

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 Preliminary Ecological Appraisal (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 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 Ecological Impact Assessment (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 Ecological Impact Assessment (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

In line with Environment Act 2021, from January 2024 development schemes must demonstrate at least 10% net gain for biodiversity. This will be measured by habitat surveys using a recognised habitat survey methodology, usually UKHab methodology, and subsequent filling in of Defra's most recent statutory biodiversity metric. Accounts should be submitted in support of ecological surveys and be accompanied with mapping shapefiles, preferably in ESRI format. In line with the net gain hierarchy, the expectation is that biodiversity net gain will be secured within site boundaries - wherever possible to do so - and the typology and quanta of net gain will be agreed on a scheme-by-scheme basis. Biodiversity gain is a pre-commencement condition, however, we would recommend early discussion with Ecologists or planners. Further guidance can be provided from the Council's Ecology Team. Contact: ecology@worcestershire.gov.uk

Pre-application Consultation

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

Further information on the principles supporting biodiversity net-gain can be found within the [Chartered Institute of Ecology and Environmental Management's website](#). Guidance for developers can be found on [Biodiversity net gain - GOV.UK \(www.gov.uk \(opens in a new window\)\)](http://www.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 (CIEEM, 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 [gov.uk website](#).

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 and 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.

Ecological Impact Assessments 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: Ecological Survey Seasons. 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.