

Wildlife and development are often assumed to be in inevitable conflict. This doesn't have to be the case and through careful consideration of new development, opportunities can usually be found to conserve significant wildlife that already exists on a site and to create new habitats to encourage species.

In the majority of cases wildlife need not be a bar to development but in order to overcome problems careful site and species survey, at the earliest stage, is essential - as is the input of competent ecological advice during the design process.

The note expands on policies set out for wildlife conservation in the South Hams Local Plan and forms Supplementary Planning Guidance. The Council will bear the guidelines in mind when considering planning applications. The note reflects information contained in Government Planning Policy Guidance 9 "*Nature Conservation*", the Devon County Structure Plan and other related legislation.

This guidance note should be read in conjunction with the relevant policies contained in the South Hams Local Plan: 1995 - 2011 Part 1: General Policies.

GUIDING PRINCIPLES

"The conservation of nature is important. With careful planning and control, conservation and development can be compatible" Planning Policy Guidance 9 (para 3)

"Nature conservation can be a significant material consideration in determining many planning applications" Planning Policy Guidance 9 (para 27)

"The presence of a protected species is a material consideration when considering a development proposal which, if carried out, would be likely to result in harm to the species or habitat" Planning Policy Guidance 9 (para 47)

"The biodiversity and earth science resource of Devon's natural environment should be sustained and, where possible, enhanced. It's diversity and distinctiveness should not be diminished" Devon Structure Plan Policy C13

"Planning conditions can be used, for example, to require areas to be fenced or bounded off to protect them, or restrict operations or uses to specific times of year. Planning obligations can accompany permission in order to secure long-term management, to provide funds for management, or to provide nature conservation features to compensate for any such features lost when development takes place." Planning Policy Guidance 9 (Para 28)

The Council will adopt the precautionary principle when considering development proposals likely to have an adverse effect on rare or protected species or designated sites. Approval will not be granted unless it can be demonstrated that the effects have been decreased to an acceptable level which accord with the policies set out in the Local Plan.

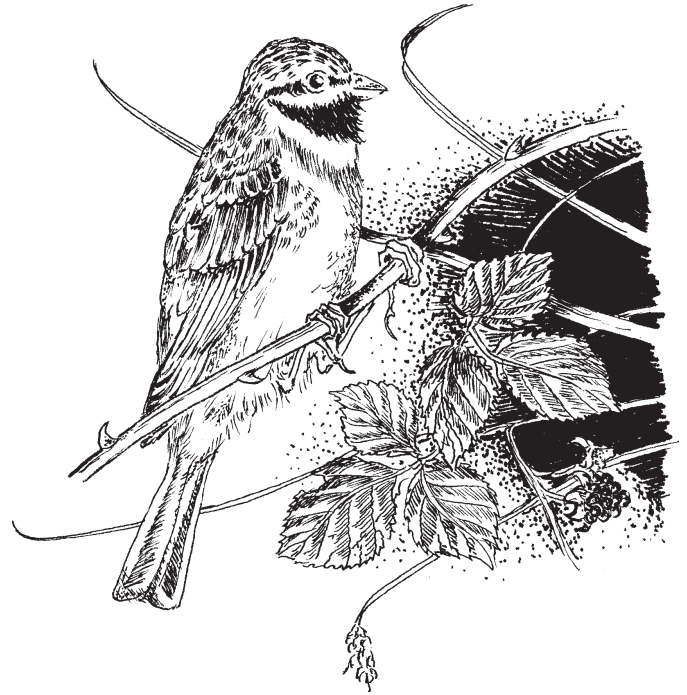
SOUTH HAMS WILDLIFE

The wildlife of South Hams is rich and includes both the common and the rare. Wildlife is not something that is found only in “nature reserves” but is all around us - in gardens, green spaces and even our houses.

It is helpful to appreciate the role of both **sites** and **species**. Sites contain the important habitats such as grassland and woodland, and by their nature stay in one place. They have conservation value in their own right and for the species they support. Species may move and use a number of different sites for different reasons and at different times. The key to species conservation is to conserve the sites they inhabit - and this is a significant matter for development.

SITES

Known sites hosting rare species, or a good mix of species, have statutory protection. Numerous other sites also have wildlife value (although this may only come to light during the development process). Both types of site are important and both are recognised in national guidance and the Local Plan policies.



TYPE OF SITE	LEGISLATION & GUIDANCE	RELEVANCE IN SOUTH HAMS
Special Areas of Conservation Special Protection Areas	Habitats Regulations 1994 Planning Policy Guidance 9 Local Plan Policy	4 sites in South Hams hosting species of European significance. Highest level of site protection requiring stringent analysis of any proposals and withdrawal of Permitted Development Rights
Sites of Special Scientific Interest	Wildlife and Countryside Act 1981 Planning Policy Guidance 9 Local Plan Policy	29 sites in South Hams forming key parts of the national ecological and geological resource
County Wildlife Sites and County Geological Sites	Planning Policy Guidance 9 Local Plan Policy	Nearly 300 South Hams sites identified which are of importance in a County context. The key aim is to promote positive conservation management.
Wildlife Features	Habitats Regulations 1994 Planning Policy Guidance 9 Local Plan Policy	The Habitats Regulations require that major features for flora and fauna should be identified during the planning process and be given due consideration. In South Hams these would include Woodland Hedgerows Orchards Ponds, rivers and streams Urban green corridors Road verges

It is important to identify at the outset in your planning application whether your development will affect a designated site or significant wildlife features.

Details of the location of known sites is held by South Hams District Council and the Devon Biodiversity Records Centre.

SPECIES

Species conservation can be complex: there is a need to conserve the individuals involved and their home and habitat. They are not always present but can be found on many development sites at certain times of the year.

For example some of the rarest species found in South Hams are bats - and many of these are present in buildings under consideration for conversion. Development therefore potentially presents a significant threat. If, however, the building is being secured for the long-term and proper consideration is given to retaining the bats, development can be a positive tool for species conservation.

Species are subject to statutory protection under the following legislation:

Wildlife and Countryside Act (as amended) 1981

Habitats Regulations 1994

Protection of Badgers Act 1992

Countryside and Rights of Way Act 2000

Species presence on a site needs to be identified at the earliest stage and be given due consideration. The following is a list of some of the protected species which may be present on development sites in South Hams.



PROTECTED SPECIES	LIKELY LOCATION
Bats Barn Owls Swifts / swallows / house martins Snakes / slow worms / lizards	Existing buildings, gardens, trees, hedges, banks, tunnels and caves.
Badgers Hares Dormice Rare wild flowers Rare butterflies Cirl buntings and other rare birds Reptiles and amphibians	Farmland (including grassland, hedgerows, woodlands)
Otters Water voles	Wetland (including rivers, streams, marsh and ponds)

If you are developing on a site which has the potential to contain protected species, consideration needs to be given to their identification and protection from the start. Survey information is vital.

THE DESIGN PROCESS

SURVEYS

Whereas trees and existing structures are self evident on a development site, wildlife may not be. Important habitats may not be readily appreciated and species may be small, indistinct and perhaps not even resident on the day of inspection. Ecological survey therefore requires specialist input.

Only a small minority of development sites are likely to support significant wildlife but it is important to both the developer and the Council to identify these at the earliest opportunity.

Whilst any development could potentially affect wildlife the Council will normally consider that a competently prepared ecological assessment should always accompany the following types of development proposal.

TYPE OF PROPOSAL	REASON
1. On or adjacent to designated wildlife sites (i.e. SSSIs or County Wildlife Sites).	To allow proper consideration of the effects of development on the site.
2. On or adjacent to a site known to support a rare or protected species.	To allow proper consideration of the effects of development on the species.
3. Conversion, or works affecting the roof, of barns, mills, traditional properties and buildings in the open countryside and rural fringe.	Known significance of such properties as bat and barn owl roosts. Survey allows identification of any such use.
4. Green field development including proposals on, or adjacent to, farmland, woodland, hedgerows and orchards.	Potential of such sites to support a broad range of protected species.
5. Sites on or adjacent to, the coastline estuaries, rivers or wetlands.	Potential of these habitats to support a broad range of protected species.
6. Quarries, caves, bridges or culverts.	Known significance of such sites as bat roosts or geological importance.
7. Sites which require a statutory Environmental Impact Assessment	To allow proper consideration of effects of development.

This list is not comprehensive and surveys may be required for other types of proposal.

The survey should be tailored to suit the site and specialist advice should be sought. The usual starting point on a larger site will be to commission a "Phase One Habitat Survey" which will describe the habitats present and identify if there are any important features which require further evaluation, for example protected species or scarce habitats.

For a building conversion where the likely protected species are limited, a simpler survey targeted at the species will be appropriate - for example bats in an old mill or bats and Barn Owls in a barn.

Because many surveys can only be undertaken at certain times of year, it is important to consider the need to gather ecological information at an early stage.

DESIGN

Your aims should be to enhance the overall ecological quality of the site and its surrounds. This should be based on the retention and incorporation of existing habitats and species along with the creation or restoration of other habitats wherever practicable.

Although every site will be different there is a standard approach to the way that wildlife conservation should be addressed within development as set out in the following table.

The basic presumption is that significant wildlife will be protected and left undisturbed. **Only if this is not possible** will other options be considered. Where damage or loss is proposed, full and appropriate compensation will be required.

1. ECOLOGICAL SURVEY

Undertake and submit an appropriate ecological survey, completed at the correct time of year.

Identify habitats and species. Assess the impact of proposed development

2. PROTECTION AND MITIGATION

When an important species or habitat is identified the initial aim is that it is protected, undisturbed. This may involve designing a site to isolate or exclude a specific area (for example a pond) with an adequate buffer zone around it to prevent damage and disturbance during construction or future changes in use of the adjacent land.

Based on the identified habitats and species in the ECOLOGICAL SURVEY specify, and show on a plan:-

Protection measures during development (e.g. location and type of fencing or bunding)

Constraints on timing of works (i.e. to avoid nesting / breeding season)

Long-term protection and buffer zone measures to minimise disturbance (e.g. fencing or planting)

Alternative provision for species during development

Methods and materials to be used in development (i.e. timber preservation near bats)

Monitoring during and after development to ensure success of measures

3. COMPENSATION AND ENHANCEMENT

Where loss of significant wildlife features is unavoidable, and the Council gives permission for the works, you will be required to provide adequate compensation elsewhere. This may be through securing habitat elsewhere, bringing land back into conservation management or creation of new habitats. The Council may seek to secure agreed works through a planning agreement. Habitat translocation is not considered to be a proven and effective technique and will only be considered by the Council in exceptional circumstances. The Council will encourage applicants to provide new benefits for wildlife wherever possible.

Based on the ECOLOGICAL SURVEY and PROTECTION AND MITIGATION plan specify:-

Location of proposed habitat or species loss

Location for compensatory replacement habitat

Location of proposed additional habitat enhancement

Means of habitat establishment, long-term management and monitoring

4. MANAGEMENT

The variety of wildlife habitats in the South Hams is as much to do with human interference (farming and forestry) as it is to do with natural factors. The key to successful long-term wildlife conservation in and around development is to sustain appropriate (usually traditional) management.

Based on proposed PROTECTION, MITIGATION, COMPENSATION AND ENHANCEMENT WORK specify:-

Long term management aims (by reference to a plan)

Location and details of works

Timescale for works

Responsibility for management

5. MONITORING

All wildlife is sensitive to change, and development in the locality presents a significant possible disturbance. No matter how well your wildlife proposals are drawn up the wildlife may not act as expected.

In conjunction with MANAGEMENT works specify:-

Long term monitoring requirements

Timescale for monitoring

Responsibility for monitoring

HOW THE COUNCIL WILL DEAL WITH APPLICATIONS

The Council has a standard approach to development proposals where wildlife may be an issue.

All applications will be required to be accompanied by sufficient information to allow adequate appraisal of sites and species. This is to allow the Council to be able to determine whether there is likely to be a significant impact on wildlife.

The Council will expect applicants to consider wildlife as a potential benefit from development, rather than a constraint, wherever possible.

The Council will check applications to see if any designated sites or protected species will be affected. If so the Council will consult with English Nature. The Council may also contact one of the specialist organisations listed at the end of this note. You may wish to make this contact yourself prior to submitting your application if you are aware of a specific site or species issue.

Where wildlife is present on a site the Council will treat this as a material consideration and view the application in light of the Local Plan policies, Devon County Policy C13 and Planning Policy Guidance 9.

Where approval is granted the Council will consider the use of conditions, or planning obligations, to secure the protection and enhancement of wildlife.

The role of the Ecologist

In the same way that you would engage an architect or engineer you should consider the early involvement of an ecologist in your scheme. In many cases you will need an ecologist only once - especially if they identify that there are no habitats or species present - but where there is a wildlife issue you should ensure that the ecologist is integrated in the design team throughout the design process.

Wildlife, particularly protected species, can be problematic and controversial on development sites - and both the developer and wildlife will benefit from the early involvement of an ecologist.

Your Ecologist will be able to advise you over any licensing requirements in relation to protected species.

The role of English Nature

English Nature is the government agency responsible for advising local authorities on nature conservation matters. Where a development application affects a protected site or species English Nature are a statutory consultee. They also grant licences under the Protection of Badgers Act 1992 where development may affect badgers.

The role of the Department of the Environment, Food and Rural Affairs

Where a development affects a European protected species (such as Bats, Otters and Dormice) DEFRA advise on, and issue licences, under the Habitat Regulations 1994.

The role of voluntary organisations

There are many advisory nature conservation organisations - some of which are listed at the end of this note. These groups hold a wealth of knowledge and information on South Hams wildlife and the Council would encourage early liaison between developers and any relevant groups where a wildlife issue exists on a site.

The role of Biodiversity Action Plans

Biodiversity (the diversity of life) is another term for wildlife. Over the past decade government has encouraged the production of Biodiversity Action Plans as a way of targeting effort and resources on key species and habitats. Where such species or habitats occur on, or adjacent to, a development site the Council will expect the applicant to consider the actions set out in such a plan. Further details can be obtained from your ecologist or the Devon Biodiversity Record Centre.

The role of ecological survey

Survey early to ensure that

Wildlife is identified at the outset

The development is designed with wildlife in mind

The Council can make a considered decision

A quality survey at the outset can prevent problems later on which could seriously delay consideration of an application.

POST APPROVAL

Once planning permission has been obtained the following procedure should be followed:

PRIOR TO DEVELOPMENT

All agreed protection put in place

All measures to minimise disturbance implemented; for example provision of temporary nest sites and adherence to controls on timing of works

Any necessary licences from DEFRA or English Nature in relation to protected species have been obtained.

DURING DEVELOPMENT

Protection maintained

Any required monitoring takes place

Any agreed new habitats are created at the earliest opportunity, for example new planting or the provision of barn owl or bat boxes

AFTER COMPLETION

Manage existing habitats

Maintain new features

Monitor to ensure success

BUILDING FOR WILDLIFE

Development can be a positive tool for wildlife - particularly on sites of little wildlife value at the outset. Almost all developments can be undertaken in a way that benefits wildlife and the Council would encourage developers to consider incorporating measures in their proposals.

These need not be costly or inconvenient and may indeed enhance a development's value and appeal.

DESIGNING BUILDINGS

Bat tiles, entrances and internal bat boxes	Many bat species make use of buildings; particularly near areas of open space or in the countryside. Careful incorporation of access in the roof space (including the use of special bat tiles) allows them to roost or breed.
Barn Owl lofts or boxes	Where an agricultural building is being converted, or a new agricultural building erected in an appropriate location, the Council will expect provision for barn owls. This would normally be a well-insulated loft space.
Swifts, swallows and house martins	These species rely on buildings and are increasingly under threat. Careful conversion, or new build, can make provision for these species, particularly in eaves or outbuildings.

DESIGNING SPACES

Gardens	Consider areas of dense shrub cover and the use of native species.
Hedges and woodlands	These have obvious wildlife benefit; particularly where there is a dense understorey of shrub species which helps nesting and fruiting. Link woods and hedges within, and around, a development.
Wetland	Wherever possible retain water on development sites within its natural stream, river or pond. Maximise wildlife benefit by creating buffer zones of native woodland, scrub or grassland adjacent to the water feature. Streams or rivers can provide ideal frameworks for green corridors within major development.
Grassland	One of the rarest habitats in South Hams is flower rich meadow. These can be created on poor soils and, in combination with short mown grass, can provide high wildlife value and attractive features within open space on new development.
Orchards	These can be created to have high wildlife benefit with a mix of trees, meadow and hedges. They are also a local characteristic of the South Hams providing areas of beauty and tranquillity for public or private use.



CHECKLIST: WILDLIFE AND DEVELOPMENT

SUBMITTING THE APPLICATION

If your development is one of the following have you had an ecological survey undertaken?

- On, or adjacent to, a designated wildlife site
- On, or adjacent to, a site known to support a rare or protected species
- Conversion of, or works affecting the roof of barns, mills, traditional properties and buildings in the open countryside, or on the rural fringe
- Greenfield development
- Coastal, estuary, river or wetland
- Quarries or caves
- Other sites where a wildlife interest is known or suspected or where a Statutory Environmental Impact assessment is required

If the survey reveals a wildlife interest does your scheme include measures for:

- Protection or mitigation
- Compensation and enhancement
- Long-term management?
- Monitoring to ensure success?

CARRYING OUT THE DEVELOPMENT

Prior to development, ensure:

- All protection is in place
- All measures to minimise disturbance are in place
- That any necessary licences in relation to protected species have been obtained

During development

- Maintain protection and measures to minimise disturbance
- Undertake monitoring
- Implement new wildlife features

After completion

- Manage existing habitats
- Maintain new wildlife features
- Monitor to ensure success

FURTHER ADVICE

The Council's Landscape and Recreation Manager can provide further advice on the contents of this Supplementary Planning Guidance note. Tel 01803 861379

The Institute of Ecology and Environmental Management produce a directory of Accredited Ecologists. IEEM, 45 Southgate Street, Winchester, Hampshire SO23 9EH. Tel 01962 868626

For details of protected species and sites in relation to development or licensing contact:

English Nature
Level 2, Renslade House, Bonhay Road, Exeter EX4 3AW
Tel 01392 889770

DEFRA: Zone 1/08, Temple Quay House,
2 The Square, Temple Quay, Bristol BS1 6EB.
Tel 01173 728291

The following organisations may be able to assist in relation to specific sites or species:

The Devon Biodiversity Records Centre holds information on sites and species in Devon.
Shirehampton House, 35-37 St David's Hill, Exeter, EX4 4DA.
Tel 01392 279244

Barn Owl Trust, Waterleat, Ashburton TQ13 7HU.
Tel 01364 653026

Devon Wildlife Trust
Shirehampton House, 35-37 St David's Hill, Exeter EX4 4DA.
Tel 01392 279244

Royal Society for the Protection of Birds
Keble House, Southernhay Gardens, Exeter EX1 1NT.
Tel 01392 432691

In some cases there will be a charge for advice or assistance from these organisations

USEFUL REFERENCES

Badgers: Guidelines for Developers: English Nature

Bats in Houses: A M Hutson

Bats and Trees: Bat Conservation Trust

Bats in Buildings: VWT Bat Project

Managing Landscapes for the Greater Horseshoe Bat:
English Nature

Accommodating Swifts, Swallows and House Martins:
North Cornwall DC

Barn Owls on Site: A Guide for Developers and Planners: Barn Owl Trust

Water Vole: Guidance for Planners and Developers:
English Nature



This note is one of a series encouraging good practice in the design and layout of new development and the management of environmental features. It has been produced by the Landscape and Leisure Service at South Hams District Council. For further information on this Guidance note, and the role of supplementary Planning Guidance, please contact:

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