

Devon Wildlife and Geology Planning Guidance – information for consultants

1. Background information

- Please refer to Devon's Wildlife and Geology Planning Guidance - <http://www.devon.gov.uk/wildlife.htm>
- **The Wildlife Report** must provide sufficient information for the LPA to be able to determine the application in the context of wildlife legislation as well as national and local policy (set out in NPPF, Local Development Frameworks and the county Minerals & Waste Plan). **All information on survey, impacts + avoidance, mitigation and avoidance measures must be provided with the planning application prior to determination. It is important that the applicant understands this.**
- It is vital that you have a sound understanding of wildlife legislation and planning policy (in relation to wildlife) as well as species surveys and mitigation / compensation requirements.

Section 11 'Conserving and Enhancing the Natural Environment' of the [National Planning Policy Framework](#) details how the planning system should contribute to and enhance the natural environment, in addition to the considerations that local authorities have to make when determining planning applications.

- **All work should comply with the British Standard for Biodiversity - BS42020**
- **The Wildlife Report should clearly set out:**
 - (a) how the development impacts on designated sites, protected species, UK BAP priority species and habitats and Devon BAP key species (impact assessment)
 - (b) how the impacts will be avoided, mitigated or compensated (clearly set out in a Conservation Action Statement)
 - (c) how the application complies with legislation and policy.
- **Appropriate levels of survey** should be carried out following national guidance (where available) in order to establish impacts and how to 'mitigate' these impacts. Note that 'developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development', ([ODPM Circular 06/2005](#)). If national guidance is not followed this should be justified.

- **Please refer to any Devon specific guidance that has been produced (e.g. for cirl buntings, South Hams SAC, great crested newts) –** see <https://new.devon.gov.uk/environment/wildlife/wildlife-and-geology-planning-guidance>

Protected species

- Where the proposed development will impact protected species, the report should clearly set out and justify whether or not an offence under the Habitat Regulations or Wildlife & Countryside Act will / will not be committed.
- If an offence under the Habitat Regulations is committed (e.g. the destruction of a bat roost) the report must clearly state how the [three Habitats Regulation tests](#) are met. It is the role of the ecological consultant to advise on the 'Favourable Conservation Status' test. EU guidance states that the severity of the tests will increase with the severity of the impact of a derogation on a species / population. The ecological consultant should therefore also include relevant ecological information on the species and impacts in order to ensure that the applicant and LPA can effectively consider IROPI (imperative reasons for overriding public interest) and alternatives (e.g. the tests will be less severe for impacts on common pipistrelles than those on horseshoes).

Statutory habitat designations

- Where there is an impact or potential impact on an internationally designated site (SAC or SPA) the consultant must provide sufficient information in the report in order for the LPA (as the competent authority) to carry out a Habitats Regulations Assessment.

Non statutory designations and UK BAP priority species and habitats

- Where there is an impact on other designated habitats or habitats / species of principle importance the Wildlife Report must state how the application complies with policy.
- **Devon Biodiversity Records Centre (DBRC)** holds the most up to date species and habitat records for Devon, including data on County Wildlife Sites and cirl bunting and great crested newt consultation zones, which is not available on the NBN. Contact details are on their website, [DBRC](#), or call 01392 274128.

2. The Wildlife Report (when submitted to the LPA) MUST include

- i) A **location map and a clearly annotated overview map(s)** for the whole site that illustrate key wildlife / ecological features; impacts; and required avoidance, mitigation, compensation and enhancement measures.
- ii) The **Wildlife Checklist** - available [here](#) - which provides a reminder of what to consider and include in the Wildlife Report.
- iii) A **standalone Conservation Action Statement** - This should bring together all the required details of avoidance, mitigation, compensation and enhancement measures. Details must be explicit and sufficiently detailed (including method statements where

necessary) – not just a list of recommendations. Implementation of the actions in this statement may be a condition of the permission (if granted) and the statement may be pulled out to be used as a standalone document when monitoring the application. It is therefore vital that the client is content to take actions forward.

3. Suggested structure for the Wildlife Report

3.1: If there are **no wildlife impacts** the Wildlife Report should be short but must still include the following:

- i. Location map
- ii. Wildlife Checklist (available [here](#))
- iii. Short summary of the methodology (walkover survey details / data search if required)
- iv. Short summary of results
- v. Photographs to help justify conclusions

3.2: If there **are wildlife impacts** the Wildlife Report should include the following information:

- i. A **location map and clearly annotated overview map(s)** for the whole site to illustrate key wildlife / ecological features, impacts and required avoidance, mitigation, compensation and enhancement measures.
- ii. **Wildlife Checklist** (available [here](#))
- iii. **Executive Summary** (no more than one side of A4)
- iv. **Introduction**
 - a. Description of the proposed development (including a site location map and brief justification for the proposal)
 - b. Qualifications and experience of the ecological consultants involved in survey work
- v. **Survey details and results**
 - a. **desk data search** (if required) – who was contacted for data, relevant results and interpretation of these in the context of the development
 - b. **walkover site survey** – date survey undertaken and environmental conditions; results (including an annotated map showing key wildlife interest in the context of the development); and recommendations for further detailed survey
 - c. **detailed surveys** (if required) – objectives, methodology (including justification where any national guidance is not followed), results and interpretation (population / rarity etc)

- vi. **Impact assessment** (short and long term / direct and indirect / scale of impact etc)
- vii. **Standalone Conservation Action Statement** - This must be included in order for the application to be validated. It should include the following details:
 - a. **Site location and grid reference, plus planning application reference number, if known**
 - b. **How impacts will be avoided**
 - c. **How impacts will be mitigated** (including detailed method statement where needed)
 - d. **How impacts will be compensated** (on site and off site where needed – including details of the creation and management of habitats / method statements and the use of any offsetting metric)
 - e. **Enhancement measures, and how they will be implemented**
 - f. **A summary balance sheet which shows an overall net gain for wildlife** (see below for example headings)
 - g. **Monitoring requirements**

All of the above should be detailed on an annotated map(s)

Summary Balance Sheet

| Habitat / species found on site or adjacent | Impact (include details such as type of habitat, condition and area lost) | Avoidance measures | Mitigation measures | Compensation measures (including type and area of habitat created) | Net gain for wildlife |
|---|---|--------------------|---------------------|--|-----------------------|
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- viii. **Compliance with legislation and policies**

If you have any ideas for improving this guidance please email – sarah.jennings@devon.gov.uk