

Biodiversity and Planning Applications

Under the Natural Environment and Rural Communities Act 2006, each Planning Authority has a legal duty to consider conservation of species and habitats in all of their decisions. There are steps that you can take before submitting a development proposal that can increase the likelihood of success, save you time and money, and ensure that you do not contravene UK law for the protection of wildlife.

Examples of developments likely to require wildlife or ecological surveys:

- Barn conversions
- Loft conversions, where presence of bats is suspected
- Change of use involving alterations to the roof structure
- Demolition of, or alterations to unoccupied or rural buildings
- Works to bridges, underground structures and tunnels
- Developments affecting hedgerows or woodland
- Works in or near a watercourse, or within 500m of a pond
- Any developments on, or adjacent to a designated wildlife site (eg LNR, SNCI or SSSI)
- Sites within proximity of a known location of certain protected species
- New developments, or redevelopments, involving significant habitat loss.

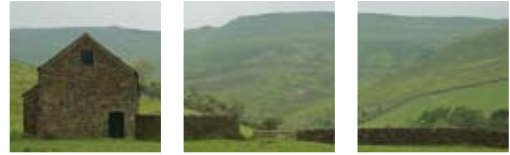
Biodiversity and the Law

Certain species and their habitats are legally protected in the UK and it is an offence to disturb, capture or kill most protected species, but it can also be an offence to deliberately or recklessly destroy their resting places or breeding sites. Wildlife law is complex and current guidance is that applicants should seek additional specialist advice **before** submitting a planning application.

- The planning authority is required by law to take account of the impact of any development on protected species and habitats.
- Some species surveys can only be carried out at certain times of the year, so it is important to take this into account before submitting an application to avoid delays or refusal.

Each County and Unitary Authority has a Biodiversity Action Plan (BAP) that sets out the habitats and species that are of particular importance within their area. Not all the species are protected by law, and not all the habitats are within designated sites. Nevertheless, each Council has a duty to maintain and enhance these habitats and species through their planning decisions. Therefore where a proposal risks impacting on these, then more information will be sought.





Pre-application advice

- Where there is either evidence or a **reasonable likelihood** of the presence of protected or priority species, the authority is unlikely to approve an application without supporting ecological assessment/ survey from a suitably qualified expert¹ and conducted at a suitable time of year.
- If a survey is necessary, it should be carried out before you submit your application to avoid delays in the application process.
- If protected or priority species or habitats are found to be present, the Planning Authority must be satisfied that any detrimental effects can be avoided, mitigated or compensated for before planning permission can be granted.

Things to look out for

Examples of BAP habitats

- Woodland
- Hedgerows
- Arable field margins
- Lowland meadows
- Heathland
- Grazing marsh
- Wetlands
- Rivers

Examples of protected species

- Bats
- Badgers
- Dormice
- Great Crested Newts
- Otters
- Water Voles
- Wild Birds
- Reptiles

If you are in any doubt about whether you might need a wildlife or ecological survey, please contact **RPS Group** for advice before you submit a planning application. Please see contact details below.



Enquiry contact details

Simon James
T 01480 302757 (direct)

Vicky White
T 01480 302759 (direct)

Reception
T 01480 466335

¹ A suitably qualified ecologist should; hold a degree or equivalent qualification (e.g. N/SVQ level 5) in ecology or related subject; be a practicing ecologist with 3 years relevant experience within the last 5 years; be covered by a professional code of conduct and subject to peer review.