Planning & Biodiversity

1. Introduction

Biodiversity describes the variety of life on earth including all plants and animals and the habitats in which they occur. The unique geography of the North York Moors is home to a wide range of wildlife habitats and species and one of the purposes of the National Park is to 'conserve the natural beauty, wildlife and cultural heritage of the Park'. Under wildlife and planning legislation, the Authority seeks to safeguard the biodiversity of all species and habitats in the National Park, not just those that are rare or under threat.

Biodiversity is under threat. Loss of habitat is the main cause of the decline in the range and populations of many UK species. The planning system has an important role in maintaining biodiversity by ensuring that new development is environmentally sustainable and does not undermine the quality of the natural environment. The purpose of this advice note is to explain how the National Park Authority is acting to comply with the legislation regarding protected species and their habitats when considering proposals for new development. It explains what information should be submitted with an application and the procedures for dealing with sites that are likely to have protected species, especially bats.

Planning Policy Statement 9 (PPS 9) states that where a planning decision would result in significant harm to biodiversity interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If this cannot be achieved, then planning permission should be refused. Even where planning permission has been granted for a development, protected species legislation still applies and developers must show that they have taken reasonable measures to avoid harm.

The National Park Management Plan sets out strategic policies on conservation of the natural environment to achieve the statutory purpose to conserve the wildlife, landscape and cultural heritage of the Park. These provide the framework for the more detailed actions in the Biodiversity Action Plan and the policies in the Local Development Framework (LDF).

The North York Moors National Park Local Biodiversity Action Plan sets out in more detail how the strategic policies in the Management Plan can be achieved and includes action plans for particular habitats and species.

2. Legislation and Policy

Certain plant and animal species including all wild birds are protected under the Wildlife and Countryside Act 1981. In addition, plant and animal species of European importance are protected under the Conservation Regulations 1994. It is an offence to deliberately capture, kill or disturb such animal species or to recklessly damage or destroy their breeding or nesting sites.
3. Nature Conservation Designations in the North York Moors

North York Moors Special Protection Areas (SPA)
- Classified under an EU Directive on the Conservation of Wild Birds which requires the Government to protect and maintain diversity of habitat for wild birds.
- Covers 44,087 hectares of the central moorland area of the Park.
- Designated in 2000 because of importance for populations of Merlin and Golden Plover.

Conservation Map
- Section 3 of the amendment to the Wildlife and Countryside Act 1985 requires the National Park Authority to prepare a map showing areas of ‘mountain, moor, heath and down, woodland, down cliff or foreshore whose natural beauty is particularly important to conserve’.
- Three groups of habitats have been included on the Section 3 map - moor and heath, broadleaved and mixed woodland and coastal habitats. These are identified on the Core Strategy and Development Policies Proposals Map.

National Nature Reserves (NNR)
- Two in the Park - Duncombe Park where the ancient trees, river and grassland provide habitats for a number of rare species and Forge Valley which is an area of ancient woodland.

Local Nature Reserves (LNR)
- Farndale was designated in 1955 in order to conserve wild daffodil displays.

North Yorkshire & Cleveland Heritage Coast and Sensitive Marine Area
- The coastline of the National Park is defined as Heritage Coast by Natural England in recognition of its importance as a landscape and recreational resource where terrestrial, littoral and marine flora and fauna should be conserved and enhanced.
- Part of the coastline around Robin Hoods Bay is also defined as a Sensitive Marine Area by Natural England due to its nationally important marine habitats, communities and species.

Special Areas of Conservation (SAC)
- Classified under the EU Habitats Directive. Together with SPAs these sites comprise the Natura 2000 network of protected areas across the European Union.
- Aim to maintain or restore the extent and quality of rare habitats and to conserve rare species (other than birds).
- There are five in the North York Moors covering the central moorland, bogs (2), woodland and coastal habitats totalling 44,398 hectares.

Sites of Special Scientific Interest (SSSI)
- Area of national or international importance for biological, geological or physiographic features.
- 58 SSSIs in the National Park.
- Owners must notify Natural England of any potentially damaging operation.
- Local Planning Authority must consult Natural England on any application which may affect the integrity of a site.
Other Habitats

There are a variety of other habitats that are not statutorily protected but are important for supporting wildlife:

- Old trees, particularly those with cracks and holes
- Grassland including traditional hay meadows rich in wildflowers
- Wetland/Marshes
- Streams and ponds
- Features such as bridges, tunnels, caves and kilns
- Old orchards
- Hedgerows and arable field margins

Development proposals should take account of any existing habitats or species and aim to incorporate them within the scheme in a way that will enable habitats to continue to support wildlife. Proposals that would harm protected species or habitat will not be permitted. Natural England has published a series of leaflets outlining how the types of habitats listed above can be safeguarded to support wildlife, see the contact details in section 8.

Part 3 of the Authority's Design Guide provides further advice about the safeguarding of trees in new development.

5. Protecting Biodiversity

Design/Pre Application Stage

The starting point for any development proposal is a site analysis which should identify any features of wildlife value including:

- Statutory issues eg SSSIs and protected species such as bats.
- Non statutory sites such as streams and ponds.
- Landscape features such as copses, marsh land, old grassland and hedges.

Use this information to assess relative importance of habitats, animals and features and assess impacts. A three stage approach should be adopted:

1. Ideally development should be designed to avoid impact on any sites of value for wildlife.
2. Where this cannot be avoided, seek to integrate biodiversity features within the development and mitigate impact by managing the site or providing additional features that will enable the wildlife on the site to stay there eg clearing out part of a silted up pond and retaining the wetland as a feature in the development.
3. In cases where there is an overriding need for the development and some impact on existing habitats or species cannot be avoided, compensate by introducing new features into the development eg new areas of planting or wetlands - assess how these can connect with features in the wider landscape.

4. Protected Species in the North York Moors

The following table lists species most commonly affected by new development proposals in the North York Moors. This is a selected list only and it is important to note that other protected species may be affected by less common types of development. For instance, water voles and otters could be affected by engineering operations to watercourses.
<table>
<thead>
<tr>
<th>Species</th>
<th>Habitat</th>
<th>Indicators</th>
<th>Affected By</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bats</td>
<td>Buildings of all types - new &amp; old. Can roost in both large and small spaces - under tiles, gable ends, cavity walls or in roof space. Underground - cellars, caves or tunnels. Holes &amp; cracks in trees.</td>
<td>Droppings - dark or black, 4 - 8mm long crumble easily. May be strong odour in area. Discarded moth wings. Polished surface near place where light enters.</td>
<td>All types of building operations. Application of pesticides eg remedial timber treatment. Blocking up openings Re-wiring or plumbing in roofs. Treatment of wasps.</td>
<td>Check for signs of bats. If evidence of use, notify Natural England who can advise on method and timing of works to cause least disturbance.</td>
</tr>
<tr>
<td>Swallows, House Martins, Swifts, Starlings, &amp; Sparrows</td>
<td>Swallows - inside buildings on beams or ledges eg barns and stables. House martins - under the eaves of buildings. Swifts - holes under the eaves &amp; roof tiles on buildings nesting just inside the roof through holes in felt or rotten board. Starlings and Sparrows - under eaves, behind fascias and softits.</td>
<td>Swallows return in April &amp; May, leave in Sept &amp; Oct. House Martins arrive in April and depart in Sept &amp; Oct. Swifts arrive late April &amp; early May, leave again late July &amp; early August. Starlings &amp; Sparrows nest between April and August - Sparrows may have several broods.</td>
<td>Building operations which remove the cavities they have for nesting.</td>
<td>Check for signs of nests. Do not disturb if in use. Contact RSPB for advice and provide nest boxes if cavities cannot be retained.</td>
</tr>
<tr>
<td>Barn Owls</td>
<td>Roomy &amp; well sheltered places free from human disturbance eg holes in trees or undisturbed buildings or ruins.</td>
<td>Pellets - black, shiny or dull &amp; dense in appearance with collections of feathers and bones, 5 - 6 cm long with faint mushroom like odour. Cough pellets and up daily so likely to be a build up beneath roost site. Droppings - long &amp; thick white splashings on beams, rafters &amp; floor.</td>
<td>Alterations or conversion of rural buildings including modern agricultural buildings and derelict cottages.</td>
<td>Check for signs of barn owls when considering converting, renovating or repainting undisturbed buildings. If evidence found, contact Hawk &amp; Owl Trust to find licensed person to visit &amp; advise on timing &amp; nature of work.</td>
</tr>
<tr>
<td>Great Crested Newts</td>
<td>Breed in ponds but spend much of year in rough vegetation up to but not restricted to 500m away. Hibernate in piles of logs, rubble &amp; frost free fissures.</td>
<td>May be seen in ponds in early summer or found under stones at other times of the year.</td>
<td>Pond alterations or infilling, clearing or drainage of land around ponds.</td>
<td>Consult Natural England at an early stage if they are thought to be present so that measures to protect newts and their habitat can be agreed.</td>
</tr>
<tr>
<td>Badgers</td>
<td>Live in social groups in underground tunnel systems - setts. Some are always occupied. Use regular routes to foraging areas. Setts used for breeding in winter months &amp; disturbance should be</td>
<td>Holes whose tunnels have a diameter &gt; 25cm &amp; a rounded or flattened oval shape [broader than high]. Fresh spoil, bedding, footprints and latrines and/or hair nearby all help indicate activity.</td>
<td>Loss of or disturbance to setts or forage areas.</td>
<td>Contact Natural England - licence needed for any work which will interfere with setts [ie disturbing badgers occupying setts].</td>
</tr>
</tbody>
</table>
Application Stage

In considering proposals for development, the Authority will have regard to the ecological value of a site whether officially designated or not and in some cases will seek further information about the potential impact of new development on any protected species. A specific procedure has been adopted in relation to bats.

All applications are screened for potential protected species, valuable habitats and other ecological implications. Where it is considered that a site of nature conservation value or protected species may be adversely affected by a development proposal, an ecological survey may be required. Where the impact is likely to be significant the survey will be required as part of the application process and a decision will not be made until the information has been submitted. In other cases, the survey may be required as a condition of planning permission being granted. The survey should be carried out by a suitably qualified ecologist and should:

- Identify and list the habitats and/or plant and animal species found within the site, together with any geological features, drawing attention to any unusual or protected species present.
- Explain the value of the site in its wider context e.g. whether it forms part of a wildlife ‘corridor’.
- Present the information on a plan at an appropriate scale.
- Ensure mitigation/compensation measures are incorporated into the development to avoid, mitigate or compensate for potential harm to habitats and/or plant and animal species. Such measures are likely to form a condition of any planning permission.
- Incorporate measures to enhance wildlife value.

Where an ecological survey is requested and not submitted, planning permission is likely to be refused on the grounds that insufficient information has been submitted to demonstrate that the development would not have an adverse impact on important wildlife habitats or species.

The presence of a protected species need not detrimentally affect the potential to gain planning permission. The planning officer will consider the ecologist’s report in assessing your application. It may be necessary to amend the submitted plans and/or apply for a Natural England licence to allow works to proceed. In the majority of cases, however, protected habitats and species can be accommodated within development proposals if suitable mitigation is provided.

Certain types of development require an Environmental Impact Assessment. The Authority will advise you if your proposal falls into this category.

Bats

The Authority has adopted a specific procedure in relation to bats which are commonly affected by development proposals in the North York Moors. Certain categories of application will require a bat scoping survey to be submitted as part of the application process and these are listed as an Appendix to this note together with a list of consultants qualified to carry out bat surveys.

Where evidence of bat use is found a further ‘emergence’ survey or surveys may be requested to establish how bats are using the building and Natural England will be consulted for further advice on how to minimise disturbance, the method to be used and its timing and additional recommendations on how bat friendly features can be incorporated into the final design.

For detailed advice about bats and development please refer to Natural England’s ‘Bat Mitigation Guidelines’. This document is available from Natural England (contact details below).
8. Further Contacts and Information

The National Park Ecology Officer Rona Charles and Area Planning Teams - The Old Vicarage, Bondgate, Helmsley, York Y062 5BP telephone 01439 770657 or e-mail dk@northyorkmoors-npa.gov.uk. Web site www.moors.uk.net.

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www.barnowltrust.org.uk
Appendix A

Applications Requiring Bat Scoping Surveys

A scoping survey will be required in the following cases:

1. Barn conversion to new use where the roof is substantially in place eg economic/holiday/annexe/residential etc.
2. Demolition of houses/barns/significant outbuildings (when pre WWI) where planning permission is needed eg replacement dwellings.
3. If a bat roost is known to be close by.
4. All significant applications involving bridges/kilns/caves/tunnels and other similar structures.
5. Sites where evidence of bats is found following a site visit by the application case officer.
6. Proposals for wind turbines within 50 metres of a building, woodland or linear feature.

The Authority maintains a list of consultants qualified to carry out bat surveys. Please note this list is not comprehensive and you may wish to contact the Institute for Ecology and Environmental Management for other members [www.ieem.org.uk] or the ENDS Environmental Consultancy Directory [www.endsdirectory.com].

Please note that the inclusion of any individual or company does not confer or imply any guarantee as to their competence or standing and the National Park Authority and its agents cannot be held responsible for any damages or loss incurred in any way whatsoever as a result directly or otherwise of the use of an individual or company listed above. This list is provided for information only.

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