BIODIVERSITY TRIGGER LIST

Local requirements for biodiversity conservation - including criteria and indicative thresholds (trigger list)

## Part 1 LOCAL REQUIREMENTS FOR PROTECTED AND PRIORITY SPECIES

The planning authority has a duty to consider the conservation of biodiversity when determining a panning application; this includes having regard to the safeguard of species protected under the Wildlife and Countryside Act (WCA) 1981, the Conservation of Habitats and Species Regulations 2017 (as amended) or the Badger Act 1992. In addition, under s.40 of the Natural Environment and Rural Communities (NERC) Act 2006 local authorities have a duty to have regard to the conservation of biodiversity in the exercise of all of their functions. Reference is made in s.41 to a list of habitats and species maintained by Defra which are of principal importance for the conservation of biodiversity, here referred to as priority species and habitats. Where a proposed development is likely to affect protected or priority species, the applicant should submit a Protected and Priority Species Survey and Assessment.

If the application involves any of the development proposals shown in Table 1 (Column 1), a protected and priority species survey and assessment should be submitted with the application unless the LPA has otherwise confirmed in writing. Following the table, exceptions to when a survey and assessment may not be required are explained. There may be limited circumstances where survey will be required outside of these criteria due to unusual local circumstances. Pre-application discussion is recommended to ensure clarity in regard of survey and assessment requirements.

The survey should be undertaken and prepared by competent persons with suitable qualifications and experience, and appropriate protected species licences, 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 available\*. Survey methodology should be documented. The survey should be informed by the results of a search for ecological data from [Staffordshire Ecological Record](http://www.sbap.org.uk/index.php) where appropriate. The survey must be to an appropriate level of scope and detail, cover land outside of the development site where species ecology and/or survey guidelines require, and must:

* Record which species are present and identify their numbers (may be approximate);
* Map their distribution and use of the area, site, structure and/or features (e.g. for feeding, shelter, breeding);
* Record any uncertainties and limitations that might affect survey results;
* Identify if further survey is required.

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

* How alternatives 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

For European Protected Species, such as bats and great crested newts, sufficient information must be submitted to allow the LPA to apply the three criteria found in Reg. 53 of the Conservation of Natural Habitats and Species Regulations 2017 as follows:

* That the proposal involves “preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment” – evidence of the social, economic and/or environmental benefits of the development is required, such as evidence of compliance with the Local Development Plan, Economic Regeneration Strategy, Sustainable Community Strategy etc;
* That there is no satisfactory alternative – that alternative locations for the development have been considered and are not viable and that alternative designs and lay-outs have been considered and are not viable;
* That the proposed development “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range” – evidence that impacts will be fully mitigated so that there will not be an impact on the local population of the species.

In addition, in accordance with the local authority’s duty under s.40 of the NERC Act, proposals are encouraged that will enhance, restore or add to features or habitats used by protected or priority species. The Assessment should also give an indication of how species numbers are likely to change, if at all, after development e.g. whether there will be a net loss or gain.

Where relevant, the information provided in response to the above requirements should be consistent with that required for an application to Natural England for a European Protected Species Licence. A protected and priority species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

\* Further information on appropriate survey and assessment methods, and information to support mitigation, compensation and enhancement measures can be found at:

* Guidance on Survey Methodology, Report Writing and Ecological Impact Assessment provided by the [Chartered Institute for Ecology and Environmental Management](https://cieem.net/) (CIEEM) (available at: [Guidelines for Ecological Impact Assessment (EcIA) | CIEEM](https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/); [Guidelines for Preliminary Ecological Appraisal (GPEA) | CIEEM](https://cieem.net/resource/guidance-on-preliminary-ecological-appraisal-gpea/); and [Guidelines for Ecological Report Writing | CIEEM](https://cieem.net/resource/guidelines-for-ecological-report-writing/))
* Natural England’s Standing Advice on Protected Species (available at: [Protected species and development: advice for local planning authorities - GOV.UK (www.gov.uk)](https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications)
* Good Practice Guidance for Habitats and Species, which includes links to species-specific survey and assessment guidance (available at: [Good-Practice-Guide-July-2021-Update.pdf (cieem.net)](https://cieem.net/wp-content/uploads/2021/05/Good-Practice-Guide-July-2021-Update.pdf)
* The Bat Conservation Trust (available at: [Guidance for professionals - Resources - Bat Conservation Trust (bats.org.uk)](https://www.bats.org.uk/resources/guidance-for-professionals); [Bat Surveys for Professional Ecologists: Good Practice Guidelines 4th edition - Guidance for professionals - Bat Conservation Trust](https://www.bats.org.uk/resources/guidance-for-professionals/bat-surveys-for-professional-ecologists-good-practice-guidelines-4th-edition); and [‘Bats and Artificial Lighting at Night’ ILP Guidance Note update released - News - Bat Conservation Trust](https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released))
* The UK Bat Mitigation Guidelines 2023 (available at: [UK Bat Mitigation Guidelines 2023 | CIEEM](https://cieem.net/i-am/current-projects/bat-mitigation-guidance/))
* Staffordshire Biodiversity Action Plan (BAP) (available at: [Staffordshire Biodiversity Action Plan (sbap.org.uk)](http://www.sbap.org.uk/index.php)
* Staffordshire Ecological Records (species, habitats and protected site data available upon request from [Staffordshire Ecological Records (staffs-ecology.org.uk)](http://staffs-ecology.org.uk/) and CIEEM’s guidance on the use of Biodiversity Data (available at: [Guidelines for Accessing and Using Biodiversity Data in the UK | CIEEM](https://cieem.net/resource/guidelines_for_accessing_and_using_biodiversity_data/))

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

| **Column 1**  Proposals for Development that will Trigger a Protected/Priority Species Survey and Assessment | **Species Likely to be Affected and for which a Survey may be Required** | | | | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Bats | Great Crested Newts | Otters | Hazel Dormouse | White-clawed crayfish | Water Vole | Badger | Reptiles | Amphibians | Barn Owls | Breeding Birds1 | Wintering & Migrating Birds1 | Invertebrates2 | BAP plant & fungi species3 |
| Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving the following: |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| * 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; | l |  |  |  |  |  |  |  |  | l | l |  |  |  |
| * all buildings with weather boarding, hanging tiles or soffit boxes and that are within 200m of woodland and/or water, are close to lines of trees and/or a network of hedges; or to mature gardens, parks, cemeteries or other urban open space;4 | l |  |  |  |  |  |  |  |  |  | l |  |  |  |
| * pre-1960 detached buildings and structures within with 200m of woodland and/or water; | l |  |  |  |  |  |  |  |  |  | l |  |  |  |
| * pre-1914 buildings within 400m of woodland and/or water; | l |  |  |  |  |  |  |  |  |  | l |  |  |  |
| * pre-1914 buildings within with gable ends or slate roofs, regardless of location; | l |  |  |  |  |  |  |  |  |  | l |  |  |  |
| * all caves, tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; | l |  |  |  |  |  |  |  |  |  | l |  |  |  |
| * all bridge structures, aqueducts and viaducts (especially over water and wet ground). | l |  |  |  |  |  |  |  |  |  | l |  |  |  |
| Proposals involving lighting of churches and listed buildings. Flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water. | l |  |  |  |  |  |  |  |  | l | l |  |  |  |
| Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water. | l |  |  | l |  |  | l |  |  |  | l |  | l |  |
| Proposed tree work (felling or lopping) and/or development affecting:   * Mature and veteran trees that are older than 100 years; * Trees with obvious holes, cracks or cavities; * Trees with a girth greater than 1m at chest height. | l  l  l |  |  |  |  |  |  |  |  |  | l  l  l |  |  |  |
| Proposals affecting quarries and natural cliff faces and rock outcrops with crevices, caves and other fissures. | l |  |  |  |  |  | l | l |  |  | l |  | l |  |
| Where there are no existing great crested newt records: ponds within 500m of Major proposals; ponds within 250m of Minor proposals. Where there are local records and no barriers to movement, all ponds within 500m of all proposals.  (Note: A major proposal is one that is more than 10 dwellings or more than 0.5 hectares, or for non-residential development is more than 1000m2 floor area or more than 1 hectare). |  | l |  |  |  |  |  |  |  |  |  |  |  |  |
| Proposals affecting or within 50m of rivers, stream, canal, lakes, swamps, reedbeds or other aquatic habitats. | l |  | l |  | l | l |  | l | l |  | l | l | l | l |
| Proposals affecting ‘derelict’ land (brownfield sites), allotments, mature gardens and railway land including bare ground that may support ground-nesting birds or invertebrates. |  | l |  |  |  |  | l | l | l |  | l |  | l |  |
| Proposals affecting arable, pasture, semi-natural habitats and uncultivated land. |  |  |  |  |  |  | l | l |  | l | l | l | l | l |
| Proposals for wind turbines and farm | l |  |  |  |  |  |  |  |  |  | l | l |  |  |
| Proposed development affecting building, structures, features or locations where protected or priority species are known or strongly suspected to be present5 | As records and scoping reports indicate | | | | | | | | | | | | | |

1. With particular focus on WCA Schedule 1, NERC s. 41, RSPB red list and Staffordshire BAP species
2. There is a suite of biodiversity priority species including solitary and mining bees and wasps, certain butterflies and a range of species. Guidance should be sought where semi-natural habitat will be affected
3. Staffordshire BAP plant and fungi species are: dyers greenwood, hybrid bilberry, floating water-plantain, grass-wrack pondweed, native black poplar & pink meadow cap
4. Bats may be found in other situations. For example, pipistrelle bats will use modern buildings such as school or industrial buildings. Developers should be mindful that disturbance to any bats or harm to bats or obstruction/damage/destruction of their roosts is a criminal offence. Where buildings are close to woodland, water, tree lines, hedges, mature gardens, cemeteries, parks or other open space, a scoping survey is recommended, and its findings should be implemented
5. Confirmed as present by either a data search through [Staffordshire Ecological Record](http://staffs-ecology.org.uk/), or as notified to the developer by the local planning authority, and/or by Natural England, the Environment Agency or other nature conservation organisation or by credible report from the public

NB. Whilst carrying out any species survey, note should be taken of potential for use of the site by other protected or priority species and survey extended to cover these

**Exceptions to Table 1 for When a Full Species Survey and Assessment may not be Required**

1. Following consultation with the applicant at the pre-application stage, the LPA has stated in writing that no protected species surveys and assessment are required.
2. If it is clear that no protected species are present, despite the guidance in the above table indicating that they are likely, the application 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).
3. If it is clear that the development proposals will not affect any protected species present, then only limited information need to be submitted. This information should, however, (i) demonstrate that there will be no significant effect on any protected species present and (ii) include a statement acknowledging that the application 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 Table 1 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.

## PART 2 LOCAL REQUIREMENTS FOR DESIGNATED SITES AND PRIORITY HABITAT

The planning authority 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.

Effects on designated sites may be direct or indirect; the proposed development may, in some cases, be at some distance from the site, for example where there may be hydrological or air quality effects. Particular attention should be given to potential for effects on internationally designated sites which may require Appropriate Assessment. Natural England should always be contacted where there is potential for adverse effects on internationally or nationally designated sites.

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 should be submitted with the application. Following the tables, exceptions to when a survey and assessment may not be required are explained. 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 available\*. The survey should be informed by the results of a search for ecological data from [Staffordshire Ecological Records](http://staffs-ecology.org.uk/). 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 (these should include both direct and indirect effects both during construction and afterwards). Where harm is likely, evidence must be submitted to show:

* How alternatives 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 or other biodiversity 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. The ecological survey and assessment may form part of a wider Environmental Impact Assessment.

\* Further information on appropriate survey and assessment methods, and information to support mitigation, compensation and enhancement measures can be found at:

* Guidance on Survey Methodology, Report Writing and Ecological Impact Assessment provided by the [Chartered Institute for Ecology and Environmental Management](https://cieem.net/) (CIEEM) (available at: [Guidelines for Ecological Impact Assessment (EcIA) | CIEEM](https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/); [Guidelines for Preliminary Ecological Appraisal (GPEA) | CIEEM](https://cieem.net/resource/guidance-on-preliminary-ecological-appraisal-gpea/); and [Guidelines for Ecological Report Writing | CIEEM](https://cieem.net/resource/guidelines-for-ecological-report-writing/))
* Natural England’s Standing Advice on Protected Sites (available at [Protected sites and areas: how to review planning applications - GOV.UK (www.gov.uk)](https://www.gov.uk/guidance/protected-sites-and-areas-how-to-review-planning-applications#check-if-a-protected-site-is-affected)
* Natural England’s Standing Advice on Ancient Woodland, Ancient and Veteran Trees and Information on Priority Habitats (available at: [Ancient woodland, ancient trees and veteran trees: advice for making planning decisions - GOV.UK (www.gov.uk)](https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions) and [Habitats and species of principal importance in England - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england)
* Good Practice Guidance for Habitats and Species, which includes links to species-specific survey and assessment guidance (available at: [Good-Practice-Guide-July-2021-Update.pdf (cieem.net)](https://cieem.net/wp-content/uploads/2021/05/Good-Practice-Guide-July-2021-Update.pdf)
* Staffordshire Biodiversity Action Plan (BAP) (available at: [Staffordshire Biodiversity Action Plan (sbap.org.uk)](http://www.sbap.org.uk/index.php)
* Staffordshire Ecological Records (species, habitats and protected site data available upon request from [Staffordshire Ecological Records (staffs-ecology.org.uk)](http://staffs-ecology.org.uk/) and CIEEM’s guidance on the use of Biodiversity Data (available at: [Guidelines for Accessing and Using Biodiversity Data in the UK | CIEEM](https://cieem.net/resource/guidelines_for_accessing_and_using_biodiversity_data/))

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

|  |  |
| --- | --- |
| 1. Designated Sites   **Internationally designated sites**  **Nationally designated sites**  **Locally designated sites** | Special Protection Area (SPA)  Special Area of Conservation (SAC)  Ramsar  Site of Special Scientific Interest (SSSI)  National Nature Reserve (NNR)  Local Nature Reserve (LNR)  Site of Biological Importance (SBI) |
| 1. Priority Habitats - Habitats of Principal Importance for Biodiversity under s.41 of the NERC Act 2006  * Hedgerows * Traditional orchards * Wood-pasture and parkland * Lowland beech and yew woodland, * Upland mixed ashwoods * Wet woodland, * Lowland mixed deciduous woodland * Upland birchwoods * Coastal and floodplain grazing marsh * Lowland fens * Reedbeds * Upland flushes, fens and swamps * Purple moor grass and rush pastures * Lowland calcareous grassland * Upland calcareous grassland * Lowland meadows * Lowland dry acid grassland * Lowland heathland * Upland heathland * Lowland raised bog * Blanket bog * Rivers * Standing open water and canals (oligotrophic and dystrophic lakes, ponds, mesotrophic lakes, eutrophic standing water, aquifer fed naturally fluctuating water bodies) * Arable field margins * Open mosaic habitats on previously developed land * Inland rock outcrops and scree habitats | |
| 1. Other Biodiversity Features   (as identified by the Staffordshire Biodiversity Action Plan - see paragraph 84 ODPM Circular 06/2005)   * Native woodland * Lowland wet grassland * Unimproved neutral grassland | |

**Exceptions to Table 2 for When a Full Survey and Assessment may not be Required**

International and National Sites: A survey and assessment 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 or international importance.

Local Sites 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 Local Planning Authority’s ecologist (where employed), or ecological advisor and/or the local Wildlife Trust that they are satisfied that the proposed development will not affect any local sites designated for their local nature conservation importance or any other priority habitats or listed features.

## Table 3 Local Requirements for Designated Geodiversity Sites and Features: Criteria (Trigger List) for when a Survey and Assessment is Required

|  |  |
| --- | --- |
| 1. Designated Sites   **Nationally designated sites** Site of Special Scientific Interest (SSSI)  National Nature Reserve (NNR)  **Locally designated sites** Local Nature Reserve (LNR)  Local Geological Site (LGS) (formally RIGS) | |
| 1. Other Geological Conservation Features | |
| **Exposure of Extensive Sites** | Active quarries and pits  Active quarries and pits  Disused quarries and pits  River and stream sections  Inland outcrops  Exposure underground mines and tunnels  Extensive buried interest  Road, rail and canal cuttings |
| **Integrity Site** | Static (fossil) geomorphological  Active process geomorphological  Caves  Karst |
| **Finite Site** | Finite mineral, fossil or other geological  Mine dumps  Finite underground mines and tunnels  Finite buried interest |

**Exceptions to Table 3 for When a Full Survey and Assessment may not be Required**

International and National Sites: A survey and 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 and 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 Local RIGS Group) that they are satisfied that the proposed development will not affect any local sites designated for their local geological importance. The RIGS Group can be contacted via Staffordshire Wildlife Trust.