

## Birmingham City Council

### Validation Guidance and Local Information Requirements for Planning Applications

#### Local requirements for biodiversity and geological conservation, including criteria and indicative thresholds

When deciding whether a planning application needs to be supported by an ecological/geological assessment, applicants are advised to review their proposals against both Part 1 and **Part 2** of the local requirements for biodiversity and geological conservation.

#### **Part 2 – Local requirements for protected, priority and other notable species**

Under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, local authorities have a duty to have regard for the conservation of biodiversity in the exercise of all of their functions. This means Birmingham City Council 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 (as amended), the Conservation of Habitats and Species Regulations 2017 and the Protection of Badgers Act 1992, and priority species (as listed in section 41 of the NERC Act 2006). Where a proposed development is likely to affect protected or priority species, the applicant must submit a Protected/Priority/Notable Species Survey and Assessment.

If the application involves any of the development proposals shown in **Table 2**, a protected/priority/notable species survey and assessment must be submitted with the application. 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. The survey 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 methodology should be described and any deviations from accepted guidelines clearly justified. The survey should be informed by the results of a search for ecological data from [EcoRecord](#) and other relevant data sources. 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 (eg 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 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

For European Protected Species, such as bats and great crested newt, sufficient information must be submitted to allow Birmingham City Council to apply the three criteria found in Regulation 55 of the Conservation of 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 Birmingham Development Plan 2031.
- That there is no satisfactory alternative – that alternative locations for the development have been considered and are not viable and that alternative designs and layouts 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, proposals are encouraged that will enhance, restore or add to features or habitats used by protected species. The assessment should also give an indication of how species numbers are likely to change, if at all, after development eg 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.

**Table 2: Local requirements for protected, priority and other notable species – criteria and indicative thresholds (trigger list) for when a survey and assessment are required.**

Proposals for development that will trigger a Protected/Priority/Notable Species Survey	Species likely to be affected and for which a survey may be required																
	Bats	Breeding birds <sup>1</sup>	Great Crested Newt	Otter	Water Vole	Badger	Whit-clawed Crayfish	Reptiles	Amphibians	Plants <sup>3</sup>	Black Redstart	Peregrine Falcon	Hedgehog	Mammals –other <sup>1</sup>	Invertebrates <sup>2</sup>	Other	
<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"> <li>All agricultural buildings (eg farmhouses and barns) particularly of traditional brick or stone construction and/or with exposed wooden beams greater than 20cm thick.</li> <li>Derelict industrial buildings and complexes, especially those within 250m of Black Redstart records.</li> <li>All buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water<sup>4</sup>.</li> <li>Pre-1960 detached buildings and structures within 200m of woodland and/or water.</li> <li>Pre-1914 buildings within 400m of woodland and/or water.</li> <li>All buildings with gable ends or slate roofs, weatherboarding or hanging tiles regardless of location.</li> <li>All tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures.</li> </ul>	*	*															
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All bridge structures, aqueducts and viaducts (especially over water and wet ground).	*	*									*						

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Proposals involving lighting of churches and listed buildings or flood lighting of green space: <ul style="list-style-type: none"> <li>Within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.</li> </ul>	*			*		*							*			
Proposals for wind turbines	*	*														
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"> <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>	*	*								*					*	
	*	*													*	
	*	*													*	
Proposals affecting gravel pits or quarries and natural cliff faces and rock outcrops with crevices, caves or swallets.	*	*						*	*			*			*	
Proposals affecting agricultural land, pastures, semi- mature habitats or uncultivated land.		*				*				*		*	*	*	*	
Proposals affecting tall buildings within City Centre or within 1Km of Peregrine Falcon records.												*				
Major proposals within 500m of a pond or minor proposals within 100m of pond. <i>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 1000m<sup>2</sup> floor area or more than 1 hectare.</i>								*	*							
Proposals affecting or within 200m of rivers, streams, canals, lakes, or other aquatic habitats.	*	*	*	*	*		*	*	*	*						

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Proposals affecting “derelict” land (brownfield sites), allotments and railway land (especially Open Mosaic Habitat), mature gardens and suburbs.	*	*	*			*		*	*		*		*		*	
Proposed development affecting any buildings, structures, feature or locations where protected species are known to be present <sup>5</sup> .	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	

1. With particular focus on WCA Schedule 1, NERC Act s.41, RSPB red list and Birmingham & Black Country BAP species.
2. There is a suite of priority species including solitary and mining bees and wasps, certain butterflies and a range of other species. Guidance on survey requirements should be sought where semi-natural habitat will be affected.
3. Refer to [Birmingham and Black Country Biodiversity Action Plan](#) / [Birmingham and Black Country Axiophyte species list](#).
4. Bats may be found in other situations. For example, pipistrelle bats will use modern buildings such as schools or industrial buildings. Developers should be mindful that disturbance to any bats or their roosts or harm to any bat 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 [EcoRecord](#) or as notified to the developer by Birmingham City Council, 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 the potential for use of the site by other protected or priority species and the survey extended to cover these.**