



Biodiversity and Your Planning Application

A new Standard Application Form has been introduced which applies across all of England and will provide a more consistent approach to planning applications. One of the statutory questions in the new form concerns Biodiversity and Geological Conservation. Applicants will be expected to state whether their proposed development will affect:

- Protected and Priority Species
- Designated sites, important habitats or other biodiversity features
- Features of Geological Conservation importance

This leaflet aims to help you address issues relating specifically to biodiversity.

Designating wildlife sites is a particular priority and there is a strong emphasis on their protection. Stafford Borough contains many important wildlife sites including:

- Two National Nature Reserves
- 16 Sites of Special Scientific Interest
- 135 Sites of Biological Importance
- Seven Local Nature Reserves

However the conservation of habitats, species and geological features outside these sites is also important, because over recent years our biodiversity assets have declined steeply. Now, with better understanding of its value, the UK Government has set strong targets to restore biodiversity.

Certain locally important habitats and wildlife species have special importance and these are identified in the Staffordshire Biodiversity Action Plan as priority species.

Their presence can affect many different planning applications for example those involving:

- Greenfield and Brownfield developments
- Barn conversions
- Removal of trees and hedges
- Building demolition
- Development near water

The Government's vision for Biodiversity and Planning is set out in Planning and Policy Statement 9 (PPS 9) and states that:

"Planning decisions should aim to maintain, and enhance, restore or add to biodiversity"

This means that, as well as protecting biodiversity, opportunities should be taken to incorporate biodiversity features within the design of development. The design, layout and landscaping of new developments can offer enormous opportunities to add to, or enhance, biodiversity or geological value. These can range from minor additions to the fabric of buildings, for example to provide nesting spaces for species such as swifts, through to providing major new areas for biodiversity habitat alongside development.

Some Protected Species in Stafford Borough

Bats

All bats and their roosts are protected under the Wildlife and Countryside Act 1981, and the Conservation (Natural Habitats, &c) Regulations 1994. Bat roosts can be found in a variety of places:

- Buildings
- Mature trees
- Underground places
- Surveys will often be requested if developments involve old buildings, rural locations, building demolitions and mature tree removal.

Great Crested Newts

European and UK law protects Great Crested Newts and their habitat. During the breeding season newts are found in pools but spend much of their lives on land possibly hundreds of meters from a pond. They hibernate during the winter. Newts can occur in a wide range of habitats from rural to urban.

Badgers

It is the role of the Planning Authority to consider the conservation and welfare impacts of development on badgers and issue planning permission accordingly. Guidance comes from the Protection of Badgers Act 1992.

Work that disturbs badgers whilst occupying a sett is illegal without a licence from Natural England.



Wild Birds

All wild birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981. This means that works should not be undertaken in the nesting season (March to August), unless it can be demonstrated by the developer that breeding birds will not be affected. Some Schedule 1 birds such as the Barn Owl have further special protection. It is an offence to disturb these birds whilst breeding.

Otters

Otters are classed as a European Protected Species and therefore given the highest level of protection. Their breeding sites and resting places (holts) are also protected. Any developments near rivers, streams and canals may need surveying for this species.

Water Voles

Once common, the water vole has suffered a quicker decline than any other British mammal. From 6th April 2008 the Water Vole became fully protected under the Wildlife and Countryside Act. As well as the animals, their burrows are also protected. Their habitat includes rivers, streams, ditches, canals and ponds.

Trees

All planning applications need to incorporate BS5837: 2005 (Trees in relation to Construction) which means that trees both on and within 10 metres surrounding a proposed development site must be taken into account. For further information please contact the Arboricultural Officer at Stafford Borough Council.

Your Responsibilities

At the pre-application stage, it is advisable to seek advice as to what information will be needed to submit with the planning application.

It is the responsibility of the developer to produce via a properly qualified ecological consultant, evidence that an assessment has been made of the presence of protected species and of other important wildlife on the application site. The consultant should carry out a scoping assessment and desk study to decide on the level of survey required. This could mean survey work spread out over several months.

Many protected species are seasonally active therefore there are certain times of year when a survey cannot reliably demonstrate their presence. It is important to consult with a competent ecologist and plan the most appropriate time of year for survey work, in line with published guidelines.

If protected species or other important wildlife features are found on site then any survey should include as a minimum an outline scheme of mitigation integrated as part of the development proposal to protect the species during and after development.

The presence of a protected species is a material consideration and must be taken into account before planning permission is granted. In the pre-application stage, appropriate surveys must be submitted or the application may not be valid and could lead to serious delays or even to the application being refused.

Potential for biodiversity enhancement should also be considered and suitable measures incorporated into the development scheme.

Advice on this can be obtained from an ecological consultant or from the reference guides listed on the following page.



Further Information

Contact details for environmental consultants can be found in the IEEM Directory of Ecologists and Environmental Management, ENDS Environmental Consultancy Directory and at Staffs Wildlife Trust. Natural England provides a series of free download publications, giving essential information on protected species, planning and development. These include:

- IN136 Bat Mitigation Guidelines
- IN 75 Badgers and Development
- newt1 Great Crested Newt Mitigation Guidelines
- NE 86 Water Voles; Guidance for Planners and Developers
- IN 74 Barn Owls on Site - A Guide for Developers and Planners

There are also some excellent reference guides for advice on enhancing biodiversity in development. These include:

- Biodiversity by Design
A guide for sustainable communities. 2004, TCPA
- Building Greener
Guidance on the use of green roofs, green walls and complimentary features on buildings. 2007, CIRIA

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STAFFORD BOROUGH COUNCIL
For planning, biodiversity or arboricultural advice
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If you need this information in large print, Braille, other language or on audio cassette please contact: 01785 619 000 or email: customercontactcentre@staffordbc.gov.uk.

"Conserving and enhancing the characteristic biodiversity of Stafford Borough for present and future generations"

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