

## Planning Application Validation Information: Biodiversity

### Table of Contents

[1. Introduction](#)

[2. When is a survey for biodiversity required?](#)

[3. How will we protect biodiversity in the development process?](#)

[4. Who should conduct a biodiversity survey?](#)

[5. What Ecological Assessment surveys should be undertaken?](#)

[6. Biodiversity Net Gain \(BNG\)](#)

[7. Management and Monitoring of Habitats](#)

[8. Validation of Planning Applications](#)

[Table 1 - Local Requirement for Protected Species: Criteria and Indicative Thresholds \(Trigger List\) for when a Survey and Assessment is Required](#)

[Table 2 - Local Requirements for Designated Sites and Priority Habitats and Habitats Listed in the Sutton Local Biodiversity Action Plan: Criteria \(Trigger List\) for When a Survey and Assessment are Required](#)

[Table 3 - Survey Timetable](#)

[London Borough of Sutton Validation Process](#)

[Mitigation and Enhancement Examples](#)

### Key biodiversity information for planning your development:

1. Visit Sutton's [Local Plan](#) for policies that link to biodiversity, specifically **Policy 26** but biodiversity also form part of delivering Policies **13**, 21 , 24, 25, 28, 30, 31, 32, **33** and 34;
2. Visit Sutton's interactive [Proposals Map](#) for the location of Sites of Importance for Nature Conservation across the borough (SINCs);
3. Visit Sutton's [Local Plan Appendices](#) document - Appendix 6 for biodiversity related maps and schedules.
  - a. Schedule 6.A Green Corridors
  - b. Schedule 6.B SINC Description of Key features
  - c. Schedule 6.C Areas of deficiency in Access to Nature

## 1. Introduction

As part of the London Borough of Sutton's (LBS) commitment to conserving and promoting wildlife and natural habitats, in line with [Local Plan Policy 26](#) on Biodiversity, all planning applications must have consideration for local wildlife and natural habitats.

'Consideration' means to **conserve**, **enhance** and **create** biodiversity across the borough

Sutton has produced a suite of documents to underpin the Local Plan Policy 26 Biodiversity to guide development in order to achieve **Biodiversity Net Gain**. This is in addition to the national mandate for Biodiversity Net Gain.

- 1) **Planning Application Validation Information: Biodiversity** - this document: which includes information on when and what types of surveys are required for each type of planning application, to ensure it is valid at the point of submission.
- 2) **[Biodiversity Strategy 2020-2025](#)**: Which sets out the vision and targets for the borough and includes information on the use of soft landscaping and Green Infrastructure, as well as the 'Biodiversity Tariff'
- 3) **[Building a Sustainable Sutton: Technical Guidance Note for Developers](#)**: This document provides detailed information on Sutton's Green Space Factor (aka Urban Greening Factor) and Carbon Offsetting approaches, in line with Policies 26, 31 and 33, respectively. Biodiversity improvements must work 'hand-in-glove' with delivery of the Council's [Green Space Factor](#).

### NOTE

Familiarity with the above policies and documents, will be essential to developers, their design teams and consultants to ensure an application is valid with regard to biodiversity and geological conservation, in terms of having received sufficient, up-to-date information to determine the application lawfully and in accordance with all relevant planning policies and guidelines.

This document has been adapted from the Association of Local Government Ecologists (ALGE) template, which was prepared in accordance with the principles explained in the GDPO (2007) and the accompanying Best Practice Guidance (2007), to provide Local Authorities with consistency in approach and clarity for applicants.

It offers a practical means by which LBS can implement the requirements set out in the National Planning Policy Framework ([NPPF](#)), Planning Practice Guidance ([PPG](#)), [Environment Act 2021](#), [London Plan 2021](#) and comply with statutory provisions outlined in [ODPM Circular 06/2005 Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system](#).

LBS expects all development to follow the recommendations and guidance as contained in the British Standard [BS42020:2013](#): *Biodiversity – Code of Practice for Planning and Development* and British Standard [BS8683:2021](#): *Process for designing and implementing Biodiversity Net Gain*, unless specifically modified and agreed in writing, in advance, with the Biodiversity Team.

## 2. When is a survey for biodiversity required?

An **Ecological Assessment** (see [section 5](#)) and / or a **Biodiversity Net Gain Statement** (see [section 6](#)) is required for:

- **MAJOR APPLICATIONS**
  - Mandatory - applicants should aim to maximise Biodiversity Net Gains, as these are often locations with poor existing biodiversity value
- **MINOR APPLICATIONS**
  - Mandatory - if site is located within, adjacent to or near to (within 100m) a Site of Importance for Nature Conservation;

- Mandatory - if BNG applies (i.e. '[decreases the Biodiversity Value](#)' of removing 25m<sup>2</sup> or more of garden land / vegetation / natural habitat) - (across one or more sites);
- Mandatory - if converting loft space or other roof alterations
- Mandatory - if the application involves the demolition of a / multiple building(s)

- **HOUSEHOLDER APPLICATIONS**

- Mandatory - if converting / impacting loft space or other roof alterations (including extensions that tie into the existing roof)
- Mandatory - if the application involves the demolition of the building (or part(s) thereof that may affect protected species); check **Table 1** for further information on Protected Species
- **Excludes** single-storey extensions and new or replacement conservatories, as long as these don't affect the roof.

- **OTHER APPLICATIONS**

- All applications that require substantial demolition, including demolition consents.
- if BNG applies (i.e. '[decreases the Biodiversity Value](#)' of removing 25m<sup>2</sup> or more of garden land / vegetation / natural habitat) - (across one or more sites)

\*\*\*Surveys should be undertaken in line with all available best practice guidelines and follow the survey schedule in **Table 3**\*\*\*

## **Protected Species and land designated for Nature Conservation**

Please see **Tables 1 & 2**

### **When do I not need a survey?**

You will not need to undertake a survey if the Biodiversity Team has **stated in writing** that no protected species or habitat / Biodiversity Net Gain surveys and assessments are required and / or the mandatory [Biodiversity Net Gain exemptions](#) have been fulfilled.

### **[Pre-Application Advice](#)**

We encourage all applicants to seek advice **before** submitting an application.

Getting early advice on biodiversity matters is essential, given the climate and ecological crisis, the need for better access to nature for Sutton's residents and the mandatory Biodiversity Net Gain.

## **3. How will we protect biodiversity in the development process?**

LBS adopts the **Mitigation Hierarchy** to biodiversity impacts.

All planning applications need to:

- **ASSESS** - a site's ecological value (wildlife and habitats) and biodiversity baseline value (in accordance with [national requirements](#)) proportionate to the development and location (see Section 2).  
This needs to consist of up-to-date information, undertaken by a **Suitably Qualified Ecologist** (see Section 4).
- **AVOID** - Developments should avoid adverse effects to wildlife and habitats as far as reasonably possible. This includes full evaluation of alternative sites for development. Where difficult decisions have been made on site, an explanation must be given to how the development has considered biodiversity in the process of design from the earliest stages
- **MITIGATE** - Where avoiding impacts is not possible, for these impacts to be reduced as far as possible with [on site](#) habitat creation / landscaping. These will often be subject to planning conditions or legal obligations to be delivered for at least 30 years.
- **COMPENSATE** - Monetary compensation through the 'Biodiversity Tariff' to LBS for any impacts not able to be mitigated on site, will be sought, if applicable. Otherwise, [offsetting](#) will be required.
- **ENHANCE** - Once all impacts have been mitigated and compensated for, enhancements will be required (if mandatory BNG is applicable).

For Ecology, Landscape and Architectural Consultants: please refer to **Appendix 1** (below) for examples of mitigation and enhancement possible on developments.

#### 4. Who should conduct a biodiversity survey?

Any consultant undertaking a biodiversity survey should be skilled and competent enough to undertake the survey to the relevant guidelines and have sufficient technical knowledge and experience to correctly interpret the results, as well as justify any deviations from best practice.

The Chartered Institute of Ecologists and Environmental Managers (CIEEM) provides a [Competency Framework](#) for its members, who have to undertake Continuing Professional Development and are subject to a [Code of Professional Conduct](#) and, potentially, disciplinary action for any breaches of the Code of Professional Conduct.

CIEEM hold a [Professional Register](#) of members. Any consultant ecologist will need to demonstrate that they meet the minimum knowledge, skills and practical experience requirements as set out in the CIEEM Technical Guidance Series publication [Competencies for Species Survey](#).

Please also see BS42020:2031 **Clauses 4.2-4.4**.

It is acknowledged that some skilled ecologists may not be members of CIEEM. However, this can make judging competence and comeback for any poor work more difficult.

All biodiversity surveys should include information about who conducted the survey, along with their skills and experience.

#### 5. What Ecological Assessment surveys should be undertaken?

Mandatory Biodiversity Net Gain (BNG) **does not** override existing protections for biodiversity. This includes the necessity to consider species that may be directly or indirectly impacted by the development.

It is highly likely that one or more of the following surveys will need to be submitted, **in addition** to the mandatory BNG information:

i) [Protected Species](#)

Please see **Table 1** for the type of protected species survey you may need to undertake.

In the main, [Preliminary Roost Assessments](#) (PRA) will be required for any development that proposes changes to the roof / loft space, upper floors and hanging tiles.

All buildings to be **demolished** need to provide a PRA.

The removal of trees are likely to require a PRA and a Nesting Bird Check. [2](#)

ii) [Preliminary Ecological Appraisal](#) (PEA)

Every site that meets the criteria set out in [Part 2](#) will need to produce (as a minimum) a PEA .

A PEA normally comprises a desk study and a walkover survey (often also known as an 'Extended Phase 1' or 'Ecological Assessment'). The key objectives of a PEA are to:

- identify the likely ecological constraints associated with a project;
- identify any mitigation measures likely to be required, following the Mitigation Hierarchy noted above;
- identify any additional surveys that may be required to inform an Ecological Impact Assessment (EclA); and
- identify the opportunities offered by a project to deliver ecological enhancement / Biodiversity Net Gain, often through a specific Biodiversity Net Gain assessment

The results of a PEA can be presented in a **Preliminary Ecological Appraisal Report (PEAR)**. The **primary audience for a PEAR is the client or developer and relevant members of the project team**, such as the architect, planning consultant, and landscape architect.

It is normally produced to inform the above audience about the key ecological constraints and opportunities associated with a project, possible mitigation requirements and any detailed further surveys required to inform an Ecological Impact Assessment (EclA).

Under normal circumstances, it is **not appropriate** to submit a PEAR in support of a planning application, because the scope of a PEAR is unlikely to fully meet Sutton's requirements in respect of biodiversity policy and implications for protected species.

A PEA is normally used to inform an **Ecological Impact Assessment (EclA)**. An EclA should be submitted with a planning application, unless pre-application advice from the LBS Biodiversity Team has determined that a PEAR is sufficient.

In many cases, additional surveys beyond the PEA **may** be required. The planning application will be deemed **invalid** if a PEAR, which recommends further surveys and these are not supplied within an EclA, is submitted with a planning application.

The appropriate report to be submitted with the application in such cases is an EclA report. The scope of an EclA report submitted in these circumstances should be proportionate to the scale of the likely ecological effects and contain all necessary surveys, in addition to the PEA information

If you have any concerns or questions on the level of information required, please [contact us](#).

iii) [Ecological Impact Assessments](#) (EclAs)

In the context of these guidelines, any **Protected Species** surveys undertaken should be incorporated into an Ecological Impact Assessment (EclA).

An EclA is defined as the process of identifying, quantifying and evaluating the potential effects of development related or other proposed actions on habitats, species and ecosystems. This is especially pertinent when undertaking Biodiversity Net Gain Assessments.

EclAs carried out in accordance with this guidance are expected to be submitted upfront with any planning application, and will be used to assess the impact of the development on biodiversity, within the site, the locality, or where appropriate, on the regional or national resource.

- Survey data will normally be considered valid for a period of 1 Year, after which re-surveys may be required
- If the level of detail provided is deemed inadequate, then additional surveys will be required
- The results of site surveys must be shared with the London Environmental Records Centre ([Greenspace Information for Greater London](#)), as per [CIEEM Guidance](#) (8.1), unless there is overwhelming justification for them not to be. Evidence for record sharing will be conditioned.
- All habitat surveys (usually Phase 1, either JNCC or UKHab) **MUST** record the extent and the condition of **each** habitat on site, as part of the calculations to quantify the pre-development value of the site (see 6, below).
- Mapping data should be GIS based (not map-form) so that it can be easily shared + accurately calculated for BNG

## 6. [Biodiversity Net Gain \(BNG\)](#)

- All planning applications need to consider the opportunities for the provision of wildlife gains.
- The national mandate for BNG for 'Major' applications came into force on 12 February 2024 and for 'Minor' applications on 2 April 2024.
- In general, where 25m<sup>2</sup> or greater of vegetated land / natural habitat(s) is to be lost, altered or modified, such that it results in a **decrease** to the existing habitat value(s), the change must be quantified utilising the [Statutory Metric](#).
  - The Metric must (except in limited circumstances) be completed by a 'competent person' and will determine the pre-development ('baseline') value of the site;
  - It is best practice, at the application stage, to calculate the post-development value of the site, taking into account the necessity to follow the Mitigation

Hierarchy (**Section 3.0**, above). These values are likely to be indicative at this stage.

- Should planning permission be granted, the application will need to submit a [Biodiversity Gain Plan](#) (BGP). This is a general pre-commencement condition and sets out how the development will deliver BNG.
  - The BGP needs to ensure that all proposed post-development habitats match, **exactly**, all proposed landscaping and Green Infrastructure interventions.
  - The general condition for the BGP will also need to include a [Habitat Management and Monitoring Plan](#) (HMMP), or equivalent level of information, especially if the development is delivering '[significant onsite enhancements](#)' or undertaking [offsetting](#).
    - If the development is likely to either deliver 'significant onsite enhancements' or undertake offsetting, you **should** submit a draft HMMP with the planning application.

## KEY POINTS

- Think about biodiversity and green infrastructure at the **earliest** opportunity in the design process. Making space for nature is an opportunity to achieve a wide range of policy objectives, rather than a design constraint.
- The planning process requires developments to deliver on a wide range of policy objectives. Integrating these effectively necessitates the bringing together of technical expertise from many professions and creative problem solving to ensure Biodiversity Net Gains.
- Ecological expertise should be within the design team from the **start** and used to inform design decisions. This should not focus only on conserving any valuable species and habitats already present, but also on how to integrate any new habitats created through urban greening into the local ecological network set out within the Biodiversity Strategy 2020-2025.
- A key recommendation is for those people responsible for commissioning design teams (the lead consultant and the client) to bring together professionals that understand how their discipline not only interfaces with biodiversity but has a role in enhancing it. This will include engineers, architects, planners and landscape architects. There is also a role for marketing and sales personnel to better understand the added value of a nature-rich development for people's health and wellbeing.

## ON SITE MITIGATION AND BIODIVERSITY NET GAINS

are likely to be achieved through:

- habitat creation or restoration;
- suitable soft landscaping, using predominantly native trees, shrubs and flowers;
- green infrastructure (biodiverse roofs and walls);
- Sustainable Urban Drainage Systems (SuDS) with a wildlife friendly aspect (ponds, ditches etc.) and / or;
- information to residents<sup>1</sup> about the way wildlife friendly aspects have been incorporated into the development.

Enhancement **only** occurs when any and all effects have been mitigated and / or compensated for (assessed as part of a BNG Statement). Please see **Appendix 1** for further ideas and information.

## OFFSETTING

In certain circumstances, after following the Mitigation Hierarchy (**Section 3**), onsite mitigation and enhancement may not be possible. In such cases, '[Biodiversity Offsetting](#)' will be required.

## 7. Management and Monitoring of Habitats

Any and all onsite *in situ* habitats deemed to be 'significant onsite enhancements' are required to be managed and monitored for 30 years, as part of the [Biodiversity Gain Plan](#) / submitted [Habitat Management and Monitoring Plan](#).

---

<sup>1</sup> In a similar way to an Energy Efficiency booklet for any provided white goods, for instance



The submitted information to fulfil the BGP will provide full details on all necessary management (including ongoing responsibility) and the proposed monitoring methodology and reporting back timescales of relevance to the LBS Biodiversity Team, who will be monitoring results. The monitoring will provide any necessary recommendations / modifications to ensure the habitats are in the appropriate condition.

It is highly likely a Phase 1 botanical survey using [UKHab](#) with DAFOR will be required to inform monitoring. This will also incorporate a [Condition Assessment](#) for each applicable habitat, for all sites that are subject to mandatory BNG.

The full details of monitoring will be agreed in advance with the Biodiversity Team but it is **likely** that monitoring will cover the following years after creation: 1, 2, 3, 5, 7, 10, 15 and every 5 years thereafter.

Reporting to LBS is to be submitted no later than the **1<sup>st</sup> November of the year of the survey**, unless modifications to this schedule are agreed in advance in writing with the Biodiversity Team.

If the habitats are **NOT** delivering the agreed upon biodiversity values (or are highly unlikely to deliver these), through lack of / mismanagement, neglect, failure to install / create correctly etc., this is a Breach of Condition and possibly, a breach of a Planning Obligation.

## 8. Validation of Planning Applications

**Annex A** provides information to assist in validating information provided in response to the biodiversity and geological conservation questions on the standard application form with respect to:

- **Part 1** - protected species and species of principal importance
- **Part 2** - designated sites, priority habitats and features of biodiversity importance, and features of geological conservation importance.

**Annex B** provides a guide to the process LBS will use to validate a planning application using the biodiversity and geological conservation requirements, and this process is illustrated in **Figures 1** and **2**.

The process described in **Annex B** recognises that, in the first instance, an application is likely to be validated by administration staff when LBS first receives an application. Article 5 of the GDPO (2007) then requires that LBS shall, as soon as reasonably practicable, send to the applicant an acknowledgement of the application.

Article 5(5) makes it clear that if LBS subsequently considers that **the application does not include all of the required information**, they should notify the applicant as soon as practicable. This may occur, for instance, when an application is first judged by administration staff as being valid because the applicant has indicated that no biodiversity or geological conservation features specified in the template will be affected.

If, after **professional consideration**<sup>2</sup>, it is later identified that the application will affect features clearly specified in these validation requirements, then, in the absence of relevant biodiversity information, **LBS may judge the application to be invalid**.

LBS will check and verify information provided by applicants, against their own data, as part of the validation exercise. For instance, this could involve checking the location of the proposed development against LBS SINC maps and / or GIS information, to establish whether it is near any designated sites.

---

<sup>2</sup> Appropriate professional consideration may be given either by a planning case officer or preferably, the LPA's Biodiversity Team

## ANNEX A

### Part 1: Local Requirements for Protected Species, UK NERC Priority Species and Species Listed in Sutton's Local Biodiversity Action Plan

#### *Including Criteria and Indicative Thresholds*

The London Borough of Sutton has a duty to consider the conservation of biodiversity when determining a planning application under the [NERC ACT 2006](#) and the [Environment Act 2021](#); 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](#) (as amended) or the [Protection of Badgers Act 1992](#).

Where a proposed development is likely to affect protected species, the applicant must submit a Protected Species Survey and Assessment.

If the application involves any of the development proposals shown in **Table 1** (Column 1), a protected species survey and assessment **must** be submitted with the application. Exceptions to when a survey and assessment may not be required are also explained in this table.

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 ([Table 3 - Survey Timetable](#)), in suitable weather conditions and using nationally recognised survey guidelines / methods, where available.

The survey must be informed by the results of an up-to-date search for ecological data from a local environmental records centre (usually, [GiGL](#)), unless demonstrated as qualifying for an exemption<sup>3</sup>.

The survey must be to an appropriate level of scope and detail and must:

- Record which species are present and identify their numbers (may be approximate);
- Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding)
- The survey must identify and describe potential development impacts likely to harm the protected species and / or their habitats, as identified by the survey (these should include both direct and indirect effects, both during 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. In addition, proposals should demonstrate how they will enhance, restore or add to features or habitats used by protected species to deliver No Net Loss and Net Gains. The Survey 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.

The information provided in response to the above requirements are consistent with those required for an application to Natural England for a European Protected Species Licence (EPSL).

---

<sup>3</sup> PEA Guidelines, Annex 2, pg.15



A protected species survey and assessment may form part of a wider Ecological Impact Assessment (EclA) and / or part of an Environmental Impact Assessment.

**Table 1 - Local Requirement for Protected Species: Criteria and Indicative Thresholds (Trigger List) for when a Survey and Assessment is Required**

Column 1	Species Likely to Be Affected And For Which a Survey Is Required									
	Bats	Barn Owls	Breeding Birds	Great Crested Newts	Notable Invertebrates	Badgers	Reptiles	Amphibians	Schedule 8 Plants and fungi	Other BAP Species
<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 (e.g. farmhouses and barns) particularly of traditional brick or stone construction and/or with exposed wooden beams greater than 20cm thick;</li> <li>all buildings with weatherboarding and/or hanging tiles that are within 200m of woodland and/or water;</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>pre-1914 buildings with gable ends or slate roofs, 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> <li>all bridge structures, aqueducts and viaducts (especially over water and wet ground).</li> </ul>	✓	✓	✓							
Proposals involving lighting of churches and listed buildings or flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water.	✓		✓		✓	✓		✓		

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 (PRFs),</li> <li>trees with a girth greater than 1m at chest height</li> </ul>	✓		✓		✓					
	✓	✓	✓		✓					
	✓		✓		✓					
Major proposals within 500m of a pond or Minor proposals within 100m of pond (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 1000m <sup>2</sup> floor area or more than 1 hectare)				✓	✓			✓		
Proposals affecting or within 200m of rivers, streams, lakes, or other aquatic habitats such as reedbed, grazing marsh and fen.	✓		✓		✓					
Proposals affecting 'derelict' land (brownfield sites), allotments, grasslands and meadows, connected or large gardens and railway land.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Proposed development affecting any buildings, structures, feature or locations where protected species or NERC S41 Priority Species <sup>4</sup> are known to be present*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	<b>Bats</b>	<b>Barn Owls</b>	<b>Breeding Birds</b>	<b>GCN</b>	<b>Notable Invertebrates</b>	<b>Badgers</b>	<b>Reptiles</b>	<b>Amphibians</b>	<b>Schedule 8 Plants</b>	<b>Other BAP Species</b>

\*Confirmed as present by either a data search (for instance via the local environmental records centre) or as notified to the developer by the local planning authority, and/or by Natural England, the Environment Agency or other Nature conservation organisation

### **Exceptions for When a Full Species Survey and Assessment may not be Required**

- Following consultation by the applicant at the pre-application stage, the LPA has stated in writing that no protected species surveys and assessments are required.

<sup>4</sup> <http://publications.naturalengland.org.uk/publication/4958719460769792>

- b) If it is clear that no protected species are present, despite the guidance in the above table indicating that they are likely, the applicant 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).
- c) If it is clear that the development proposal will not affect any protected species present, then only limited information needs to be submitted. This information should, however,
  - i) demonstrate that there will be no significant effect on any protected species present from someone suitably qualified to make that judgement and,
  - ii) include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed.
- d) 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. If in doubt, consult the LPA / Biodiversity Team for advice.

## **Part 2: Local Requirements for Designated Sites, Priority (NERC) Habitats and Habitats Listed in the Sutton Local Biodiversity Strategy (including Geological Conservation)**

The London Borough of Sutton has a duty to consider the conservation of biodiversity when determining a planning application; this includes having regard to the safeguarding of designated sites and priority habitats. Where a proposed development is likely to affect such a site, habitat or geological feature, the applicant must undertake at least a Preliminary Ecological Assessment (PEA). 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 must be submitted with the application (likely in the form of an Ecological Impact Assessment - EclA).

Exceptions to when a survey and assessment may not be required are also explained in these tables.

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 must be informed by the results of an up-to-date search for ecological data from a local environmental records centre (usually, GiGL), unless demonstrated as qualifying for an exemption. 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.
- Justify the condition of each habitat

The Assessment should identify and describe potential development impacts likely to harm designated sites, priority habitats, other listed biodiversity features or geological 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 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.

In addition, proposals should demonstrate how they will enhance, restore or add to designated sites priority habitats, other biodiversity features or geological features.

The PEA / EclA should give an indication of likely change in the area (hectares) of priority habitat on the site after development.

Biodiversity Net Gain must be determined

An ecological / geological survey and assessment may form part of a wider Environmental Impact Assessment.

**Table 2 - Local Requirements for Designated Sites and Priority Habitats and Habitats Listed in the Sutton Local Biodiversity Action Plan: Criteria (Trigger List) for When a Survey and Assessment are Required**

<b>1. DESIGNATED SITES (as shown on the Council's Local Plan <a href="#">Policies Map</a>)</b>	
Internationally designated sites*	Special Protection Area (SPA) Special Area of Conservation (SAC) Ramsar Site
Nationally designated sites**	Site of Special Scientific Interest (SSSI) National Nature Reserve (NNR)
Regionally and locally designated sites	Sites of Importance for Nature Conservation (SINCs) Local Nature Reserve (LNR) Green Corridors
<b>2. PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.41 of the NERC Act 2006)</b>	
<ul style="list-style-type: none"> <li>• Ancient and / or species-rich hedgerows</li> <li>• Fen, marsh, swamp and reedbeds</li> <li>• Lowland calcareous grassland (e.g. species-rich chalk and limestone grasslands)</li> <li>• Lowland heathland and / or dry acid grassland***</li> <li>• Lowland meadows (e.g. species-rich flower meadows)</li> <li>• Lowland deciduous woodland (ancient woodland)***</li> <li>• Lowland wood-pasture and parkland</li> <li>• Rivers and streams (e.g. chalk streams)</li> <li>• Standing open water and canals (e.g. lakes, reservoirs, ponds, aquifer fed fluctuating water bodies)</li> <li>• Wet woodland***</li> </ul>	
<b>3. OTHER BIODIVERSITY FEATURES (as identified in the Biodiversity Strategy 2020-2025)</b>	
<ul style="list-style-type: none"> <li>• Secondary Woodland and Mature / Veteran Trees, including deadwood</li> <li>• Trees and scrub used for nesting by breeding birds</li> <li>• Successional scrub (particularly for Priority Invertebrate Species)</li> <li>• Open Mosaic Habitats on Previously Developed Sites ('brownfield' sites)</li> <li>• Urban green space (e.g. pocket parks, allotments, flower-rich road verges and railway embankments)</li> </ul>	

\* Not in Sutton. Highly unlikely to be impacted in neighbouring LPAs

\*\* Not in Sutton. May be affected in a neighbouring borough / LPA, depending on the size of the development

\*\*\* Extremely scarce in the borough

### ***Exceptions 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.

**Regional and 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 Biodiversity Team that they are satisfied that the proposed development will not affect any regional or local sites designated for their local nature conservation importance or any other priority habitats or listed features.



**Table 3 - Survey Timetable**

	Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec
<b>Badgers</b>												
<b>Bats (Hibernation Roosts)</b>												
<b>Bats (Summer Roosts)</b>												
<b>Bats (Foraging / Commuting)</b>												
<b>Birds (Breeding)</b>												
<b>Birds (Wintering)</b>												
<b>Invertebrates</b>												
<b>Reptiles</b>												
<b>Habitats / Vegetation</b>												

**Optimal months**

**Sub-optimal but may still be of value (depending on weather etc.)**

**Unlikely to be of value**



For certain species and habitats, surveys can be carried out at any time of year, but for other species, particular times of year are required to give the most reliable results, as indicated in **Table 3**.

Surveys conducted outside of optimal times may be unreliable. For certain species (e.g. bats), surveys over the winter period are unlikely to yield any useful information. Similarly, negative results gained outside the optimal period should not be interpreted as absence of a species and further survey work may be required during the optimal survey season. This is especially important where existing surveys and records show the species has been found previously on site or in the surrounding area.

An application may not be valid until survey information is gathered from an optimum time of year.

Species surveys are also very weather dependent, so it may be necessary to delay a survey or to carry out more than one survey if the weather is not suitable, e.g. bat surveys carried out in wet or cold weather may not yield accurate results.

Absence of evidence of a species does not necessarily mean that the species is not there, nor that its habitat is not protected (e.g. a bat roost used in the summer is protected during the winter whether any bats are present or not).

## ANNEX B

### London Borough of Sutton Validation Process

The table below outlines recommended procedures for London Borough of Sutton staff to ensure biodiversity and geological conservation issues are addressed adequately in the validation of planning applications

#### STEPS

##### 1. Application is received



##### 2. Initial Checks (see note a)

Check 1: Has the applicant answered 'yes' to any of the questions (a), (b) and (c) of the Biodiversity and Geological Conservation question on the standard application form?

Check 2: Has the applicant indicated with reference to Tables 1, 2 and 3 in the Local Requirements what, if any, Protected & BAP Species, Designated Sites, Priority & BAP Habitats and Geological Features could potentially be affected?

Check 3: Is LBS satisfied with the responses provided by the applicant? (see note b)

Check 4: Has the applicant submitted all necessary surveys and assessments specified in the Local Requirements (e.g. triggered by a 'yes' to any question in Tables 1, 2 or 3)? (see note c)

Check 5: Has the applicant claimed that exceptions apply – as explained in Tables 1, 2 or 3?

Check 6: Is LBS satisfied that exceptions do apply? (see note d)

Check 7: Has the applicant completed the 'Biodiversity Net Gain' question on the standard application form?

Check 8: Does LBS agree with the information submitted under the 'Biodiversity Net Gain' question?



##### 3. Initial Determination

Check 9: Do surveys and assessments submitted contain sufficient information to describe features present, to assess potential impacts and to propose adequate mitigation, compensation and enhancement? (see note e)



##### 4. Final Determination

The application can be determined taking account of information submitted and any other data required to evaluate the potential effects of the proposed development on biodiversity and geological conservation (see note f).

#### NOTES

- **Note (a)** It is intended that the initial checks should be a quick, coarse filter to 'strain out' the applications that obviously lack the key information on biodiversity/geological conservation required. Administrative staff are expected to carry out these initial checks.

- **Note (b)** Where the applicant has answered 'No' to all parts of the biodiversity/geology question on the standard application form, LBS should, wherever possible, seek to confirm the validity of these responses by referring to its own 'environmental evidence base' (e.g. on Site Lists, GIS or via GiGL).
- **Note (c)** Where an applicant meets any of the criteria in Tables 1, or 2, they must also provide relevant surveys and assessments for the application to be valid.
- **Note (d)** It may be necessary to delay validation of an application where an applicant claims that exceptions apply (e.g. they do not need to submit a survey and assessment) while further checks are carried out to confirm that features specified in the requirements are not present or likely to be affected.
- **Note (e)** In consultation with consultees, LBS should confirm that the applicant's response to Tables 1 or 2 are accurate. As part of the initial determination of the application, LBS should also ensure that any surveys and assessments submitted contain all of the details required. Their content should be checked for accuracy and comprehensiveness. These further checks should be undertaken by the planning case officer responsible for the application, supported by the Biodiversity Team. It is unlikely that a planning case officer will be able to complete these further checks without consultation to professional ecological expertise e.g. LBS Biodiversity Team or statutory consultee.
- **Note (f)** LBS should determine the application against national and local planning policies and following consultation with relevant stakeholders, and with reference to its own environmental evidence base.

## Appendix 1

### Mitigation and Enhancement Examples

Many of the below also link with Sutton's [Green Space Factor](#), particularly biodiverse roofs, general landscaping and hardstanding.

Further advice is provided within the [Biodiversity Strategy](#) and assistance can be obtained from the Council's Biodiversity Team [biodiversity@sutton.gov.uk](mailto:biodiversity@sutton.gov.uk).

See also [Greater London Authorities Urban Greening for Biodiversity Net Gain Design Guide](#)

Design Area	Design Opportunity	Details / Examples
Roofs	Extensive living roofs ('Biodiverse' / 'Brown' / 'Blue')	Biodiverse living roof systems use a low nutrient substrate base and should vary to make a mosaic of different substrate depths between 80-200mm with peaks and troughs (but averaging at least 133mm). Seeded and plug planted with native wildflower species that includes other materials to vary the microhabitat/topography characteristics of the locality in which the roof is situated e.g. Larger boulders/rocks, mounds of sand for solitary bees/wasps and one natural hardwood per 20m <sup>2</sup> for other invertebrates: suggested dimensions 100mm+ diameter by 1m+ long. Prefabricated ponds should also be considered to increase niche availability.
	Intensive living roofs (roof gardens)	Intensive living roofs differ from extensive living roofs as they have a much greater depth of growing medium +200mm and tend to replicate a terrestrial landscape at roof level. Intensive living roofs should still aspire to use flowers, plants, shrubs and trees known to benefit local wildlife. Living roofs should not be seen as an automatic substitution for ground level landscaping.
	Artificial roost	Artificial roosts for bats can be incorporated into conversions or within new development such as a roof void by providing suitable access. Products are available to aid bat roosting potential or access to potential roost spaces such as bat access tiles.
Buildings	Bird & Bat boxes	<p>The type of box, its location, and surroundings will depend on the species the box is intended for. You will need to take into account ecological requirements of the target species:</p> <ul style="list-style-type: none"> <li>• Position,</li> <li>• aspect,</li> <li>• height,</li> <li>• Obstructions,</li> <li>• cleaning and maintenance,</li> <li>• whether a single or colonial species, and</li> <li>• whether surroundings are suitable for commuting and/or foraging.</li> </ul> <p>It is preferable to install boxes into the fabric of the building as this provides longevity. There are numerous bird and bat boxes specifically designed for brickwork.</p> <p><b>Example: Swift boxes installed in brickwork</b> - Swift boxes should be sited on a north, north west or west aspect or under the shelter of the eaves/overhanging roofs, out of the sun because excessive heat can harm the chicks. They should be installed at a height of at least 6 to 7m, with at least a 5 metre drop, clear of</p>

		obstructions, which provides clear airspace for high speed access and egress. Several boxes together will assist the formation of swift colonies.
	Green / living walls	Living walls are typically composed of climbing plants. They provide opportunities for wildlife such as habitat for invertebrates and nectar, pollen and berry resources. If sufficiently dense, vegetated walls can provide nesting habitat for birds. They can also reduce fragmentation of habitats by forming a link between ground level landscaping and green roofs. Climbers can adhere directly to brick and stone, but where it is desirable to encourage growth away from the building facade, a network of trellises and wires can be used. Only climbing plants known to benefit wildlife should be used. This usually included native climbing species, although some non-native species also provide some benefits.
	Lighting	Artificial lighting has significant impacts on animals and insects, disrupting activities such as the search for food and mating behaviour. Where lighting is necessary, take into account: type of lamp (e.g. low pressure sodium lamps in preference to high pressure sodium or mercury lamps, consider fitting UV filters), aim to avoid light spillage using hoods, cowls etc., the height of lighting column should be as short as possible, light levels should be as low as possible, consider running the lighting on a control system allowing for automatic switching or dimming between 23:00 and 07:00, depending on the time of year, to provide some dark periods. The Bat Conservation Trust in association with the Institution of Lighting Engineers (ILE) has produced a guidance document ' <a href="#">Bats and Lighting in the UK</a> ' Also see: <a href="#">Bats and lighting: Overview of current evidence and mitigation</a> (2013)
Outdoor space	Sustainable Urban Drainage Systems (SUDS)	SUDs can help to slow down the runoff rate and store water on a temporary basis, reducing the impact of urbanisation on flooding, and provide a habitat for wildlife. Examples include the use of constructed wetlands, such as ponds, reed beds, rain gardens, planted swales, and detention basins. CIRIA has produced a number of guidance documents covering a range of opportunities and challenges related to general water management, all the way through to specific SuDS components. <a href="http://www.susdrain.org/resources/ciria-guidance.html">http://www.susdrain.org/resources/ciria-guidance.html</a>
	Ponds/reed beds	Ponds and reed beds can have significant wildlife value and are often quick and easy to create. Ponds can be constructed using concrete, butyl liners or bentonite and/or puddled clay. It is better that they are designed using methods such as rainwater harvesting, as this can be fed directly into a pond, as topping up with mains water adds nutrients to the pond and can lead to algal blooms. Raised ponds can be used if there are concerns over safety, as long as they have connectivity with other habitats.
Landscaping and planting	General Planting	Retaining and planting native species of local origin is preferable to help to maintain the integrity of ecosystems close to the development, but will also increase biodiversity within the development. Planting of trees, bushes, forbs and grass can be used to complement natural vegetation. Only native/local provenance species to be planted on sites adjacent to or within specified distance of a SINC and should reflect or complement the

		species composition of the SINC where possible. Peat-free products only should be used in planting schemes.
	Wildflower meadows + areas of long grass	Wildflower rich grassland or meadows reflecting natural communities of local soil types can be created, or restored, in areas of greenspace. These habitats need ongoing management to maintain their biodiversity interest. It is expected that a management plan and provision for ongoing management is provided as part of any development proposal. Areas of amenity grassland are of very limited value for biodiversity.
	Tree, shrub and understory planting	Depending on the scale of planting proposed, this encompasses single trees to small areas of scrub, and even woodland. Where possible, it is desirable to plant native species reflecting natural communities of local soil types. If possible establish a <b>graded</b> canopy down from large trees to smaller, dense lower shrubs, to field and ground layer.
	Hedgerows	Hedgerows composed of native species reflecting natural communities of local soil types are by far the best for wildlife. Climbers such as honeysuckle and bramble can be integrated into hedgerows. Existing native species hedgerows should be retained as far as possible. Even low species rich hedgerows may form important nest sites for birds or commuting routes for species such as bats.
	Flower planting for birds and insects	At <b>least 60%</b> of your planting should be <b>native and local species</b> . Choose plants likely to attract wildlife. Any planting scheme will need ongoing management to maintain its biodiversity interest. However, the urban environment is highly modified by people and the value of some non-native plants with high species associations is also recognised to be of value. See: <a href="#">RHS Plants for Pollinators</a>
	Retention of ecologically important habitats	Where there is remnant natural vegetation on site, the aim should be to maintain these areas. Loss or damage to these areas should be kept to a minimum.
	Connectivity / permeability	Developments should consider how they will increase the permeability of the site to wildlife. Example: Hedgehogs travel around one mile every night through our parks and gardens in their quest to find enough food and a mate. Installing hedgehog friendly fencing and allowing access/egress through the open space is quick and simple: a 13cm by 13cm hole is sufficient for any hedgehog to pass through but will be too small for nearly all pets.
	Hard surfaces	Hard surfaces should be kept to a minimum in new schemes. Permeable materials should be used wherever possible. This will reduce run-off. Soil sealing on site should be kept to a minimum. Any runoff should be directed onto vegetated areas or filtered thoroughly before being released into semi-natural habitats, such as water courses. Run-off that is high in pollution and certain nutrients can pollute ponds and waterways, altering their biodiversity



	Deadwood	<p>Deadwood habitats can be integrated creatively into a development, such as standing dead tree monoliths with coronet cuts to provide habitat for deadwood specialists such as fungi, flies and wood boring beetles.</p> <p>Deadwood habitat piles should aim to use hardwood of 100mm+ diameter by 1m+ length. Ideally these should be sited in dappled or shady areas and be in good contact with the surrounding soil.</p>
	Orchards	<p>Traditional orchards are hotspots for biodiversity supporting a wide range of wildlife. Traditional fruit and nut varieties are preferred. These features will require on-going management. It is expected that a contaminated land assessment is provided by the applicant if the produce is for consumption.</p>
	Herbicides	<p>Herbicide and pesticide use should be <b>avoided</b> and alternative and pesticide use control methods used, except when controlling invasive species</p>