

Validation of Planning Applications

PLANNING APPLICATION REQUIREMENTS (LOCAL)

BIODIVERSITY CONSERVATION SURVEY AND REPORT

**GUIDANCE NOTES FOR COMPLETING THE
CAMBRIDGESHIRE BIODIVERSITY CHECKLIST**

NOVEMBER 2010

BIODIVERSITY CONSERVATION SURVEY AND REPORT: GUIDANCE NOTES FOR COMPLETING THE BIODIVERSITY CHECKLIST

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BIODIVERSITY CONSERVATION SURVEY AND REPORT: GUIDANCE NOTES FOR COMPLETING THE BIODIVERSITY CHECKLIST

1. INTRODUCTION

Cambridgeshire County Council takes its environmental responsibilities very seriously. This includes Cambridgeshire's wildlife which is a valued characteristic important to Cambridgeshire both locally and in the wider context.

In addition planning guidance and legislation necessitate the implementation of a mechanism to ensure that adequate ecological information accompanies planning applications. Cambridgeshire has also been identified as an area for major growth and expansion making the necessity of the consideration and incorporation of wildlife provision into all new development essential.

The biodiversity checklist and these guidance notes are intended to address these requirements through a proactive approach. They will ensure that sufficient ecological information accompanies an application. They will also provide transparency and assist applicants to determine what is reasonably required to accompany a planning application. This should help to allow a planning decision to be made in a timely manner, which is beneficial for both the planning applicant and the planning authority.

2. WHO SHOULD COMPLETE THE BIODIVERSITY CHECKLIST AND WHAT SORT OF APPLICATIONS WILL IT BE REQUIRED FOR?

It should be possible for a non specialist member of the public, planning agent or developer to complete the checklist. However once the need for an ecological survey has been identified this must be undertaken by a suitably qualified ecologist. Where a specialist piece of design to retain a feature has been identified it is expected that this will be informed through the involvement and input of a suitably qualified ecologist.

Applications for the following types of development must be accompanied by a completed Biodiversity Checklist or an ecological Phase 1/ scoping report produced by a professional ecologist:

- Major development.
- Change of use or demolition of traditionally constructed agricultural buildings AND demolition of or alterations to the roof of a Listed Building.
- Wind turbines.

Where the Phase 1/ scoping survey identifies that further/ more detailed survey work is required this should have been undertaken and relevant survey reports should be submitted with the planning application.

For all other types of development, applicants are encouraged to make use of the biodiversity checklist. Applications (other than those listed above) may be submitted without a completed biodiversity checklist. However this will not prejudice the planning authority from:

- Invalidating an application if it is clear at the validation stage that the application is likely to impact upon biodiversity, protected species or protected sites.

Or

- Requiring an applicant to commission ecological survey work and provide reports if it becomes clear that this is required.
- Requesting that an application is withdrawn and resubmitted with relevant ecological surveys.

For development which requires an Environmental Impact Assessment (EIA) the checklist may be used as a guidance document. However for such development the checklist is replaced as a validation requirement by the EIA document (Environmental Statement).

3. HOW TO USE THESE GUIDANCE NOTES

These guidance notes have been produced to help you use the Biodiversity Checklist and know what further action is appropriate. As the checklist is intended to cover most local scenarios for development and wildlife, these guidance notes are necessarily detailed. They are however split down against the various questions included in the checklist; it should therefore be possible to quickly locate those guidance notes which are relevant to the issues that the checklist has highlighted for your proposal.

3.1 Pre-existing knowledge

It might be that there is already a known wildlife interest on a site even without specific survey work being carried out. This may be through your own involvement with a site or it may have been notified to you by neighbouring landowners, the planning authority, and/ or by Natural England, the Environment Agency or other nature conservation organisations. Where this is the case, further professional habitat and species survey work should be carried out in accordance with the process outlined below.

It may also be useful in this respect for a data search to be carried out by the Cambridgeshire and Peterborough Environmental Records Centre¹ (CPERC, formerly the Cambridgeshire and Peterborough Biological Records Centre) and local natural history/conservation groups (details available from CPERC).

3.2 Survey work

The requirement for ecological survey work, and the appropriate survey methodology, will be assessed against the latest ecologist survey standards (see IEEM² website for further information) and Nature England's Standing Advice for Local Authorities.

Further information can be found at:

- IEEM survey methods³
- Natural England advisory leaflets⁴ and species information⁵
- Natural England standing advice for local authorities (East of England⁶ and national draft⁷)
- Association of Local Government Ecologist's biodiversity planning toolkit⁸

Further, detailed information about specific species, habitats and sites required to accompany the Biodiversity Checklist questions is provided in the following chapters.

1 <http://www.cpbrc.org.uk/>

2 <http://www.ieem.net/>

3 <http://www.ieem.net/surveyingadvice.asp>

4 <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/advice/advisoryleaflets.aspx>

5 <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/default.aspx>

6 http://www.naturalengland.org.uk/regions/east_of_england/ourwork/standingadvice/default.aspx

7 <http://www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/natconsultation.aspx>

8 <http://www.biodiversityplanningtoolkit.com/>

3.3 Improving local biodiversity information

Historical records for species of nature conservation interest within the local area should be taken into consideration as part of the ecological assessment. Planning Policy Statement 9 identifies the need for planning decisions to be based upon up-to-date biodiversity information of the area. Therefore, it is important that the county's species database is kept up-to-date to allow a true reflection of the species found in the county.

It is encouraged that applicants or their project ecologist, submit all records of protected, rare and notable species and species of principal importance to the Cambridgeshire and Peterborough Environmental Records Centre, which holds and manage the county's biodiversity records.

4. GUIDANCE FOR PROTECTED SPECIES

Cambridgeshire County Council has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of species protected under national legislation. National legislation includes the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2010 and the Protection of Badgers Act 1992.

4.1 Protected species found in Cambridgeshire

4.1.1 Bats

Many species of bat can be found throughout the authority area, each of which has its own preferred habitat and roosting behaviour. This means that bats can be found in a wide variety of situations. This is made more likely if a proposal is in close proximity to foraging habitats which are particularly favourable for bats such as wetland and woodland habitats.

Where a survey is required the County Council will require that it is undertaken by a suitably qualified ecologist. The survey should follow best practice standards such as that outlined in the Natural England Bat Mitigation Guidelines and the Bat Conservation Trust Survey Guidelines.

Further information about bats can be found via the following:

- Natural England advisory leaflets and species information
- Natural England standing advice for local authorities (East of England and national draft)
- Bat Conservation Trust⁹ (BCT), including their 'Bat Surveys - Good Practice Guidelines'¹⁰,

4.1.2 Barn Owls

Due to many years of active conservation and an annual monitoring programme, Cambridgeshire is now an important area for this species. Barn Owls can be found in close proximity to man, however as they are most active at dusk and dawn, often those living close to an occupied site are unaware of them.

Barn Owls will make use of farm buildings, dovecotes, church towers and bale stacks as well as unused buildings. Trees with hollows/cavities of a sufficient size are also used for nesting and roosting. It is important to bear in mind that Barn Owls can nest in any month of the year, when prey is abundant, although the main breeding season is March-August.

Barn Owls are less likely to be present in the following situations:

- Structures/disused buildings without roofs.
- Weather tight structures that consequently do not have suitable access points for barn owls.

⁹ <http://www.bats.org.uk/>

¹⁰

http://www.bats.org.uk/download_info.php?id=379&file=BCT_Survey_Guidelines_web_final_version.pdf&referer=http%3A%2F%2Fwww.bats.org.uk%2Fpages%2Fguidanceforprofessionals.html

However, Barn Owls can be affected from disturbance if they are breeding in close proximity to a proposed development site. They can be affected by the installation of lighting within 50m of suitable habitat. In these cases, surveys for this species will be required and any mitigation will need to take Barn Owls into account.

Further information about Barn Owls can be found at the following:

- Natural England advisory leaflets (including “Barn Owls & rural planning applications”) and species information
- Natural England standing advice for local authorities (East of England and national draft)
- Specific information about Barn Owls in Cambridgeshire can be obtained from colinshawyer@aol.com

4.1.3 Breeding birds

There are very many different species of birds that can be found in the Cambridgeshire area, each of which has its own preferred habitat and specialised behaviour. For these reasons birds can be found in almost any situation and so, they can be affected by a range of activities and works.

Impact upon nesting birds can generally be avoided by either:

- Commencing works outside of the bird nesting season, generally March to August (inclusive) but this can be extended during mild weather.
- Undertaking works during nesting bird season, only in sections of the site where nesting birds have been confirmed to not be present. This will require a suitably qualified ecologist undertaking a survey for nesting birds immediately prior to commencement of works.

For smaller sites this can generally be secured through the use of a planning condition. However for larger sites/major applications it can be appropriate for a survey to be undertaken to establish the importance for the site for birds. This can include both bird nesting and over wintering surveys. Such surveys can often be used to inform mitigation measures, such as the erection of suitable alternative nesting, landscaping or the programming of works. Whether a survey is required to accompany a planning application is highly subjective and will depend upon:

- The size and complexity of the site.
- The type of birds that may be likely to be found within the site or disturbed by the proposal.

Where a survey is required, the County Council will require that it is undertaken by a suitably qualified ecologist. The survey should follow best practice standards such as the British Trust for Ornithology Common Bird Census. Where appropriate this should incorporate an element of evening surveying to cater for nocturnal and twilight species.

Further information about birds and bird surveys can be found via the following:

- Royal Society for the Protection of Birds¹¹
- British Trust for Ornithology¹²

4.1.4 Badgers

Badgers can be found throughout the authority area and badger setts can be found in almost any situation including farmed fields and banks of drainage ditches. Development activities may cause damage to / destruction of a badger sett and disturb badgers using a sett.

If badgers use a proposal site to forage for food or to move to foraging areas it can still be important to consider badgers at the design, implementation and landscaping phases.

If you are in any doubt that a badger sett may be present on the site or badgers may be affected by a proposal, professional advice should be sought at the earliest stage of planning the proposed development and a survey undertaken by a suitably qualified ecologist.

Further information about badgers can be found at:

- Natural England advisory leaflets (including “Badgers and Development”) and species information
- Natural England standing advice for local authorities (East of England and national draft)
- Badger Trust¹³

4.1.5 Water Voles

Water Voles are present throughout the authority area, with the Cambridgeshire Fens being a national stronghold for this species. Water Voles tend to be confined to watercourses, drains and aquatic features that hold water and associated reedbeds. They are frequently present in wet ditches and even small ditches can hold valuable populations of Water Vole.

Important habitat for water voles extends up to 5 metres from the top of the bank of a ditch or watercourse. This includes both habitat that the water voles themselves will utilise and also a sufficient buffer between the water vole habitat and development activity/ nearby activity, operation of machinery etc.

Where a survey is required the County Council will require that it is undertaken by a suitably qualified ecologist. The survey should follow the standards outlined in the Water Vole Conservation Handbook (Strachan and Moorhouse 2006).

Watercourses are less likely to be suitable for water voles if they are dry for much of the year or have been concrete lined or culverted for the length of watercourse that relates to the proposal.

11 <http://www.rspb.org.uk/>

12 <http://www.bto.org/>

13 <http://www.badgertrust.org.uk/Content/Home.asp>

Further information about Water Voles can be found at:

- Natural England advisory leaflets (including advice note NE86: “Water Vole guidance for planners and developers) and species information
- Natural England standing advice for local authorities (East of England and national draft)
- Association of Drainage Authorities’ Water Vole Guidance document¹⁴

4.1.6 Otters

Otters can be present throughout the Cambridgeshire area and are returning to many watercourses and aquatic habitats from which they have been absent in the past. Otters will range many miles up and down a watercourse and can be impacted by development some distance from a watercourse that they use. In the case of roads and bridges best practice guidance specifies that this may extend as far as 50 metres from a watercourse itself. Well designed road crossings of watercourses as well as preservation of water and habitat quality in watercourses are examples of issues that are crucially important for this species.

Further information about otters can be found at:

- Natural England advisory leaflets and species information
- Natural England standing advice for local authorities (East of England and national draft)
- Design Manual for Roads and Bridges¹⁵, Volume 10 Section 4, Part 4, Nature Conservation Advice in Relation to Otters

4.1.7 Great Crested Newts

Great Crested Newts can be found throughout the Cambridgeshire area. This species will move some distance from their breeding ponds, which they only visit for a few weeks every year. Suitable habitat for newts includes: ponds, rubble and log piles, trees, scrub, hedgerows and long/rough grassland. A pond that dries out occasionally, but not constantly, can be ideal for great crested newts as this will eradicate fish, which predate newt young and their eggs, but not the newts which can survive out of water. Newts can live for several years, therefore if a pond has recently been filled in; it is possible that a population of great crested newts may still be present. Stationary ditches can also provide suitable breeding habitat for great crested newts.

Where a survey is required the County Council will require that it is undertaken by a suitably qualified ecologist. The survey should follow national standards outlined in the Natural England Publication “Great Crested Newt Mitigation Guidelines”.

¹⁴ http://www.ada.org.uk/downloads_guidance.php

¹⁵ <http://www.standardsforhighways.co.uk/dmrb/vol10/section4.htm>

Further information about great crested newts can be obtained via the following:

- Natural England advisory leaflets (including Great Crested Newt Mitigation Guidelines) and species information
- Natural England standing advice for local authorities (East of England and national draft)
- Froglife's Advice Sheets¹⁶ and Great Crested Newt Conservation Handbook¹⁷

4.1.8 Reptiles

Reptile species are found throughout the Cambridgeshire area and include grass snake, common lizard and slow worm. Adders are very rarely found in the county. These species tend to be found in association with the features outlined below:

- South or west facing banks tend to favour reptiles as they are warmer and suit the reptiles' requirement to bask to warm up.
- Slow worms can tend to be found in woodland and established grassland such as old allotment sites.
- Reptiles may take shelter in piles of wood and or rubble piles that have generally lain undisturbed for some time. These piles may have become partially vegetated.
- Piles of decomposing plant material such as compost and manure heaps; woodchip and sawdust piles may be used by grass snakes for egg laying. Slow worms may take shelter in these sorts of features.
- Wetland features such as rivers, streams, ditches, ponds or lakes may be particularly good habitat for grass snakes.
- In farmland lizards and snakes can use linear habitats such as hedges and/or grass field margins.
- Derelict sites with deteriorating walls with holes beneath can provide good habitat for reptiles especially when connected to grassy areas.
- Reptiles, particularly common lizards, may be encountered on active or disused railway lines and their associated brownfield land.

Where a survey is required the County Council will require that it is undertaken by a suitably qualified ecologist. The survey should follow with the standards outlined in Froglife Advice Sheet 10.

Further information about reptiles and reptile surveys can be obtained via the following:

- Natural England advisory leaflets and species information
- Natural England standing advice for local authorities (East of England and national draft)
- Froglife Advice Sheets
- JNCC publication "Herpetofauna Workers Manual" (Gent & Gibson, 2003)

¹⁶ <http://www.froglife.org/advice/sheets.htm>

¹⁷ <http://www.froglife.org/advice/gcnch.htm>

4.1.9 Other protected species

The Biodiversity Checklist provides questions for protected species that are most likely to be encountered as part of site works. However, this list is not exhaustive and other protected species may also be present at the site. If this is the case, the County Council will require that appropriate survey work is undertaken by a suitably qualified ecologist and in accordance with standard methodology.

4.2 Ecological surveys

Where a positive answer is given to any of the Biodiversity Checklist questions relating to protected species, a Phase 1 habitat/scoping survey should be carried out by a suitably experienced ecologist to determine what further survey work is required. Any further survey work which is recommended should be carried out and a report must accompany a planning application.

- The Phase 1 habitat survey should also indicate the presence of other features of nature conservation importance (see Section 5) as well as invasive species such as Japanese Knotweed or Giant Hogweed.
- A Phase 1 habitat/scoping survey may also be able to rule out the need to carry out further survey work.

Further information with respect to this type of survey can be found at JNCC¹⁸ and IEEM websites.

Where a proposed development is likely to affect protected species, the applicant must submit an ***Ecological Survey and Assessment***.

Any surveys or information identified as required by the checklist and subsequent Phase 1 survey should accompany a planning application or it may be considered to be invalid. You should contact the planning authority for a pre-application discussion if you are unclear about the requirements or believe that the checklist has incorrectly identified that survey work is required.

Further information with respect to survey standards and impact assessment can be found via the Institute of Ecology and Environmental Management (IEEM). Guidance notes are given below with respect to ecological survey and assessment. The survey and assessment should be undertaken by a suitably qualified ecologist employed by the applicant/developer. The ecologist employed by the applicant/developer should be able to advise further with respect to what is outlined.

4.3 Ecological survey requirements – protected species

The surveying and assessment of impact upon ecology is a specialist task in its own right. Survey work should therefore be undertaken and prepared by competent persons with suitable qualifications and experience. It must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available. Figure 1 (below) outlines ecological survey seasons for the species identified in the biodiversity checklist.

¹⁸ <http://www.jncc.gov.uk/page-4258>

Where surveys involve disturbance, for example capture or handling of great crested newts and bats, then only a licensed person can undertake such surveys under a licence issued by Natural England. Surveys should follow best practice guidelines, further details of which may be found using the links provided.

It is recommended that the survey be informed by the results of a search for ecological data from the Cambridgeshire and Peterborough Environmental Records Centre. The survey must be to an appropriate level of scope and detail. It must include:

- A brief description establishing that the surveyor is qualified to undertake the survey and make an assessment of impact. This should include survey licence details where relevant.
- A description of the methodology used for the survey.
- An adequate description of the site (a Phase 1 habitat survey) which should make recommendations for further survey work which should then have been carried out. This should include surveys for protected species, other features of nature conservation interest, designated sites, tree / woodland and invasive species.
- An adequately detailed account of the results of the survey work, recording which species are present, or likely to be impacted by the proposal. Numbers (including where possible, population size) should be identified although this may be approximate.
- The results should also include mapping of the distribution of species over a site and the use of the area, site, structure or feature (e.g. for feeding, shelter, breeding). Relevant features of the proposed development and working areas should also be indicated.

Figure 1 ECOLOGICAL SURVEY SEASONS

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Badgers	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Sub-optimal
Bats - hibernation roosts	Optimal	Optimal	Optimal								Optimal	Optimal
Bats - summer roosts				Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal			
Bats - foraging/commuting				Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal		
Birds - breeding			Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal				
Birds - over wintering	Optimal	Optimal									Optimal	Optimal
Great Crested Newts - terrestrial survey			Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal		
Great Crested Newts - aquatic survey		Sub-optimal	Sub-optimal	Optimal	Optimal	Sub-optimal						
Invertebrates				Optimal	Optimal	Optimal	Optimal	Optimal	Optimal			
Otters	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal
Reptiles			Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Optimal			
Water Voles			Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal		
Habitats/ Vegetation	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal

Key: Optimal survey time Sub-optimal survey time

Points to note regarding surveys are as follows:

- Some species can be surveyed at anytime in the year. However, other species surveys need to be undertaken at particular times of year to give the most reliable results, as indicated in Figure 1.
- Surveys conducted outside of optimal times (Figure 1) may be unreliable. For certain species (e.g. great crested newt) surveys over the winter period are unlikely to yield any useful information. Negative results gained outside the optimal period should not be interpreted as absence of a species and further survey work maybe required during the optimal survey season. This is especially important where existing surveys and records show the species has been found previously on site or in the surrounding area. An application may not be valid until survey information is gathered from an optimum time of year.
- Species surveys are also very weather dependent so it may be necessary to delay a survey or to carry out more than one survey if the weather is not suitable, e.g. heavy rain is not good for surveying for otters, as it washes away their spraint (droppings). Likewise bat surveys carried out in wet or cold weather may not yield accurate results.

- Absence of evidence of a species does not necessarily mean that the species is not there, nor that its habitat is not protected (e.g. a bat roost used in the summer is protected during the winter whether any bats are present or not).

4.4 Ecological assessment

The assessment of ecological impact should be undertaken using as detailed a layout for the proposal as is possible. If an experienced ecologist has been involved at an early stage and informed the design process, the avoidance of impact will be more easily achieved. The assessment must identify and describe:

- The significance of the ecological interest present.
- Potential development impacts likely to harm the habitats present and protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards).
- Conclusions and recommendations, including confirmation whether the development will impact on European Protected Species (and if this will require a Natural England licence for the development to proceed).

Where harm is likely, evidence must be submitted to show:

- How alternatives (e.g. designs or locations) have been considered.
- How adverse effects will be avoided wherever possible.
- How unavoidable impacts will be mitigated or reduced.
- How impacts that cannot be avoided or mitigated will be compensated.
- The significance of residual impacts having considered all of the above.

Proposed developments where a European protected species is likely to be impacted, the applicant must demonstrate that the proposals satisfy all three derogation tests under The Conservation of Habitats and Species Regulations 2010, as follows:

- The proposals are for preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- There is no satisfactory alternative.
- The proposals will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Recommendations should be made in respect of, but not limited to, habitat retention, working practices, locations of structures and working areas.

Proposals are encouraged that will enhance, restore or add to features or habitats used by protected species. The assessment should also give an indication of how species numbers are likely to change, if at all, after development e.g. whether there will be a net loss, gain or no change.

4.5 Exceptions for when an ecological survey and assessment may not be required

The checklist aims to identify when protected species and habitats and species of principal importance are reasonably likely to be present and as such focuses on the main protected species and habitats which have tended to be found on development sites in the Cambridgeshire area.

If it is clear that no protected species are present, despite the checklist indicating that they are likely, evidence should be provided with the planning application to demonstrate that protected species are not reasonably likely to be present.

The following are examples of how this might be demonstrated:

- A letter or brief report from a suitably qualified and experienced ecologist including a Phase 1 habitat/scoping survey. Relevant photographs, historical or biological records for example from the Cambridgeshire and Peterborough Environmental Records Centre or other local conservation groups may also be beneficial in this respect. This information should, however, demonstrate that:
 - There will be no significant affect on any protected species.
 - The applicant is aware that it is a criminal offence to disturb or harm protected species.
- A copy of correspondence from the planning authority at the pre-application stage confirming that no ecological survey work is required.

5. GUIDANCE FOR OTHER FEATURES OF NATURE CONSERVATION INTEREST

Cambridgeshire County Council has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of habitats and species of principal importance. In addition PPS9 highlights the importance of conserving other features / species, such as Red Data Book species and nationally / locally important species.

5.1 Habitat and species of principal importance / national UK priority BAPs

Policy Planning Statement 9 (Biodiversity and Geological Conservation) has made clear that habitats and species of principal importance should be conserved enhanced and added to through the planning system. A list identifying the habitats and species of principal importance for the purpose of conserving biodiversity in England has been produced by the Secretary of State (Section 41 list of NERC Act 2006). All UK Biodiversity Action Plan priority habitats and species are included within this list.

It should also be clear from the application and associated information how the proposal will retain and protect habitat features and their associated biodiversity. If the feature will be lost it should be clear how it will be replaced or the loss compensated for.

Further information can be obtained via the following:

- Species and habitats of principal importance (Section 41 list, NERC Act 2006) list can be found on the Natural England¹⁹ website.
- UK priority BAP habitats & species can be found on the Natural England²⁰
- UK Biodiversity Action Plan: Priority Habitat Descriptions. BRIG (ed. Ant Maddock) 2008²¹

There are a range of documents that relate to Section 41 species, such as:

- Amphibian and Reptile Conservation's Common Toads and Roads: Guidance for Planners and Highways Engineers (England)²²

5.2 Local BAP habitats and species

The importance of local biodiversity plans is also given weight by PPS 9. Therefore the questions relating to 'other features of nature conservation interest' include species and habitats identified within the Cambridgeshire and Peterborough Biodiversity Action Plans. PPS 9 makes it clear that these should be retained, enhanced and added to within development proposals. A Phase 1 habitat survey should make recommendations for further survey work for these species / habitats.

In addition, proposals should also consider other Biodiversity Action Plans relevant to the proposals. For example, works to Internal Drainage Board drains should take onboard the targets of the relevant Internal Drainage Board's BAPs (e.g. Middle Level Commissioners).

19 <http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/prioritylist.aspx>

20 <http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/ukactionplan.aspx>

21 <http://www.ukbap.org.uk/library/UKBAPPriorityHabitatDescriptionsfinalAllhabitats20081022.pdf>

22 <http://www.arc-trust.org/downloads/index.php>

It should also be clear from the application and associated information how the proposal will retain and protect habitat features and their associated biodiversity. If the feature will be lost it should be clear how it will be replaced or the loss compensated for.

Further information can be obtained via the following:

- Information about locally important habitats and species, as well as local Biodiversity Action Plans for habitats and species, can be found on the Cambridgeshire and Peterborough Biodiversity Partnership webpages²³
- Cambridgeshire and Peterborough Environmental Records Centre hold information about habitats and species of principal importance found in Cambridgeshire
- Biodiversity Action Plans for Internal Drainage Boards are available from their websites²⁴

5.3 Surveys for features of nature conservation interest

Where a positive answer is given to any of Biodiversity Checklist questions relating to 'other features of conservation interest', a Phase 1 habitat/scoping survey should be carried out by a suitably experienced ecologist to determine what further survey work is required. The phase 1 habitat survey should also indicate the presence of any protected species (see Section 4) as well as invasive species such as Japanese knotweed or Giant Hogweed.

Any further survey work which is recommended should be carried out and a report must accompany a planning application.

The survey should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods.

The survey may be informed by the results of a search for ecological data from the Cambridgeshire and Peterborough Environmental Records Centre.

Where a proposed development is likely to affect other features of nature conservation interest, including species / habitats of principal importance, the applicant must submit an ***Ecological Survey and Assessment***.

5.4 Ecological assessment for features of nature conservation interest

The assessment should identify and describe potential development impacts likely to harm species/habitats of principal importance or other features of nature conservation interest (these should include both direct and indirect effects both during construction and afterwards).

²³ <http://www.cambridgeshire.gov.uk/environment/natureconservation/action/partnership/baps> or <http://www.cbiodiversity.org.uk/>
²⁴ Middle Level Commissioners - <http://www.middlelevel.gov.uk/biodiversity-action-plans.aspx>

Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered.
- How adverse effects will be avoided wherever possible.
- How unavoidable impacts will be mitigated or reduced.
- How impacts that cannot be avoided or mitigated will be compensated.

In addition, proposals are to be encouraged that will enhance, restore or add to habitats of principal importance, populations of species of principal importance, or other biodiversity features. The assessment should quantify the likely change in the area (hectares) of habitats of principal importance on the site after development e.g. whether there will be a net loss or gain. An ecological survey and assessment may form part of a wider Environmental Impact Assessment.

5.5 Exceptions for when an ecological survey and assessment may not be required

In addition to those instances specifically outlined within the Biodiversity Checklist, a survey and assessment will not be required where the applicant is able to provide:

- Copies of pre-application correspondence with the local authority's Ecology Officer. This should demonstrate that the Officer is satisfied that the proposed development will not affect the habitats / species of principal importance.

6. GUIDANCE FOR NATURE CONSERVATION SITES

Cambridgeshire Council has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of designated sites. Designated sites are also protected under national legislation and/or the planning system. Where a proposed development is likely to affect such a site or habitat feature, the applicant must submit an ***Ecological Survey and Assessment***.

6.1 Local sites

The Cambridgeshire area has over four hundred Local Sites designated for their biodiversity and/or geological conservation importance. These sites complement the nationally and internationally designated nature conservation sites. Local Sites include City Wildlife Sites, County Wildlife Sites, and **Regionally Important Geological/Geomorphological Sites**, which are of city, county or regional importance for nature conservation (respectively). Local Sites are all protected in relation to development under PPS9.

Experience of development around these sites in the Cambridgeshire area has established that the following situations are most likely to be of significance, i.e. those where a proposal:

- Is within an urban area and overlies or borders a Local Site.
- Is within 250m of a Local Site.
- Is connected to the Local Site via its hydrology / is situated upstream of the Local Site.

Where a proposal does not overlie or immediately border a Local Site, the following types of development are unlikely to have an adverse impact upon a Local Site and ecological survey and assessment will not be required:

- Applications to alter domestic dwellings or small scale building projects (e.g. extensions; conservatories; garages).
- Alterations to existing retail, industrial or other commercial premises;
- Temporary location of mobile structures.
- Change of use of buildings.
- Telecommunication developments.
- Replacement buildings that will be occupying the same footprint.
- Advertisements.
- Applications for listed buildings consent.
- Applications for conservation area consent.

Locations of Local Sites can be requested from Cambridgeshire and Peterborough Environmental Records Centre who are also able to supply specific information with respect to the sites.

6.2 Nationally and internationally protected wildlife sites

Natural England is the statutory advisor to the planning authority for sites of national and international importance for nature conservation. Nationally important sites are classified as Sites of Special Scientific Interest or SSSI.

International Sites found within Cambridgeshire include:

- Special Areas of Conservation (SAC).
- Special Protection Areas (SPA).
- Ramsar sites.

Collectively the internationally designated sites are known as Natura 2000 sites and all will also be nationally designated as SSSIs in addition to their international designations. It is possible for international sites to be designated as more than one of the above international designations (e.g. Ouse Washes SAC, SPA and Ramsar site).

In relation to these sites Natural England has specified to the planning authority that they should be consulted for all development where:

- It is within a nationally or internationally designated site (SSSI, SPA, SAC or Ramsar site).
- It is within 2km of a nationally or internationally designated site with the following exceptions:
 - Applications to alter domestic dwellings or small scale building projects (e.g. extensions; conservatories; garages; 1-5 dwellings erected in the urban setting).
 - Alterations to existing retail, industrial or other commercial premises.
 - Temporary location of mobile structures outside of a designated site.
 - Change of use of buildings except where operational development is involved.
 - Telecommunication developments outside the boundary of a designated site.
 - Replacement buildings that will be occupying the same footprint.
 - Advertisements.
 - Applications for listed buildings consent.
 - Applications for conservation area consent.

The locations of national and international sites can be found on the mapping which accompanies the Cambridgeshire Minerals and Waste Plan and District Council's Local Plan. However, the national / international sites in Cambridgeshire may have changed since the publication of this document.

The most recent maps of national and international sites can be found on the Multi Agency Geographic Information for the Countryside²⁵ (MAGIC) or Nature on the Map²⁶ websites. Further information on these sites can be found on the Natural England²⁷ website.

6.3 Survey requirements

If the application is likely to affect any of the designated sites as indicated within the Biodiversity Checklist questions, a survey and assessment for the relevant feature must be submitted with the application. Exceptions to when a survey and assessment may not be required are explained in these guidance notes.

²⁵ <http://www.magic.gov.uk/>

²⁶ <http://www.natureonthemap.org.uk/map.aspx>

²⁷ <http://www.naturalengland.org.uk/ourwork/conservation/designatedareas/default.aspx>

The survey should be undertaken and prepared by competent persons with suitable qualifications and experience. It must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods. The survey may be informed by the results of a search for ecological or geological data from the Cambridgeshire and Peterborough Environmental Records Centre. The survey must be to an appropriate level of scope and detail. It must:

- Record which habitats and features are present on and where appropriate around the site.
- Identify the extent/area/length present.
- Map their distribution on site and/or in the surrounding area shown on an appropriate scale plan.
- Carry out further detailed investigation with respect to the associated biodiversity of the feature.

Where this type of survey is carried out it should be undertaken to a Phase 1 habitat survey standard. Such a survey may also recommend further survey work including the undertaking of protected species surveys or a more detailed Phase 2 survey. The Phase 1 habitat survey should also indicate the presence of any protected species (see Section 4) and other features of nature conservation interest (see Section 5), as well as invasive species such as Japanese Knotweed or Giant Hogweed.

6.4 Ecological assessment

The assessment should identify and describe potential development impacts likely to harm designated sites (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered.
- How adverse effects will be avoided wherever possible.
- How unavoidable impacts will be mitigated or reduced.
- How impacts that cannot be avoided or mitigated will be compensated.

In addition, proposals are to be encouraged that will enhance, restore or add to designated sites. The assessment should quantify the likely change in the area (hectares) of designated site meeting the selection criteria on the site, as well as the condition of the site, after development e.g. whether there will be a net loss or gain. An ecological survey and assessment may form part of a wider Environmental Impact Assessment.

6.5 Exceptions for when an ecological survey and assessment may not be required

An ecological survey and assessment for designated sites will not be required where the applicant is able to provide:

- *For International and National Sites:* copies of pre-application correspondence with Natural England, where this confirms in writing that Natural England are satisfied that the proposed development will not affect any statutory sites designated for their national or international importance.
- *Local Sites:* copies of pre-application correspondence with the planning authority's ecologist, demonstrating they are satisfied that the proposed development will not affect any local sites designated for their local nature conservation importance.

7. GUIDANCE FOR TREES AND WOODLAND

Trees and woodland are a valuable biodiversity resource both in their own right and also for the diversity of species which they support. Once lost this resource is very difficult and in some cases impossible to recreate. In Cambridgeshire, woodland is a particularly scarce habitat and much of what remains consists of ancient and semi natural woodland.

Due to its value this habitat is specifically singled out in Planning Policy Statement 9 and Local Plan policies. In addition, a number of types of woodland are listed as habitats of principal importance (Section 41, NERC Act 2006).

The Government has also outlined its vision to secure trees and woodland for future generations, to ensure resilience to climate change and to protect and enhance natural resources within The Strategy for England's Trees, Woods and Forests (2007).

It is therefore imperative that development proposals should ensure that these features are not lost or adversely affected.

7.1 Trees and woodland survey requirements

The survey and assessment of impact upon woodland and trees is a specialist task in its own right and should be undertaken by a suitably qualified arboriculturalist.

Arboricultural impact assessment for example deals with issues such as the impact a development would have upon a tree or woodland and how close structures and working areas can be to a woodland or tree without, for example, damaging rooting zones.

Arboricultural survey work should be undertaken in accordance with best practice such as British Standard 5837 "Trees in relation to Development" and that published or endorsed by the Arboricultural Association. As such it would be required that arboricultural survey work should include but not be limited to:

- A brief description establishing that the surveyor is qualified to undertake the survey and make an assessment of impact.
- A description of the methodology used for the survey.
- Accurate mapping of trees/woodland and the proposed development. Working/construction areas for the development should also be indicated.
- Classification of trees in relation to the proposal.
- An assessment of what the impact of the proposal would be upon the trees or woodland in question. This should also be indicated on accurate mapping of the proposal.
- An outline of what can be done to mitigate for the impact.
- A description of any residual impact and if this is acceptable/necessary.
- Conclusions and recommendations.

In addition, the associated ecology of the trees / woodland should be considered. The survey may be informed by the results of a search for ecological data from the Cambridgeshire and Peterborough Environmental Records Centre. The survey must be to an appropriate level of scope and detail. It must:

- Record which habitats and features present within the woodland, or associated within the trees.
- Identify the extent/area/length present.
- Map their distribution on site and/or in the surrounding area shown on an appropriate scale plan.
- Carry out further detailed investigation with respect to the associated biodiversity of the feature.

Where this type of survey is carried out it should be undertaken to a Phase 1 habitat survey standard. Such a survey may also recommend further survey work including the undertaking of protected species surveys or a more detailed Phase 2 survey. The Phase 1 habitat survey should also indicate the presence of any protected species (see Section 4), other features of nature conservation importance (see Section 5) and invasive species such as Japanese Knotweed or Giant Hogweed.

7.2 Arboricultural impact assessment

The assessment of arboricultural impact should be based on the most detailed layout for the proposals as is possible. If an experienced arboriculturalist has been involved at an early stage and informed the design process, the avoidance of impact will be far easier to achieve.

Where a detailed layout is not available, for example with outline applications, the arboricultural assessment should be made in respect of the most detailed proposals available and make recommendations with respect to how close working areas and structures can be built to a tree/woodland. Recommendations for avoidance of impact should also be included.

Where removal/direct destruction of woodland (or trees) will result from development then ecological survey work with respect to the woodland or associated wildlife is required. This should be undertaken by a suitably qualified ecologist. Where relevant the ecologist should also have access to the Arboricultural Impact Assessment as this can be highly relevant to ecological consideration. On larger projects similar joint working can be necessary with designers, engineers and landscape architects.

The assessment should identify and describe potential development impacts likely to harm trees / woodland (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered.
- How adverse effects will be avoided wherever possible.
- How unavoidable impacts will be mitigated or reduced.
- How impacts that cannot be avoided or mitigated will be compensated.

In addition, proposals are to be encouraged that will enhance, restore or add to trees/woodland. The assessment should quantify the likely change in the area (hectares) of woodland habitat on the site after development e.g. whether there will be a net loss or gain. An ecological survey and assessment may form part of a wider Environmental Impact Assessment.

Further information on trees and woodland can be found at:

- Natural England Publication IN13²⁸: “Veteran Trees: A Good Guide to Management”
- English Nature Publication AWG1²⁹: “Ancient Woodland: Guidance Material for Local Authorities”
- Forestry Commission³⁰

7.3 Exceptions for when an ecological survey and assessment may not be required

In addition to those instances specifically outlined against the Biodiversity Checklist, a survey and assessment will not be required where the applicant is able to provide:

- Copies of pre-application correspondence with the planning authority’s Ecology Officer, that they are satisfied that the proposed development will not affect the tree or woodland.

28 <http://naturalengland.etraderstores.com/NaturalEnglandShop/IN13>

29 <http://naturalengland.etraderstores.com/NaturalEnglandShop/AWG1>

30 <http://www.forestry.gov.uk/>

8. SOURCES OF FURTHER INFORMATION AND GUIDANCE

Applicants should refer to:

Natural England's Standing Advice for Local Authorities (East of England):

http://www.naturalengland.org.uk/regions/east_of_england/ourwork/standingadvice/default.aspx

Natural England's (draft) National Standing Advice for Protected Species:

http://www.naturalengland.org.uk/regions/east_of_england/ourwork/standingadvice/protectedspecies/default.aspx

Institute of Ecology and Environmental Management (IEEM):

<http://www.ieem.net/>

Association of Local Government Ecologist's biodiversity planning toolkit:

<http://www.biodiversityplanningtoolkit.com/>

Below is a list of additional sources of information; however this list is not exhaustive:

8.1 Legislation

Natural England's wildlife legislation webpage:

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/policyandlegislation/legislation.aspx>

Defra 2007. *Guidance for Local Authorities on Implementing the Biodiversity Duty*.

<http://www.defra.gov.uk/environment/biodiversity/ebs/public.htm>

8.2 Planning policy and guidance documents

8.2.1 National

National planning policy, good practice guides and government circulars can be found on the Department for Communities and Local Government website:

www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolycystatements

These documents include:

- Planning Policy Statement 9: Biodiversity and Geological Conservation.
- Planning for Biodiversity and Geological Conservation: A Guide to Good Practice.
- Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System.
- Draft Planning Policy Statement: Planning for a Natural and Healthy Environment and accompanying draft Circular.

8.2.2 County-wide

Cambridgeshire County Council's planning policies and strategies webpages:
<http://www.cambridgeshire.gov.uk/environment/planning/policies/>

8.2.3 District-level

South Cambridgeshire District Council's Biodiversity Supplementary Planning Document (2009):

http://www.scambs.gov.uk/environment/planning/districtplanning/localdevelopmentframework/spds/biodiversity_spd.htm

Cambridge City Council's planning documents relating to biodiversity:

<http://www.cambridge.gov.uk/ccm/content/growth-and-urban-expansion/what-we-want-to-achieve-through-growth/open-spaces-conservation-and-biodiversity.en>

These documents include:

- Cambridge Local Plan 2006.
- Sustainable Drainage: Cambridge Design and Adoption Guide 2010
- Sustainable Design and Construction Supplementary Planning Guidance 2007.
- Nature Conservation Strategy 2006-2012

8.3 Good practice guidance documents

Town and Country Planning Association publication: Biodiversity by Design:

<http://www.tcpa.org.uk/>

Highways Agency's Design Manual for Roads and Bridges, in particular Volume 10, Section 4 (Nature Conservation Advice):

<http://www.standardsforhighways.co.uk/dmrb/index.htm>

Williams 2010. *Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build*. RIBA:

<http://www.ribabookshops.com/item/biodiversity-for-low-and-zero-carbon-buildings-a-technical-guide-for-new-build/70194/>

8.4 Other resources

Multi Agency Geographic Information for the Countryside (MAGIC):

<http://www.magic.gov.uk/>

Nature on the Map:

<http://www.natureonthemap.org.uk/map.aspx>

Natural England:

<http://www.naturalengland.org.uk/>

The Wildlife Trust for Bedfordshire, Cambridgeshire, Northamptonshire and Peterborough:

<http://www.wildlifebcnp.org/>

Cambridgeshire and Peterborough Biodiversity Partnership:

<http://www.cpbiodiversity.org.uk/> or

<http://www.cambridgeshire.gov.uk/environment/natureconservation/action/partnership/>

9. USEFUL CONTACTS

9.1 Consultants

Institute of Ecology and Environmental Management's membership directory:
<http://www.ieem.net/ieemdirectory.asp>

The ENDS directory:
<http://www.endsdirectory.com/>

Arboricultural consultants can be found via the Arboricultural Association website:
<http://www.trees.org.uk/>

The local Natural England Team also holds a list of consultants which are known to operate in the local area (see Natural England contacts below)

9.2 Planning Authority

- Cambridgeshire County Council
 - *Planning application queries:* Minerals and Waste Planning Team (Strategic Planning) - 01223 715518
 - *Biodiversity queries:* Ecology Officer, Environment Management and Climate Change (Environment & Regulations) – 01223 715688

9.3 Cambridgeshire and Peterborough Environmental Records Centre

Cambridgeshire and Peterborough Environmental Records Centre (CPERC). The CPERC may hold records of species and habitats of relevance to a proposal. Records of SSSI and CWS are also held. There is a charge associated with the CPERC undertaking a data search for commercial projects. Data request forms can be obtained direct from the CPERC:

Cambridgeshire and Peterborough Environmental Records Centre
The Manor House
Greater Cambourne
Cambridgeshire
CB23 6DH
Tel: 01954 713570
Email: data@cperc.org.uk,
Website: www.cpbrc.org.uk

9.4 The Wildlife Trust for Bedfordshire, Cambridgeshire, Northamptonshire and Peterborough

The Manor House
Broad Street
Great Cambourne
Cambs
CB23 6DH
Tel: 01954 713500
Email: cambridgeshire@wildlifebcnp.org

9.5 Natural England

Four Counties Team
Natural England
Eastbrook
Shaftesbury Rd
Cambridge
Cambridgeshire
CB2 8DR
Tel: 0300 060 3787
Email: enquiries.east@naturalengland.org.uk