

Biodiversity

and the planning process



This leaflet explains the steps you will need to take to ensure that any wildlife present on development sites is safeguarded and incorporated into the scheme through sympathetic planning and design, protected during construction and able to thrive along with the new scheme.



The Policy Context

The South Gloucestershire Local Plan Revised Deposit Draft (incorporating proposed modifications) March 2005 includes a range of policies (L7, L8, L9 & L10) on nature conservation (referred to in the Local Plan). In particular, L10 sets out the Council's policy on biodiversity:

'Development which would directly or indirectly have an adverse effect on a nationally or internationally protected species of flora or fauna, or species or habitats listed in national, regional or local Biodiversity Action Plans, will not be permitted unless any damaging effects are capable of being avoided, overcome or offset by mitigation measures.'

Policy L10 accords with *'Working with the grain of nature: a biodiversity strategy for England'*, the Government's national strategy on biodiversity. It is also consistent with Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9), Policy EN1 of the Regional Planning Guidance for the South West (RPG 10) on landscape and biodiversity and Policy 18 of the Joint Replacement Structure Plan:

'..In order to ensure no net loss of biodiversity interest, Local Plans should set out policies to ensure that new development assists in the retention of existing habitats, important species, buffer areas and landscape features of major importance for wildlife. Priority should be given to enhancing the overall ecological quality, extent, capacity, structure and functioning of locations and the surrounding ecological network by creating new habitats, buffer areas and landscape features...'

Additionally, Policy D1 of the Local Plan requires good quality design in new development, including with respect to nature conservation:

'Development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that: ...existing features of landscape, nature conservation, heritage or amenity value, including rights of way, are safeguarded and enhanced through incorporation into development...'

Background

What is biodiversity?

The word 'biodiversity' is used to describe the wealth and variety, or biological diversity, of all life on this Earth. It includes all plants and animals, as well as the habitats, soils and rocks in which they occur, and applies to all environments, from urban to coastal, from woods to open countryside, whether locally, nationally or internationally.

Biodiversity plays a role in enriching all our lives. It provides many of the essentials for our existence, such as oxygen, water, food, medicines, building materials and clothing. Locally, biodiversity is critical in determining a distinctive local character, whether it is limestone grassland, estuaries, woodland or the urban environment of towns or cities, and in contributing towards a better quality of life. Despite being fundamental to our existence, however, the world is losing its biodiversity at an ever-increasing rate. In the UK alone, over a 100 species have been lost in the last century, with many more species and habitats threatened and the rate of loss worldwide is now so serious that direct action is needed to arrest these declines.

National Policy & the UK Biodiversity Action Plan

In 1992, over 150 world leaders attended the Convention on Biological Diversity, held at the first Earth Summit in Rio de Janeiro. It acknowledged that the planet's biodiversity was being severely depleted and agreed to contribute towards conserving and restoring it.

In response to this, the Government published the UK Biodiversity Action Plan (UKBAP) in 1994. This included a list of species of plants, animals and types of habitat that, due to dramatic declines, were rare and threatened and in need of efforts to regenerate populations. An Action Plan was drawn up for each individual species or habitat, comprising a series of targets, activities and timetables for the work. However, the Government recognised that biodiversity is ultimately lost or conserved at a local level and during the last few years a range of public or private bodies have produced Local Action Plans. The emerging Biodiversity Action Plan for South Gloucestershire embodies the Council's commitment and contribution to the UKBAP.

The South Gloucestershire BAP interlinks with, and contributes to, the Avon Biodiversity Action Plan, which has been produced on behalf of the Avon Biodiversity Partnership (including South Gloucestershire Council) and which forms the overarching conservation strategy for the Avon area.

The Biodiversity Action Plan Process within South Gloucestershire

Working in partnership with a range of bodies locally, regionally and nationally is widely acknowledged as being critical to the success of Action Plans. In South Gloucestershire, two groups - the Wider Partnership and the Topic Group - assist the Council in producing, guiding and implementing its Biodiversity Action Plan.

- ▶ *The Wider Partnership consists of statutory and non-statutory nature conservation bodies*
- ▶ *The Topic Group comprises local Wildlife Group members, Parish representatives and members of the public*

These two forums have identified a range of habitats and species of both plants and animals for which Action Plans will be written. Some of these species are protected under national or international law: others are familiar species that are now becoming increasingly rare at a local level. Together, however, they provide a list that is broadly representative of the variety of wildlife and semi-natural habitats found throughout South Gloucestershire. The titles of the individual Habitat Action Plans have deliberately been kept broad, to enable them to include more than just one of the Priority Habitats on the UKBAP



Habitat: Ancient (Semi-Natural) Woodland



Areas of broadleaf woodland (mainly oak and ash) scattered over South Gloucestershire, which have existed since at least 1600 AD

Habitat: Old Meadows & Pastures



Areas of grassland or traditional hay meadows rich in wild flowers

Habitat: Ponds, Rhynes, Rivers & Water Bodies



All standing or flowing water including ditches, rivers, streams and ponds

Species: Bithynian Vetch



A member of the Pea family with lilac-purple flowers, found in scrub or grassland such as roadside verges

Species: Wild Service Tree



A berry-bearing tree found in woods and occasionally hedgerows, rare in South Gloucestershire

Species: Adder's Tongue Spearwort



A rare member of the buttercup family, found in bare mud alongside ponds and occurring at only one site in South Gloucestershire

Habitat: Coastal Saltmarsh/Floodplain Grazing



Areas of grazing and marshland alongside the Severn Estuary

Habitat: Arable Farmland



Of value for farm birds like corn bunting or rare flowers (arable weeds)

Habitat: Hedges & Field Margins



Boundary features to fields, including dry stone walls, species-rich hedges and grass strips throughout South Gloucestershire

Species: Song Thrush



Traditionally found in hedgerows, woodland and mature gardens, but has declined markedly

Species: Glow Worm



Scarce but well known for its green luminescence at night. Found on limestone grassland, and along hedges and woodland rides

Species: Slow-Worm



A once common reptile, found in old mature gardens, allotments and rough ground

Species: Tassel Stonewort



An internationally threatened species of stonewort (a class of green algae), found at one location in South Gloucestershire

Species: Bath Asparagus



An uncommon member of the lily family, found in open woodland or along hedgerows or roads in a few locations in South Gloucestershire

Species: Dormouse



A small, golden-furred mammal usually associated with species-rich hedgerows and native broadleaved woodland.

Species: Bullfinch



A once familiar British bird of gardens and hedgerows, having suffered a marked decline

Species: White-Clawed Crayfish



Rare, and the only native species of crayfish, typically found in alkaline streams and rivers

Species: Great Crested Newt



The largest native species of newt, now rare and declining in lowland Britain. Its habitat consists of ponds or bodies of water surrounded by rough grassland, hedges, scrub and woodland

Species: Barn Owl



A scarce but distinctive bird of prey traditionally associated with farmland and rough grassland

Species: Hedgehog



A once common British mammal, found in domestic gardens, now increasingly scarce

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- Bithynian Vetch - **Robert Ford/Nature Portfolio**
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- Slow-Worm - **Jim Foster/Frog Life**
- White-Clawed Crayfish - **Environment Agency**
- Great Crested Newt - **Jim Foster/Frog Life**
- Dormouse - **EN/John Robinson**
- Little Owl front cover/Barn Owl - **Ian McGuire, Hawk & Owl Trust**
- Bullfinch - **Graham Catley**
- Hedgehog - **British Hedgehog Preservation Society**



Making a Planning Application

Paragraph 4.93 of the Local Plan states that:

The presence of a protected species is regarded as a material consideration in determining planning applications (PPG paragraph 47). Where the Council has reasonable grounds for believing a site contains either nationally or internationally protected species of flora or fauna, or species or habitats listed in national, regional or local biodiversity action plans, applicants will be required to commission a survey or surveys to establish their presence and draw up proposals for measures to safeguard the nature conservation interest. Where species are nationally or internationally protected, copies of the report should be presented to English Nature as well as to the Council for comment. Where the proposals are considered inadequate planning permission will be refused'.

Where development will affect sites known to have, or potentially having, value for wildlife, South Gloucestershire Council will require an ecological survey to be carried out early on in the site planning process and to accompany all planning applications, whether outline or full.

Surveys

- ▶ *Must be carried out by suitably qualified, licensed and experienced persons e.g. a member of a recognised professional body or ecological institution*
- ▶ *Where protected species are involved, all survey work must be subject to the licensing provisions within the relevant legislation*
- ▶ *Must be carried out at an appropriate time and month of the year, in suitable weather conditions and use recognised surveying techniques*
- ▶ *Must be to a suitable and recognised level of detail and scope (e.g. Phase II NVC for grassland) and record and map the range of habitats and species of conservation value found on site*
- ▶ *Must include the results of a search of ecological data from the Bristol Regional Environmental Records Centre (contact details on back of leaflet)*
- ▶ *Must include an assessment of the likely effects of development on the nationally and locally important species and habitats recorded on site or in the locality*
- ▶ *Must identify measures to be taken to avoid impacting on the biodiversity of the site and in the locality, either directly or indirectly, both during construction and afterwards*
- ▶ *The Council will reject surveys or require additional surveys if the detail provided is deemed inadequate*
- ▶ *All applications to redevelop (particularly brick or stone) agricultural buildings, such as barns or stables, must be accompanied by a wildlife survey, including a survey for bats and birds*
- ▶ *Should include measures to benefit the wildlife recorded on site, particularly any protected species or those species or habitats listed on UK, regional or South Gloucestershire's own Biodiversity Action Plans*

Environmental impact assessments (EIA) are required for particular developments under the Town & Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. EIA enable a systematic assessment of a project's likely significant environmental effects to be made. The types of projects covered by EIA are listed in Schedule 1 and 2 of the Regulations. An EIA is only required for Schedule 2 projects if it is deemed likely to give rise to significant environmental effects.

Avoiding, Overcoming, Off-setting

Wherever possible, development should firstly avoid impinging on any sites of interest for wildlife. Where development is to proceed, schemes should be designed sensitively and in such a way as to overcome any adverse effects on the species or habitat present by including features or habitat that will enable the wildlife on site to continue there.

As a last resort, creating suitable compensatory habitat might be appropriate to offset the impacts of development on the site's nature conservation interest. This would be required in advance of the loss of any existing habitat to allow it time to establish itself. Examples are provided in the next section.

Sites of national or international importance for nature conservation, such as Sites of Special Scientific Interest (SSI) or Special Protection Areas (SPA), are protected by law and covered by Local Plan Policies L7-L8. Many sites of local or regional nature conservation interest, such as Sites of Nature Conservation Interest (SNCIs) or Regionally Important Geological Sites (RIGS) are also protected under Local Plan Policy (L9).





Development with a good network of semi-natural habitat running through it, consisting of scrub, grassland and a system of rhynes (ditches)

Protecting Existing Nature Conservation Value

The ecological survey is an important factor that must inform site planning and the detailed design of new development, including site layout, location of infrastructure, the timing of works and incorporation of design features. The Council will expect existing features of nature conservation value to be incorporated into the proposals for new development, including for example:

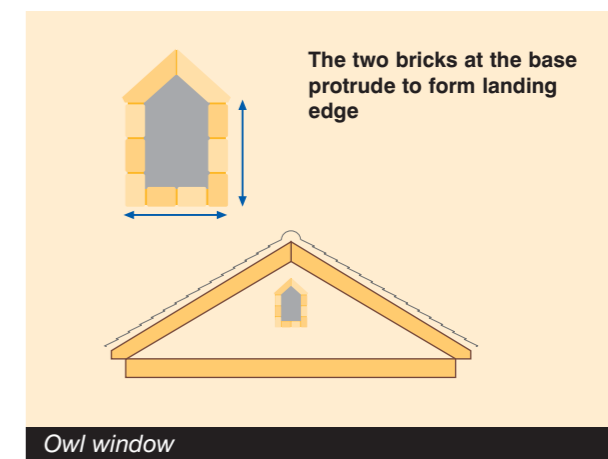
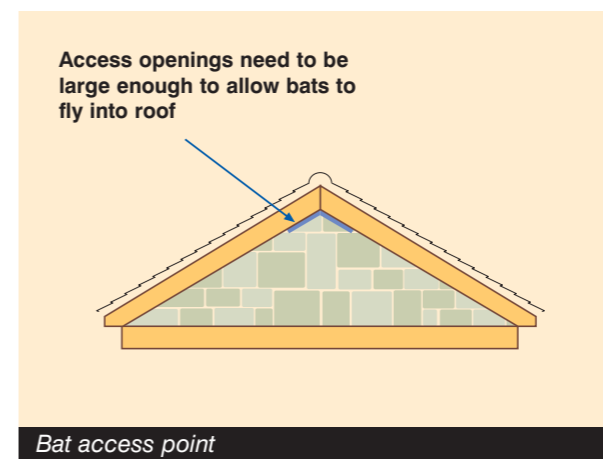
- ▶ Retaining sufficient nature conservation habitat, such as ponds (along with surrounding areas of semi-natural habitat), watercourses, hedgerows, trees, grassland and woodland
- ▶ Retaining a sufficiently sized area of suitable habitat to support the protected/BAP species found on site and allow it to thrive
- ▶ Retaining continuous wildlife corridors, such as hedges and rough grassland, woodland, waterways and bank vegetation, arboreal links across paths (dormice) and other areas linking semi-natural habitat
- ▶ Retaining and enhancing mosaics of mixed habitat. For example, pockets or strips of mature scrub and wildflower-rich grassland alongside hedges to benefit birds and insect life: or rough grassland between ponds, woods and other open land to encourage use by reptiles and amphibians
- ▶ Effective and appropriate buffering of valuable habitat from buildings, structures, over and underground services, and general development work
- ▶ The species and mix of planting for nature conservation purposes must be native and appropriate to the character of the locality, its geology and soil type
- ▶ Work should be scheduled to take account of any seasonal constraints ('closed seasons') in law for protected species. For example, work affecting breeding birds should only occur outside the nesting season (generally March – August inclusive, although it is advisable to check for nests from mid-February onwards) to avoid potential offences under the Wildlife & Countryside Act 1981 (as amended) or Countryside & Rights of Way Act 2000
- ▶ All work directly or indirectly affecting nationally or internationally protected species of flora or fauna must adhere to the licensing provisions laid out in the relevant legislation
- ▶ Provisions for monitoring to ensure effectiveness of protective measures
- ▶ Lights and lighting schemes must be designed sensitively to avoid light spill on to features of nature conservation value
- ▶ Site clearance should only take place following an ecological survey and must be subject to any seasonal constraints in law (e.g. birds' breeding season) and the requirements of any relevant protect species licences



Converting Farm Buildings

Where bats or breeding birds are present, the design of the conversion must include features that will enable it to continue to be used in the future (e.g. by fitting a 'bat slate' or 'owl window'). Work must be timed sympathetically (e.g. the autumn, although even in the autumn, a licensed consultant will need to check sites for nesting barn owls) to avoid disturbing wildlife during the more sensitive (breeding) months of the year'.

Note that the style, size and location of access points vary according to the species of bat. It is recommended that developers seek expert advice over the detailed design of bat access points, in consultation with English Nature and the Council Ecologist.



Nesting sites should also be provided for other species of birds associated with agricultural buildings, such as swallows or house martins.

Details of nest boxes for a range of birds, including swallows, house martins or swifts can be found at the **RSPB website** www.rspb.org.uk

Further advice re the design, construction and siting of owl 'windows' or owl nest boxes can be found from the **Hawk & Owl Trust** – please see their website www.hawkandowl.org

Please also refer to South Gloucestershire Council's Supplementary Planning Document (SPD) on '**Conversion of Farm Buildings**'





Providing Benefits for Wildlife

The aim of all Biodiversity Action Plans (BAPs) is to not only conserve existing wildlife but to implement measures whereby it is able to grow and thrive as well. To that end, where a particular site is found to contain wildlife, particularly species protected in law or a species or habitat listed on either the national (UK) or regional BAPs or South Gloucestershire's own BAP, developers will be asked to contribute to the aims of the relevant Plan(s) by carrying out work to benefit it. Depending on the species or habitat present, this would include:

These measures will obviously depend on the species/habitat present, but might include:

- ▶ *Planting a new system of species-rich hedges*
- ▶ *Creating areas of flower-rich grassland, using natural regeneration or a green hay crop or seed mix appropriate to the geology and locality*
- ▶ *Improving waterways or their banks by, for example, re-profiling banks or creating meanders*
- ▶ *Creating new wildlife ponds or managing those that are neglected or overgrown*
Please see South Gloucestershire Council's Design Guide on Sustainable Drainage Systems (2002)
- ▶ *Planting new areas of mixed, native species woodland including wild service tree*
- ▶ *Creating new banks of mixed, native species scrub*
- ▶ *A commitment towards the future management and/or monitoring of the features of interest on site*
- ▶ *Providing breeding opportunities for the particular species of fauna by way of nest boxes or design features in buildings for birds such as swallows, house martins or swifts: bat access points (see above): or dormouse nest boxes where these are known to occur (hedges or woodland).*
- ▶ *Protecting Existing Nature Conservation Value*
- ▶ *Creating log/rubble mounds to act as reptile hibernation sites*
- ▶ *Creating and maintaining wildlife corridors between existing or new areas of semi-natural habitat*

The agreed measures will form the basis of planning Conditions or a Section 106 Agreement as appropriate.

Protecting Wildlife During Construction

Even if retained within schemes, development can affect areas of on-site nature conservation value in a variety of ways. For example, site run-off reducing the quality of water in ponds or watercourses, vehicles turning on areas of species-rich grassland or stockpiling spoil/rubble alongside hedges/trees can all have a highly damaging affect. It is thus important that measures to safeguard the wildlife or habitat found on site are carefully planned and strictly enforced.

Protective fencing must be erected around all wildlife features to be retained (such as ponds, trees, grassland, badger setts) before any work, including clearance, commences on site, although these measures should not be in such a way as to disrupt the breeding of the wildlife in question (e.g. preventing amphibian access to ponds). The type of fencing and its positioning must be specified as part of the planning application and agreed with the Council before any work is carried out. Any buildings or trees used by birds or bats must also be fenced off and left undisturbed until the agreed time of the year, subject to any licensing constraints or provisions.

Determining the Planning Application

Planning consent will only be granted where the Council is satisfied that development can be successfully reconciled with the biodiversity of the site and its surroundings. This may require that the site be planned so that habitats and/or 'wildlife corridors' are protected. In addition, specific works or measures to conserve protect and/or benefit the species or habitat(s) present, may need to be agreed between developers and the Council, as well as any future management. This agreement will take the form of planning Conditions or a Section 106 Agreement attached to the Consent.

Licensing

Development affecting a European protected species (i.e. a species listed under the 1994 Habitat Regulations) can only legally proceed if it has received consent (usually in the form of a licence) from the relevant licensing body under Regulation 44 of the Habitats Regulations. A licence will not be issued unless planning permission (Outline or otherwise) has been granted by the local authority.

Where the phrase 'protected species' is used in the text it refers to those species protected under the Wildlife & Countryside Act 1981 (as amended), the Protection of Badgers Act 1992 and the Countryside and Rights of Way Act 2000. It also includes those European protected species listed on Annexes IV(a) and IV(b) of EC Directive 92/43/EEC ('the Habitats Directive 1992'), implemented in Britain by the Habitats Regulations 1994

Survey Licences

Licences are required by the person(s) conducting surveys for protected species. Please contact English Nature's Species Licensing Service on **01733 455142** for details of species licensing and legislation.

Development Licences

In the case of European Protected Species a development licence is required from DEFRA **before** work commences on the site.

This leaflet should be read in conjunction with the relevant environmental legislation and Local Plan policies.





Further Information

The Bristol Regional Environmental Records Centre

Holds ecological and geological records and data for the former Avon area

Tel: 01179 532140

English Nature

Can provide further advice on European protected species licences and biodiversity

Tel: 01531 638500

The Council Ecologist, South Gloucestershire Council

Can provide advice and information on the Biodiversity Action Plan and matters concerning nature conservation in South Gloucestershire

Tel: 01454 863467

The Avon Wildlife Trust

Can provide advice and information on wildlife throughout the former Avon area

Tel: 0117 917 7270

The Bat Conservation Trust

Can provide wide-ranging advice on bats and their ecology

Tel: 020 7627 2629

Useful References

The UK Biodiversity Action Plan

www.ukbap.org.uk

Biodiversity Your Questions Answered

English Nature leaflet
www.english-nature.org.uk

Working with the Grain of Nature

a Biodiversity Strategy for England
www.defra.gov.uk

Section 74: List of Habitats & Species of Principle Importance in England

PB 7850 www.defra.gov.uk

A Biodiversity Guide for the Planning & Development Sectors in the South West

ALGE & the South West Biodiversity Partnership
Obtainable from RSPB

Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)

ODPM
www.defra.gov.uk

Avon Biodiversity Action Plan

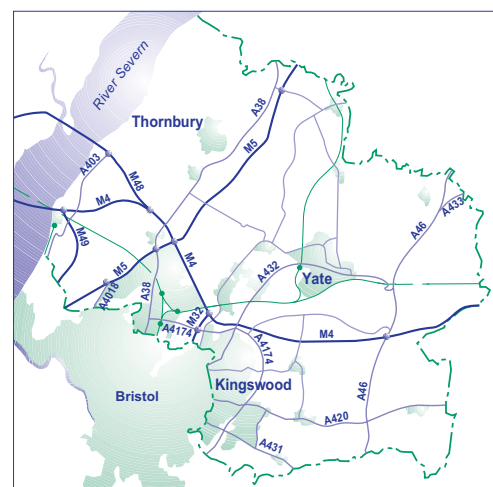
www.avon-biodiversity.org.uk

This guidance should not be read in isolation, but with all other relevant planning policies of the Council.

Consultation Process

A draft version of this guidance was subject to advertisement and public consultation in March 2005. As a result of the comments received, a revised leaflet was considered by the Council and the final version was adopted on October 2005.

Full details of the consultation process are available from the Council.



This information can be made available in other languages, in large print, Braille or on audio tape.

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