

Working for you

Protected species, wildlife and habitats

This is relevant to the following types of Planning Application:

- Full applications which are not domestic
- Domestic works which involve the removal or disturbance to the roof or roof structure including loft conversions
- Listed Building applications
- Outline applications
- Reserved Matters applications
- Conservation Area applications
- Lawful Development Certificates for proposed use
- Renewals (which are not domestic)
- Applications to delete or vary Conditions

The wildlife and wild places of Harrogate District are valued and important to local people and to visitors alike. The Council has a duty to conserve and enhance these and the planning process has an important part to play.

Please read the Guidance Notes (pages 1-4) to find out whether there is a reasonable likelihood that a protected species or important habitat may be present or nearby and is likely to be affected by your proposal. **Then fill in the tick boxes in Tables 1 and 2 and return them with your completed Planning Application Form.** (Doing this will help you answer any relevant questions on the Application Form which, in turn, will help us to determine whether your Application could affect protected species or habitats.) **Please note that failure to take full account of the wildlife implications of your development may lead to your Application being invalidated or refused.**

Guidance for applicants **Please read fully before filling out Tables 1 & 2.**

Harrogate Borough Council has a duty to consider the conservation of biodiversity when determining planning applications; this includes the safeguarding of designated sites, priority habitats and species protected under the:

- Wildlife & Countryside Act 1981, (as amended)
- Conservation (Natural Habitats &c.) Regulations 2010
- Badgers Act 1992
- Countryside & Rights of Way Act 2000
- Natural Environment & Rural Communities Act 2006
- Planning Policy Statement 9 - Biodiversity & Geological Conservation

Protected species and priority species for Harrogate District include:

- All species of bats
- All breeding birds (e.g. when involving barn conversions particularly swifts, house martins and swallows)
- Barn owls (these have special legal protection under Schedule 1 of the Wildlife & Countryside Act [1981])
- Great crested newts
- Water voles
- Otters
- White-clawed crayfish
- Badgers

To find out if there is a reasonable likelihood that such species, site or habitat will be adversely affected by a Planning Application (or if there are opportunities for conservation or enhancement within the Application site - or on land adjacent to or near it) see Tables 1 & 2.

Answering 'yes' to any question in Table 1 means it's likely that at least one of the species will be adversely affected and, if it's

marked with a 'v' in the Table, then an **Ecological Survey & Assessment** must be submitted with your Application. Similarly, answering 'yes' to any question in Table 2 means an **Ecological Survey & Assessment** must accompany your Application. (Note that there are exceptions to these requirements - detailed later in this Guidance).

If a Survey is required it should:

- be carried out by suitably qualified and experienced persons (a list of ecological consultants operating in the area can be obtained from Harrogate Borough Council. Or visit: www.ieem.org.uk then click on 'About IEEM/ Directory').
- be carried out at an appropriate time of the year, in suitable weather conditions and using recognised surveying techniques.
- be to an appropriate and recognised level of scope and detail including:
 - which protected species and/or priority habitats are present on and (where appropriate) around the site
 - a site plan which maps the distribution on site and/or in the surrounding area (on an appropriate scale plan) of priority habitats or features used (e.g. for feeding, shelter, breeding etc.) by any protected species
 - identification of the numbers of species and/or extent/area/length of habitat present
- include the results of a search of ecological data from the North & East Yorkshire Ecological Data Centre www.neyedc.co.uk or North Yorkshire Bat Group www.nybats.org.uk if only bats are likely to be affected.
- include an assessment of the likely effects of the proposed development on the protected species.

The **Assessment** must identify and describe potential development impacts likely to harm the protected species and/or designated sites, priority habitats or other listed biodiversity features identified by the Survey (these should include 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;
- adverse effects will be avoided wherever possible;
- unavoidable impacts will be mitigated or reduced;
- impacts that cannot be avoided or mitigated will be compensated.

In addition, proposals will be encouraged if they enhance, restore or add to designated sites' priority habitats (or those used by protected species). The Assessment should give an indication of how species numbers on the site are likely to change, if at all, after development and/or of likely changes in the area (hectares) of priority habitat (i.e. whether there will be a net loss or gain).

The information provided in response to the above requirements is consistent with that required for an application to Natural England for a European Protected Species Licence. An Ecological Survey & Assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

Exceptions - when a full Survey & Assessment may not be required:

- a. Following consultation by the Applicant at the pre-application stage, the Council has stated, in writing, that no protected species Surveys & Assessments are required.
- b. If it is clear that no protected species or priority habitats are present, despite the Applicant answering 'Yes' to any question in Table 1 (indicating that they are likely to be present). The Applicant should provide evidence with their Planning Application to demonstrate that such species are absent (this may be in the form of a letter, or a brief report, from a suitably qualified and experienced person, or a relevant local nature conservation organisation).

- c. In relation to bats, Natural England Standing Advice indicates that there is less likelihood of the potential to impact on bats in the following situations:
 - Urban setting or highly urbanised area with few feeding places
 - Small or cluttered roof void (especially for long-eared bats)
 - Heavily disturbed
 - Modern construction with few gaps around soffits or eaves (but be aware these may be used by pipistrelles in particular)
 - Prefabricated with steel and sheet materials
 - Active industrial premises
 - Roof shaded from the sun

If you believe that these situations apply to your proposals, you may wish to apply for an exemption to having to undertake a survey.

In some situations, it may be appropriate for an Applicant to provide a protected species Survey & Assessment for only one (or a few) of the species shown in Table 1 (e.g. those that are likely to be affected by a particular *activity*). Applicants should make clear which species are included in the Assessment (and which are not) because exceptions apply.

International & National Sites: A Survey & Assessment will **not** be required where the Applicant can provide copies of pre-application correspondence with Natural England where the latter confirms, in writing, that they are satisfied the Application will not affect any statutory sites designated for their national or international importance.

Local Sites & Priority Habitats: A survey and assessment will **not** be required where the Applicant can provide copies of pre-application correspondence with Harrogate Council's Rural Strategy Officer or the North Yorkshire County Council Ecologist (see contact list below) that they are satisfied that the Application will not affect any regional or local sites designated for their local nature conservation importance or any other priority habitats or listed features.

Points to note when conducting an Ecological Survey:

- for certain species and habitats a survey can be carried out at any time of year but, for other species, a survey must be done at a particular time of year to give the most reliable results, as indicated in the 'Ecological Survey Seasons' diagram overleaf.
- a survey conducted outside of optimal times may be unreliable. For certain species (e.g. Great Crested Newt) a survey over the winter period is 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 may be 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 validated 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 present, nor that its habitat is not protected (e.g. a bat roost is protected whether any bats are present or not).
- competent ecologists should carry out any surveys.

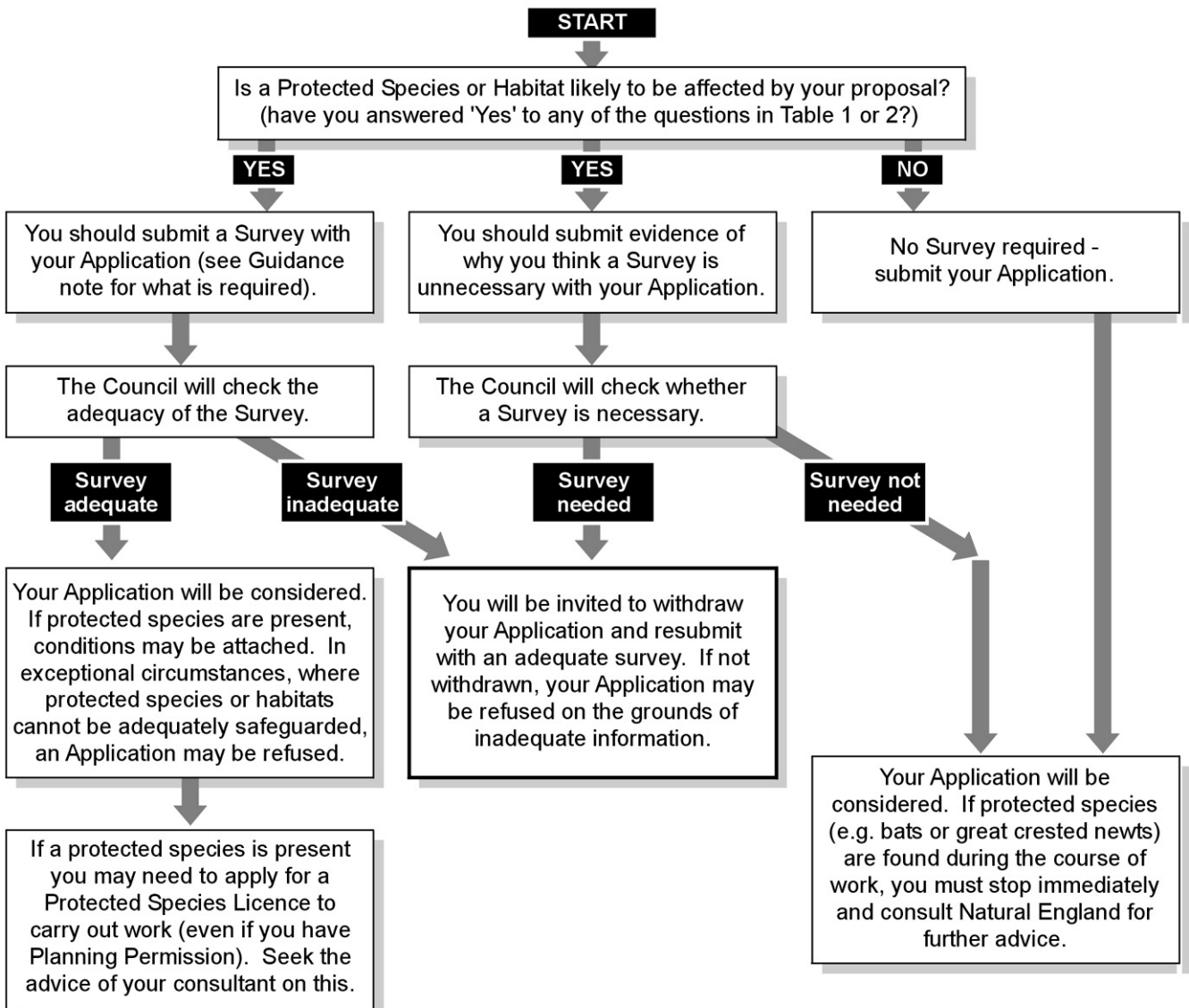
ECOLOGICAL SURVEY SEASONS

SPECIES:	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Badgers												
Bats (Hibernation Roosts)												
Bats (Summer Roosts)												
Bats (Foraging/Commuting)												
Birds (Breeding)												
Birds (Over Wintering)												
Great Crested Newts <i>terrestrial</i>												
Great Crested Newts <i>aquatic</i>												
Invertebrates												
Otters												
Reptiles												
Water Voles												
White-Clawed Crayfish												
Habitats/Vegetation												

KEY: optimal survey time extending into

wildlifeimpactdiagrams.cdr

WHAT YOU NEED TO DO - PROTECTED SPECIES & HABITATS AND PLANNING APPLICATIONS



Four copies of Tables 1 & 2 (pages 5 & 6 of this form) should be completed and included with your Planning Application, together with four copies of your Ecological Survey & Assessment if required and sent to:

Harrogate Borough Council Planning Services,
PO Box 708,
Harrogate, HG1 9LX

Tel. (01423) 500600 Fax. (01423) 556510 Textphone No. (01423) 556543.
Opening Hours: Mon-Fri 8.30am-4.30pm.

Useful contacts & sources of information:

Harrogate Borough Council Rural Strategy Officer,

Knapping Mount, West Grove Road, HG4 1AE.

Tel: 01423 556594 email dan.mcandrew@harrogate.gov.uk

North Yorkshire County Council

Natural Environment Unit, County Hall, Northallerton, DL7 8AH.

Tel: 01609 780780

Bat Conservation Trust Bat Helpline: 0845 1300228 - www.bats.org.uk

Natural England has provided web-based Standing Advice on whether there is a 'reasonable likelihood' of protected species being present. It also provides advice on survey and mitigation requirements.

www.naturalengland.org.uk/ourwork/planningtransportlocalgov/spatialplanning/standingadvice/advice.aspx

Natural England Consultation Service, Hornbeam House, Electra Way, Crewe Business Park, Crewe, Cheshire, CW1 6GJ.

email: consultations@naturalengland.co.uk

North and East Yorkshire Ecological Data Centre

St. William's Foundation, 5 College Street, York, YO1 7JF.

Tel: 01904 641631 email: info@neyedc.co.uk www.neyedc.co.uk

Institute of Ecology and Environmental Management www.ieem.org.uk

- click on About IEEM/Directory and select 'Yorkshire and Humberside' for a list of consultants

Yorkshire Wildlife Trust Tel: 01904 659570 www.ywt.org.uk

Multi Agency Geographical Information System for the Countryside

(Magic Website) www.magic.gov.uk/website/magic

North Yorkshire Bat Group Tel. 01677 451886 www.nyorkbats.org.uk email: nybats@btinternet.com

Bat Conservation Trust www.bats.org.uk

RSPB www.rspb.org.uk

Action for Swifts www.actionforswifts.com

Barn Owl Trust www.barnowltrust.org.uk

National Biodiversity Network www.searchnbn.net/index_homepage/index.jsp

Please return a copy of this Sheet with your Planning Application (retain this one for your records)

TABLE 1. Local Requirements for **Protected Species:** Criteria & indicative thresholds for when a Survey & Assessment is required (see 'Guidance For Applicants')

Does the application involve any of the following activities that may trigger a Protected Species Survey?	Species likely to be affected and for which a Survey will be required												
	Please tick appropriate box		Bats	Barn Owls	Breeding Birds	Great Crested Newts	Others	Water voles	Badgers	Reptiles	Amphibians	Plants	Crayfish
	YES	NO											
Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving the following:													
<ul style="list-style-type: none"> ● all agricultural and ex-agricultural buildings (e.g. farmhouses and barns) particularly of traditional brick or stone construction and/or with exposed wooden beams greater than 20cm thick with stone, slate or pantile roof; ● all tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; ● all bridge structures, aqueducts and viaducts (especially over water and wet ground); ● Domestic works which involve the removal or disturbance to the roof or roof structure including loft conversions. 			V	V									
Proposals involving lighting of 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.			V	V	V								
Development within the curtilage of a church.			V	V	V								
Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.			V	V	V			V				V	
Proposed tree work (felling or lopping) and/or development affecting: old and veteran trees that are older than 100 years; trees with obvious holes, cracks, cavities; trees with girth greater than 1m at chest height.			V	V	V								
Proposals affecting gravel pits or quarries and natural cliff faces and rock outcrops.			V	V	V					V			
Major* proposals within 500m of a pond or lake or Minor proposals within 100m of a pond or lake.					V								
Proposals affecting or within 20m of rivers, streams, canals or other aquatic habitats.					V		V				V	V	V
Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.					V						V	V	
Proposed development affecting any buildings, structures, feature or locations where protected species are known to be present. **			V	V	V		V	V	V	V	V	V	V

* = A 'major' proposal is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential development is more than 1000m² floor area or more than 1 hectare.

** = Confirmed as present by either a data search (for instance, via the North & East Yorkshire Environmental Data 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.

V = if you ticked the 'YES' box against this species then an Ecological Survey & Assessment **must be submitted** with your Application unless it falls within the exceptions described in this 'Guidance for Applicants'.

TABLE 2. Local Requirements for **Designated Sites & Priority Habitats:** Criteria (Trigger List) for when a Survey & Assessment are required

SITES & HABITATS

Please tick appropriate box		Presence of:
YES	NO	
		1. DESIGNATED SITES
		Internationally designated sites Special Area of Conservation (SAC) or Special Protection Areas (SPA) } www.magic.gov.uk or www.natureonthemap.org.uk
		Nationally designated sites Site of Special Scientific Interest (SSSI)
		Locally designated sites Site of Importance for Nature Conservation (SINC) www.harrogate.gov.uk/pdf/localplan/00homepage.pdf
		2. PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006, as amended by the Biodiversity Action Plan Review 2007) and OTHER BIODIVERSITY FEATURES (as identified by the Local Biodiversity Partnership - see paragraph 84 ODPM Circular 06/2005).
		Upland agricultural
		Moorland (Upland Heath and Blanket Bog)
		Moorland Edge
		Upland calcareous grassland (species-rich limestone grasslands)
		Upland hay meadows
		Field Hedgerows
		Arable field margins
		Lowland meadows (e.g. species-rich flower meadows or pasture)
		Lowland heathland and/or dry acid grassland
		Lowland calcareous grassland (species-rich limestone grasslands)
		Floodplain grazing marsh (wet grassland)
		Fen, marsh, swamp and reedbeds
		Upland Flushes, Fens and Swamps
		Standing open water and canals (e.g. lakes, reservoirs, ponds,)
		Rivers and streams
		Wet woodland
		Woodland & Trees
		Lowland mixed deciduous woodland (ancient woodland)
		Secondary Woodland and Mature/Veteran Trees
		Upland woodlands (e.g. mixed ashwoods, oakwoods, and birchwoods)
		Wood-pasture and parkland
		Traditional Orchards
		Trees and scrub used for nesting by breeding birds
		Urban green space (e.g. parks, allotments, flower-rich road verges and railway embankments)
		Urban/Geological
		Open Mosaic Habitats on Previously Developed Land
		Caves and disused tunnels and mines (e.g. roosts for bats)
		Rock Outcrops or Cliffs
		Lead Mining Spoil Heaps