



# Minor Development Biodiversity Validation Checklist

## Braintree District Council

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This checklist is one of two prepared by Place Services on behalf of BDC, in addition to the Major Development checklist for Essex. Please ensure that you are using the one that is most appropriate to the size and scale of your development. Please use this checklist for any development which does not fit into either of the categories below:

- For **major developments** (developments that contain more than nine houses and/or are greater than one hectare, as defined by the Town and Country Planning Act 1990) you must use Essex County Council's [Essex Biodiversity Validation Checklist](#).
- For **householder developments and/or works requiring listed building consent** please use the [Householder and Listed Building Consent Biodiversity Validation Checklist](#).

The purpose of this checklist is to assess potential impacts upon important wildlife sites, habitats or species from proposed development. Sites, habitats and species are afforded varying levels of protection under European and/or UK legislation and through national and local planning policies. The Council also has a [duty under the Natural Environment and Rural Communities Act \(2006\)](#) to have regard to biodiversity in all its functions.

Applicants are reminded that they have a legal responsibility to ensure their development does not result in harm to biodiversity and that an offence is not committed during any work on site.

This checklist will help the applicant and the Local Planning Authority comply with national policy, legislation and the British Standard ([BS 42020:2013](#)), thereby reducing the likelihood of delays resulting from the provision of inadequate information. **If biodiversity (ecological) surveys are required but not included, your application will not be validated.** If the information received is not adequate, the application may be refused. It is therefore important for both the applicant and the Council that the questions enclosed are answered accurately.

This checklist must be completed by the applicant, or their agent or their ecologist, and submitted with a planning application. It must be viewed electronically to access the internet links enclosed. If additional information is required, it will need to be provided by a professional and suitably qualified ecologist.

**This Checklist is divided into four sections. All four sections should be completed.**

- 1. Protected Sites and Habitats**
- 2. Protected and Priority Species**
- 3. Ecological Assessments, Surveys and Mitigation**
- 4. Site Details and Declaration**



## **SECTION 1: PROTECTED SITES AND HABITATS**

Note: there are freely available sources of information relating to statutory sites (Question 1), and non-statutory sites and protected habitats (Question 2). Links to this information can be found at the end of this section.

**Question 1: Is the development site within the Impact Risk Zone (IRZ) of a Site of Special Scientific Interest? Is it within 100m of a National Nature Reserve or Local Nature Reserve?** Please check the [MAGIC website](#) for details.

No

**Question 2: Does the development trigger a financial contribution in line with the Essex Coast Recreational disturbance Avoidance & Mitigation Strategy (RAMS)?**

Please check the [MAGIC website](#) for details.

All residential development within the evidenced Zone of Influence of the Essex Coast RAMS is likely to result in increased visitor pressure at the Essex coast, in combination with other plans and projects. Braintree District Council will therefore need to prepare a Habitats Regulations Assessment and secure effective mitigation measures for delivery at the coastal Habitats Sites eg Blackwater Estuary or Colne Estuary Special Protection Area (SPA) & Ramsar sites. This will be in line with the Essex Coast re RAMS strategy to avoid adverse effects on the integrity of the coastal Habitats sites from recreational disturbance, in combination with other plans and projects. A proportionate financial contribution will therefore be needed prior to commencement to ensure delivery of visitor management at the Blackwater Estuary or Colne Estuary SPA and Ramsar sites. Further advice is available from Braintree DC planners.

The Zone of Influence (ZOI) for the Essex Coast RAMS including the Blackwater Estuary and Colne Estuary Special Protection Area (SPA) & Ramsar sites is available on the Braintree DC Proposals Map and MAGIC mapping website.

Yes



**Question 3: Is there a Local Wildlife Site, Special Roadside Verge or irreplaceable/Priority habitat within 100 metres of your development?**

No

**If you have answered YES to either Question 1 or 2, please submit with your application:**

- an evaluation of potential impacts upon the relevant site/habitat(s);
- a location map of the site/habitat(s); and
- details of how any impacts will be avoided or mitigated.

This should be provided by a professional and suitably qualified ecologist and should form part of a Preliminary Ecological Appraisal Report (PEAR) or Ecological Impact Assessment (EclA) (described in section 3). This should be submitted with your planning application.

### **Information links:**

The Government's [MAGIC](#) website provides location details for Habitats (European) Sites e.g. [Special Protection Areas](#) (SPA), [Ramsar sites](#), [Sites of Special Scientific Interest](#) (SSSI), [National Nature Reserves](#) (NNR), [Local Nature Reserves](#) (LNR), [Priority habitat](#) (also known as 'Habitats of Principal Importance' and



'Biodiversity Action Plan habitats'), and irreplaceable habitats (e.g. [ancient woodland](#), [veteran trees](#) and unimproved grassland). The location of SSSIs, NNRs, [Special Roadside Verges](#)<sup>[SH1]</sup> and Local ('County') Sites can be found on Braintree District Council's [Proposals Map](#).

If your ecologist predicts adverse impacts on an SSSI or NNR, you can obtain Pre-application Advice from [Natural England developer advice](#). If there are likely to be adverse impacts on a Local Wildlife Site we recommend that you contact the [Essex Wildlife Trust](#). If there are likely to be adverse impacts on a Special Roadside Verge we recommend you contact Place Services ecology team.



## SECTION 2: PROTECTED AND PRIORITY SPECIES

**Question 4: Are you aware of any protected or Priority species present on or adjacent to your development site?**

No

**If YES, please list all the protected and Priority species of which you are aware are on or adjacent to the development site.** That is, those species protected under legislation such as the Conservation of Habitats and Species Regulations 2017; the Wildlife and Countryside Act 1981, as amended; Protection of Badgers Act 1992; and/or Priority species (also known as 'species of principal importance' , NERC Act (2006):

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**Question 5: Please tick all of the following that apply to your development:**

Note: this will help to determine the need for a Preliminary Ecological Appraisal or Ecological Impact Assessment (see Section 3) by taking into consideration habitats and features associated with protected and priority species. The list below has been adapted from the Bat Surveys for Professional Ecologists: Good Practice Guidelines 3<sup>rd</sup> Edition (Collins, 2016) and indicates the likelihood of bats (European protected species) being present and affected by the development & may trigger the need for survey & assessment to support an application.

**Conversion, modification, demolition or removal of buildings (including hotels, schools, hospitals, churches, commercial premises and derelict buildings) which are:**

- agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams;
- buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water;
- pre-1960 detached buildings and structures within 200m of woodland and/or water;
- pre-1914 buildings within 400m of woodland and/or water;
- pre-1914 buildings with gable ends or slate roofs, regardless of location;
- located within, or immediately adjacent to, woodland and/or immediately adjacent to water;  
or
- Dutch barns or livestock buildings with a single skin roof and/or board-and-gap or Yorkshire boarding.



**Development affecting built structures:**

- tunnels, mines, kilns, ice-houses, military fortifications, air-raid shelters, cellars and similar underground ducts and structures;
- disused industrial chimneys that are unlined and of brick/stone construction; or
- bridge structures, aqueducts and viaducts (especially over water and wet ground).

**Floodlighting of:**

- churches and listed buildings, green space (e.g. sports pitches) within 50m of woodland, water, or field hedgerows or lines of trees with connectivity to woodland or water; or
- any building/structure meeting the criteria listed above.

**Felling, removal or lopping of:**

- woodland;
- field hedgerows and/or lines of trees;
- old and veteran trees; or
- trees with obvious holes, cracks or cavities, or that are covered with mature ivy (including large dead trees).

**Proposals for:**

- wind farm developments (multiple or single); or
- the modification, disturbance or removal of arable field(s) with a hedgerow and/or grass margin.

**Proposals located in or within 50 metres of:**

- woodland or field hedgerows and/or lines of trees with obvious connectivity to water bodies;
- quarries or gravel pits;
- natural cliff faces/rock outcrops with crevices, caves or sink holes;
- heathland; or
- meadow grassland, previously developed land ('brownfield site'), parkland or pasture.

**Proposals:**

- affecting or within 200m of a watercourse, river, stream, canal, lake, reedbed or other aquatic habitats such as grazing marsh and fen;
- within 100m of a watercourse or pond/moat or slow-flowing water body (e.g. ditch) that is linked to the site by semi-natural habitat; or
- where bats are known to be present (including development affecting any type of building, structure, feature or location).



## **SECTION 3: ECOLOGICAL ASSESSMENTS, SURVEYS AND MITIGATION**

Note: the documents referred to in this section must be completed by a *competent and qualified ecologist* and submitted with your planning application.

### **3.1: Ecological assessment**

**If you have answered YES or ticked any part of any of Sections 1 or 2, an ecological assessment will be required to support your application. This will be either:**

**a) A Preliminary Ecological Appraisal (PEA);**

**OR**

**b) An Ecological Impact Assessment (EclA);**

**OR**

**c) Justification from an ecologist that no ecological survey & assessment is required.**

#### **Details:**

##### **a) Preliminary Ecological Appraisal**

A Preliminary Ecological Appraisal (PEA) and Report (PEAR) needs to be in a format consistent with the [Guidelines for Preliminary Ecological Appraisal](#) and the [Guidelines for Ecological Report Writing](#), published by [CIEEM](#). All PEARs should include a desktop study. Links to sources of site and habitat data are provided in Section 1.

PEAs have a range of purposes. One key use is in the site development process to gather data on existing conditions, often with the intention of conducting a preliminary assessment of the likely impacts of development schemes, or establishing the baseline for future monitoring. They include some evaluation of the ecological features present, as well as scoping for notable species and habitats, identification of potential constraints to proposed development schemes, and any recommendations for necessary mitigation. Developers are encouraged to enter into discussions with planning authorities as early in the development process as possible.

A PEA, together with any ecological evaluation undertaken, may lead to a more formal Ecological Impact Assessment (EclA) or a PEAR may be a standalone document where no EclA is required.

Depending on the results of the PEA, you may need [additional surveys](#) undertaken to support your application (see Section 3.2).

The PEAR must include species records from a local record centre. Essex does not have a single local record centre. Relevant species data can be obtained from:

- [Essex Field Club](#)
- [Essex Wildlife Trust Records Centre](#)

##### **b) Ecological Impact Assessment**

An Ecological Impact Assessment (EclA) needs to be in a format consistent with the [Ecological Impact Assessment Guidelines](#) and the [Guidelines for Ecological Report Writing](#), published by CIEEM.



EclA is the process to identify, quantify and evaluate potential effects of development-related or other proposed actions on habitats, species and ecosystems. The findings of an assessment helps competent authorities understand ecological issues when determining applications for consent. EclA can be used for the appraisal of projects of any scale.

An EclA report (or the ecological chapter of an Environmental Impact Assessment) should clearly and simply describe the significant effects of any project on ecology so that all interested parties understand the implications of what is proposed. EclA is a process that is most effective if all contributing ecologists and other specialists work in collaboration.

**c) Justification from an ecologist that no further action is required**

The information supplied should be proportionate to the habitats and species on and adjacent to your site, the scale of the development, and its potential to affect biodiversity. There are occasions where an EclA or PEA would be disproportionate. If you have answered YES or ticked any part of the previous sections, but your ecologist considers that an EclA or PEA is not necessary, they should provide justification of this, including supporting photographs. This justification must contain an explanation of how all potential impacts on biodiversity will be avoided and/or why protected and Priority species will not be affected by the proposed development.

**Question 6: Have you submitted an ecological assessment with your application?**

No

**If you have answered NO to all parts of Section 2 and established that there will be no impacts on statutory or non-statutory wildlife sites or Priority habitats or species, please go straight to the Declaration in Section 4. No further ecological information is required for planning submission.**

**3.2: Further species surveys**

The results of the ecological assessment will determine whether further species surveys will be required. All required surveys should be submitted with your planning application, as required by paragraphs 98 and 99 of the [ODPM Circular 06/2005: Biodiversity and Geological Conservation](#) and paragraph 174 of the [NPPF](#).

Additional species surveys should be up-to-date, carried out at the [right time of year](#) and use [recognised methods](#) that are appropriate for the species and the scale/type of habitat. Any previous surveys referred to should also be submitted.

You should carry out a protected species survey if there is a reasonable likelihood of protected species being present on the site and affected by the development, based on the findings of your ecological assessment. Please go to the [Government's website](#) for further information. **These will be needed prior to determination of your application.**

**Question 7: Does your ecological assessment recommend additional surveys?**

No

**If YES, please list the surveys in the space below:**

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**Question 8: Are the results of the recommended protected and Priority species surveys included with your application? These will be needed for determination of your application.**

No

**3.3: Mitigation**

If your ecologist has identified potential impacts upon designated wildlife sites, protected species or Priority species/habitats, details of mitigation measures to be delivered must be provided as part of any ecological assessment prior to determination.

Where European Protected Species (EPS) are likely to be affected (eg bats, great crested newts, otters and dormice), Braintree District Council, as the competent authority, needs to have certainty of likely impacts and effective mitigation measures that can be secured by condition or [licence](#) so that the development can be made acceptable.

In accordance with Paragraph 175 of the [NPPF](#), the applicant should seek to avoid harm to biodiversity, before they mitigate or compensate (as a last resort) any losses, through the mitigation hierarchy. Where a development cannot satisfy the requirements of the mitigation hierarchy, planning permission should be refused. Applicants should also aim to achieve measurable net-gain for biodiversity using [Good Practice Principles for Development](#).

Where habitat loss is expected, ecologists should use the [Defra Net Gain metric](#) to demonstrate measurable net gain for biodiversity will be achieved. This provides a standardised and transparent approach to ensuring mitigation and compensation measures are sufficient to secure no net-loss of biodiversity. This Metric is a stand-alone tool, and its use does not assume a need for off-site compensation. It can be used to quantify the positive benefits of on-site mitigation or enhancement measures.

**Question 9: Have details of mitigation and enhancements for biodiversity been submitted with this application? This will be needed for determination of your application.**

No





## SECTION 4: SITE DETAILS AND DECLARATION

Site Name and Address:

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I confirm that to the best of my knowledge the information provided in this checklist is accurate. I understand that if the information provided is inaccurate it may result in a delay in the determination of my application, or its refusal.

Applicant/Agent's name:

..... IAN LAPSLEY .....

Applicant/Agent's organisation (where applicable):

..... ANTHEAS BURSLOW .....

Signed: .....



Date: .....

11/06/21