likely to require a survey: Loft spaces with a floor to apex height of over 1.5m within 150m of good foraging habitat.

- Extensions abutting roof or gable ends. If bats are roosting in a loft space or under tiles it is possible that an extension which affects the roosting place or exit point can breach the legislation protecting bats. Re roofing and the use of inappropriate materials such as breathable membranes can also cause death and disturbance to bats and their roosts.

Applications impacting roofs with the following features are likely to require a survey: extensions abutting a gable apex within 150m of good foraging habitat, roof stripping of clay or slate tiles with numerous entry points within 150m of good foraging habitat, south, south east, south west facing hanging tiles abutting a roof within 150m of good foraging habitat.

Applications impacting roofs with the following features are unlikely to require a survey: extensions abutting a gable end 1m below the apex within 150m of good foraging habitat, roof stripping of close fitting concrete tiles.

- Applications involving demolition – this represents a serious threat to protected species that may be using both internal and external features of a building. Certain bat species are known to form maternity roosts almost exclusively in buildings (of all ages).

Applications within 150m of good foraging habitat with any of the features likely to require survey listed above.

- New build on greenfield and brownfield sites – greenfield sites will be scrutinised for substantial biodiversity interest, including protected species and priority habitats. Planning decisions are expected to preserve this interest or mitigate/compensate for its loss. Brownfield habitats can be important areas for biodiversity, particularly for invertebrates and reptiles/amphibians.

- Within 250m of a pond – Surveys in North Buckinghamshire have shown that Great Crested Newts can be present in 50% of ponds in suitable areas. Great Crested Newts spend the majority of their life on land within suitable terrestrial habitats such as woodland, hedgerows, rough grassland and scrub around and between ponds.

Applications are likely to require survey if they exhibit: good connectivity to a pond with suitable habitat or in an area with records of Great Crested Newt, would be likely to result in breaches of the legislation if GCN were present on the development site.

Applications are unlikely to require survey if by presuming presence in the surrounding area a safe working strategy can be put forward that would avoid breaching the legislation if they were present e.g. reasonable avoidance measures (RAMs). **Where appropriate the GST (Biodiversity) can provide these RAMs for a fee of £60 to cover costs.**

- Within 10m of a river or stream – Rivers and streams are important movement corridors for a wide range of fauna and listed as priority habitats in the NERC Act 2006. They are also the favoured habitat of Otters and Water Vole which are listed on the UK Biodiversity Action Plan.
- Works to bridges, underground structures and tunnels – Bridges, underground structures and tunnels are favoured roosting and hibernating habitats for certain species of bat. Great Crested Newts also frequent damp areas such as underground structures and tunnels particularly for hibernation purposes.

Applications are likely to require survey for: brick built bridges, underground structures and tunnels within 150m of good foraging habitat, structures with a height to highest point of over 1.5m.

Applications are unlikely to require survey if: steel framed bridges, culverts below 1.5m in height.

- Work on a designated site e.g. Local Wildlife Site – Local Wildlife Sites represent the most important sites for wildlife (outside SSSI) and are protected in the planning process.

Seasonal survey constraints

Badger

All year. Optimum time of spring or early autumn/winter

Bat

Inspection surveys of buildings and structures for roosts – All year (but evidence will be greatest during active periods).

Bat detector surveys for dusk/dawn emergence/re-entry – May to August (optimal where maternity roosts may be present). April and September (sub-optimal)

Activity Surveys (for larger developments – including Wind Turbine development) - mid March to mid October (with surveys being conducted throughout the active period in accordance with BCT survey guidance for onshore wind turbines).

Hibernation surveys – December to February (optimal).

Birds

Breeding Bird Survey – March to late June

Barn Owls - All year round

Dormouse

Presence Absence Surveys – Nest tube – April to November (Multiple visits with key months being May, August and September).

Nut search – September to December.

Great Crested Newts

Presence –Absence Surveys of ponds – Up to four surveys between Mid-March and mid June for (with at least two surveys between mid-April and mid-May)

Population Estimates of ponds – An additional two surveys between Mid-March and mid June for adults (with at least one surveys between mid-April and mid-May).

Pond surveys between June and October may identify 'presence' only as larvae and juveniles can still be found in ponds.

Otter

Presence-Absence Surveys – All year, optimum survey period mid February to November.

Reptiles

Presence –Absence Surveys – March to October (optimum periods April to early June and September). Up to seven survey visits in suitable weather conditions.

Water Vole

Presence-Absence Surveys – Optimum survey period April to October.

Ecological reports submitted with planning applications must include the following:

- Evidence of the appointed ecologists credentials as a 'suitably qualified ecologist';
- Details of survey dates, times and environmental conditions (as appropriate); and
- Details of methods used during ecological surveys. If the survey methods deviate from published 'best practice guidance', this must be justified within the report or agreed in discussion with the Green Spaces Team.
- Records of target species from the local records office or appropriate recording group e.g. North Bucks Bat Group. Records supplied from NBN are not acceptable and contravene their terms and conditions of use.

Appendix 2

Biodiversity screening criteria for Technicians and their reason for selection : January 2015

There is a requirement to consider biodiversity in the planning process. This checklist sets out guidance for technicians on how to screen applications which fall within it's criteria. All applications conforming with the guidance to the list should be passed to the Biodiversity Team for their consideration. If in doubt the precautionary principle should be employed and the application passed to the Biodiversity Team.

This review adopts a more risk based approach to what is necessary having regard to the legislative framework, statutory requirements and duties and government advice as well as case law as it relates to the decision making process.

The government have increased the type of development for which development is permitted by national legislation without the need for planning permission. This includes householder extensions including alterations and extensions to roofs, barn conversions, and changes of use of certain commercial to residential and other uses. In response to the consultation on greater flexibility for changes of use of buildings and land, (published March 2014) the government commented in relation to concerns about the impact on habitats and species, particularly bats that “ *All changes under permitted development are required to meet necessary habitats and environmental legislation and regulations, and the government considers that this offers the necessary protections.*”

The environmental legislation and regulations equally apply to development carried out requiring or with the benefit of planning permission. It would seem appropriate for the council to take the same approach as is taken on permitted development on similar types of development which require permission. The Council can make it clear that the obligations falls on the applicant to meet those requirements and the use of an informative would be appropriate in most instances for householder and other minor developments, including barn conversions. This would draw attention to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Conformity with that legislation will be required if protected habitats or species are affected by development to avoid a criminal offence. This is the approach taken by a significant number of local planning authorities.

Pre validation checks:

As from 1 January 2015 there will no longer be a pre validation check for householder applications relating to loft conversions, impact on roof spaces and barn conversions. The local list requirements in these types of development will not be enforced, unless there is recorded evidence on the GIS that protected species are present.

The technician should send an e mail for information purposes only to advise the biodiversity officer of a valid application where a survey has not been submitted for householder applications relating to loft conversions, impact on roof spaces and barn conversions. This will enable the biodiversity officers to continue to offer a service to check the potential for the presence of protected species.

The pre validation checks will be focused on developments which relate to major developments on greenfield and vacant brownfield sites and designated wildlife sites/development, moderate or higher risk sites/development as set out below:

- demolition works
- works within 10m of a watercourse or 250m from a pond- potential impact on great crested newts, fauna, otters and water vole given the number and variety of species.
- works to bridges, underground structures and tunnels- potential for roosting and hibernating habitats for certain species of bat and Great Crested Newts. These are few in number.
- works on a designated Wildlife Site SSSIs and local wildlife significance. These are recognised as being of special importance.
- new build on greenfield and vacant brownfield sites given the scale and potential impact. This relates to the majority of major developments
- wind turbine developments
- sites where there is evidence of protected species on site.

At the pre validation stage the biodiversity officers will be required to advise on ecological survey requirements for major applications and areas nationally and locally designated for their biodiversity interests and identified high risk development sites/ development **only where submitted without an ecological survey specified in the generic standing advice and local validation list, (with the exception of householder and barn conversions) and the applicant/agent disputes the requirement for such a survey.**

Consultations following validation of an application:

The biodiversity officers should be consulted major applications, sites where known record of European protected species &/or habitat and areas nationally or locally designated for their biodiversity interests on the adverse impact on the development, in the generic standing advice and local validation list.

Detailed checklist:

The following more detailed checklist sets out guidance for technicians on how to screen applications which fall within it's criteria

- **Applications involving demolition** – this represents a serious threat to protected species that may be using both internal and external features of a building. Certain bat species are known to form maternity roosts almost exclusively in buildings (of all ages).

Demolitions to be passed to Biodiversity:

Applications within 150m of good foraging habitat or any of the features likely to require survey listed below e.g. 250m of a pond with good habitat connecting the site to the pond.

- **New build on greenfield and brownfield sites** – greenfield sites will be scrutinised for substantial biodiversity interest, including protected species and priority habitats. Planning decisions are expected to preserve this interest or mitigate/compensate for its loss. Brownfield habitats can be important areas for biodiversity, particularly for invertebrates and reptiles/amphibians.

New build on greenfield and brownfield sites to be passed to Biodiversity:

All greenfield sites.

Brownfield sites with buildings within 200 m of woodland, watercourses or good foraging habitat.

Brownfield sites within 250m of a pond with good habitat linkages to the pond.

Brownfield sites with scrub or substantial amounts of vegetation present.

New build on greenfield and brownfield sites not to be passed to

Biodiversity:

Brownfield sites with no scrub, vegetation or buildings present.

- **Within 250m of a pond** – Surveys in North Buckinghamshire have shown that Great Crested Newts can be present in 50% of ponds in suitable areas. Great Crested Newts spend the majority of their life on land within suitable terrestrial habitats such as woodland, hedgerows, rough grassland and scrub around and between ponds.

Applications within 250m of a pond to be passed to Biodiversity:

Within 250m of a pond with good connectivity to the site.

Within 250m of a pond with GCN records.

Applications within 250m of a pond not to be passed to Biodiversity:

No habitat connectivity between pond and site e.g. hedge, grassland, scrub, ditch or woodland.

A major road between pond and the site with no crossing points.

- **Within 10m of a river or stream** – Rivers and streams are important movement corridors for a wide range of fauna and listed as priority habitats in the NERC Act 2006. They are also the favoured habitat of Otters and Water Vole which are listed on the UK Biodiversity Action Plan.
- **Works to bridges, underground structures and tunnels** – Bridges, underground structures and tunnels are favoured roosting and hibernating habitats for certain species of bat. Great Crested Newts also frequent damp areas such as underground structures and tunnels particularly for hibernation purposes.

Applications for works to bridges, underground structures and tunnels to be passed to Biodiversity:

Brick built bridges, underground structures and tunnels within 200m of good foraging habitat or ponds.

Applications for works to bridges, underground structures and tunnels not to be passed to Biodiversity:

Steel framed bridges.

- **Work on a designated site e.g. SPA, SSSI, Local Wildlife Site.** All sites designated for their ecological interest (whether statutory or not) represent the most important sites for wildlife and are protected in the planning process.
- **Hedgerow removal-** potential for protected species and important woody species and features as this is one of the specified tests the council are required to assess in any hedgerow removal application;

Developments where biodiversity are to be sent an e mail for information purposes only on the receipt of applications for householder development relating to loft conversions, impact on roof spaces and barn conversions in accordance with the following criteria:

- **Barn conversion to be passed to Biodiversity:**

Traditional barns (wooden frame, stone framed, tiled roof).

Brick barns (2 storey, tiled roof).

Barns with mortise and tenon joints constructed from green wood in close proximity to woodland, watercourses or good foraging habitat.

Barns within 250m of a pond.

Barn conversions not to be passed to Biodiversity:

Steel framed barns with asbestos walls and roof.

Modern single storey barns more than 200m away from woodland, watercourses or good foraging habitat.

Dutch barns made from corrugated steel.

Barns with no intact roof.

- **Change of use with associated works involving alterations to the roof structure to be passed to Biodiversity:**

Re-roof of clay or slate tiled buildings within 200m of woodland, watercourses or good foraging habitat.

Raising of roof of clay or slate tiled buildings within 200m of woodland, watercourses or good foraging habitat.

Removal/replacement of gable end apex soffits/bargeboards within 200m of woodland, water or good foraging habitat.

Skylights/roof-lights to roof/loft space of buildings within 200m of woodland, watercourses or good foraging habitat.

Alterations to roof structure not to be passed to Biodiversity:

Re-roof of close fitting concrete tiled buildings or thatched buildings.

Re-roof of clay or slate tiled buildings further than 300m away from woodland, watercourses or good foraging habitat.

- **Loft conversion - to be passed to Biodiversity:**

Loft spaces with a floor to apex height of over 1.5m within 200m of good foraging habitat.

Loft conversions not to be passed to Biodiversity:

Loft spaces with windows or roof lights/sky lights.

Loft conversions further than 300m away from woodland, watercourses or good foraging habitat.

- **Extensions abutting roof or gable ends to be passed to Biodiversity:**

2 storey extensions abutting a gable apex within 200m of good foraging habitat.

Extensions abutting south, south east, south west facing hanging tiles under a roof within 200m of good foraging habitat.

2 storey extensions which break into the loft space of buildings within 200m of good foraging habitat.

Extensions not to be passed to Biodiversity:

2 storey extensions abutting a gable end > 1m below the apex within 250m of good foraging habitat.

Single storey extensions to 2 storey buildings unless there is a pond within 150m of the site.