

THINK WILDLIFE - THINK PROTECTED SPECIES!

*Quick Reference Guide
for Planning Officers*



**This guide has been produced by the Glamorgan Biodiversity
Advisory Group and the Gwent Biodiversity Action Group**

About this guide

- This document is intended as guidance only, is not comprehensive and is meant solely to raise awareness of the importance of taking into account the effect of a proposal on protected species. Officers should consult their ecologists or CCW office where no ecologist is in post, in respect of individual cases.
- This guide is intended as a first reference point for new planning applications and pre application discussions, to highlight the possible presence of protected species and outline what steps should be taken to conform to legal requirements.
- **Protected species are a material consideration** under Planning Policy Wales 2002, applicants should therefore be informed 'that they must conform with any statutory species protection provisions'. Authorities should consult CCW before granting permission. (para 5.5.11, P60).
- To use this guide, look down the first column of the tables until you find the appropriate development type. Then read across to find out which species could be affected and what action to take.
- Useful contact details can be found on page 5. Your first point of contact is your local authority ecologist – *Rebecca Sharp* x6149 r.sharp@npt.gov.uk. SEWBRcC holds wildlife datasets for the area, which may be an important source of information. General guidance on wildlife surveys is on page 21.
- This guide deals with the protected species found in the Glamorgan and Gwent areas and sets out how the planning system should deal with them. These species include a number of specially protected birds such as barn owls and peregrines, nesting birds, bats, dormice, badgers, grass snakes, adders, common lizards, slow worms, great crested newts, otters, water voles, marsh and high brown fritillary butterflies and plants such as fen orchid, shore dock, deptford pink and childling pink.
- A Welsh or large print version of this guidance can be provided on request.

About this guide continued

Closer collaboration with developers at the pre application stage will ensure these issues are addressed with the minimum delay. Wherever possible, survey and assessment should be submitted with the application. A standard letter for developers is attached.

The guide is produced by The Glamorgan Biodiversity Advisory Group (GLAMBAG) and the Gwent Biodiversity Action Group (GWENTBAG) and is based on a document produced by Avon Wildlife Trust. GLAMBAG and GWENTBAG represent Monmouthshire CC, Newport CBC, Caerphilly CBC, Torfaen CBC, Blaenau Gwent CBC, Cardiff CC, Vale of Glamorgan C, Rhondda Cynon Taf CBC, Merthyr Tydfil CBC, Neath Port Talbot CBC, Bridgend CBC and C&C Swansea, Countryside Council for Wales, Environment Agency, Forestry Commission Wales, RSPB, Brecon Beacons National Park, Welsh Development Agency, The Wildlife Trust of South And West Wales, Gwent Wildlife Trust, Otters and Rivers Project, Glamorgan Heritage Coast, Dwr Cymru Welsh Water, National Museum of Wales, Welsh Assembly Government Food and Farming Development Division 5, Butterfly Conservation, South East Wales Biodiversity Record Centre.

February 2007. Updated October 2010

Relevant legislation

- **European protected species** are protected under the Conservation of Habitats and Species Regulations 2010. Schedules 2 and 5 list the protected species. These can be viewed at <http://www.legislation.gov.uk/ukxi/2010/490/schedule/2/made> and <http://www.legislation.gov.uk/ukxi/2010/490/schedule/5/made>

***1 Note:** Three tests must be satisfied where a European protected species is likely to be affected by a planning application:

- i) there is 'no satisfactory alternative',
- ii) it is 'not detrimental to the maintenance of the populations of the species concerned at favourable conservation status in their natural range' and
- iii) it is 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'.

To satisfy these requirements, survey and assessment information will be required **before** the application is determined.

***2 Note:** Some species are affected by licensing legislation. The Welsh Assembly Government has requested that in these cases the following condition is attached to planning consents (letter 13/07/04). "Where any species listed under Schedules 2 or 5 of Conservation of Habitats and Species Regulations 2010 is present on the site (or other identified part) in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the local planning authority."

- **UK protected species** are protected under the Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 (CROW). Protected species are listed under Schedules 1 (birds), 5 (animals) and 8 (plants). The up to date list can be viewed at www.naturenet.net/law/wcagen.html#intro. There is no 'official' site, although the Statutory Instruments can be viewed at <http://www.legislation.gov.uk/ukpga/1981/69/contents>
- **Badgers** and their setts are protected under the 1992 Protection of Badgers Act.
- All wild **birds** (with certain exceptions) are given a basic protection which protects them from intentional killing or injuring, or damage or destruction of a nest whilst it is in use or being built. Certain birds are given additional protection.



Relevant legislation continued

- Some species and habitats are subject to local and national biodiversity action plans. Some Local Biodiversity Action Plans have been adopted as **Supplementary Planning Guidance** by the local authority as recommended by 'Go Wild in Wales' 2003 and this will be an additional material consideration.
- The **Natural Environment and Rural Communities Act 2006** (NERC 2006) places a statutory duty upon all public bodies, including Local Planning Authorities, to have regard to conserving biodiversity in the exercise of all functions. Conserving biodiversity is also interpreted within the Act to include enhancement and restoration of species populations and habitats. This guide is therefore intended to aid the Local Planning Authority to conduct its functions appropriately and meet its responsibilities for the conservation of species and habitats under the NERC Act 2006.
- National Assembly for Wales has a legal duty to publish a list of species and habitats of principal importance for the conservation of biological diversity in Wales under **Section 42** of the Natural Environment & Rural Communities Act 2006, which repealed an early duty under Section 74 of the Countryside & Rights of Way Act 2000. The most recent list can be found at http://www.biodiversitywales.org.uk/bap_in_wales-27.aspx#S42Targ and states that local planning authorities 'must take account of biodiversity considerations in determining individual planning applications'. **Not all these species and habitats are listed in Think Wildlife.**
- In addition certain **sites** have been designated for protection under the Wildlife and Countryside Act 1981 (as amended), Conservation (Natural Habitats, &c.) Regulations 1994, National Parks and Access to the Countryside Act 1949 and international conventions. Such sites include Special Area of Conservation (SAC), Special Protection Area (SPA), Site of Special Scientific Interest (SSSI), RAMSAR Site, Area of Outstanding Natural Beauty (AONB), National Parks, National Nature Reserves (NNR) and Local Nature Reserves (LNR). Advice from your local CCW office and local authority ecologist should be sought in respect to individual cases.

Useful contacts

Council Ecologist	01685 725278 biodiversity@merthyr.gov.uk
Countryside Council for Wales contact	
Environment Agency Biodiversity contact	<u>enquiries@environment-agency.gov.uk</u> 08708 506 506
Wildlife Trust contact	Nigel Ajax-Lewis 01656 724100
SEWBRc Contact	029 20641110 info@sewbrec.org.uk
Welsh Assembly Government Species licensing Dept.	Nature Conservation and Biodiversity Branch <u>natureconservation@wales.gsi.gov.uk</u> 0300 062 2253
Welsh Assembly Government Agricultural Dept. (for EIA regs, uncultivated land)	Environment, Planning and Countryside 0845 010 3300
Local Biodiversity Action Plan contact	01685 726251 biodiversity@merthyr.gov.uk
Forestry Commission Woodland Officer (For Felling Licences)	0300 0680300

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DEVELOPMENT LOCATION	SPECIES POTENTIALLY AFFECTED & LEVEL OF PROTECTION	RECOMMENDED ACTION
<ul style="list-style-type: none"> • Conversion Buildings and structures e.g. barns, outbuildings, houses, churches, chapels and schools. • Demolition Of part or whole buildings and structures. • Extensions Particularly those that may key into the roof. • Roofing work e.g. loft conversion, dormer windows or remedial timber treatment. 	<ul style="list-style-type: none"> • Bats European protected species. Conservation of Habitats and Species Regulations 2010; Schedule 2 and Wildlife and Countryside Act 1981; Schedule 5. Protects all bats and their resting places from killing, injury, disturbance or damage. 	<ul style="list-style-type: none"> • Inform applicant of the potential for a protected species issue and legal penalties. • Consult your local authority ecologist to see if bats or their roost sites are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation. • If evidence of presence is found or suspected: Consult CCW. Apply the three tests for development as required for European protected species. *1 (see p3). If minded to approve application, ensure appropriate mitigation can and has already been agreed with CCW. Include a condition regarding appropriate mitigation and its implementation. Include a condition regarding licensing as advised by the Welsh Assembly Government. *2 (see p3).
	<ul style="list-style-type: none"> • Barn owls UK Protected Species – full protection. Wildlife and Countryside Act Schedule 1. Full protection to the eggs, nest and the birds while nesting from killing, injury, damage or disturbance. Note: not usually found in an occupied house. 	<ul style="list-style-type: none"> • Inform applicant of the potential for a protected species issue and legal penalties. • Consult your local authority ecologist to see if barn owls are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation. • If evidence of presence is found or suspected: Consult your local authority ecologist and CCW. If minded to approve application, ensure appropriate mitigation can be achieved through appropriate conditions.

- **Conversion, demolition, extensions and roofing works continued.**

- **Other nesting bird**

e.g. swallows, house martins and swifts.

Wildlife and Countryside Act Part 1.
UK protected species. Full protection from killing, injury or damage to nests, eggs and birds while nesting.

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if nesting birds or nests are likely to be present.
- If nesting is likely:
Include a condition that no work is undertaken during the bird nesting season, from typically March to July; and where appropriate, include a condition requiring a survey and mitigation for nest sites.

DEVELOPMENT LOCATION

- **Caves, Mines, Adits and Tunnels**
Any development nearby or likely to cause disturbance.
- **Quarries**
Any developments affecting a quarry or where a quarry might be affected by disturbance including new quarries or extensions to existing ones.

Note: Where quarries include ponds or buildings, also refer to those sections.



SPECIES POTENTIALLY AFFECTED & LEVEL OF PROTECTION

- **Bats**
European protected species.
Conservation of Habitats and Species Regulations 2010; Schedule 2 and Wildlife and Countryside Act 1981; Schedule 5.
Protects all bats and their resting places from killing, injury, disturbance or damage.

- **Peregrines**
UK Protected Species – full protection.
Wildlife and Countryside Act Schedule 1.
Full protection to the eggs, nest and the birds while nesting from killing, injury, damage or disturbance.

RECOMMENDED ACTION

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if bats or their roost sites are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult CCW.
Apply the three tests for development as required for European protected species. *1 (p3).
If minded to approve application, ensure appropriate mitigation can and has already been agreed with CCW.
Include a condition regarding appropriate mitigation and its implementation.
Include a condition regarding licensing as advised by the Welsh Assembly Government. *2 (p3).
- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if peregrines are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult your local authority ecologist and CCW.
If minded to approve application, ensure appropriate mitigation can be achieved through appropriate conditions.

- **Caves, mines, adits, tunnels and quarries continued.**

- **Other nesting birds**
e.g. sand martin, raven, kestrel.
Wildlife and Countryside Act Part 1.
UK protected species. Full protection from killing, injury or damage to nests, eggs and birds while nesting.

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if nesting birds or nests are likely to be present.
- If nesting is likely:
Include a condition that no work is undertaken during the bird nesting season, from typically March to July; and where appropriate, include a condition requiring a survey and mitigation for nest sites.

DEVELOPMENT LOCATION	SPECIES POTENTIALLY AFFECTED & LEVEL OF PROTECTION	RECOMMENDED ACTION
<ul style="list-style-type: none"> • Hedgerows and scrub Any development requiring removal of hedgerows and/or scrub. <p>Note: if the proposed development may affect hedgerows classified as important under the Hedgerow Regulations 1997, consult your local authority ecologist.</p> <ul style="list-style-type: none"> • Trees and Woodland Any development affecting trees or woodlands. <p>Note: if the development will affect trees and woodland developers should be advised to contact their local Forestry Commission woodland officer and if the proposed development will affect veteran trees, consult your local authority ecologist.</p>	<ul style="list-style-type: none"> • Hazel Dormouse European protected species. Conservation of Habitats and Species Regulations 2010; Schedule 2 and Wildlife and Countryside Act 1981; Schedule 5. Protects dormouse from killing, injury, damage or disturbance to the animal or its habitat (including nest site). • Bats European protected species. Conservation of Habitats and Species Regulations 2010; Schedule 2 and Wildlife and Countryside Act 1981; Schedule 5. Protects all bats and their resting places from killing, injury, disturbance or damage. 	<ul style="list-style-type: none"> • Inform applicant of the potential for a protected species issue and legal penalties. • Consult your local authority ecologist to see if these species are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation. • If evidence of presence is found or suspected: Consult CCW Apply the three tests for development as required for European protected species. *1 (p3) If minded to approve application, ensure appropriate mitigation can and has already been agreed with CCW. Include a condition regarding appropriate mitigation and its implementation. Include a condition regarding licensing as advised by the Welsh Assembly Government. *2 (p3)



- **Hedgerows and scrub, trees and woodland continued.**

- **Red Squirrel**

UK Protected Species - full protection.

Wildlife and Countryside Act 1981; Schedule 5.

Protection from killing, injury, damage or disturbance to the animal or its habitat.



- **Badgers**

UK protected species.

No killing or taking of badgers or 'interfering' with a sett without a licence either intentionally or 'recklessly'.

Protection of Badgers Act 1992.

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if red squirrels are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult CCW.
If minded to approve application, ensure that appropriate mitigation can and has already been agreed with CCW.

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if badgers are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult CCW.
If minded to approve inform applicant that they require a licence from CCW for any development work, which may interfere with badgers or their setts. Licences are not usually given for work to take place during the breeding season (1 December to 30 June).
Include a condition regarding suitable mitigation.

- **Hedgerows and scrub, trees and woodland continued**

- **Schedule 1 birds including goshawk, dartford warbler, red kite, honey buzzard**

UK Protected Species – full protection.

Wildlife and Countryside Act Schedule 1.

Full protection to the eggs, nest and the birds at all times from killing, injury damage or disturbance.

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if Schedule 1 birds are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult your local authority ecologist and CCW.
If minded to approve application, ensure appropriate mitigation can be achieved through appropriate conditions.

- **Other nesting birds**

Wildlife and Countryside Act Part 1.

UK protected species. Full protection from killing, injury or damage to nests, eggs and birds while nesting.



- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if nesting birds or nests are likely to be present.
- If nesting is likely:
Include a condition that no work is undertaken during the bird nesting season, from typically March to July; and where appropriate, include a condition requiring a survey and mitigation for nest sites.

DEVELOPMENT LOCATION

- **Ponds, standing water and canals, including artificial water bodies, and the surrounding land**

Any development affecting ponds or other bodies of standing water and the surrounding land (<500m).

- **Rivers, streams and ditches**

Any development affecting watercourses, either directly or indirectly.

- **Wetlands including bogs, fen, marsh and swamps**

Any development affecting wetlands, either directly or indirectly.

Note: if the proposed development is within 8 metres of a watercourse remember always to consult the Environment Agency

SPECIES POTENTIALLY AFFECTED & LEVEL OF PROTECTION

- **Great crested newts**

European protected species. Conservation of Habitats and Species Regulations 2010; Schedule 2 and Wildlife and Countryside Act 1981; Schedule 5.

Protected from killing, injury, damage or disturbance of the animal and its habitat, including breeding sites.

Note: Not usually found in flowing water. Also known as **warty newts**

- **Otters**

European protected species. Conservation of Habitats and Species Regulations 2010; Schedule 2 and Wildlife and Countryside Act 1981; Schedule 5.

Protected from killing, injury, damage or disturbance of the animal or its habitat, including resting places and holts.



RECOMMENDED ACTION

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if these species are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation
- If evidence of presence is found or suspected:
Consult CCW.
Apply the three tests for development as required for European protected species. *1 (p3).
If minded to approve application, ensure appropriate mitigation can and has already been agreed with CCW.
Include a condition regarding appropriate mitigation and its implementation.
Include a condition regarding licensing as advised by the Welsh Assembly Government. *2 (p3).

- **Ponds, Rivers, wetlands etc. continued.**



- **Grass snakes, adders, slow worms and common lizards**

UK Protected Species; Partial Protection.
Wildlife & Countryside Act 1981; Schedule 5.
Protection from intentional killing, injury or sale.

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if any of these species are likely to be present.
- If presence is likely:
Include a condition requiring survey work and mitigation as appropriate.

- **Water voles**

UK Protected Species;
Wildlife & Countryside Act 1981; Schedule 5.
Protection from killing, injury, damage or disturbance to the animal or its habitat.

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if water voles are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult CCW.
If minded to approve application, ensure that appropriate mitigation can and has already been agreed with CCW.

- **Nesting birds**

Including ground nesting species
Wildlife and Countryside Act Part 1.
UK protected species. Full protection from killing, injury or damage to nests, eggs and birds while nesting.

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if nesting birds or nests are likely to be present.
- If nesting is likely:
Include a condition that no work is undertaken during the bird nesting season, from typically March to July; and where appropriate, include a condition requiring a survey and mitigation for nest sites.

• **Ponds, Rivers, wetlands etc. continued.**

• **Marsh Fritillary**

UK Protected Species - full protection.
Wildlife and Countryside Act 1981;
Schedule 5.
Protection from killing, injury, damage
or disturbance to the animal or its
habitat.

• **Fen Raft Spider**

UK Protected Species - full protection.
Wildlife and Countryside Act 1981;
Schedule 5.
Protection from killing, injury, damage
or disturbance to the animal or its
habitat.
*limited distribution.

• **Schedule 1 birds including
kingfisher and Cetti's warbler**

UK Protected Species – full
protection.
Wildlife and Countryside Act Schedule
1.
Full protection to the eggs, nest and
the birds at all times from killing,
injury, damage or disturbance.



- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if any of these species are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult CCW.
If minded to approve application, ensure that appropriate mitigation can and has already been agreed with CCW.



- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if Schedule 1 birds are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult your local authority ecologist and CCW
If minded to approve application, ensure appropriate mitigation can be achieved through appropriate conditions.

DEVELOPMENT LOCATION

- **Brownfield sites**
Including coal spoil.
- **Grassland**
Including calcareous, neutral and acid grassland.
- **Heathland**
- **Arable**
- **Coastal**
Including dunes, estuaries and salt marsh.



SPECIES POTENTIALLY AFFECTED & LEVEL OF PROTECTION

- **Otters**
European protected species. Conservation of Habitats and Species Regulations 2010; Schedule 2 and Wildlife and Countryside Act 1981; Schedule 5. Protects from killing, injury, damage or disturbance of the animal or its habitat, including resting places and holts.
- **Shore dock and fen orchid**
European protected species. Conservation of Habitats and Species Regulations 2010; Schedule 5 and Wildlife and Countryside Act 1981; Schedule 8.

RECOMMENDED ACTION

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if otter is likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult CCW.
Apply the three tests for development as required for European protected species. *1 (p3).
If minded to approve application, ensure appropriate mitigation can and has already been agreed with CCW.
Include a condition regarding appropriate mitigation and its implementation.
Include a condition regarding licensing as advised by the Welsh Assembly Government. *2 (p3).
- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if these plants are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult CCW.
Apply the three tests for development as required for European protected species. *1 (p3).
If minded to approve application, ensure appropriate mitigation can and has already been agreed with CCW.
Include a condition regarding appropriate mitigation and its implementation.
Include a condition regarding licensing as advised by the Welsh Assembly Government. *2 (p3).

- **Brownfield, grassland, heathland, arable and coastal continued.**

- **Schedule 8 plants such as deptford pink, chidling pink, meadow clarey and spiked speedwell**

UK protected species: full protection.
Wildlife and Countryside Act 1981;
Schedule 8.
Protection from intentional picking,
uprooting or disturbance.

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if these plants are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult CCW.
If minded to approve application, ensure that appropriate mitigation can and has already been agreed with CCW.

- **Badgers**

UK protected species.
No killing or taking of badgers or
'interfering' with a sett without a
licence either intentionally or
'recklessly'.
Protection of Badgers Act 1992.



- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if badgers species are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult CCW.
If minded to approve inform applicant that they require a licence from CCW for any development work, which may interfere with badgers or their setts. Licences are not usually given for work to take place during the breeding season (1 December to 30 June).
Include a condition regarding suitable mitigation.

- **Brownfield, grassland, heathland, arable and coastal continued.**

- **Marsh fritillary and high brown fritillary**

UK Protected Species - full protection.
Wildlife and Countryside Act 1981; Schedule 5.
Protection from killing, injury, damage or disturbance to the animal or its habitat.



- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if these butterflies are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult CCW.
If minded to approve application, ensure that appropriate mitigation can and has already been agreed with CCW.

- **Schedule 1 birds including little ringed plover, dartford warbler and chough**

UK Protected Species – full protection.
Wildlife and Countryside Act Schedule 1.
Full protection to the eggs, nest and the birds at all times from killing, injury damage or disturbance.

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if Schedule 1 birds are likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult your local authority ecologist and CCW.
If minded to approve application, ensure appropriate mitigation can be achieved through appropriate conditions.

- **Other nesting birds**

Including ground nesting birds.
Wildlife and Countryside Act Part 1.
UK protected species. Full protection from killing, injury or damage to nests, eggs and birds while nesting.

- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if nesting birds or nests are likely to be present.
- If nesting is likely:
Include a condition that no work is undertaken during the bird nesting season, from typically March to July; and where appropriate, include a condition requiring a survey and mitigation for nest sites.

- **Brownfield, grassland, heathland, arable and coastal continued.**

- **Sandbowl Snail**

UK protected species: full protection.
Wildlife & Countryside Act Schedule 5.

Protection from killing, injury, damage or disturbance to the animal or its habitat.

*Limited distribution on sand dunes.

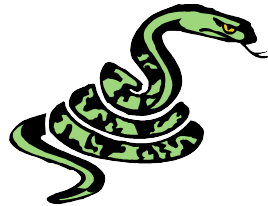


- **Grass snakes, adders, slow worms and common lizards**

UK Protected Species; Partial Protection.

Wildlife & Countryside Act 1981; Schedule 5.

Protection from intentional killing, injury or sale.



- Inform applicant of the potential for a protected species issue and legal penalties.
Consult your local authority ecologist to see if this species is likely to be present, and if so, require applicant to commission survey and, if appropriate, proposals for mitigation.
- If evidence of presence is found or suspected:
Consult CCW.
If minded to approve application, ensure that appropriate mitigation can and has already been agreed with CCW.
- Inform applicant of the potential for a protected species issue and legal penalties.
- Consult your local authority ecologist to see if any of these species are likely to be present.
- If presence is likely:
Include a condition requiring survey work and mitigation as appropriate.

Surveys

Surveys must be carried out by a suitably qualified person, usually a licensed consultant, and should be done at an appropriate time of year (see optimum survey times below). Surveys for some species for example bats, dormice, great crested newts or otters must be conducted by a licensed consultant. Ask your local authority ecologist for advice and a list of suitable consultants. Survey brief should be agreed with your local planning authority.

Optimum times for species surveys

Species	Survey Type	Optimum Period											
		J	F	M	A	M	J	J	A	S	O	N	D
Birds	Breeding												
	Wintering												
Reptiles	Presence												
Great crested newts	Presence												
Badgers, Water Voles, Red Squirrels, Otters and Dormice	Presence												
Bats	Roosts												
	Hibernating												
Marsh fritillary	Presence												
Fen raft spider	Presence												
Plants	Presence												
High brown fritillary	Presence												

Surveys should include:

- Historical survey/species records for site.
- A summary of the status of the habitats and important species present.
- The importance of the site locally and on a wider scale.
- Identification of any areas within the site that are used by important species, and when they are used.
- The impact that the proposed development will have.
- Proposals for mitigation, as appropriate.

Standard Letter to Developers

Dear <Insert Developers Name>

Protected Species and the submission of Planning Applications

Some species of wild plants or animals are protected by British and European Legislation. The presence of a Protected Species is a material consideration when considering a planning application. Prior to the submission of a planning application, you will need to consider whether your planning application site supports or is likely to support a Protected Species.

For those sites that are known to support or have the potential to support a protected species, the planning authority will require supporting information to be submitted, which includes details of survey undertaken by an expert at an appropriate time of year, and if necessary, measures to protect the species together with mitigation and enhancement measures. Species protected by law include badgers, seals, all wild birds listed on Schedule 1, wild animals listed on Schedule 5 and wild plants listed on Schedule 8 of the Wildlife and Countryside Act 1981. The local authority ecologist may be able to advise you further on Tel. 01639 764271.

Where ever possible, survey information on UK protected species should be provided, prior to the determination of the planning Application, although there may be certain circumstances where some surveys may be undertaken as a condition of a planning approval. For any European Protected Species, however, sufficient information must be provided before the application is determined.

European Protected Species include:

- Bats (all species)
- Dormice
- Great Crested Newts
- Otters
- Shore Dock
- Fen Orchid

If you would like further advice regarding protected species please contact the local authority on Tel. 01639 686149 or require advice on protected species legislation contact your local Countryside Council for Wales Office on Tel.01792 634960.

