

Hackney Advice Note Biodiversity Validation and Biodiversity Assessments

Purpose of this advice

This guide provides guidance on the London Borough of Hackney's requirements for biodiversity surveys and assessments needed for validation of planning applications. It also includes broad guidance on the need for biodiversity enhancements as part of development proposals; additional guidance is provided in Hackney Advice Note 'Biodiversity and the Built Environment'.

Part 1: Local Requirements for Protected and Priority Species

The London Borough of Hackney has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of species protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats etc) Regulations 1994 or the Badgers Act 1992. Where a proposed development is likely to affect protected species, the applicant must submit a ***Protected Species Survey and Assessment***.

If the application involves any of the development proposals shown in **Table 1** (Column 1), a protected species survey and assessment must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in this table. The **Survey** should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available¹. The survey should be informed by the results of a search for ecological data from the regional biological records centre: Greenspace Information for Greater London (GiGL)². The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and identify their numbers (may be approximate);
- Map their distribution and use of the area, site, structure or feature (*e.g.* for feeding, shelter, breeding).

The **Assessment** must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

In addition, proposals are to be encouraged that will enhance, restore or add to features or habitats used by protected species, even when there are currently no such species present on the site. The Assessment should also give an indication of how species

¹ Further information on appropriate survey methods can be found on the Institute of Ecology and Environmental Management website at <http://www.ieem.net>

² www.gigl.org.uk

numbers are likely to change, if at all, after development *e.g.* whether there will be a net loss or gain.

The information provided in response to the above requirements are consistent with those required for an application to Natural England for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

Part 2: Local Requirements for Designated Sites and Priority Habitats

The London Borough of Hackney has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguard of designated sites and priority habitats. Where a proposed development is likely to affect such a site or habitat, the applicant must submit an ***Ecological Survey and Assessment***.

If the application is likely to affect any of the designated sites, priority habitats or biodiversity features listed in **Table 2**, a survey and assessment for the relevant feature must be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in these tables. The **Survey** should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available³. The survey should be informed by the results of a search for ecological data from the regional biological records centre: Greenspace Information for Greater London (GiGL)⁴. The survey must be to an appropriate level of scope and detail and must:

- Record which habitats and features are present on and where appropriate around the site;
- Identify the extent/area/length present;
- Map their distribution on site and/or in the surrounding area shown on an appropriate scale plan.

The **Assessment** should identify and describe potential development impacts likely to harm designated sites, priority habitats, other listed biodiversity features or geological features (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

- How alternative designs or locations have been considered;
- How adverse effects will be avoided wherever possible;
- How unavoidable impacts will be mitigated or reduced;
- How impacts that cannot be avoided or mitigated will be compensated.

In addition, proposals are to be encouraged that will enhance, restore or add to designated sites priority habitats, other biodiversity features or geological features. The Assessment should give an indication of likely change in the area (hectares) of priority habitat on the site after development *e.g.* whether there will be a net loss or gain. An ecological/geological survey and assessment may form part of a wider Environmental Impact Assessment.

³ Further information on appropriate survey methods can be found on the Institute of Ecology and Environmental Management website at <http://www.ieem.net>

⁴ www.gigl.org.uk

Table 1: Local Requirement for Protected Species: Criteria and Indicative Thresholds (Trigger List) for when a Survey and Assessment is Required

Column 1	Species likely to be affected and for which a survey will be required						
	Bats	Breeding birds	Reptiles	Amphibians	Plants	Invertebrates	
<p>Proposals for Development That Will Trigger a Protected Species Survey</p> <p>Proposed development which includes the modification conversion, demolition or removal of buildings and structures (especially roof voids) involving the following:</p> <ul style="list-style-type: none"> ▪ all buildings with weather boarding and/or hanging tiles that are within 50m of woodland and/or water; ▪ pre-1960 buildings and structures within 50m of woodland, water or Sites of Importance for Nature Conservation; ▪ pre-1914 buildings with gable ends or slate roofs, regardless of location; ▪ all tunnels, air raid shelters, cellars and similar underground ducts and structures; ▪ all bridges (especially over water). 	▪						
Proposals involving lighting of churches and listed buildings or flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.	▪	▪					
Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.	▪	▪			▪		
Proposed tree work (felling or lopping) and/or development affecting: <ul style="list-style-type: none"> ▪ veteran trees or trees with veteran features; ▪ trees with obvious holes, cracks or cavities; ▪ trees with a girth greater than 1m at chest height. 	▪	▪				▪	
Proposals affecting or within 50m of canals, lakes, or other aquatic habitats.	▪	▪		▪	▪		
Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.		▪	▪	▪	▪		
Proposed development affecting any buildings, structures, feature or locations where <u>protected species are known to be present</u> *.	▪	▪	▪	▪	▪	▪	

*Confirmed as present by either a data search (for instance via GIGL) or as notified to the developer by the local planning authority, and/or by Natural England, the Environment Agency or other nature conservation organisation.

Exceptions for when a full species survey and assessment may not be required

- a. Following consultation by the applicant at the pre-application stage, the LPA has stated in writing that no protected species surveys and assessments are required.
- b. If it is clear that no protected species are present, despite the guidance in the above table indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (*e.g.* this might be in the form of a letter or brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation).
- c. If it is clear that the development proposal will not affect any protected species present, then only limited information needs to be submitted. This information should, however, (i) demonstrate that there will be no significant affect on any protected species present and (ii) include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed.

In some situations, it may be appropriate for an applicant to provide a protected species survey and report for only one or a few of the species shown in the Table above *e.g.* those that are likely to be affected by a particular activity. Applicants should make clear which species are included in the report and which are not because exceptions apply.

Table 2: Local Requirements for Designated Sites and Priority Habitats Criteria (Trigger List) for When a Survey and Assessment are Required

<p>1. DESIGNATED SITES (as shown on the Council's Development Plan Proposals Map)</p> <p>Regionally and locally designated sites (Site of Nature Conservation Importance (SINC) and Local Nature Reserve (LNR))</p>
<p>2. PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006)</p> <ul style="list-style-type: none"> ▪ Ancient and/or species-rich hedgerows ▪ Fen, marsh, swamp and reedbeds ▪ Lowland heathland and/or dry acid grassland ▪ Lowland meadows (e.g. species-rich flower meadows) ▪ Lowland mixed deciduous woodland (ancient woodland) ▪ Rivers and streams (<i>e.g.</i> chalk streams) ▪ Standing open water and canals (<i>e.g.</i> lakes, reservoirs, ponds, aquifer fed fluctuating water bodies)
<p>3. LOCAL PRIORITY HABITATS (as identified by the Hackney Biodiversity Partnership - see paragraph 84 ODPM Circular 06/2005))</p> <ul style="list-style-type: none"> ▪ Built Environment ▪ Homes and Housing (social housing and private gardens) ▪ Parks and Green Spaces ▪ School Grounds ▪ Woodlands ▪ Wetlands and Waterways
<p>3. OTHER BIODIVERSITY FEATURES</p> <ul style="list-style-type: none"> ▪ Secondary Woodland and Mature/Veteran Trees ▪ Trees and scrub used for nesting by breeding birds ▪ Previously developed land with biodiversity interest ▪ Urban green space (<i>e.g.</i> parks, allotments, flower-rich road verges and railway embankments)

Exceptions when a full survey and assessment may not be required

SINCs/LNRs and Priority Habitats: A survey and assessment will not be required where the applicant is able to provide copies of pre-application correspondence with the London Borough of Hackney Biodiversity Officer or ecological advisor that they are satisfied that the proposed development will not affect any regional or local sites designated for their local nature conservation importance or any other priority habitats or listed features.

Table 3: Ecological Survey Seasons

Key: Optimal Survey Time ■ **Extending into** ■

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Bats (Hibernation Roosts)	■	■	■								■	■
Bats (Summer Roosts)				■	■	■	■	■	■	■		
Bats (Foraging/Commuting)				■	■	■	■	■	■	■		
Birds (Breeding)			■	■	■	■	■	■				
BIRDS (Over Wintering)	■	■									■	■
Invertebrates				■	■	■	■	■	■			
Reptiles			■	■	■	■			■			
Habitats/Vegetation				■	■	■	■	■	■			

Points to note regarding surveys are as follows:

- For certain species and habitats surveys can be carried out at any time of year, but for other species, particular times of year are required to give the most reliable results.
- Surveys conducted outside of optimal times (Table 3) may be unreliable. For certain species 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 survey information is gathered from an optimum time of year.
- 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.* bat surveys carried out in wet or cold weather may not yield accurate results.
- 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).
- Existing open space and biodiversity information is available from Greenspace Information for Greater London (GiGL) at www.gigl.org.uk
- Competent ecologists should carry out any surveys. Where 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 should follow published national or local methodologies. Further details may be found on the following web sites:
IEEM: <http://www.ieem.org.uk/Publications.htm> - Guidelines for Survey Methodology
Natural England: <http://www.naturalengland.org.uk/publications/default.htm>