



Ecological surveys for minor and householder applications

- why surveys are needed
- what is involved
- what information needs to be submitted

This document provides more information about the requirements for ecological surveys for householder and small-scale planning applications. This includes why surveys are needed, what surveys may involve and information to be submitted to us with your planning application.

Why are ecological surveys needed?

North Somerset is of national importance for a range of wildlife including horseshoe bats and species associated with wetland habitats.

There is UK and EU legislation which protects threatened and declining wildlife species and habitats, this includes the Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended).

A list of key species protected by law is provided in table one. Designated sites such as Special Areas of Conservation (SAC) and Sites of Special Scientific Interest (SSSI) are also protected from damage.

The presence of protected species or important habitats rarely means that planning permission is refused. It is lack of information, insufficient survey effort or unsuitable mitigation design which leads to objections for ecological reasons.

Surveys must be completed before planning is submitted

Otherwise applications are not likely to be registered or will be refused or withdrawn. It is strongly recommended that ecological constraints are considered at the earliest possible stage due to seasonal timings for survey work (see table two).

The council has a statutory duty to conserve biodiversity in all functions, including the planning process, under the Natural Environment and Rural Communities Act 2006.

In addition, to meet national and local planning policy, the council must fully consider protection and enhancement of ecological features to ensure that the area continues to support good populations of threatened species and habitats.

For species and habitats protected by law, applicants need to demonstrate that plans or proposals will comply with legislation.

The presence of European protected species, UK protected species, designated sites (international, national or local) and priority habitats and species (on, adjacent or in close proximity to a development site) are material considerations within the planning process.

The first stage is ensuring the applicant provides sufficient information for planning decisions where biodiversity is a material consideration.

When are ecological surveys needed?

Habitats

When important habitats are present or potentially impacted, a phase one habitat survey or preliminary ecological appraisal (PEA) will be required.

Important habitats include all statutory designations:

- special areas of conservation (SAC)
- special protection areas (SPA)
- ramsar sites
- sites of special scientific interest (SSSI)
- national nature reserve (NNR)
- local nature reserves (LNR)
- non-statutory local wildlife sites.

Visit www.n-somerset.gov.uk/planningmap to find out if these apply to your property.

Many minor applications are unlikely to fall within designated sites, although some sites may be adjacent to important or designated habitats. A survey is usually requested for applications within 5m of a designated site.

If any mature trees or hedgerows are present on the site, these are likely to require an assessment for ecological and landscape interest, as well as potential to support protected species.

A phase one habitat survey (or PEA) is also required for all major operational development, solar farm and wind turbine applications.

Species

Ecological surveys are required when there is a reasonable likelihood of protected species being present and impacted.



Protected species are listed in table one. Situations where surveys for protected species are frequently requested include:

Bat surveys – scoping and inspection surveys for roofing works or conversion of older buildings, barns and agricultural buildings and buildings with suitable features located close to good habitat.

The scoping survey will advise if additional bat surveys (emergence, re-entry, activity, hibernation) are needed. Felling or modification of veteran trees or substantial treelines may also require bat surveys.

Surveys are usually required for larger sites (over one hectare) suitable to support roosting or foraging bats. Where there may be significant impacts to flightlines (for example, hedgerows or watercourses) or feeding areas, bat activity surveys may also be requested. Further advice for bat surveys is provided in the council's Bat survey requirements booklet.



Nesting birds – where suitable buildings or habitats will be impacted. For conversion of agricultural or derelict buildings, this can include birds such as barn owl.

Many sites have the potential to support nesting birds. Where non-notable species are likely to be present, stand alone surveys will not be required, but planning conditions may be added to consents regarding timing of works.

Surveys which are less frequently requested include:

Great crested newt surveys – where ponds or waterbodies are present on or within 500m of development sites which may impact on breeding or terrestrial habitat.

Badger surveys – where badger setts may be present within 50m.

Reptile surveys – where habitats such as rough grassland, scrub, waterbodies and significant rubble/debris are present or sites directly adjoining good quality reptile habitat.

Otter and water vole surveys – if ditches, stream, rivers, ponds or lakes are to be directly or indirectly impacted.

Other surveys may include assessments for hazel dormouse, white-clawed crayfish, invertebrate species and detailed botanical surveys for protected and notable plant species. However, these are usually not required for small-scale or householder applications.

Table one – protected species and the law

Species	Conservation of Habitats & Species Regulations (European Protected Species)	Wildlife & Countryside Act 1981 (as amended) (UK Law)	Protection of Badgers Act 1992
Badger			
Barn owl			
Bats			
Great crested newt			
Hazel dormouse			
Nesting birds*			
Otter			
Reptile species**			
Water Vole			
White-clawed crayfish			

* All wild bird species are protected from killing and injury and their nests and eggs are protected from destruction and removal.

** Reptile species potentially present in North Somerset include slow worm, grass snake, adder and common lizard.

Who can produce these surveys?

Surveys need to be completed by a suitably qualified, and where necessary, licensed ecologist.

Ecologists operating regularly in North Somerset:
www.cieem.net/members-directory

It is advisable to seek three quotations and to ask for a summary of examples of similar projects which have been recently completed.

Surveys must be undertaken in accordance with guidance and best practice. The council assess survey requirements against Natural England standing advice.

The potential for species to be present is assessed in an extended phase one habitat survey or preliminary ecology appraisal.

This needs to include a desk study, habitat survey and protected species audit. If there are only opportunities for bats and nesting birds, a scoping survey/building inspection is likely to be sufficient, accompanied by an ecological data search.

If further surveys (phase two survey) for protected species are required, methodologies must be in accordance with best practice guidelines and completed at an appropriate time of year. Survey timings are shown in table two.

What will be needed with a planning application?

Ecological survey reports will need to be of a suitable standard to be submitted with a planning application. It is expected that they will include an ecological desk study using data from Bristol Regional Environmental Records Centre (BRERC), full description of methodology and justification if this deviates from best practice.

Reports need to include detailed findings, an assessment of impacts and detail of agreed avoidance, mitigation and compensation measures, for example, what will and must happen rather than what should or could happen.

Applicants are advised to fully discuss all survey findings and their implications with their ecological consultant. Where mitigation or compensation measures are required, these must be clearly shown on plans of the proposals and a specification provided.

Further advice on requirements for submitting ecological reports is included in the council's checklist for ecological reports.

Can surveys be conditioned as part of a planning permission?

Surveys cannot be conditioned as part of a planning permission where their outcome is a material consideration to the proposals.

Due to planning guidance and Case Law, unless there are exceptional circumstances such as a phased development where update surveys will be required in the future, all ecological survey information is required with submission. This includes protected species surveys where these have been recommended by a PEA/phase one habitat survey.

If survey information is not provided, the application will not be registered by the council. Applications will not be registered if further surveys for protected species or important habitats have been recommended but have not been completed.

Ecological enhancement
















Where possible, enhancement measures should be included in schemes. Proposals which include ecological enhancement measures will be considered favourably in the planning process, as they will support the council to meet local and national planning policy.

Protected and notable species should be considered, particularly species highlighted on the Section 41 of the NERC Act or the council's biodiversity action plan.

Enhancement measures are often simple and cost-effective if designed into proposals. For example, crevices or access for bats into structures can be provided, bird boxes, ponds or waterbodies can provide significant biodiversity gain (with features such as sustainable urban drainage schemes (SUDS) which often provide ideal opportunities for wildlife) and appropriate planting of native species can provide ecological gain on many sites.

The council's ecologists can advise further on suitable enhancement measures for sites.

Ecological Survey Timings

Survey calendar		J	F	M	A	M	J	J	A	S	O	N	D
	Badger												
	Scoping (desk study)												
	Emergence/re-entry survey												
	Bat activity survey												
	Bat hibernation survey												
	Breeding bird survey												
	Barn owl scoping survey												
	Hazel dormouse												
	Otter												
	Reptiles												
	Great crested newt												
	Water vole												
	White-clawed crayfish												
	Phase one habitat survey												
	NVC survey												

Key

- Recommended survey period
- Possible survey period
- Not possible to undertake survey

When is a protected species licence required?

European protected species (EPS) licences are required whenever works will impact on EPS in a way which would otherwise break the law. For example, this will apply where habitat for these species will be temporarily or permanently removed or where there will be disturbance to EPS as a result of works.

Direct impacts on badger setts may also require a mitigation licence issued by Natural England. Although the council has to assess whether the proposed mitigation and compensation measures are sufficient and whether a licence would be likely to be obtained, Natural England are the licensing authority. Any queries regarding licensing must be directed to Natural England and gaining planning consent does not automatically ensure approval of a licence application. Other than

in exceptional circumstances, relevant consents need to be obtained and conditions discharged before a licence application will be registered by Natural England.

Licence applications will not be assessed and approved through the planning process. Detailed guidance can be found at www.gov.uk/guidance/wildlife-licences

Further information

We provide a written pre-application advice service. You can learn how to use this service and the required fee on our website www.n-somerset.gov.uk/my-services/planning-building-control/planning/planning-advice/pre-application-guidance/pre-application-advice/

Photos taken by Sarah Dale and North Somerset Council

