

APPENDIX 1: BIODIVERSITY AND LOCAL REQUIREMENTS FOR PROTECTED SPECIES, SITES AND PRIORITY HABITATS AND SPECIES

The Council has a duty to consider what they can do to conserve and enhance biodiversity when determining a planning application; this includes having regard to the safeguarding of designated sites and priority habitats and species.

If you have been requested to provide an ecology report, please check the scope with the Ecology team to ensure that you are not wasting time and money doing surveys that are not required.

Ecological surveys could include:

- Preliminary Ecological Appraisal (PEA)
A PEA would usually be the minimum level of surveys required on large sites. This will comprise a desk study and basic appraisal of the site which should detail any further surveys needed or whether an Ecological Impact Assessment (EclA) is required. On low impact sites, a PEA may confirm that no additional surveys are required.
- Protected and priority species surveys
Surveys are usually required for great crested newts, badgers and bats. There can be additional surveys required but this will depend upon the site, contents of desk study and recommendations following a PEA. Please refer to Table 1: Criteria and Indicative Thresholds (Trigger List) for when a Survey and Assessment is required. Further detail on ecological surveys is provided further down this document.
- Ecological Impact Assessment (EclA)
Table 1 and the Local Requirements list are intended to assist in the identification of a proposal for which an EclA will be required, however the list is not exhaustive. This will be necessary within or near to the development site, where there are:
 - Locally important habitats or other biodiversity features;
 - Protected and priority species;
 - Sites designated for their local, national or international importance for nature conservation.

Exceptions to when an assessment or survey may be required are also explained in these tables. In short, where a proposed development is likely to affect species or habitat listed within Schedule 41 of the Natural Environment and Rural Communities (NERC) Act 2006, under the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations, 2017 or the Badgers Act 1992, the applicant must submit an up-to-date EclA. If the application is likely to affect any of the designated sites, priority habitats or biodiversity features listed under the Local Requirements for

Designated Sites and Priority Habitats Criteria (Trigger List) for when Surveys and Assessments are required a survey and assessment for the relevant feature must be submitted with the application.

It should be noted that there might be instances which fall outside those described where a protected species survey or habitat survey are required, as such we welcome pre-application consultation.

Mandatory Biodiversity Net Gain

From 12 February 2024, all planning applications seeking to be validated and which fall within the scope of mandatory Biodiversity Net Gain (BNG) legislation, contained within the Environment Act 2021 and subsequent regulations, are required to deliver a minimum of 10% net gain in biodiversity value over and above the measured baseline that existed pre-development. 10% mandatory BNG for small sites commenced on 2nd April 2024. Until specific local policy is available, the national mandatory minimum of 10% net gain is applicable.

For further information on BNG refer to section titled 'Biodiversity Net Gain' in the main body of the Validation Document (June 2024).

Pre-application Consultation

Pre-application consultation is welcomed by the County Council's Ecology Team, particularly with regards to exploring opportunities for biodiversity net-gain and enhancements to the natural or built environment, or the local green infrastructure network. For pre-application advice contact: ecology@worcestershire.gov.uk or DevControlTeam@Worcestershire.gov.uk.

Further information on the Worcestershire Green Infrastructure Framework can be found on the [Worcestershire County Council's Green Infrastructure webpages](#).

Desktop Data-Search

The CIEEM guidance note on Accessing and using Biodiversity Data (March 2016) encourages decisions on the impacts and opportunities for biodiversity which arise from development to be informed by biodiversity data gained from an appropriate source(s): *"This is necessary to ensure that decisions are based on the best available evidence and are as cost-effective and transparent as possible"*.

An ecological survey should, therefore, be informed by the results of a search for ecological data. On request, the Worcestershire Biological Records Centre (WBRC) may be able to provide further information on the location and nature of protected species and habitats records. For further information see the [WBRC webpages](#).

The Worcestershire Habitat Inventory (WHI) can be used to identify sensitive ecological receptors, for further information see the [WHI webpages](#).

The WHI can also be used to identify potential opportunities for protected and notable species which might be realised through habitat creation; in key locations habitat creation can contribute towards ecological network defragmentation and in doing so can contribute towards Worcestershire's Biodiversity Action Plan objectives.

Ecological Survey Methods

Where assessments or surveys involve disturbance, capture or handling of a protected species, then only a licensed person can undertake such surveys (e.g. issued by Natural England). Surveys and reporting should normally follow published national or local methodologies and guidelines. More information on Sources of Survey Methods and reporting standards can be found within the [CIEEM Resource Hub on their website](#). In line with the British Standard BS42020:2013 Biodiversity – Code of Practice for Planning and Development clause 8.1 (a)(3) the partial use of and/or departure(s) from good practice guidelines should be ecologically valid and the justification clearly articulated. Further details on survey requirements for protected and notable species and habitats can also be found on [the Government webpages](#).

Table 1: Criteria and Indicative Thresholds (Trigger List) for when a survey and assessment is required

Proposals for Development that will Trigger a Legally Protected Species Survey	Bats	Barn Owls	Breeding Birds	Great Crested Newts	Otters	Dormouse	Kingfisher	Water Vole	Badger	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Stag Beetle	White-clawed Crayfish
Proposed development affecting any storage, waste piles or other suitable features that protected species may be reasonably likely to inhabit ¹ Locations where Protected Species are known to be present ²	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving all agricultural buildings (e.g. farmhouses and barns) of traditional brick or stone construction and/or with exposed wooden beams greater than 20 centimetres thick;	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving all buildings with weather boarding and/or hanging tiles that are within 200 metres of woodland and/or water;	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No
Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving pre-1960 detached buildings and structures within 200m of woodland and/or water;	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No
Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving pre-1914 buildings within 400m of woodland and/or water;	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No
Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving pre-1914 buildings with gable ends or slate roofs, regardless of location;	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No
Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving all tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures;	Yes	No	No	No	No	No	No	No	No	No	No	No	No	No
Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving all bridge structures, aqueducts and viaducts (especially over waste and wet ground).	Yes	No	No	No	Yes	No	No	Yes	No	No	No	No	No	No
Proposals involving lighting of churches and listed buildings or flood lighting of green space within 50 metres of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.	Yes	Yes	Yes	No	No	Yes	No	No	No	No	No	No	No	No

1. Natural England (2016) Standing Advice for Protected Species guidance sheets indicating what sorts of features are involved.
2. Confirmed as present by either a data search (for instance from Worcestershire Biological Records Centre) or as notified to the developer by the Local Planning Authority, and/or by Natural England, the Environment Agency or other nature conservation organisation.

Proposals for Development that will Trigger a Legally Protected Species Survey	Bats	Barn Owls	Breeding Birds	Great Crested Newts	Otters	Dormouse	Kingfisher	Water Vole	Badger	Reptiles	Amphibians	Schedule 8 Plants & Fungi	Stag Beetle	White-clawed Crayfish
Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.	Yes	No	Yes	No	No	Yes	No	No	Yes	No	No	Yes	Yes	No
Proposed tree working (felling or lopping) and/or development affecting old and veteran trees that are older than 100 years;	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	Yes	No
Proposed tree working (felling or lopping) and/or development affecting trees with obvious holes, cracks or cavities;	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No
Proposed tree working (felling or lopping) and/or development affecting trees with girth greater than 1m at chest height.	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	No	No
Proposals affecting gravel pits or quarries or scowles and natural cliff faces and rock outcrops with crevices, caves or swallets/sinkholes.	Yes	No	Yes	No	No	No	No	No	Yes	Yes	No	No	No	No
Major proposals within 500 metres of a pond/moat or minor proposals within 100 metres of pond/moat. (Note: A major proposal is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential is more than 1000 square metres floor area or more than 1 hectare)	No	No	No	Yes	No	No	No	Yes	No	No	Yes	No	No	No
Proposals affecting or within 200 metres of rivers, streams, lakes, or other aquatic habitats such as reedbed, grazing marsh and fen.	Yes	No	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	Yes
Proposals affecting 'derelict' land (brownfield sites) allotments and railway land.	No	No	Yes	Yes	No	No	No	No	Yes	Yes	Yes	No	Yes	No

Local Requirements for Designated Sites and Priority Habitats Criteria (Trigger List) for when Surveys and Assessments are required

Designated Sites

Internationally designated sites

- Special Protected Area (SPA).
- Special Area of Conservation (SAC).
- Ramsar Site.

Nationally designated sites

- Site of Scientific Interest (SSSI).
- National Nature Reserves (NNRs).

Regionally and locally designated sites

- Local Sites (e.g. Local Wildlife Site).
- Local Nature Reserves (LNRs).
- Roadside Verge Nature Reserves (RVNRs).
- Grassland Inventory Sites.

Priority Habitats

(Habitats of Principle Importance for Biodiversity under S.41 of the NERC Act 2006)

- Ancient and/or species-rich hedgerows.
- Floodplain grazing marsh.
- Fen, marsh, swamp and reedbeds.
- Lowland beech and yew woodland.
- Lowland calcareous grassland (e.g. species-rich chalk and limestone grasslands).
- Lowland healthland and/or dry acid grassland.
- Lowland meadows (e.g. species-rich flower meadows).
- Lowland mixed deciduous woodland (ancient woodland).
- Lowland wood-pasture and parkland.
- Maritime cliffs and slopes, and littoral and sub-littoral rock outcrops.
- Native pine woodlands or Upland woodlands (e.g. mixed ashwoods, oakwoods and birchwoods).
- Rivers and streams (e.g. chalk streams).
- Standing open water and canals (e.g. lakes, reservoirs, ponds, aquifer fed fluctuating water bodies).
- Wet woodland.
- Inland outcrops.
- Road, rail and canal cuttings.

Other Biodiversity Features

(as identified by the Local Biodiversity Partnership – see [ODPM Circular 06/2005](#))

- Long-standing woodland and mature/veteran Trees.
- Caves and disused tunnels and mines (e.g. roosts for bats).
- Trees and scrub used for nesting by breeding birds.
- Previously development land with biodiversity interest.
- Urban green space (e.g. parks, allotments, flower-rich road verges and railway embankments).
- Traditional orchards.
- Wet grassland.

NOTE: Exceptions where 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, which 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 experts (such as the County Council's Ecologist) that they are satisfied that the proposed development will not affect any regional or local sites designated for their local nature conservation importance.

Table 2: Broad ecological survey seasons – consult your project ecologist for site- and project-specific details

Optimal survey time
 Sub-optimal survey time
 No surveys

Species / habitat	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Habitat and vegetation surveys	Some surveys possible, e.g., winter tree or low impact site (e.g., hard standing)			Detailed habitat assessment surveys for most habitat types (e.g., UKHab, NVC), but some habitats have very specific requirements – check with project ecologist						Some surveys possible, e.g., winter tree or low impact site (e.g., hard standing)		
Badgers	Limited surveys possible	Good survey window due to low vegetation			Bait marking & sett surveys, possible but sub-optimal			Ideal time for sett surveys & bait marking			Limited surveys possible	
Bats	Hibernation roosts in trees & buildings				Dusk & dawn activity surveys at (potential) summer roosts						Hibernation roosts in trees & buildings	
				Surveys on commuting & foraging routes								
Birds	(Nesting bird checks where pigeons (feral & wood) may be nesting)			Breeding bird surveys					(Nesting bird checks where pigeons (feral & wood) may be nesting)			
	Winter bird surveys										Winter bird surveys	
				Survey with nest tubes or traps								
Dormice	Nest searches								Nest searches			
	Gnawed hazelnut search										Gnawed hazelnut search	

Species / habitat	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Great crested newts			Pond surveys – adults, eggs & larvae	eDNA survey		Pond surveys - larvae						
Invertebrates			Terrestrial habitat surveys (where appropriate) Habitat Suitability Index (HSI) surveys									
Otters	Surveys are not seasonal, but are dependent on weather conditions (e.g., rain washes away field signs) & vegetation cover											
Reptiles				Peak survey window – artificial refugia		Often too hot for effective surveys		Peak	Surveys may continue in suitable weather			
Water voles		Initial habitat survey	Ideal survey time for habitat & field sign or activity surveys. Vegetation & weather will influence results								Initial habitat survey	
White-clawed crayfish			Survey by hand-searching, torching & trapping	Torch surveys only (due to berried females)	Survey by torching, trapping & hand-searching substrate							

Points to note regarding surveys are as follows:

Survey Timing

For certain species habitats surveys can be carried out at any time of year, but for others particular times of year are required to give the most reliable results, as indicated in Table 2 Broad Ecological Survey Seasons.

EclAs must be undertaken and prepared by competent and qualified persons, at an appropriate time and month of the year, in suitable weather conditions and using nationally recognised survey guidelines/methodologies where these exist. Please refer to Table 2: Broad Ecological Survey Seasons above.

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.

An application may not be valid until survey information is gathered from an optimum time of year (as indicated in Table 2). 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. An application may not be valid until sufficient survey information is gathered from an optimum time of year.

It should be noted that 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).

Survey Age

In line with Clause 6.2.1(b)(7) of BS42020:2013, ecological surveys should be sufficiently up to date (e.g. not normally more than two years old, or as stipulated in [Advice Note on the Lifespan of Ecological Reports and Surveys \(CIEEM, 2019\)](#) / or superseding good practice guidance so as to determine whether biodiversity may be adversely affected by development as well as where ecological betterment may be achievable.

Survey Details

Where commissioned as part of the ecological appraisal, applications should be supported by any accompanying eDNA reports and correspondence from Natural England's Discretionary Advice and/or Pre-Submission-Screening Services.