

## **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), National Nature Reserves (NNR), Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites, Local Wildlife Sites (LoWS), and Priority habitats and Regionally Important Geological/geomorphologic Sites (RIGS) and Local Geological Sites (LoGS) designations; See Tables 2 & 3.
- areas including or close to recorded locations of protected species, and Priority 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 impacts associated with a proposed development, 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.

In addition to these biodiversity validation requirements, other information may be requested by the LPA as part of the determination of an application. These can include information to inform Habitats Regulations Assessments (HRA) provided by the applicant to enable the LPA to prepare HRA screening report.

**TABLE 1**

**Local Requirement for Protected Species, UK Species of Principal Importance (Priority Species):**

**Criteria and Indicative Thresholds (Trigger List) for when a Survey and Assessment is Required with an Application to meet BS42020:2013**

<p style="text-align: center;">Column 1</p> <p style="text-align: center;"><b>Proposals for Development That Will Trigger a Survey for the relevant Protected Species</b></p>	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
<p>Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving the following:</p> <ul style="list-style-type: none"> <li>▪ demolition of all structures; 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;</li> <li>▪ all buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water;</li> <li>▪ pre-1960 detached buildings and structures within 200m of woodland and/or water</li> <li>▪ pre-1914 buildings within 400m of woodland and/or water;</li> <li>▪ pre-1914 buildings with gable ends, peg tile or slate roofs, regardless of location;</li> <li>▪ all tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures;</li> <li>▪ all bridge structures (especially over water and wet ground).</li> </ul>	•	•	•											
<p>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.</p>	•	•	•			•								
<p>Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.</p>	•		•			•		•			•	•		
<p>Proposed tree work (felling or lopping) and/or development affecting:</p> <ul style="list-style-type: none"> <li>• old and veteran trees that are older than 100 years;</li> <li>• trees with obvious holes, cracks or cavities,</li> <li>• trees with a diameter greater than 1m at chest height;</li> </ul>	• • •	• • •	• • •									•		

Proposals affecting gravel pits or quarries and natural cliff faces, crevices or caves.	•		•	•					•				•	
Major or Large proposals within 500*m of a watercourse, pond/moat or Minor proposals within 100*m of a watercourse, 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 <sup>2</sup> floor area or more than 1 hectare)				•			•			•				
Proposals affecting or within 200*m of a watercourse, river, stream, lake, 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 Scottish Natural Heritage <i>et al</i> Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation <a href="https://www.nature.scot/sites/default/files/2019-01/Bats%20and%20onshore%20wind%20turbines%20-%20survey%2C%20assessment%20and%20mitigation.pdf">https://www.nature.scot/sites/default/files/2019-01/Bats%20and%20onshore%20wind%20turbines%20-%20survey%2C%20assessment%20and%20mitigation.pdf</a>	•		•											
Proposals for small wind turbines:	•	•	•											
Proposed development affecting any buildings, structures, feature or locations where protected or Priority 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 East Anglian Biodiversity and Planning group.  ** Confirmed as present by either a data search (for instance via the Essex Field Club <a href="http://essexfieldclub.org.uk">Datasearch (essexfieldclub.org.uk)</a> or as notified to the developer by the local planning authority, and/or by Natural England, the Environment Agency or other nature conservation organisation.		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

### ***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 for Essex: Criteria (Trigger List) for When a Survey and Assessment are Required with an Application**

<p><b>1. DESIGNATED SITES</b> (as shown on the Council's Development Plan Proposals Map)</p>	
<p><b>Internationally designated sites and identified HRA constraint zones</b></p>	<p>Special Protection Area (SPA) Special Area of Conservation (SAC) Ramsar site</p>
<p><b>Nationally designated sites</b></p>	<p>Site of Special Scientific Interest (SSSI) National Nature Reserve (NNR)</p>
<p><b>Regionally and locally designated sites</b></p>	<p>Local Wildlife Sites (LoWS) Local Nature Reserve (LNR)</p>
<p><b>2. PRIORITY HABITATS</b> (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006) &amp; Regulations 9 (1) and 9 (5) of Conservation of Habitats &amp; Species Regulations 2017 as amended) (see <a href="http://www.gov.uk">Habitats and species of principal importance in England - GOV.UK (www.gov.uk)</a>)</p> <ul style="list-style-type: none"> <li>▪ Arable field margins</li> <li>▪ Coastal and Floodplain grazing marsh</li> <li>▪ Coastal saltmarsh</li> <li>▪ Coastal sand dunes</li> <li>▪ Coastal vegetated shingle</li> <li>▪ Hedgerows</li> <li>▪ Intertidal mudflats (see combined Suffolk plan for saltmarsh &amp; mudflats)</li> <li>▪ Lakes</li> <li>▪ Lowland calcareous grassland (e.g. species-rich chalk and limestone grasslands)</li> <li>▪ Lowland dry acid grassland</li> <li>▪ Lowland Fen (e.g. fen, marsh &amp; swamp)</li> <li>▪ Lowland heathland</li> <li>▪ Lowland meadows (e.g. species-rich flower meadows)</li> <li>▪ Lowland mixed deciduous woodland (ancient woodland)</li> <li>▪ Maritime cliff and slopes</li> <li>▪ Mixed deciduous woodland</li> <li>▪ Mud habitats in deep water</li> <li>▪ Open Mosaic Habitats on Previously Developed Land</li> <li>▪ Ponds</li> <li>▪ Reedbeds</li> <li>▪ Rivers &amp; streams</li> <li>▪ Saline lagoons</li> <li>▪ Seagrass beds</li> <li>▪ Sheltered muddy gravels</li> <li>▪ Sub tidal sands and gravels</li> <li>▪ Traditional orchards</li> <li>▪ Wet woodland</li> <li>▪ Wood-pasture and parkland</li> </ul>	
<p><b>3. OTHER BIODIVERSITY FEATURES</b></p> <p>These may also be a material consideration if identified by paragraph 84 ODPM Circular 06/2005); such features may include: 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.</p>	

***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 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**

<b>1. DESIGNATED SITES</b> (as shown on the Council’s Development Plan Proposals Map)		
<b>Nationally designated sites</b>	Site of Special Scientific Interest (SSSI) National Nature Reserves (NNRs)	
<b>Regionally and locally designated sites</b>	Regionally Important Geological/Geomorphological Sites (RIGS) Local Geodiversity Sites (LoGS)	
<b>2. OTHER GEODIVERSITY CONSERVATION FEATURES</b>		
<b>Natural</b>	<ul style="list-style-type: none"> <li>▪ Coasts and estuaries – cliffs, beaches, salt marshes, processes</li> <li>▪ Rivers and streams – valleys, channels, interfluves, processes</li> <li>▪ Groundwater – springs, seepages, solution features, processes</li> <li>▪ Relic landforms – terraces, periglacial patterned ground, palaeosols, etc.</li> <li>▪ Buried interest – geological deposits including fossils and former lake beds</li> </ul>	
	<b>Man Made</b>	<ul style="list-style-type: none"> <li>▪ Quarries and pits – active and disused</li> <li>▪ Road and rail cuttings</li> <li>▪ Underground features – wells, tunnels, etc.</li> <li>▪ Built environment, including building stone, decorative stone, artificial stone</li> <li>▪ Large stones – sea defences, erratics and sarsens (as features), etc.</li> <li>▪ Works of art, memorials, street and pub etc. signs.</li> </ul>
		<ul style="list-style-type: none"> <li>▪ Unavailable sites – landfill, major engineering sites, etc.</li> </ul>

**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 GeoEssex) 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 decrease 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).
- Essex Field Club may have useful existing information and records