



PROTECTED SPECIES AND HABITATS

DOES YOUR PROPOSED PLANNING APPLICATION INVOLVE ALTERATIONS TO YOUR ROOF, IS IT CLOSE TO WATER (INCLUDING PONDS) OR WOODLAND, WILL IT AFFECT ANY TREES, OLD QUARRIES OR SEMI-NATURAL AREAS, DO YOU KNOW IF ANY PROTECTED WILDLIFE IS USING THE PROPOSED DEVELOPMENT SITE? IF THE ANSWER IS YES - PLEASE READ ON

IF THE ANSWER IS NO YOU MIGHT LIKE TO STILL READ THIS INFORMATION TO MAKE SURE YOUR APPLICATION IS NOT GOING TO BE DELAYED OR REFUSED DUE TO LACK OF WILDLIFE INFORMATION.

Please note - Failure to take full account of the wildlife implications of your development may lead to the application being invalidated or refused.

The wildlife and places of the Ryedale District are a valued characteristic that is important to local people and visitors alike. Ryedale District Council has a duty to conserve and enhance this wildlife and wild places. One area where there is relevant is the planning process. To speed up your planning application and to help conserve Ryedale's valuable wild life and places please complete the ancillary question on the following page.

To assist in answering the following questions, refer to the accompanying guidance to find out when there is a reasonable likelihood that a protected species, important habitat or geological conservation feature may be present or nearby and likely to be affected by your proposal.



Name of Applicant:	Name of Agent:
Address of Application:	Address of Agent:
Address of Proposed Development:	
<p>Having referred to the guidance notes and any other relevant information, is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, OR on land adjacent to or near the application site:</p> <p>a) Protected and priority species (see guidance notes):</p> <p><input type="checkbox"/> Yes, on land adjacent to the development site</p> <p><input type="checkbox"/> Yes, on the development site</p> <p><input type="checkbox"/> No</p> <p>b) Designated sites, important habitats or other biodiversity features (see guidance notes):</p> <p><input type="checkbox"/> Yes, on the development site</p> <p><input type="checkbox"/> Yes, on land adjacent to the development site</p> <p><input type="checkbox"/> No</p> <p>c) Features of geological conservation importance (see guidance notes):</p> <p><input type="checkbox"/> Yes, on the development site</p> <p><input type="checkbox"/> Yes, on land adjacent to the development site</p> <p><input type="checkbox"/> No</p>	

Signature of applicant or agent

Date



Figure 1: Barn owls can be affected by developments such as alterations to old farm barns

GUIDANCE NOTES FOR PROTECTED SPECIES AND HABITATS

1. PROTECTED AND PRIORITY SPECIES

Ryedale District Council has a duty to consider the conservation of biodiversity when determining planning applications; this includes having regard to the safeguard of species protected under the:

- Wildlife and Countryside Act 1981, (as amended).
- Conservation (Natural Habitats &c.) Regulations 1994, (as amended) ,
- Badgers Act 1992,
- Countryside and Rights of Way Act 2000,
- Natural Environment and Rural Communities Act 2006.
- Planning Policy Statement 9 - Biodiversity and Geological Conservation.

Protected species and priority species for the Ryedale area include:

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

To find out if there is a reasonable likelihood that any of the species mentioned above 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 the application site, please look at Table 1. If the application involves any of the development proposals shown in column 1, there is a likelihood that at least one of the species listed above will be adversely affected. In these situations **a protected species survey and assessment must be submitted with the application for the species indicated by a √**. Exceptions to when a survey and assessment may not be required are also explained in this table.

If a protected **species 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 Ryedale District Council. Alternatively look at www.ieem.org.uk then click on About IEEM/Directory.
- Be carried out at an appropriate time and month of the year, in suitable weather conditions and using recognised surveying techniques.
- Be to an appropriate and recognised level of scope and detail including a site plan which includes distribution and use of the area, site, structure or feature (eg for feeding, shelter, breeding etc).
- Include the results of a search of ecological data from the North and East Yorkshire Ecological Data Centre <http://www.neyedc.co.uk/>.
- 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 their habitats identified by the survey (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 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 or gain.

The information provided in response to the above requirements are consistent with those required for an application to Natural England for a European Protected Species License. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

TABLE 1

Local Requirement for Protected Species: Criteria and Indicative Thresholds (Trigger List) for when a Survey and Assessment is Required

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Proposals For Development That Will Trigger a Protected Species Survey</p>	<p style="text-align: center;">Species Likely To Be Affected And For Which A Survey Will Be Required</p>									
	Bats	Barn Owls	Breeding Birds	Great Crested Newts	Otters	Water vole	Badger	Reptile	Amphibian	Plants
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 buildings (e.g. farmhouses and barns) particularly of traditional brick or 	√	√	√							
<ul style="list-style-type: none"> stone construction and/or with exposed wooden beams greater than 20cm thick; 	√									
<ul style="list-style-type: none"> all buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water; 	√									
<ul style="list-style-type: none"> pre-1960 detached buildings and structures within 200m of woodland and/or water; 	√									
<ul style="list-style-type: none"> pre-1914 buildings within 400m of woodland and/or water 	√									
<ul style="list-style-type: none"> pre-1914 buildings with gable ends or slate roofs, regardless of location 	√									
<ul style="list-style-type: none"> all tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; 	√									
<ul style="list-style-type: none"> all bridge structures, aqueducts and viaducts (especially over water and wet ground). 	√									
Proposals involving lighting of churches and listed buildings or flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.	√	√	√							
Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.	√		√				√			√
Proposed tree work (felling or lopping) and/or development affecting:										
<ul style="list-style-type: none"> old and veteran trees that are older than 100 years; 	√		√							
<ul style="list-style-type: none"> trees with obvious holes, cracks, cavities 	√		√							
<ul style="list-style-type: none"> trees with girth greater than 1m at chest height 	√		√							
Proposals affecting gravel pits or quarries and natural cliff faces and rock outcrops with crevices, caves or swallets.	√		√					√		

	Bats	Barn Owls	Breeding Birds	Great Crested Newts	Otters	Water vole	Badger	Reptile	Amphibian	Plants
Major proposals within 500m of a pond or lake or Minor proposals within 100m of pond or lake (Note: A major proposals is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential development is more than 1000m ² floor area or more than 1 hectare)				√						
Proposals affecting or within 20m of rivers, streams, canals or other aquatic habitats.					√	√			√	√
Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.			√	√			√	√	√	
Proposed development affecting any buildings, structures, feature or locations where <u>protected species are known to be present **</u> .	√	√	√	√	√	√	√	√	√	√
<i>** Confirmed as present by either a data search (for instance via the local environmental 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.</i>										

Exceptions for When a Full Species Survey and Assessment may not be required

- a. Following consultation by the applicant at the pre-application stage, the LPA has stated in writing that no protected species surveys and assessments are required.
- b. If it is clear that no protected species are present, despite the guidance in the above table indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (e.g. this might be in the form of a letter or brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation).

In some situations, it may be appropriate for an applicant to provide a protected species survey and report for only one or a few of the species shown in the Table above e.g. those that are likely to be affected by a particular activity. Applicants should make clear which species are included in the report and which are not because exceptions apply.

2. HABITATS

Ryedale District 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 and priority habitats. For a list of these sites in Ryedale please see Table 2 and Table 3.

Where a proposed development is likely to affect such a site, habitat or geological feature, the applicant must submit an **Ecological/Geological Survey and Assessment**. Exceptions to when a survey and assessment may not be required are also explained in these tables.

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 Ryedale District Council. Alternatively look at www.ieem.org.uk then click on About IEEM/Directory.
- Be carried out at an appropriate time and month of the year, in suitable weather conditions and using recognised surveying techniques.
- Be to an appropriate and recognised level of scope and detail including a site plan which
 - records which habitats and features are present on and (where appropriate) around the site;
 - Identify the extent/area/length present;
 - Map the distribution on site and/or in the surrounding area (on an appropriate scale plan).
- Include the results of a search of ecological data from the North and East Yorkshire Ecological Data Centre (<http://www.neyedc.co.uk/>).

The **Assessment** should identify and describe potential development impacts likely to harm designated sites, priority habitats, other listed biodiversity features or geological features (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 priority habitats, other biodiversity features or geological features. The Assessment should give an indication of likely change in the area (hectares) of priority habitat on the site after development e.g. whether there will be a net loss or gain. An ecological/geological survey and assessment may form part of a wider Environmental Impact Assessment.

TABLE 2

**Local Requirements for Designated Sites and Priority Habitats
Criteria (Trigger List) for When a Survey and Assessment are Required**

1. DESIGNATED SITES (as shown on the Council's Development Plan Proposals Map and on www.magic.gov.uk)	
Internationally designated sites	Special Area of Conservation (SAC) - River Derwent
Nationally designated sites	Site of Special Scientific Interest (SSSI)
Regionally and locally designated sites	Local Sites (Site of Nature Conservation Importance)
2. PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006)	
<ul style="list-style-type: none">• Ancient and/or species-rich hedgerows• Cereal field margins• Floodplain grazing marsh• Fen, marsh, swamp and reedbeds• Purple moor grass and rush pastures• Lowland calcareous grassland (e.g. species-rich chalk and limestone grasslands)• Lowland heathland and/or dry acid grassland• Lowland meadows (e.g. species-rich flower meadows)• Lowland mixed deciduous woodland (ancient woodland)• Lowland wood-pasture and parkland• Cliffs and rock outcrops• 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)• Upland calcareous grassland and upland hay meadows• Wet woodland	
3. OTHER BIODIVERSITY FEATURES (as identified by the Local Biodiversity Partnership - see paragraph 84 ODPM Circular 06/2005))	
<ul style="list-style-type: none">• Secondary 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 developed land with biodiversity interest• Urban green space (e.g. parks, allotments, flower-rich road verges and railway embankments)	

Exceptions When a Full Survey and Assessment May Not Be Required

International and National Sites: A survey and assessment will not be required where the applicant is able to provide copies of pre-application correspondence with Natural England, where the latter confirms in writing that they are satisfied that the proposed development will not affect any statutory sites designated for their national or international importance.

Regional and Local Sites and Priority Habitats: A survey and assessment will not be required where the applicant is able to provide copies of pre-application correspondence with the Local Planning Authority's Countryside Officer or ecological advisor and/or the local Wildlife Trust that they are satisfied that the proposed development will not affect any regional or local sites designated for their local nature conservation importance or any other priority habitats or listed features.

TABLE 3

Local Requirements For Designated Geodiversity Sites And Features Criteria (Trigger List) for when a Survey and Assessment are required

<p>1. DESIGNATED SITES (as shown on the Council's Development Plan Proposals Map and on the www.magic.gov.uk)</p>	
<p>Nationally designated sites Regionally and locally designated sites</p>	<p>Site of Special Scientific Interest (SSSI) Regionally Important Geological Sites (RIGS)</p>
<p>2. OTHER GEOLOGICAL CONSERVATION FEATURES (Based on the Earth Science Conservation Classification)</p>	
<p>Exposure or Extensive Sites</p>	<ul style="list-style-type: none"> • Active quarries and pits • Disused quarries and pits • River and stream sections • Inland outcrops • Exposure underground mines and tunnels • Extensive buried interest • Road, rail and canal cuttings
<p>Integrity Site</p>	<ul style="list-style-type: none"> • Caves • Karst • Mine dumps • Finite buried interest
<p>Finite Site</p>	<ul style="list-style-type: none"> • Finite mineral, fossil or other geological • Mine dumps • Finite underground mines and tunnels • Finite buried interest

Exceptions When a Full Survey and Assessment May Not Be Required

International and National Sites: A survey and report will not be required where the applicant is able to provide copies of preapplication correspondence with Natural England, where the latter confirms in writing that they are satisfied that the proposed development will not affect any statutory sites designated for their national importance.

Regional and Local Sites: A survey and report will not be required where the applicant is able to provide copies of preapplication correspondence with appropriate local geological experts (such as the Local RIGS Group) that they are satisfied that the proposed development will not affect any regional or local sites designated for their local nature conservation importance.

Figure 2 ECOLOGICAL SURVEY SEASONS

Key: Optimal Survey Time  **Extending into** 

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Badgers												
Bats (Hibernation Roosts)												
Bats (Summer Roosts)												
Bats (Foraging/Commuting)												
Birds (Breeding)												
Birds (Over Wintering)												
Great-Crested Newts				Terrestrial								
		Aquatic										
Invertebrates												
Otters												
Reptiles												
Water Voles												
White-Clawed Crayfish												
Habitats/Vegetation												

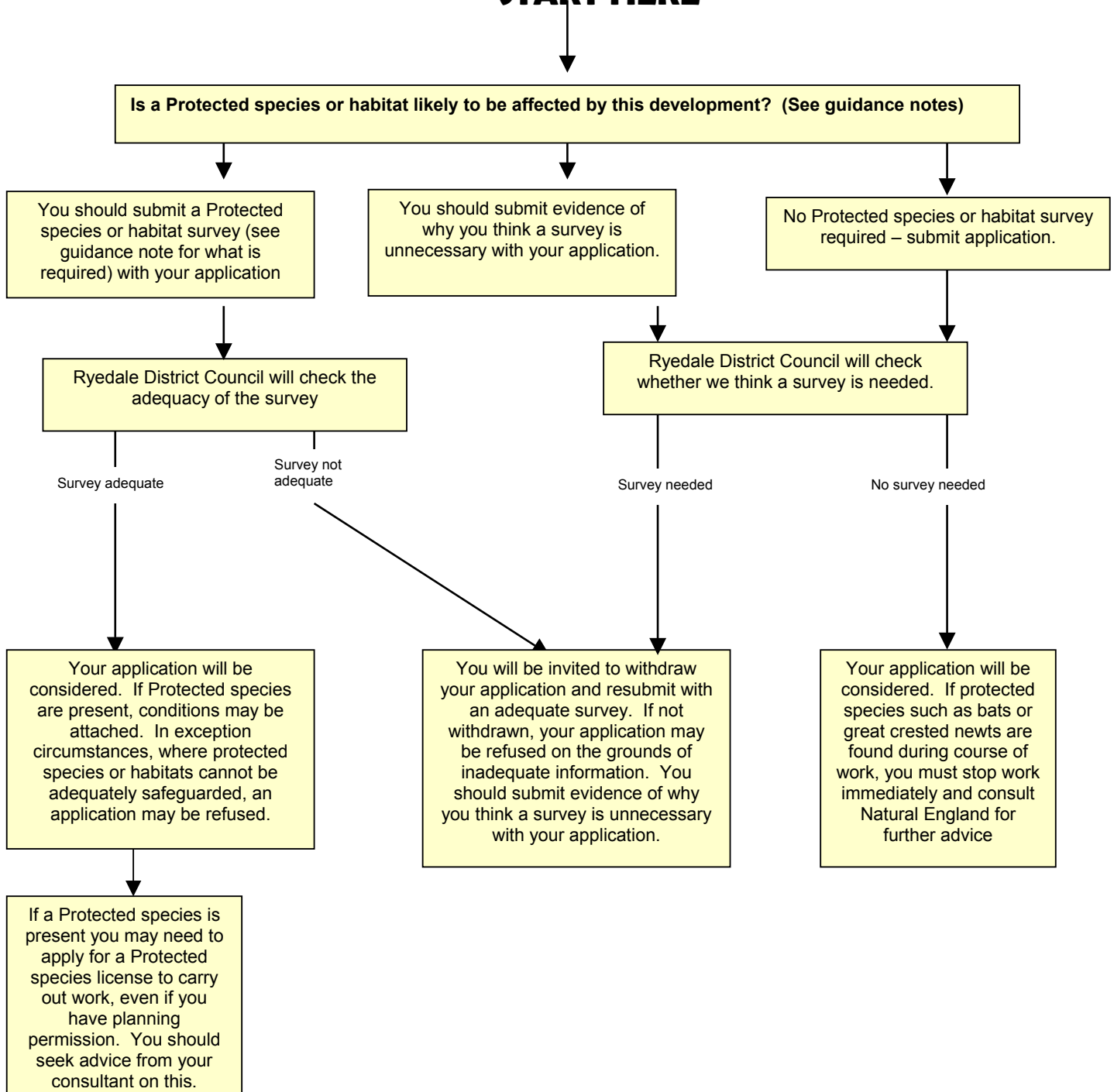
Points to note regarding surveys are as follows:

For certain species and habitats surveys can be carried out at any time of year, but for other species, particular times of year are required to give the most reliable results, as indicated in Figure 2

- Surveys conducted outside of optimal times (Figure 2) may be unreliable. 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 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 is protected whether any bats are present or not).
- Competent ecologists should carry out any surveys.

PROTECTED SPECIES AND HABITATS AND PLANNING PROPOSALS – WHAT YOU NEED TO DO

START HERE



Useful contacts and sources of information:

Ryedale Countryside Officer, Ryedale District Council, Ryedale House, Malton, YO17 7HH. Tel: 01653 600666 extension 333; e-mail sue.bragg@ryedale.gov.uk

Natural England York Office. Tel: 01904 435500 <http://www.naturalengland.org.uk/publications/default.htm>
www.natureonthemap.org.uk

North and East Yorkshire Ecological Data Centre – NEYEDC – 01904 641631 www.neyedc.co.uk

Yorkshire Wildlife Trust – 01904 659570

Yorkshire Bat Group www.nyorkbats.freereserve.co.uk

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

Multi Agency Geographical Information System for the Countryside – Magic Website –
www.magic.gov.uk/website/magic

Ryedale District Council Website – Biodiversity Action Plan www.ryedale.gov.uk/pdf/ryedale_BAP.pdf

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

North Yorkshire Regionally Important Geological Sites.

**This information has been produced by
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