

Local Requirements  
for  
Biodiversity and Geological Conservation

Including Criteria and Indicative Thresholds

(Updated April 2020)

## To assist with Validation of Planning Applications (1 App)

### **PART 1 LOCAL REQUIREMENTS FOR PROTECTED & PRIORITY SPECIES**

#### **(HABITATS ARE COVERED IN PART 2)**

The planning authority has a statutory duty to consider the conservation of biodiversity when determining planning applications. This includes having regard to the safeguard of species protected by law which includes: the Conservation of Habitats and Species Regulations 2010; the Wildlife and Countryside Act 1981 (as amended); and the Badgers Act 1992. This duty also extends to Priority species for biodiversity set out under S41 of the Natural Environment and Rural Communities Act 2006.

Where the initial Preliminary Ecological Appraisal Report (PEAR) for a proposed development concludes that it is likely to affect Protected or Priority species, the applicant must submit an **Ecological Impact Assessment (EclA) as part of the planning application**. This will help deliver species protection and enhancement as per Core Strategy Policy G8 and the NPPF.

Note that bats and the impact of wind turbines on birds are covered by separate detailed guidance that forms part of these Local Requirements. This has been agreed for all Local Authorities in West Yorkshire. See West Yorkshire Ecology [website](#) for:

- Minimum Standards for Bat Surveys in West Yorkshire
- Impacts of wind turbines on birds

The initial Preliminary Ecological Appraisal Report (PEAR) should always include a data search from West Yorkshire Ecology (the local ecological records centre) which together with the site survey findings should enable identification of any Protected or Priority species that may be present at the site.

Table 1 lists the Protected and Priority species most likely to be affected by development but does not list every individual species i.e. Breeding Birds includes Kingfisher, Red Kite, Peregrine, Little Ringed Plover, Tree Sparrow etc.; Vascular Plants includes Thistle Broomrape, Pasqueflower, Killarney Fern etc. The Leeds BAP has some useful local information about Harvest Mouse, Pasqueflower, Thistle Broomrape, White-clawed Crayfish, Great Crested Newt and Pipistrelle Bat.

**If the application involves any of the development proposals shown in Table 1 (Column 1), an Ecological Impact Assessment (EclA) must be submitted with the application.**

Exceptions are explained on the next page. The EclA should be based on surveys undertaken by competent persons with relevant Protected species licences, or relevant qualifications and experience for Priority species and must be carried out at an appropriate time of day and month of the year (see Figure 1), in suitable weather conditions and using nationally recognised survey guidelines/methods where available. The EclA must be to an appropriate level of scope and detail and must:

- Record which species are present and in what numbers (may be approximate);
- Map their distribution and suitable habitat both on the proposal site and, where appropriate in the surrounding area;
- State any constraints on the scope of the survey.

The EclA should identify and describe potential development impacts likely to harm the Protected or Priority species or their habitat, including the structures or places which they may use for shelter or protection. These should include both direct and indirect effects both during and after construction. 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.

**The West Yorkshire Local Sites Selection Criteria (first published 2011) should be used for all developments to assess whether any of the Species Criteria would be met for a site. Where a site has no existing nature conservation designation, it should be stated that the Species Criteria has been considered and whether the site should be given a value commensurate with that of a Local Wildlife Site. The Criteria can be found at the West Yorkshire Ecology [website](#).**

### ***Exceptions For When A Full Species Survey & EclA May Not Be Required***

- a. Following consultation by the applicant at the pre-application stage, the LPA has stated in writing that a Protected or Priority Species Survey & EclA is not required.
- b. If it is clear that no Protected or Priority 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 or Priority species present, then only limited information needs to be submitted. This information should, however, (i) demonstrate that there will be no significant effect on any relevant 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.

Where an EclA is not required it is advisable to submit the Preliminary Ecological Appraisal Report (PEAR) to clarify species are not present/likely to be impacted upon, and that relevant searches with WYE have taken place.

In some situations, it may be appropriate for an applicant to provide an EclA for only one or a few of the species shown in the Table 1 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. Any reference to locations of Badger setts need to be removed from the EclA, and submitted as part of a separate report clearly marked Sensitive/Confidential - this will help our Validation officers keep such information out of the public domain.

### ***Standard Planning Condition For Bat Roosting & Bird-nesting Provision in New Buildings***

In order to provide enhancements and contribute towards a species net gain for biodiversity in Leeds (as per the NPPF para. 174 and Core Strategy Policy G9) developments that involve new, refurbished or replacement buildings will be encouraged to provide high quality integral (into the built fabric of buildings) bat roosting features and Swift Bricks. This is specifically referred to in the July 2019 NPPF Guidance [para. 23](#). Species such as bats and birds (especially Swifts) can easily live side by side with users of houses and other buildings provided that such features are located in appropriate locations (not over windows or doors). New integral features should be chosen by the developer's ecologist after discussion with a building architect to ensure an appropriate location, material and design is selected to blend in with the building's materials or historic heritage features. There is separate guidance available for this on the Leeds City Council "Biodiversity & Planning" [webpage](#). These biodiversity enhancement measures are in addition to the mitigation and compensation that needs to be agreed for Protected and Priority species, and also in addition to any habitat-related Biodiversity Net Gain.

**TABLE 1**

**Local Requirements for Protected or Priority Species: Criteria and Indicative Thresholds (Trigger List) requiring a Survey & EcIA**

<p align="center"><b>Column 1</b></p> <p align="center"><b>Proposals for development that will trigger a Protected or Priority Species Survey &amp; Ecological Impact Assessment (EcIA)</b></p>	Bats – see separate guidance	Wintering/ Passage Birds	Breeding Birds	Barn Owl	Amphibians	Otter	Brown Hare	White-clawed Crayfish	Water Vole	Badger	Harvest Mouse	Reptiles	Vascular Plants & Lower Plants	Fungi (such as Waxcaps)	Fish	Invertebrates
<ul style="list-style-type: none"> <li>▪ 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) particularly of traditional brick or stone construction and/or with exposed wooden beams greater than 20cm thick;</li> <li>▪ all tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures;</li> <li>▪ all bridge structures, culverts, aqueducts and viaducts (especially over water and wet ground).</li> <li>• any work affecting roofs, soffits, gable ends, hanging tiles, barge boards or walls with cracks or holes within 200m of woodland or water.</li> </ul>	•		•	•												
<p>Proposals involving lighting of churches and listed buildings or flood lighting of sports pitches, equestrian arenas etc within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.</p>	•															
<p>Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.</p>	•	•	•		•	•				•	•					
<p>Proposed tree work (felling or lopping) and/or development affecting:</p> <ul style="list-style-type: none"> <li>▪ old and veteran trees that are older than 100 years;</li> <li>▪ trees with obvious holes, cracks or cavities,</li> <li>▪ trees with a girth greater than 1m at chest height;</li> </ul>	• • •		• • •													• •
<p>Proposed wind turbines (see separate guidance for impacts on birds): within 50m of a known bat roost or potential bat habitat including buildings, mature trees, woodland, hedgerows, water, railway corridors. Or affecting upland/moorland areas.</p>	•	•	•	•								•				

<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Proposals for development that will trigger a Protected or Priority Species Survey &amp; Ecological Impact Assessment (EcIA)</b></p>	Bats – see separate guidance	Wintering/ Passage Birds	Breeding Birds	Barn Owl	Amphibians	Otter	Brown Hare	White-clawed Crayfish	Water Vole	Badger	Harvest Mouse	Reptiles	Vascular Plants & Lower Plants	Fungi (such as Waxcaps)	Fish	Invertebrates
Proposals affecting sand and gravel pits or quarries and natural cliff faces and rock outcrops with crevices or caves.	●	●	●									●	●			●
Major proposals within 500m of a pond or Minor proposals within 100m of pond <small>(Note: A major proposals is one that is more than 10 dwellings or more than 0.5 hectares or for non-residential development is more than 1000m<sup>2</sup> floor area or more than 1 hectare)</small>		●	●		●					●						
Proposals affecting or within 200m of rivers, streams, canals, lakes, or other aquatic habitats.	●	●	●			●		●	●	●	●		●			
Proposals on heathland or fields adjacent to heathland			●									●		●		
Proposals involving works in or immediately adjacent to rivers and streams which may result in silt, water pollution or other disturbance to banks or bed of the watercourse			●			●		●	●						●	
Proposals resulting in the loss of 1ha or more of arable land or improved grassland		●	●				●			●	●		●			
Proposals resulting in the loss of 0.1ha or more of any semi-natural habitat (eg ancient woodland, unimproved or good semi-improved grassland, fen etc)			●				●			●	●		●	●		●
Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.			●							●		●				●
Proposed development affecting any buildings, structures, feature or locations where <u>Protected or Priority species are known to be present</u> *.	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

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

**Figure 1 GUIDANCE FOR ECOLOGICAL SURVEY SEASONS**

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

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Badgers												
Bats – see separate guidance on West Yorkshire Ecology website (Hibernation Roosts)												
Bats – see separate guidance on West Yorkshire Ecology website (Summer Roosts)												
Bats – see separate guidance on West Yorkshire Ecology website (Foraging/Commuting)												
Birds (Breeding)												
Birds (Over Wintering)												
Brown Hare												
Fungi												
Great-Crested Newts												
Land Water												
Harvest Mice (nests)												
Invertebrates (throughout this period)												
Otters												
Reptiles												
Vascular Plants and Lower Plants (will depend on species)												
Water Voles												
White-Clawed Crayfish												
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, as indicated in Figure 1
- Surveys conducted outside of optimal times (Figure 1) may be unreliable. 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 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. 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.
- 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).
- West Yorkshire Ecology may have useful existing information and records.
- 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 (issued by Natural England). Surveys should follow published national or local methodologies.

## **PART 2 LOCAL REQUIREMENTS FOR DESIGNATED SITES, LEEDS HABITAT NETWORK, PRIORITY HABITATS OR OTHER LOCAL BIODIVERSITY ACTION PLAN FEATURES**

The planning authority has a duty to consider the conservation of biodiversity when determining planning applications. This includes having regard to the safeguard of Designated Sites, the Leeds Habitat Network, Priority habitats, and other additional Local Biodiversity Action Plan habitats. Where a proposed development is likely to directly or indirectly affect such a site or habitat the applicant must submit an **Ecological Impact Assessment (EclA)**. Such written ecological reports must be to a professional standard in line with the [Guidelines](#) on the CIEEM website

The CIEEM Guidelines for Ecological Report Writing December 2017 states in Table 1 that a **Preliminary Ecological Appraisal Report (PEAR) is not acceptable for submission as part of a planning application (unless it can be demonstrated that there will be no significant ecological impacts) and instead an Ecological Impact Assessment (EclA) should be submitted.** This will help deliver satisfactory habitat protection and enhancement as per Core Strategy Policy G8, G9 and the NPPF.

If the application is likely to affect any of the Designated Sites or habitats listed in Table 2, an EclA must be submitted with the application – at the time of this guidance a Local Sites Review is being completed whereby all SEGIs and LNAs are being reassessed against the 2011 Local Wildlife Sites Criteria and the terminology SEGI and LNA will subsequently cease to exist – the most up-to-date schedule of designated sites can be requested from West Yorkshire Ecology.

**Net Gain for Biodiversity** (as per the emerging Environment Bill) using the Defra Biodiversity Metric also needs to be considered as part of an EclA. This means that habitats of relatively low ecological value also trigger the need for an EclA, as this will be the best type of report to present the Metric calculations and relevant maps showing “before” and “after” Biodiversity Unit locations and delivery. There is a separate Net Gain for Biodiversity Guidance document on the Leeds City Council "Biodiversity & Planning" [webpage](#) that should be read alongside this Biodiversity Local Requirements Template.

The EclA should be undertaken by competent persons with suitable qualifications and experience and must be carried out at an appropriate time of the year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available. The EclA should be informed by the results of a search with West Yorkshire Ecology (the local ecological records centre). The EclA must be carried out to the CIEEM [EclA Guidelines](#) and be to an appropriate level of scope and detail. It will need to:

- Record which habitats are present on and around the site.
- Include surveys for any notable species or groups of species associated with the habitat.
- Identify the size of the habitat resource and where appropriate population of associated species.
- Map the distribution of the habitats and notable species on an appropriately scaled map.

The EclA should identify and describe potential development impacts likely to harm the Designated Sites or habitats, including both direct and indirect effects both during and after construction. These should also include the potential impact on the wider Leeds Habitat Network. 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 should maximise opportunities to enhance and restore biodiversity particularly by adding to, or linking, features or habitats used by Protected or Priority species. The assessment should give an indication of how the species numbers are likely to change, whether there will be losses and/or potential gains for the species concerned and their associated habitat(s).

The West Yorkshire Local Sites Selection Criteria (first published 2011) should be used for all developments to assess whether any of the Habitats Criteria would be met for a site. Where a site has no existing nature conservation designation, it should be stated that this has been considered and whether the site should be given a value commensurate with that of a Local Wildlife Site. The Criteria can be found at the West Yorkshire Ecology [website](#).

**Leeds City Council fully supports the “Biodiversity – Code of practice for planning and development” BS 42020:2013, and will expect all applications affecting habitats and species covered by these Local Requirements to integrate biodiversity into all stages of the planning, design and development process.**



**TABLE 2**

**Designated Sites, Leeds Habitat Network, Priority Habitats and Other Local Biodiversity Action Plan Habitats Criteria (Trigger List) for When a Survey and Impact Assessment are Required**

**1. DESIGNATED SITES (as shown on the Nature Conservation Background Paper for the Site Allocations Plan September 2015)**

<b>Internationally Designated Sites</b>	Special Protection Area (SPA) Special Area of Conservation (SAC)
<b>Nationally Designated Sites</b>	Site of Special Scientific Interest (SSSI)
<b>Locally Designated Sites</b>	Local Wildlife Site (LWS) Local Nature Reserve (LNR) Site of Ecological or Geological Importance (SEGI) Leeds Nature Area (LNA)

**2. The Updated 2014 Leeds Habitat Network (as shown on the Nature Conservation Background Paper for the Site Allocations Plan September 2015)**

Broad Habitat Types:

- Heathland
- Woodland
- Water
- Grassland
- Other

**3. PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006)**

- Arable field margins
- Blanket bog
- Floodplain grazing marsh
- Eutrophic standing waters (not small pools or field ponds)
- Hedgerows
- Lowland calcareous grassland
- Lowland dry acid grassland
- Lowland fens
- Lowland heathland (generally below 300m)
- Lowland meadows
- Lowland mixed deciduous woodland
- Open mosaic habitats on previously developed land
- Ponds
- Reedbeds
- Rivers
- Traditional orchards
- Upland flushes, fens and swamps
- Upland heath
- Upland mixed ash woodland
- Upland oakwood
- Wet woodland
- Wood-pasture and parkland (large trees in grazed grassland)

**4. The Leeds BAP lists the following habitats that have particular importance locally:**

- Magnesian Limestone Grassland
- Lowland Wet Grassland
- Reedbed
- Hedgerows and Field Margins

**Other Local Biodiversity Action Plan Habitats - additional West Yorkshire Priority Habitats 2009**

- In-bye grassland (important for breeding birds)
- Lowland wet grassland (supporting high numbers of birds)
- Canals (mainly for aquatic plant communities)
- Ancient woodland and ancient/veteran trees
- Scrub

***Exceptions When a Full Survey and EclA May Not Be Required***

*International and National Sites:* An EclA may not be required where the applicant is able to provide copies of pre-application correspondence with Natural England, where the latter confirms in writing that they are satisfied that the proposed development will not affect any statutory sites designated for their national or international importance.

*Local Sites, Leeds Habitat Network and Priority Habitats:* An EclA may not be required where the applicant is able to provide evidence in a Preliminary Ecological Appraisal Report (PEAR) that there will not be any significant ecological impacts, or copies of pre-application correspondence with the LPA that they are satisfied that the proposed development will not affect any Local Sites designated for their local nature conservation importance, components of the Leeds Habitat Network or any Priority habitats or Other LBAP Habitats.

*Use of Metric and Net Gain for Biodiversity:* If the habitat value is considered to be “negligible” then it may not be necessary to carry out an EclA, and instead a PEAR may be acceptable provided that there is clear justification for the “negligible” ecological value – which could most easily be demonstrated by use of the Defra Biodiversity Metric i.e. a very low Baseline Biodiversity Unit score such as less than 0.1.

**TABLE 3**

**Local Requirements For Designated Geodiversity Sites And Features  
Criteria (Trigger List) for when a Survey & Impact Assessment are Required**

<b>1. DESIGNATED SITES (as shown on the Nature Conservation Background Paper for the Site Allocations Plan September 2015)</b>	
<b>Nationally Designated Sites</b>	Site of Special Scientific Interest (SSSI)
<b>Locally Designated Sites</b>	Local Geological Site (LGS)
<b>2. OTHER GEOLOGICAL CONSERVATION FEATURES</b> (Based on the Earth Science Conservation Classification)	
<b>Exposure or Extensive Sites</b>	<ul style="list-style-type: none"> <li>▪ Active quarries and pits</li> <li>▪ Disused quarries and pits</li> <li>▪ Coastal cliffs and foreshore</li> <li>▪ River and stream sections</li> <li>▪ Inland outcrops</li> <li>▪ Exposure underground mines and tunnels</li> <li>▪ Extensive buried interest</li> <li>▪ Road, rail and canal cuttings</li> </ul>
<b>Integrity Site</b>	<ul style="list-style-type: none"> <li>▪ Static (fossil) geomorphological</li> <li>▪ Active process geomorphological</li> <li>▪ Caves</li> </ul>
<b>Finite Site</b>	<ul style="list-style-type: none"> <li>▪ Finite mineral, fossil or other geological</li> <li>▪ Mine dumps</li> <li>▪ Finite underground mines and tunnels</li> <li>▪ Finite buried interest</li> </ul>

***Exceptions When a Full Survey & Impact Assessment May Not Be Required***

*International and National Sites:* A Survey & Impact Assessment report will not be required where the applicant is able to provide copies of pre-application correspondence with Natural England, where the latter confirms in writing that they are satisfied that the proposed development will not affect any statutory sites designated for their national importance.

*Local Sites:* A Survey & Impact Assessment report will not be required where the applicant is able to provide copies of pre-application correspondence with appropriate local geological experts (such as the West Yorkshire Geology Trust) that they are satisfied that the proposed development will not affect any Locally Designated Site or Other Geological Conservation Feature.