

This note is one of a series aimed to improve design standards and reduce delays in processing applications. It should be read in conjunction with PAN No.s 7, 7.1, 7.2 & 7.4. Advisory Notes cannot cover all situations. Applicants and agents are encouraged to discuss proposals with the Biodiversity Officer prior to a formal submission. Applicants should employ a professionally qualified ecologist / geologist to assist production of reports.

Ecology, Geology and Development

Certain wildlife sites, species and geological sites are protected by law. Sites, species and habitats can also be protected through planning policy. Wildlife and geological interests must be taken into account when the Council considers planning applications.

Where protected sites, habitats and species are likely to be a concern, the developer must commission appropriate surveys to assess potential impacts on protected features, and propose a suite of measures to mitigate harmful impacts. This information should be submitted in an Ecological or Geological Report.



What is the Legal / Policy Position?

European legislation prohibits the granting of planning permissions that would have a direct or indirect harmful effect alone or in-combinations with other proposals, on internationally protected sites (Special Areas of Conservation and Special Protection Areas) unless this is fully mitigated. British legislation resists harm to nationally protected sites (Sites of Special Scientific Interest).

Government Planning Policy (NPPF) requires local planning authorities to minimise impacts on biodiversity and geodiversity and to secure biodiversity net gains where possible. This includes nationally and locally designated sites, ancient woodland, veteran trees, plus priority habitats and species linked to national and local targets. This is reinforced through local planning policies, particularly through the robust application of the mitigation hierarchy and application of biodiversity offsetting to achieve net gains.

What Types of Developments will need an Ecological Report?

- Developments of green field or vegetated brown field sites
- Floodlighting
- Solar Farms
- Wind turbines, large and small
- Developments that will generate significant noise near green field, or vegetated brown field, land
- Some developments having a 'downstream' effect on water quality or water flows
- Other developments with an off-site impact over a large area of green or brown field land
- Developments with potential for a Likely Significant Effect on a European Wildlife Site. This can include indirect effects such as bird disturbance, noise, light or water pollution, and increased recreational pressure from housing or tourist developments (see www.teignbridge.gov.uk/hra).
- For re-development of buildings a Bat and Bird Report may be required (see PAN No's 7.1 and 7.2 on Birds, Bats and Development).

What Locations will need an Ecological Report?

- Sites within, close to or 'up-stream' of a designated wildlife/geology site
- Sites in a feeding zone or strategic flyway for the South Hams bat Special Area of Conservation
- Sites within a great crested newt consultation zone
- Sites within a cirl bunting breeding territory, or farmland in a cirl bunting wintering zone
- Sites adjacent to woodland, wetland, rich grassland or other wildlife habitats, including watercourses & ponds.

What Locations will need a Geology Report?

Sites within or close to a designated geology site, whether international, national or local. Reports may also be required if sites contain or border geological features including quarries, cliffs and exposures.

How do I know where the Designated Sites are?

To check if your application site is in or near a designated site, or in a protected species zone, visit the Biodiversity area of the Teignbridge website, or consult the Devon Biodiversity Records Centre (DBRC). If you are unsure whether you need a Report, contact the Council's Biodiversity Officer.

What should the Report include?

- A data search, for the site and surrounding area. DBRC provides the most comprehensive and up-to-date information.
- Field survey results for habitats, features and species, on- & off- site, to best practice methodologies, including a Farm Environment Plan habitat condition assessment.
- Clear maps in PDF and ArcGIS-compatible data files, showing locations & reference codes of habitats, features and species.
- Table presenting the habitat type, area & condition for all discrete parcels of habitat, cross-referenced to suitable habitat maps.
- Assessment of the wildlife/geology importance of the affected areas.
- Assessment of impacts of the development on habitats, features and species including:
 - On- and off-site impacts; direct and indirect effects; during construction & operation phases.
 - Suite of avoidance, mitigation, compensation and enhancement measures to fully off-set the effect of the development including:
 - Detail of area, target condition score and proposed management of any retained or recreated habitats, including management body/funding.
 - Good construction-phase working practices which workmen will follow.
 - Any measures proposed to bring additional benefits to biodiversity (see NPPF paragraphs 109 and 117).

- Integrated building
- Safeguard important sites
- Maintain green corridors



Who can produce the Report?

The Report must be produced by a suitably qualified and experienced wildlife/geology professional. If 'European Protected Species' are involved, the expert will also need appropriate 'species licences'. We may ask for evidence of their expertise/licences. See PAN 7.4 for a list of consultants who can produce Ecological Reports.

Expert consultants will have all the necessary knowledge of survey methodologies, habitat/species importance, sensitivities and appropriate mitigation measures. After an initial assessment of your site your consultant will be able to advise you what, if any, additional survey is required for protected species or in a more appropriate season.



Report Timing

The Report should be commissioned at an early stage, as field surveys must be done at the right time of year and protected species surveys can take several months. For protected species Natural England has specified protocols for survey method type and minimum survey requirements. As examples, greater horseshoe bat surveys need two night-time surveys per month from March to October, while cirl bunting surveys are needed throughout the summer and winter. It is recommended that you engage a wildlife consultant at least a year before you intent to submit your application, to be sure of collecting all the required survey information.

What are 'Avoidance, Mitigation, Compensation and Enhancement' Measures?

There is usually plenty of scope for avoiding & mitigating impacts on wildlife:-

- Do not propose developments on designated sites or priority habitats.
- Design the development to retain features of interest such as hedges, trees and streams. Sometimes these can be incorporated into public areas to ensure their long term protection, e.g. hedge/ stream beside a footpath.
- Areas of priority habitat should be retained (perhaps incorporated into Public Open Spaces).
- Adopt protective working practices, e.g. only clear vegetation outside bird breeding season.
- Install bird and bat boxes in new houses and community buildings

Where there will be residual harm after all avoidance/mitigation measures are in place, compensation and enhancement should be provided, e.g:

- On and off-site habitat creation or restoration. Including of existing priority habitats and features, Sustainable Urban Drainage Schemes or landscape planting with native species or nectar/berry/seed plants.

- Management of new and existing, on and off-site habitats to agreed Ecological Management Plans.
- Make a financial contribution to allow the Council to deliver off-site compensatory measures (generally the last resort).
- Biodiversity offsetting is the recommended mechanism for delivering compensation and enhancement to meet planning policy

The correct combination of factors will depend on the type of wildlife/geology interest, the location and the proposal. Your ecological consultant will be able to advise, and you can discuss it in advance with the Biodiversity Officer.

What happens following Submission of the Report?

The Council's Biodiversity Officer will consider the Report, whether sufficient information has been submitted and whether sufficient avoidance/mitigation/compensation/enhancement is being proposed for the likely impact. The Biodiversity Officer may need to discuss matters further with you and your expert. If all is satisfactory, there may be Conditions or Obligations attached to your planning permission to ensure that mitigation measures are carried out appropriately.

Occasionally, the Council may refuse an application on wildlife/geology grounds: i.e. if there will be unacceptable harm to wildlife/geology, where it is not possible to agree sufficient mitigation/compensation measures and where there are no over-riding factors in favour of the proposal.

Useful References

TDC Contacts

Biodiversity Officer
Teignbridge District Council
01626 215753 / 215794
designandheritage@teignbridge.gov.uk
www.teignbridge.gov.uk/biodiversity

Expert advisors

DBRC Devon Biodiversity Records Centre
www.dbrc.org.uk
Natural England www.naturalengland.org.uk
Bat Conservation Trust www.bats.org.uk
National Bat Helpline: 0845 1300 228
RSPB www.rspb.org.uk

Legislation

Wildlife and Countryside Act 1981
Conservation of Habitats and Species Regulations 2010
www.legislation.gov.uk

Policy Documents

National Planning Policy Framework
www.gov.uk
Teignbridge Local Plan
www.teignbridge.gov.uk/planteignbridge

Wildlife Planning Advisory Notes

No 7.1 Bats, Birds & Development
No 7.2 Bat & Bird Report Checklist & Bat Consultants
No 7.3 Ecological & Geological Reports
No 7.4 List of Ecological Consultants
www.teignbridge.gov.uk/biodiversity

Technical Manuals

www.biodiversityplanningtoolkit.com

If you would like this information in another format please email info@teignbridge.gov.uk or call 01626 361 101