



Planning for Nature

Development Management and Wildlife Guide 2021

DRAFT

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Frog cover photo: © Lorne Gill/NatureScot

1 INTRODUCTION

1.1 Background

“Biodiversity” encompasses the variety of life, from fungi and microbes to large animals and woodlands. The term recognises the value of diversity of ecosystems, habitats, species, and genes within species. It is this variety as a whole that supports ecosystem services including health, landscapes, food production and cultural values.

Perth and Kinross has a diverse range of habitats, from the Tay Estuary with internationally recognised reed beds to the mountain tops of Ben Lawers and Schiehallion with unique alpine flora. The Natural environment of Perth and Kinross is special and needs to be protected.



Loch Tay SAC & Ben Lawers NNR

The Nature Conservation (Scotland) Act 2004 places a duty on all public bodies to further the conservation of biodiversity and to have regard to the Scottish Biodiversity Strategy’s 2020 Challenge.

This is helping to mainstream the biodiversity process in many organisations, including local authorities. Local Planning Authorities must consider the potential impact of developments on wildlife and ask that developers consider biodiversity at the planning stage of a development.

The Tayside Biodiversity Partnership (TBP), a partnership of organisations across Tayside published the second edition of the Tayside Local Biodiversity Action Plan (LBAP) in 2016 setting targets to protect and enhance biodiversity in Angus and Perth and Kinross over a ten year period up to 2026. The LBAP links with other key plans and processes such as Community Planning and the Local Development Plan, and recognises threats such as Climate Change. The LBAP sets out a vision of Tayside as having a fully functioning ecosystem network from Highland Perthshire to the Tay Estuary, a ‘Summit to Sand’ approach to biodiversity conservation which will help reduce flooding, assist species to adapt to climate change ensuring there is no further loss of biodiversity.

1.2 Purpose and Use of this Guidance

This guidance sets out how the biodiversity (wildlife and habitats) and geodiversity (rocks, soils and fossils) of the Perth and Kinross Local Development Plan area (which excludes the National Parks) will be taken into account when considering proposals for development of all scales. It aims to set out the expectations of development management officers when deciding applications.

The guidance therefore will help applicants fully consider the wildlife and habitat implications of proposals which need planning permission. This guidance is a material consideration in the consideration of planning applications.

Applicants are encouraged to refer to this guidance at the earliest opportunity for important information on potential Natural heritage requirements and on constraints and opportunities for development. Applicants are encouraged to seek pre-application advice from the Development Management Team to identify potential issues and to avoid unnecessary delays in the planning process

Applicants should also consider NatureScot guidance. NatureScot (formerly Scottish Natural Heritage) is a statutory consultee for certain developments that affect wildlife. It focuses on proposals that require an Environmental Impact Assessment (EIA), those that could affect sites with a statutory nature conservation designation and licensing of work that may affect protected species.

Key information is contained in text boxes throughout the guidance.

LEGISLATION: key processes to follow in wildlife legislation

LOCAL DEVELOPMENT PLAN POLICIES

POINTS TO REMEMBER: for applicants to address

1.3 Policy Context

Perth & Kinross Council encourages high quality development that contributes positively to the local environment. The Council has a broad approach to conserving nature, taking into account ecosystems and Natural processes, as well as conserving designated or protected sites and species. There is a recognition of the importance of green networks, woodlands, wetlands and areas of open space. These help maintain biodiversity and allow ecosystems and natural processes to provide multiple benefits such as flood reduction, pollution control and enhanced health and wellbeing of communities through amenity and recreation.

Local Development Plan 2 contains policies to protect and enhance the Natural environment and habitats. Policy 41 describes the overarching position of the planning authority.

Policy 41: Biodiversity

The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated / protected or not, taking into account the ecosystems and Natural processes in the area.

The Council will apply the principles of the Planning for Nature: Development Management and Wildlife Guide and will take account of the Tayside Local Biodiversity Action Plan (LBAP) and relevant national and European legislation relating to protected species when making decisions about applications for development....

As well as seeking to protect legally protected sites and species, the planning authority has a duty to both conserve and enhance the wider biodiversity of Perth and Kinross.

This duty is delivered through requiring avoidance, mitigation and compensation for wildlife and habitats affected by a proposal, as well as ensuring developers maximise the opportunities for enhancing biodiversity. This can contribute to wider goals including:

- improving habitat network connectivity and other green infrastructure to support protected species and areas
- safeguarding and promoting important non-protected priority habitats and species including those identified in the Tayside Local Biodiversity Action Plan (LBAP)
- providing resilience to climate change through connectivity and supporting habitat
- supporting ecosystems services such as pollination, surface water management, and pest control
- providing increased access to nature and improved wellbeing

When considering planning applications the Council will consider biodiversity and geodiversity in the following order of importance:

- International Sites and Protected Species;
- National Sites and Protected Species;
- Local Sites, wild bird habitats, LBAP priority species and habitats and those noted on the Scottish Biodiversity List as “conservation action needed” or “avoid negative impacts”.
- Other wider natural heritage interests including species and habitats on the SBL, habitats that support priority species and habitat connections such as blue and green infrastructure.

This guide supports and complements:

Perth & Kinross Council (2019) Green Infrastructure

Perth & Kinross Council (2019) Open Space Provision for New Developments

Perth & Kinross Council (2019) Placemaking

Perth & Kinross Council (2019) Forest & Woodland Strategy

Wildlife and Habitat Considerations in Determining a Planning Application:

- Early design action: wildlife and geological conservation forms a positive part of early development design rather than being an afterthought
- Clarity of understanding: proposal shows a clear understanding of the planning authority requirements concerning biodiversity and geological conservation
- Sufficient information: proposal includes sufficient information on wildlife and habitats to ensure it does not get held up unnecessarily or refused. This means:
 - ✓ Surveys are provided in accordance with section **4 Surveys & Impact Assessments**
 - ✓ Any limitations in surveys do not significantly affect the results
 - ✓ Priority species, habitats, or protected areas on, near, or connected with the proposal are identified
 - ✓ The impact of the design on each priority species, habitat or protected area is clearly explained
 - ✓ Mitigation, compensation and enhancement is clearly set out in assessments and demonstrated in the proposal.

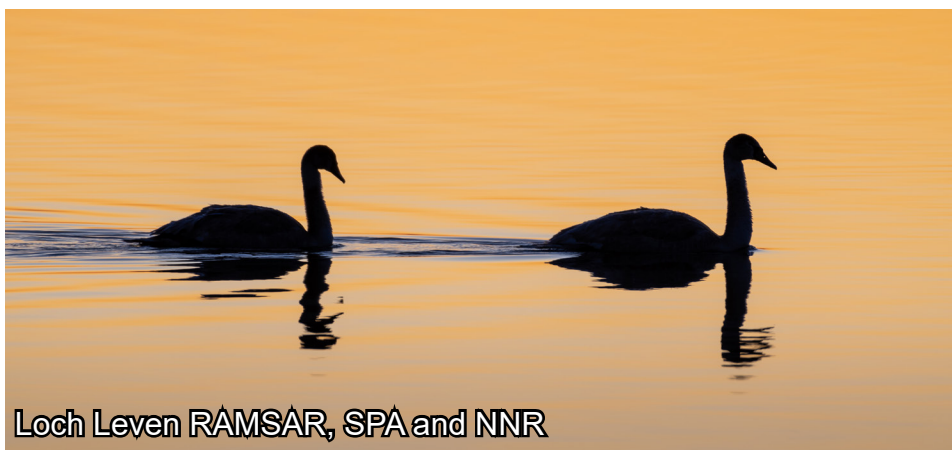


The River Devon at Rumbling Bridge

2 PROTECTED AREAS

All sites for development are likely to have value for biodiversity, but some areas receive particular protection. Protected areas within Perth and Kinross carry statutory protection at the International, National (UK and Scottish) and local levels. Some local sites do not have legislative protection but are supported by planning policy. Policies 38 and 41 of Local Development Plan 2 seek to ensure that protected sites and the qualifying habitats and species within them are considered appropriately when determining relevant planning decisions.

International	National	Local
Special Areas of Conservation (SAC)	Sites of Special Scientific Interest (SSSI)	Local Nature Reserves (LNR)
Special Protection Areas (SPA)	National Nature Reserves (NNR)	Local Nature Conservation Sites (LNCS)
Ramsar	National Parks	



Loch Leven RAMSAR, SPA and NNR

2.1 International Sites

Policy 38A: International Nature Conservation Sites

Development which could have a significant effect on a site designated or proposed under the Habitats or Birds Directive (Special Areas of Conservation and Special Protection Areas) or Ramsar site, will only be permitted where:

- (a) an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site; or
- (b) there are no alternative solutions; and
- (c) there are imperative reasons of overriding public interest, including those of social or economic nature; and
- (d) compensatory measures are provided to ensure that the overall coherence of the European network is protected.

Sites included in this policy were those originally designated under European Directives and now form part of the UK site network. These include Special Areas of Conservation (SACs) which were designated for their habitats and species under the EC Habitats Directive, and Special Protection Areas (SPAs) which were designated for their birds under the EC Wild Birds Directive. These sites have protection under the Habitats Regulations¹ and are known as European sites. Ramsar sites are internationally important wetlands which in Perth and Kinross are also identified as European sites and receive the same level of protection.

¹ Principally The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

There are a large number of European sites in Perth and Kinross. These include The River Tay SAC, Dunkeld and Blairgowrie Lochs, the Firth of Tay and Eden Estuary and Loch Leven. Where a development could have an impact on a European site an assessment of the impact on the qualifying features of the site must be made by the Planning Authority. Impacts can be at a significant distance from the site where there is ecological connectivity.

SAC and SPA Policies and Guidance

Policies 45-47 as listed below address specific European sites vulnerable to development. Consideration should be given to all proposals within the catchment area of these sites as to whether they have a likely significant effect. Associated guidance provides information on how particular aspects of the site such as water quality should be addressed. Note that all the qualifying features of the site should be considered when assessing impacts.

Policy 45: Lunan Lochs Catchment Area

Policy 46: Loch Leven Catchment Area

Policy 47: River Tay Catchment Area

Supplementary Guidance: Loch Leven SPA, the Dunkeld-Blairgowrie Lochs SAC and the River Tay SAC
NatureScot Guidance on Protected Areas



River Tay SAC

Habitats Regulations Appraisal (HRA)

Applicants should establish early on whether any future development could impact on a European site. Proposals with ecological connectivity have potential to affect a European site even if outside the development site, separated by distance or outside the Perth and Kinross area. For example a proposed development may affect birds that are a qualifying interest of a European site several kilometres away but use the proposed location for feeding or resting. In combination (cumulative) effects will also need to be considered.

If a European site could be affected the applicant will need to have provided enough information for Perth & Kinross Council to determine whether there will be a Likely Significant Effect (LSE) on the qualifying interests of the European site.

LSE is any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the European site was designated, excluding trivial or inconsequential effects. The word 'likely' should not be interpreted as 'more probable than not' but as a description of the existence of a risk of a significant effect. If an LSE is identified then the applicant will be asked to provide information to enable an Appropriate Assessment to be undertaken. Any mitigation measures are taken into account at the Appropriate Assessment stage and cannot be used to rule out the existence of an LSE. This means for example that all development with more than trivial effects within the Loch Leven catchment will require an HRA to be carried out.

The project can then only be permitted if Perth & Kinross Council can ascertain through the Appropriate Assessment that it will not adversely affect the integrity of the site.

See: **NatureScot Guidance on Habitats-Regulations-Appraisal**

2.2 National Sites

Policy 38B: National Designations

Development which would affect a National Park, National Scenic Area, Site of Special Scientific Interest or National Nature Reserve, will only be permitted where the Council as Planning Authority is satisfied that:

- (a) the proposed development will not adversely affect the integrity of the area or the qualities for which it has been designated; or
- (b) any such adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.

Nationally designated sites include Sites of Special Scientific Interest (SSSIs) and parts of the National Parks. SSSIs are notified for their special habitats, flora, fauna, geology or geomorphology. There are 107 SSSIs in Perth and Kinross and also two National Nature Reserves: Ben Lawers and Loch Leven with internationally important habitats and species. The adverse effects from a proposal on all sites with an ecological connection must be considered. See NatureScot guidance for more detail.

[NatureScot Sitelink](#)

[NatureScot Guidance on Protected Areas](#)

Designated Sites: Points to Remember

- Take note of which designated sites may be affected by the proposals and how any effects may be avoided or mitigated
- Even though a development may not lie within a designated site there can still be functional connectivity. Effects on such sites must be considered even where they are some distance from the proposed development.

2.3 Local Sites

Policy 38C: Local Designations

Development which would affect an area designated by the Council as being of local conservation or geological interest will not normally be permitted, except where the Council as Planning Authority is satisfied that:

- (a) the objectives of designation and the overall integrity of the designated area would not be compromised; or
- (b) any locally significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits.

Local non-statutory designations are protected through planning policy. These are known as Local Nature Conservation Sites (LNCS) and Local Nature Reserves (LNR). Perth & Kinross Council has one LNR on the Inner Tay Estuary and any impact on this site should be assessed against policy 38. The Council has identified potential LNCS for biodiversity and geodiversity which following assessment will be designated and published as an appendix to this guidance. .

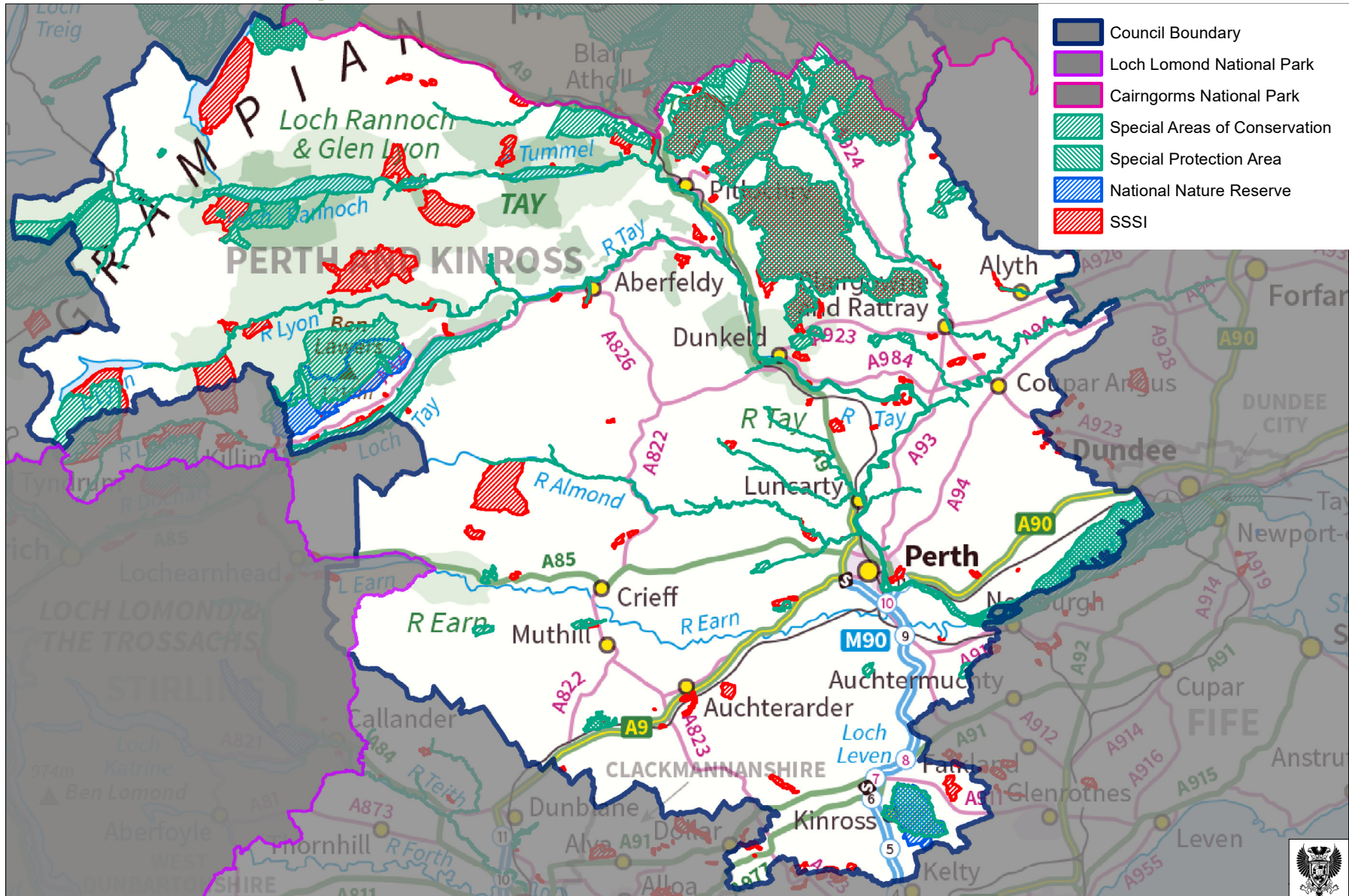
Planning officers can check if a candidate LNCS is potentially affected. Until designated, information on candidate biodiversity sites will help inform the application under Policy 41 and other relevant policies. Information is also available on candidate geodiversity sites including updated assessments of nationally important Geological Conservation Review sites. Geodiversity is specifically addressed in the following policies.

Policy 33: Renewable and Low-Carbon Energy

Policy 39: Landscapes

Policy 49B: Minerals and Other Extractive Activities - Supply

International and National Designations



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3 PROTECTED SPECIES AND LICENSING

Policy 41: Biodiversity

...

European Protected Species

Planning permission will not be granted for development that would, either individually or cumulatively, be likely to have an adverse effect upon European protected species (listed in Annex IV of the Habitats Directive (Directive 92/43/EEC)) unless the Council as Planning Authority is satisfied that:

- (a) there is no satisfactory alternative; and
- (b) the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

In no circumstances can a development be approved which would be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its Natural range.

Other Protected Species

Planning permission will not be granted for development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation (Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act (1992)).

3.1 Protected Species and Planning

Most bird species and a wide range of wild animals and plants have general protection from deliberate or reckless damage or harm under the law. In addition to this, some species, including bat species, otter, wildcat and great crested newt along with some plants including slender naiad are European Protected Species and have special protection from disturbance and harm.

A number of species and plants including red squirrel, pine marten, water vole, fresh water pearl mussel and rare butterflies and moths, are protected under domestic legislation from intentional or reckless injury, killing or damage to, destruction of, or obstruction of access to a place of shelter. Badgers and badger setts also receive specific protection from destruction and disturbance. Other species such as reptiles and amphibians also receive limited protection.



The species referred to in this guidance as protected species are as follows:

- European Protected Species protected under Schedule 2 (animals) and 4 (plants) of The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)
- Birds, animals and plants listed on Schedules 1, 5 and 8 (respectively) of the Wildlife and Countryside Act 1981 (as amended)
- Badgers (protected by the Badgers Act 1992 (as amended))

A full list of protected and other priority species in Scotland can be found in the [Scottish Biodiversity List](#).

The presence of protected species on or near a site is critical when preparing proposals and making determinations on planning applications. It is vital that adequate survey work is carried out in good time to understand the site and determine the presence or absence of these species (see **4 Surveys & Impact Assessments**). As impacts on protected species must be known before determining planning applications, suspensive conditions for these surveys cannot and will not be issued. Additional pre-construction and monitoring surveys may be required by condition.

The presence of protected species rarely imposes an absolute block on development, however proposals should demonstrate how effects on species will be avoided or mitigated (see **5 Good Design & Mitigation**) and this can affect the design, layout and timing of works. Information provided with an application should satisfy the requirements set out in **NatureScot Standing Advice for Planning Consultations** for the relevant species.

Before granting planning permission for a development that may require a licence the Planning Authority must be satisfied that a licence will likely be issued. For European Protected Species this requires that the proposal meets the tests set out in Policy 41. These are the same three tests used by NatureScot to determine whether a licence will be granted (see **3.2 Licensing**).

Protected Species: Points to Remember

- Consider as early as possible whether protected species are present on, or using, sites for development, and conduct surveys well before making an application.
- Protected species surveys needed to understand a proposal's impact cannot be required by condition.
- If the presence of a protected species is suspected, the applicant must inform the Council
- The supporting evidence and survey work should be carried out at the right time, by a suitably qualified ecologist

Breeding Birds

All wild birds and active nests are protected by law. Work carried out during the breeding season risks damaging nests or eggs, or disturbing nesting birds. From 1 March to 31 August, birds may nest in trees, on and in buildings, or in rough grassland or scrub. As no licence is available to remove birds or nests for development, the best way to avoid delay is to schedule works outwith the breeding season. To inform mitigation and design, surveys in the season prior to work are needed where significant vegetation is being removed, for wind farms, and demolition of, or work to the roofline of, agricultural or pre-1960s buildings.

Nest sites on/in structures should be retained where-ever possible including during pointing. Where unavoidably lost, species specific artificial nests can help mitigate this. Declining species such as Barn Owls, Swifts, Sparrows, Swallows and House Martins are particularly vulnerable to loss of nest sites. Replacement nests should be provided as close as possible to the original location. Submissions must include a location plan of nest installations.



Enhancement will be requested to be provided as follows:

- In settlements with swifts within 2km: at least one integrated swift nest brick into 25% of homes over 2 storeys. As swifts nest in colonies, the recommended provision of nests is: House: 1-4. Small block of flats: 4-10. Large building: 10-20.
- In rural areas: roosts for house martins and tree sparrows
- In each new barn, stable or agricultural building over 3 meters high: an integrated barn owl box.

SNH (2017) Swift Best Practice Advice Note

Barn Owl Trust (2015) Barn Owls and Rural Planning Applications

Activities that May Affect Protected Species		
Activity	European Protected Species	UK Protected Species
Developments adjacent to or affecting any waterbody or watercourse	Otter, Great Crested Newt, Beaver, Bats, Slender Naiad	Water Vole; all breeding birds, Common Toad, Common Frog, Newt species, Atlantic Salmon, Lampreys (all) Freshwater Pearl Mussel
Barn and rural building conversion/demolition (especially unoccupied, stone-built buildings with wooden beams)	Bats	Breeding birds (such as Swallow, House Martin and Barn Owl)
Alteration or demolition to the roof space or roof line of buildings such as churches/chapels, institutions, schools. Buildings with weather boarding or hanging tiles, or any pre 1960 buildings or structures, within 200m of water or woodland. Any pre 1914 building. Any building adjacent to woodland or water. Development affecting caves, mines, tunnels, cellars and exposed rock faces, bridges, viaducts, culverts, chimneys, kilns and ice houses.	Bats	Breeding birds (such as Swift, Swallow, House martin, Starling, House sparrow and Barn Owl)
Floodlighting of churches and historic buildings; or any greenspace or building within 50m of woodland, hedgerows, mature trees or lines of trees	Bats	Breeding birds
Developments affecting woodland, hedgerows, lines of trees and scrub	Otter, Wildcat, Bats,	Badger, Red Squirrel, breeding birds, Pine Marten, rare invertebrates inc butterflies
Any felling or lopping, affecting dead, old and veteran trees and trees with a girth over 1.5m, or containing obvious holes or cracks or cavities or covered in ivy.	Bats	Breeding birds (such as barn owl), rare invertebrates
Developments affecting derelict land, brown-field sites, railways and land adjacent, grassland and allotments	Bats	Breeding birds (such as barn owl); Rare invertebrates; Reptiles; Badger
Developments affecting quarries, cliff faces and gravel pits	Bats	Breeding birds such as Peregrine Falcon, Sand Martin; rare invertebrates especially butterflies; Reptiles; Badger
Developments (such as wind farms) affecting open farmland, moorland and forestry sites in hilly, upland, exposed areas	Otter; Bats	Red Squirrel; Badger; Water Vole; Breeding birds such as Hen Harrier, Hobby, Golden Eagle and Owl species

3.2 Licensing

Planning permission does not affect or replace any need to obtain licences or permits required by other environmental protection legislation and applicants will be required to obtain a licence before work can commence. A licence may also be required for works that do not require planning permission such as works carried out under permitted development.

After obtaining planning permission, the applicant may need to apply for other licences regarding protected species before work can start on site or if protected species are found during development.

NatureScot is responsible for assessing and issuing most protected species licences in Scotland. A licence from NatureScot will be required for works which may otherwise constitute an offence involving species with special protection.



Pipistrelle in roof space

Protected Species: Points to Remember

- Identify any needs for licensing as soon as possible
- Make sure the relevant licensing tests can be met for any protected species present
- See the NatureScot website for species specific licensing requirements
- Allow enough time in the project programme for the issuing of licences

European Protected Species

To carry out an activity that may constitute an offence, regarding European Protected Species, a licence can be issued by NatureScot as long as three tests are met. The planning authority must also be satisfied these tests can be met before granting planning permission.

- Test 1: that there is a licensable purpose.
- Test 2: that there is no satisfactory alternative. ;
- Test 3: that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their Natural range. A qualified ecologist should be able to provide advice on this or alternatively seek advice from NatureScot.

See: [NatureScot: European Protected Species Licensing](#)



Other Protected Species

Activities that would constitute an offence can be permitted under a licence for protected species including water voles, pine martens, and red squirrels for social, economic or environmental reasons. This could cover a range of activities including development. However, it is important to note that licences may only be issued for this purpose provided that:

- the activity authorised by the licence will contribute to significant social, economic or environmental benefit; and
- there is no other satisfactory solution.
- there will be no significant negative impact on the conservation status of the species.

NatureScot will have regard to the conservation status of the species concerned and expected appropriate mitigation or compensation measures to be proposed. See NatureScot:

[Species Licensing A-Z Guide](#)
[Licensing for social economic or environmental purposes](#)

Badgers

Badgers are protected under the Protection of Badgers Act 1992 (as amended). Interference with a badger sett is an offence. Interference includes disturbance to badgers in setts, damage to setts, or obstruction of access to setts. Development within 30m of a sett could result in disturbance, or up to 100m for disruptive works. Any works that could result in interference are likely to require a licence.

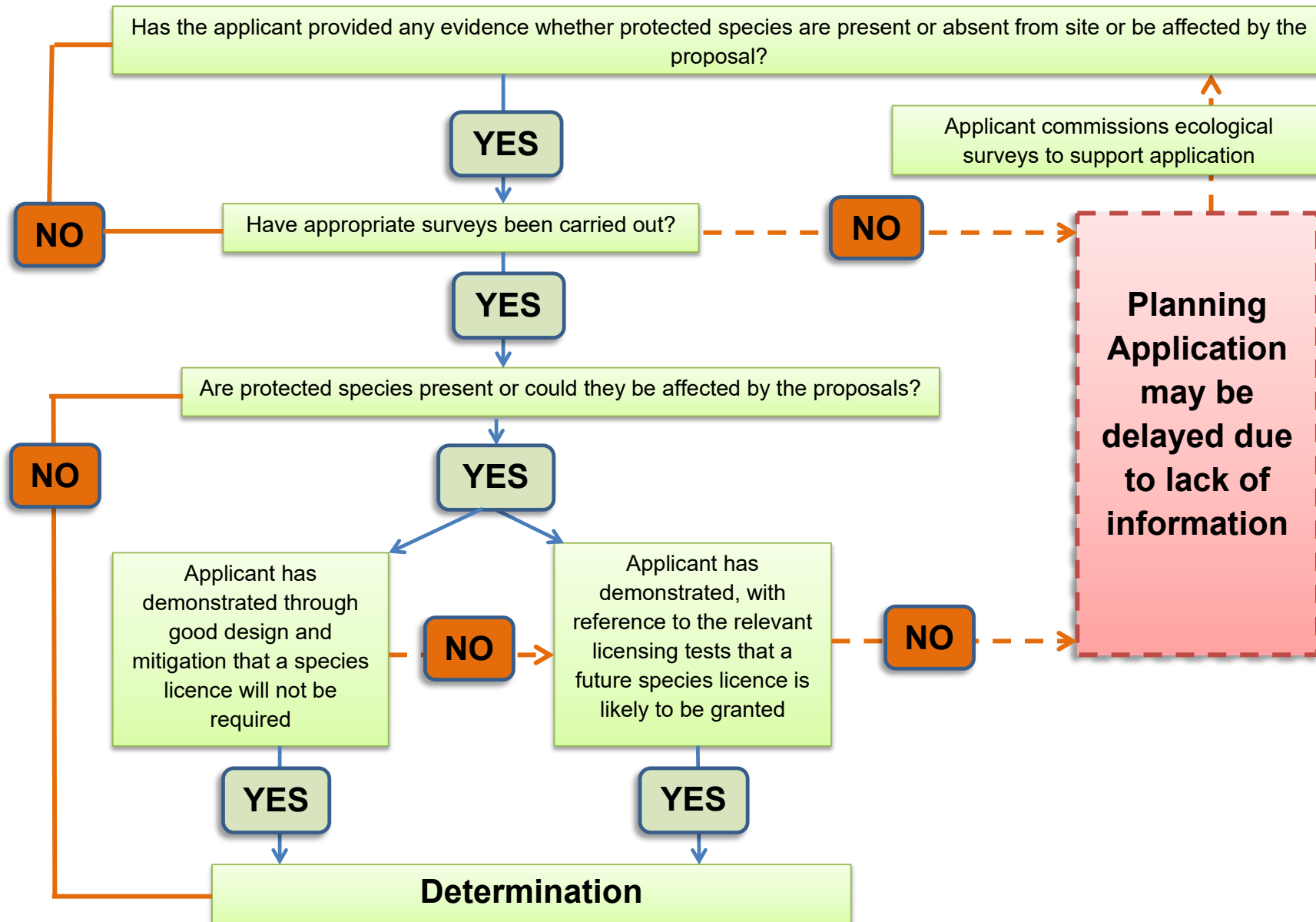
For the purpose of development it is only possible for licences to permit someone to 'interfere with a badger sett'; it is not possible to licence removal, translocation or the killing of badgers.

Planning submissions should show interference is avoided or, if unavoidable, contain sufficient information to demonstrate that the licensing tests will be met, and a licence would likely be issued. See:

[NatureScot: Badgers: licences for development](#)
[Scottish Badgers: Guidance on Protecting Badgers for LPAs](#)



Protected Species Information Requirements



4 SURVEYS & IMPACT ASSESSMENTS

Policy 41: Biodiversity

..... In particular, developers may be required to:

- (a) ensure a detailed survey is undertaken by a qualified specialist where one or more protected or priority species is known or suspected. Large developments that will have an impact on the environment may require an Environmental Impact Assessment;
- (b) demonstrate all adverse effects on species and habitats have been avoided wherever possible. A Landscape Plan may be required to demonstrate the impact of the development and how good design and site layout can enhance the existing biodiversity;
- (c) include mitigation measures and implementation strategies where adverse effects are unavoidable

Impacts on species and habitats across the site must be understood and addressed. Ecological surveys and assessments help applicants consider the constraints and opportunities posed by wildlife and habitats at an early stage, and will ensure decision makers have the full information to assess a planning application. Site surveys and assessments should be undertaken by suitably qualified and experienced persons using recognised methodology. A list of qualified ecologists can be found in the Chartered Institute of Ecological and Environmental Management (CIEEM) Professional Directory at: www.cieem.net.

Information on species and habitats are available from:

[NatureScot: Sitelink](#)
[NBN Atlas Scotland](#)
[Scotland's Environment Web](#)

4.1 Preliminary Ecological Appraisal

A Preliminary Ecological Appraisal should be undertaken to understand the characteristics of the site and how development may affect wildlife and habitats including:

- any nature designations in, near or with connectivity to the site;
- potentially important habitats (such as old structures, mature trees, scrub, woodland, hedgerows, ponds or watercourses);
- protected and priority LBAP or SBL species likely to be in or near the site.

A checklist of **Development Activities that May Affect Protected Species** can be found on page 10. Following a desktop study and site visit, a Preliminary Ecological Appraisal Report (PEAR) is produced which identifies potential impacts and mitigation options, constraints and opportunities, and further survey requirements.

The PEAR rarely contains sufficient information to inform a planning application but is used to inform the initial design, and scope the Ecological Impact Assessment which is submitted with the application. The Appraisal must be conducted in accordance with:

CIEEM (2017) Guidelines for Preliminary Ecological Appraisal

4.2 Ecological Impact Assessment

Following further surveys and pre-application discussions, the PEAR is used to scope and inform an Ecological Impact Assessment (EclA). The EclA sets out clearly how the proposal has been located and designed to avoid, mitigate and compensate for impacts on species and habitats and provide enhancement measures in line with the mitigation hierarchy.

The extent and scope of the EcIA will be proportionate and depend on the site characteristics, location and the proposed development. For example an EcIA for a householder application may be shorter and simpler than for a larger development. The EcIA should take into account the principle in Policy 41 that “the Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not ...”

The proposal designs and plans submitted with an application must demonstrate that the measures identified in the EcIA have been implemented.

EcIA must follow: **CIEEM (2018) Guidelines for Ecological Impact Assessment (EcIA)**

4.3 Environmental Impact Assessment (EIA)

Environmental Impact Assessment (EIA) is a statutory process which identifies the environmental effects (both negative and positive) of certain development proposals. A full EcIA is likely to form part of the EIA.

EIA only applies to those developments that are likely to have a significant environmental effect by virtue of factors such as its nature, scale or location. These are identified under Schedule 1 and Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. Where there is doubt about whether an EIA is required, applicants can ask the planning authority for a screening opinion.

More information on EIA can be found at the following links:

NatureScot: Environmental Impact Assessment
PKC Advice on EIA and Major Developments

4.4 Survey Best Practice

Ecological Surveys must:

- be carried out by suitably qualified and experienced persons using recognised methodologies
- be carried out at an appropriate time, month of the year and in suitable weather conditions in line with published best practice
- record and map the range of habitats and wildlife species found on site
- include an assessment of the likely effects of development on nationally and locally important habitats and wildlife recorded on site, in the locality and with ecological connectivity.
- address impacts and mitigation during construction, occupation /operation and, where relevant, decommissioning/restoration.
- contain recommendations to avoid, mitigate and compensate for impacts that adhere to the mitigation hierarchy, and identify recommended enhancement measures.
- be adequate in scope and execution. The planning authority may require additional surveys if the detail provided is deemed inadequate.
- be less than 18 months old from the date of survey.



Appropriate Timing of Surveys

Survey timing is important to ensure the presence of habitats and species are not missed and to ensure the most accurate recording of evidence. The appropriate time of year to undertake surveys for various species and habitats is indicated in **Annex 2: Ecological Survey Calendar**. Species surveys are also weather dependent so surveys may need to be delayed or repeated for unsuitable weather. Surveys must detail all such constraints.

Some surveys may be required over more than one season, or several years, such as for potentially affected European sites or bird flight patterns near wind farm sites. If surveys are more than 6-18 months old (species dependent) the planning authority may require further surveys before the application can be determined.

For mobile species that have the ability to expand their range and whose distribution may change over time pre-construction surveys may also be needed once consent is granted.

See: **CIEEM Guidelines for Survey Methodology**
NatureScot Professional Advice

Timing of Ecological Surveys: Points to Remember

- Consider what surveys are required as early as possible
- Discuss surveys with planning authority
- If a proposal could affect a SSSI or a European Site, consult NatureScot prior to submitting the application
- Make sure species surveys are carried out at the optimum time of the year (see **Annex 2: Ecological Survey Calendar**.)
- Ensure surveys are carried out in optimal weather conditions for that survey
- Highlight any survey limitations and constraints

Bats

Bats are strictly protected and surveys must be conducted by qualified and experienced surveyors in accordance with best practice (**Collins, 2016**). Some surveys will require a licensed surveyor. Due to the seasonal nature of bat activity, surveys must be conducted before applying for planning permission. Failure to do this will result in delay or refusal of permission. The Council's **Bat Survey guidance note** sets out this process including the features which trigger a bat survey.

Surveys should include buildings on site and all trees on or near the site and reports should address impacts from construction and operation/occupation - including lighting - on summer roosts, hibernacula and foraging resources. Where full surveys are recommended by preliminary surveys, they must be provided before planning permission can be granted.

Any required mitigation should be integrated such as through access to roof space or integrated bat bricks, boxes or tubes. Bat boxes on trees are appropriate as temporary solutions during construction or demolition.

Permanent roosts should be provided as enhancement per ecologist recommendations and address year round requirements. Minimum provision consists of bat bricks, boxes, tubes or roof access in 50% of all new or replacement buildings adjacent to existing or proposed suitable habitat. Submissions should include a location plan of roost provision.



5 GOOD DESIGN & MITIGATION

Policy 41: Biodiversity

The Council will seek to protect and enhance all wildlife and wildlife habitats, whether formally designated/protected or not, taking into account the ecosystems and natural processes in the area.

...

Proposals that have a detrimental impact on the ability to achieve the guidelines and actions identified in these documents will not be supported unless clear evidence can be provided that the ecological impacts can be satisfactorily mitigated. In particular, developers may be required to:

...

(b) demonstrate all adverse effects on species and habitats have been avoided wherever possible. A Landscape Plan may be required to demonstrate the impact of the development and how good design and site layout can enhance the existing biodiversity;

(c) include mitigation measures and implementation strategies where adverse effects are unavoidable;

(d) enter into a Planning Obligation or similar to secure the preparation and implementation of a suitable long-term management plan or a site Biodiversity Action Plan, together with long-term monitoring.

Avoidance, mitigation, compensation and opportunities for enhancing wildlife and habitats, should be considered in overall design. Habitats and species both on site and in the surrounding area should be taken into account along with direct and indirect impacts such as how species will move through a development.

Plans and design statements should demonstrate these measures including mitigation, compensation and enhancement measures recommended in ecological reports. Biodiversity should be incorporated into site requirements such as a



biodiverse SuDS pond or swales, or by including native and flowering/fruited species in landscaping. Actions should support protected species and sites, and the priorities and actions in the **Tayside Biodiversity Partnership Local Biodiversity Action Plan** and on the **Scottish Biodiversity List** particularly those marked as 'conservation action needed' or 'avoid negative impacts'. Detailed advice is available:

**Incorporating Biodiversity into Development (TBP)
Advice for Planners and Developers (NatureScot)
Advice for Developers (SEPA)
Green Infrastructure Guidance (PKC, 2020)
Open Space Guidance (PKC, 2020)
Forest and Woodland Strategy (PKC, 2020)**

On-Site Opportunities to Enhance Biodiversity through Design

SITE APPRAISAL

Retain Existing Hedgrow

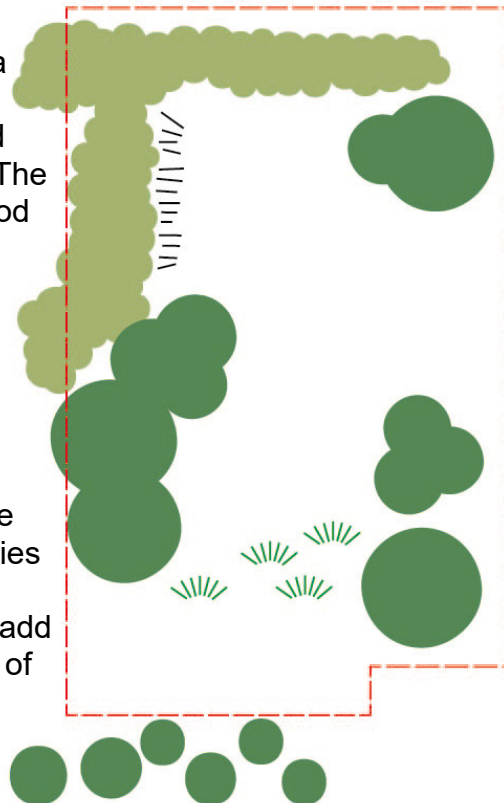
This connects to the wider area and provides shelter, nesting and feeding areas for birds and animals including hedgehogs. The embankment here could be good for bees and other insects.

Retain Existing Trees and Incorporate into Design

Avoid loss of trees which may have a Tree Preservation Order. Mature trees especially are biodiversity rich and may be ideal habitat for protected species such as bats and red squirrels. Trees are unique features that add to the attractiveness and value of development

Retain Marshy Ground

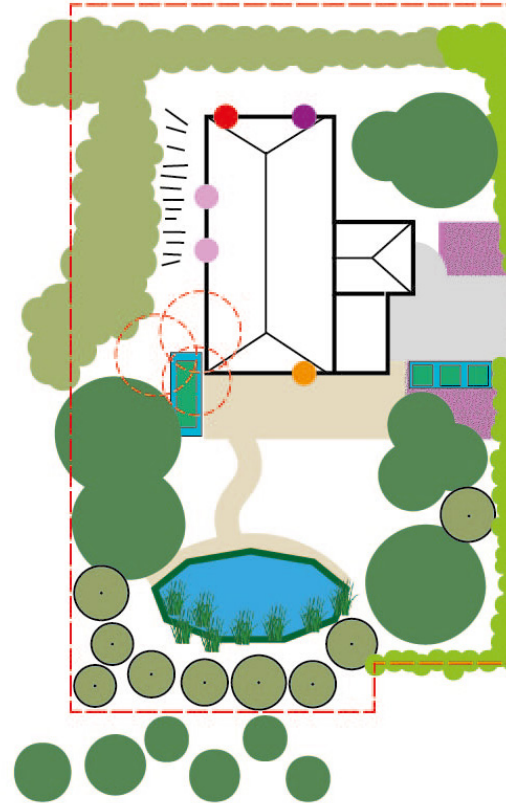
This may already be used by amphibians and is an ideal location for a pond, bog garden or biodiverse SUDS pond. These can support protected species like newts and support a wide variety of plants and insects.



Consider wider connectivity

Look outside the site boundary to see how the site can contribute to connecting or enhancing existing habitats.

SITE DESIGN



Bat and bird roosts

Use integrated bat bricks, boxes, and tubes to meet different needs. Use integrated swift nest boxes, and sparrow and housemartin nests.

Increase Connectivity

Extending the hedge allows wildlife to access food and shelter more easily.

Raingardens & Ponds

Raingardens reduce and filter runoff and support biodiversity. Keep pond paths to one side to reduce disturbance of wildlife.

New Planting

Enhance or complement existing and connecting trees. Here willow and alder in wet areas connect to wider woodland. Mixed native planting for the pond, hedgerow and trees (along with fruit trees) provides food and shelter for birds and pollinating insects.

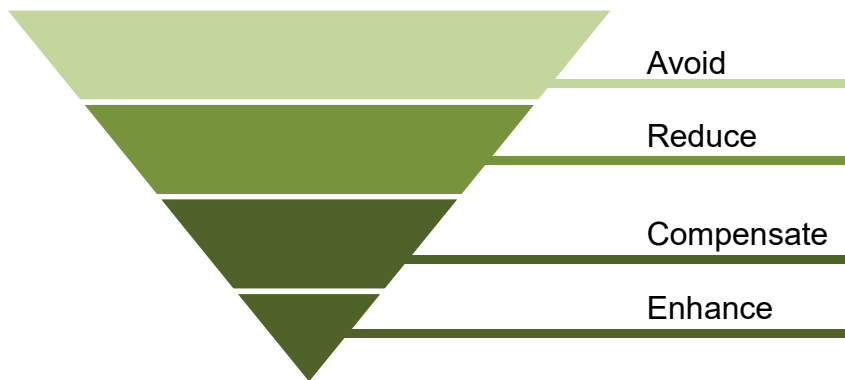
Key

New tree	●	Patio / Path	■
New hedge	●●●	Swift brick	●
Shrub bed	■	Bat box, brick, tube	●●
Rain Garden	■	Other bird nests	●
Pond	●	Hardstanding	■

5.1 Mitigation Hierarchy

The mitigation hierarchy applies when considering how an application manages potential adverse impacts on wildlife and habitats. Supported by surveys, designs should first prevent or avoid impacts, before taking measures to minimise and reduce unavoidable impacts. Following mitigation, compensation will then address residual impacts. Beyond addressing impacts, applicants are also requested to include enhancement appropriate to the site. **Annex 4: Mitigation & Enhancement Checklist** and **Tayside Biodiversity Guidance** show how the mitigation hierarchy can be applied in different circumstances.

The Mitigation Hierarchy



5.1.1 Avoid

Impacts on habitats and species can be avoided by taking into account sensitive areas early in design. Trees and woodlands should be retained, existing nest/roost sites safeguarded, buffers applied, and habitat fragmentation avoided. For example amphibian dispersal patterns should be understood before designing roads. Timing can also help avoid impacts by avoiding times or seasons when sensitive species are active or breeding.

5.1.2 Mitigate

Unavoidable impacts must be mitigated through measures such as appropriate timing of works, root protection areas, wildlife safe construction, wildlife tunnels, appropriate lighting, and buffers between habitats and roads. See **Annex 3: Ecological Mitigation Calendar** for seasonal restrictions on mitigation. Note that translocation of species (where permitted) or soils is only appropriate where the loss is acceptable. A Construction Method Statement is required with proposals for larger sites where sensitive habitats, species or designated sites may be affected, and a Construction Environment Management Plan will then set out more detail before construction. All submissions should clearly address requirements set out in ecological reports, LDP developer requirements, in-principle conditions and pre-application advice.

New Habitat

New habitats such as gardens, orchards, ponds and planting, should be safely accessible by the wildlife attracted to them.

- Amphibians must have access to SuDS and waterbodies through tunnels, or by use of wildlife kerbs or dropped kerbs along roads within 500m of any new or existing water bodies.
- Hedgehogs and small mammals prefer hedges but where used, fences must be raised 13cm or have 13cm x 13cm gaps.
- Foraging bats and breeding birds should be protected by ensuring lighting does not fall on new or existing nest boxes, bat roosts or planting.



5.1.3 Compensate

Compensation is only appropriate to address residual loss where it can be demonstrated that impacts have been avoided and mitigated wherever possible, and should not be relied on to offset avoidable loss. Where roof access is unavoidably lost for example, integrated bat roosts and swift nests provide compensation.

Compensation should be as like to the original resource as possible or improve on it, such as replacing exotic woodland with native or improving connectivity. An unavoidable, acceptable, loss of a section of woodland could be compensated for by extending another part of the same woodland. The amount of compensation may be greater than the resource lost where establishment or use of the resource is uncertain, or where it may take time to develop.

Compensation should be in the same location or as close to the original location as possible, such as peat restoration on a wind farm site where peat is unavoidably disturbed. Off-site compensation is a last resort once demonstrated that on site losses following avoidance and mitigation are not significant.

CIEEM's **Biodiversity Net Gain: Good Practice Principles** and **Natural England's Biodiversity Metric 3.0** or **Small Sites Metric** will help demonstrate sufficiency of habitat compensation.

5.1.4 Enhancement

Enhancement of biodiversity should be demonstrated in all projects and needs to be site specific based on surveys, location, development size, surrounding habitats and landscape character, and follow ecologist recommendations. Measures should look to support actions in the **Tayside LBAP** and may include:

- Native trees, orchards, hedgerows and wildflowers
- Nesting boxes or bricks for swifts, house martin and sparrows
- Nesting boxes for kestrel and owls in woodland
- Wildlife corridors for hedgehogs, frogs and newts
- Ponds, swales or raingardens

- A green or living roof
- Permanent bird and bat roosts/nests per this guidance.

Enhancement measures should be described in the submitted EclA or for major applications, a Site Biodiversity Action Plan (Site BAP) which sets out quantity, locations, techniques, timescales and monitoring arrangements. Submission should clearly show how enhancement measures have been incorporated into design schemes and architects' drawings to ensure they are realised. See:

TBP: Incorporating Biodiversity into Development

5.2 Management and Monitoring

A Construction Environment Management Plan is required for larger sites or where sensitive habitats or sites are identified. On sites where habitats and features are created or may be adversely affected, ongoing monitoring and management through CEMPs and Site BAPs is required to ensure lasting benefits. Monitoring and management plans will be secured by condition stating how the results of monitoring will be addressed.

Good Design and Mitigation – Points to Remember

- Use results of ecological surveys to inform site selection and design
- Follow the mitigation hierarchy
- Avoid detrimental impacts on biodiversity through good design and site layout
- Mitigate the effects of unavoidable impacts
- Compensate for residual impacts taking into account the biodiversity value of the lost resource
- Address impacts on wildlife attracted to new habitat
- Incorporate features to enhance biodiversity into design
- Include a management and monitoring plan

POLICY 40: FORESTRY, WOODLAND AND TREES

Proposals which protect existing trees and woodland, especially those with high nature conservation value are supported. In exceptional cases where tree/woodland loss is unavoidable mitigation is required. Proposals are measured against the **Scottish Government's Policy on the Control of Woodland Removal** (PCWR). A tree survey is required for all trees on site and any potentially affected. A woodland survey is also required for any woodland on or adjacent to the site. See **Annex 1: Tree and Woodland Surveys** for requirements. Surveys must clearly show the impact of any proposed development. EclA should also address the consequential impacts on biodiversity.

Avoid

Surveys and designs should demonstrate how tree and woodland loss is avoided through design and layout, construction exclusion zones and woodland buffers. See the **Green Infrastructure Guidance** for information on masterplans and green networks.

Special protection is afforded to trees of high nature conservation value. These include mature native trees and all veteran and ancient trees as they have the greatest biodiversity value. Those previously recorded are listed on the **Ancient Tree Inventory**.

The PCWR applies a presumption against removal to all woodland. A *strong* presumption against removal applies to some woodland including native woodland and plantation on ancient woodland sites (PAWS). Removal is only permitted in the exceptional circumstances set out in the **PCWR Implementation Guide**. A *particularly strong* presumption against removal applies to ancient semi-natural woodland, native woodland PAWS, and long established plantations (LEPO) with significant biodiversity features. PAWS and LEPO surveys should assess ancient woodland characteristics.

Mitigate

In exceptional cases, where loss is unavoidable, proposals should demonstrate the mitigation of impacts through minimising loss, retaining connectivity, retaining dead wood on site, and minimising edge effects. Designs should show appropriate construction exclusion zones around trees, woodland and their root protection areas. Native trees should be planted to buffer ancient woodland.

Compensate

Only acceptable, unavoidable tree/woodland loss can be compensated for and should be on or adjacent to the site of loss. Compensation should be like for like unless providing greater biodiversity value. In exceptional circumstances off site compensation in the local area may be agreed.

Compensation should take into account the biodiversity value lost, and the time for planting to establish. Consideration of the carbon value of any loss is also encouraged. Losses should be compensated with at least 3 trees for every tree lost. Native planting is preferred. See **Open Space Guidance** for species.

All woodland removal for development requires compensatory planting with limited exceptions in PCWR. The area proposed should reflect the lost biodiversity and amenity value, and aim to improve connectivity. Woodland with a strong presumption against removal requires a greater area than has been removed.

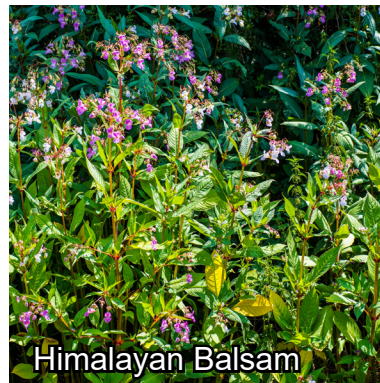
Enhance

Proposals should enhance the biodiversity value of a site and support the **Forest & Woodland Strategy**, and **Tayside LBAP** priority species, habitats and actions. Actions include protecting and promoting orchards, and enhancing the extent and condition of native woodland.

5.3 Invasive Non-Native Species (INNS)

There are many species of non-native plants that have been introduced to Scotland over time which we enjoy in our gardens, but a few are invasive in the natural environment. They can cause serious problems by out-competing our native plants for light, space and nutrients. The environmental damage can be irreversible so need to be controlled. The most common invasive species in Perth and Kinross are Japanese knotweed (*Fallopia japonica*), giant hogweed (*Heracleum mantegazzanum*) and Himalayan balsam (*Impatiens glandulifera*).

Under the Wildlife and Natural Environment (Scotland) Act 2011 it is an offence for any person to plant, or otherwise cause to grow any plant in the wild at a place outwith its native range. If INNS are found on a site, the developer must submit an Invasive Species Control Plan with the planning application and ensure spread is prevented by containment, eradication or removal. The **Non-Native Species Code of Practice** will help developers to understand their legal responsibilities. NatureScot also has advice for professionals on **Invasive non-native species**.



INNS may be inadvertently introduced to a development site through soil contaminated with seeds or roots. If large volumes of soil are moved on or introduced to a site, a soil sustainability management plan will be required.

If a development is responsible for the introduction of an INNS either within or outwith the site, the developer will have to remove the species and dispose of material appropriately. Japanese knotweed, giant hogweed and Himalayan balsam are regarded as controlled waste. Developers should seek advice on the disposal of these plants by referring to the SEPA website. See:

Seпа Guidance Invasive Non-Native Species
NetRegs Guidance Japanese knotweed, giant hogweed and other invasive weeds

5.4 Geodiversity

Rocks, sediments and soils form the basis of much biodiversity through the chemical composition and drainage that supports habitats. Rocks, fossils and geomorphological elements such as moraines, eskers and drumlins are important too for their cultural heritage value. Many of the most important features are identified through national Geological Conservation Review sites or identified as local nature conservation sites (see **2.3 Local Sites**).

All development should consider its impact on soils and landforms and consequential impacts of soil, gravel and sand extraction. Under Policy 39: Landscape proposals should aim to protect and enhance the geological and geomorphological elements on the landscape, while mineral extraction under Policy 49 should address impacts on geodiversity as part of natural heritage.

Impacts can be avoided by ensuring trees do not affect or block views of important features, and quarry restoration plans should identify important geological features to be conserved through a geological assessment.

6 ASSESSING PLANNING APPLICATIONS

The design of any development must be based on a good knowledge of the site, including the habitats and species present on and surrounding the site. This understanding will help applicants to put forward development proposals that respond appropriately to the constraints and opportunities of a site, and to identify ways in which they can contribute to avoiding, mitigating impacts and enhancing wildlife and habitats while providing opportunities for people to experience nature close to where they live.

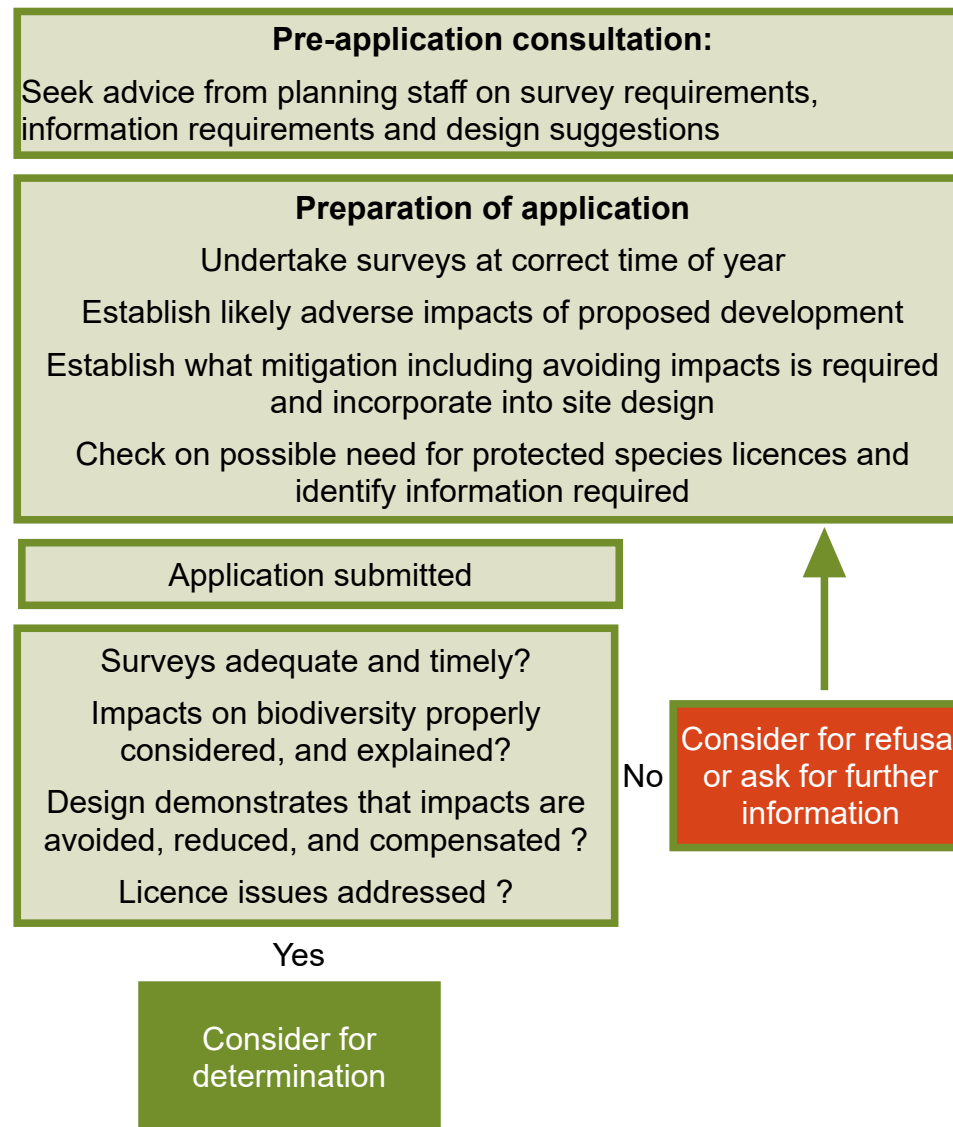
Key issues in the development management process with regard to wildlife and habitat considerations are summarised opposite. Addressing these points will help to ensure that the planning application process does not encounter unnecessary complications, delays or refusal.

Pre-application consultation is always recommended to help understand survey requirements and their effect on when an application can be submitted. Early ecological reports will also ensure recommendations can be incorporated into designs and landscape plans.



Note that NatureScot and SEPA have set out when planning officers should consult with them. See:

- [Consulting NatureScot on planning and development](#)
- [Advice for planning authorities \(SEPA\)](#)
- [Advice for developers \(SEPA\)](#)



7 APPENDICES

Annex 1: Tree and Woodland Surveys

Woodland Surveys

To determine both the amenity and biodiversity value of existing woodland on or connected to a site, a woodland survey should be submitted. This will include essential site data, including site area, orientation, aspect, woody and herb species composition/ratios, age class, determination of woodland type, woodland condition, silvicultural history, soil type, site drainage, site boundaries/ woodland edge, and identifiable habitats, and designations.

Woodland surveys should include a brief description summarising the woodland characteristics at time of assessment, the impact of development, and concise recommendations for woodland improvements, to meet increased amenity, biodiversity and silvicultural values, forming the basis of woodland management proposals.

Tree Surveys

In respect of individual trees, or groups of amenity trees, tree surveys will be required that identify tree species represented, and details of tree condition based on a Visual Tree Assessment (VTA), with recommended works specified in accordance with BS3998: 2010 Recommendations for Tree Work. A tree survey must include a scaled plan with trees plotted.

Where tree surveys are required in conjunction with proposed development, tree surveys must form part of an Arboricultural Impact Assessment that includes the aforementioned details, and includes tree categorisation (illustrated on a tree constraints plan), mitigation measures, tree protection systems, and a detailed

tree protection plan that shows the proposed site layout, overlaid with the Root Protection Areas and clearly illustrates the Construction Exclusion Zone (CEZ), in accordance with BS5837: 2012 Trees in Relation to design, demolition and construction. The report should demonstrate how trees removed will impact the site characteristics.

It is essential that reports include an Arboricultural Method Statement advising how the proposed development can be developed acceptably, avoiding and minimising adverse impact on existing trees, and comments on the interface of trees being retained and construction methodology, utility routes, proposed surface water and foul drainage systems, and site-specific constraints.

Compensatory Planting Plans

Accompanying both woodland and tree surveys, it is expected that landscape proposals are provided detailing replacement or compensatory planting, wherever possible within, or adjacent to, the site of loss.

Compensatory planting should use native trees, recognise site characteristics, be compatible with existing trees & woodland, and the proposed development, and seek to bring amenity and biodiversity enhancements to the site. See the preferred species list in [Open Space Guidance](#).

Compensatory planting details should include, species selection, stock size, stock type, planting density, plant protection measures, planting preparation, and a proposed maintenance schedule to ensure successful establishment of new planting.

Annex 2: Ecological Survey Calendar

	Recommended Period for Survey			Sub-optimal Period for Survey				Surveys not Possible				
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Habitat & Vegetation	Phase 1 only (least suitable time)			Phase 1 and NVC Detailed habitat assessment surveys				Phase 1 only (least suitable time) No other detailed plant surveys				
	Mosses and Lichens					No Moss & Lichen surveys		Mosses and Lichens				
Badgers	Limited surveys	Bait marking and sett surveys		Limited suitability for bait marking and sett surveys			Sett surveys			Limited surveys		
Bats	Hibernation roost inspections only		Limited Activity	Summer roost emergence surveys				Limited Activity		Hibernation roost inspections only		
	Preliminary surveys and internal inspections possible all year round. Trees best surveyed in winter.											
Birds	Winter species		Breeding and migrant species	Breeding birds		Low Activity		Migrant Species		Winter Species		
Great Crested Newts	Newts Hibernating		Pond survey/ terrestrial surveys			Terrestrial Habitat survey			Newts hibernating			
	Egg Surveys			Larvae Surveys								
Reptiles	Reptiles hibernating		Surveys Possible	Peak survey months	Surveys possible	Reduced refugia survey effectiveness		Peak survey	Limited Activity	Reptiles hibernating		
Red Squirrels	Surveys possible weather dependent		Optimum survey time					Surveys possible	Surveys possible except breeding		Surveys possible	
Beavers	Surveys possible all year round. Foraging signs most visible in winter weather permitting.											
Otters	Limited by vegetation cover and weather conditions rather than seasons											
Water Voles	Low activity	Initial habitat survey	Habitat and field signs/ activity surveys. May be limited by vegetation cover and weather							Initial habitat	Low activity	
Pine Martens	Surveys Possible weather dependent		Optimum Survey time Breeding den surveys			Optimum Survey Time		Surveys possible weather dependent				
Fish	Timing of surveys depends on migration pattern and breeding period of species concerned											

Annex 3: Ecological Mitigation Calendar

	Recommended period for mitigation			Some mitigation possible				Mitigation restricted					
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Habitat & Vegetation	Planting and translocation		No mitigation for most species						Planting and translocation				
Badgers	Artificial sett construction only No disturbance of existing setts					Exclusion from setts and destruction				Artificial sett only			
Bats	Maternity roost work				No maternity roost works				Maternity roost work				
	Hibernation period		Hibernation roost works						Hibernation period				
Birds	Clearance works with caution		Nesting season (avoid ALL clearance works without breeding bird survey)						Clearance Works with caution				
Great Crested Newts	Pond management only		Both terrestrial and aquatic trapping possible			Terrestrial trapping only				Pond management only			
Reptiles	Scrub clearance only		Capture and translocation programmes and scrub clearance where no birds are present			Sub-optimal capture and translocation		Capture and translocation		Scrub clearance only			
Red Squirrels	Avoid all works in red squirrel habitat								Optimum time for works		Avoid all works		
Beavers	Contact NatureScot			Kit dependency period. No lethal control.				Contact NatureScot					
Otters	No season specific constraints. Caution to be applied at all times												
Water Voles	Avoid works in habitat		Trapping/exclusion	Avoid works (breeding season)					Trapping and exclusion				
Pine Martens	Works in areas of habitat and dens		Avoid all works in pine marten habitat								Works in areas of habitat and dens		
Fish	Mitigation for the protection of watercourses is required at all times of year Mitigation for particular species will need to be timed so as to avoid their breeding season, this varies between species												

Annex 4: Mitigation & Enhancement Checklist

All Proposals

- Surveys cover the whole site and surrounding habitat in accordance with best practice guidance.
- Surveys are less than 18 months old, cover all relevant species and habitats and were carried out at the correct time of year and according to best practice. All surveys recommended in preliminary reports have been conducted.
- An Ecological Impact Report (EclA) has been provided covering potentially affected sites, species and habitats.
- Design demonstrates the mitigation and enhancement recommendations in EclA, LDP developer requirements, in principle conditions and pre-application advice. Major developments have a site BAP.
- Tree and Woodland surveys are provided where trees or woodland are on or adjacent to the site or potentially affected by development
- Valuable trees and woodland such as veteran and ancient trees, and ancient woodland are identified and protected.
- Existing trees, woodland and valuable habitat are incorporated into design and protected from construction and ongoing impacts.
- Any tree or woodland loss meets the tests in policy 40 and the Control of Woodland Removal Policy and is adequately compensated.
- Sufficient information on the impact on designated sites has been provided to ensure the tests in Policy 38 can be met.
- Sufficient mitigation for protected and priority species has been provided to demonstrate that the licensing tests are likely to be met.
- The mitigation hierarchy has been followed and demonstrated through design.
- Mitigation addresses temporary construction impacts, long term impacts and the impact on wildlife attracted to new habitats
- Construction sites protect wildlife from being trapped or disturbed by noise or lighting. Construction impacts are addressed through a CMS and CEMP to be provided where necessary.
- Enhancement measures set out in EclA are incorporated into development including minimum bat and breeding bird measures set out in this guidance.
- Enhancement measures complement or implement Tayside LBAP actions.
- Management and monitoring of mitigation and enhancement is set out in a site BAP or management plan.

Residential and Business Development

- Fragmentation of habitats or creating barriers to wildlife movement are avoided
- Existing habitat is incorporated into green corridors
- Underpasses or wildlife kerbs are provided within 500m of new or existing ponds
- Hedges are used or 13cm x 13cm holes provided in fences between gardens



Hedgehog passage, Scone

- ❑ New bat and bird roosts/nests are integrated into buildings as enhancement
- ❑ Masterplans and landscape plans demonstrate the use of green corridors incorporating existing mature trees and water courses, with added biodiverse features including mixed hedges, grassland, native and flowering/fruited trees and ponds
- ❑ Lighting is directed away from nesting, roosting or foraging habitat
- ❑ Drainage systems reflect the needs of biodiversity through the use of swales, raingardens and biodiverse ponds.



Swift and Bat bricks, Scone

Public Open Space and Recreational Features

- ❑ Masterplans and landscape plans incorporate and link existing wildlife resources
- ❑ Open spaces and waterways are linked with trees, woodland, rough grass and hedges
- ❑ All SUDS features, including raingardens, ponds, and swales are biodiverse with native planting; and are incorporated into open space.
- ❑ A riparian buffer of at least 6 meters is provided along one side of waterways reinforced with planting to provide roosting, shelter and breeding resources and protection from recreational users.
- ❑ Valuable habitat such as ancient woodland is protected and enhanced with buffers
- ❑ Areas of open space are proposed to be maintained as wild grassland, wildflower meadows, and bio banks.
- ❑ Native trees, hedges and shrub species are used, particularly those that support protected and priority species in the area, including fruiting and blossom bearing native trees. See the [Open Space SG](#)
- ❑ Historic orchards are safeguarded and restored. New school and community orchards are planted where possible



SUDS, Perth

Road and Rail

- ❑ Fragmentation and loss of habitat connectivity is avoided through route and build design
- ❑ Where fragmentation is unavoidable, connectivity of habitat is maintained through underpasses, green bridges, squirrel bridges, and dry passage under bridges/culverts
- ❑ Verges and swales are planted with native grasses and wildflowers and a wildlife friendly maintenance programme is provided
- ❑ Tree and hedge lines are maintained
- ❑ Sustainable drainage systems such as swales and balancing ponds enhance biodiversity, and amphibian dispersal is protected through location, fencing and underpasses. Where underpasses are not possible wildlife kerbs or dropped kerbs must be used within 500m.

Renovations of Rural Buildings

- ❑ Existing bird nest sites are retained or replaced. All lost bird nests are replaced with integrated artificial replacements.
- ❑ Bat roosts or access to roof space are retained where possible. Integrated bat bricks, boxes and tubes or access tiles are used to replace any lost roosts and to provide roosting resource where there is suitable foraging habitat nearby
- ❑ Bat friendly roof and timber treatment and underlay is used.
- ❑ Barn Owl boxes are incorporated into large agricultural buildings

Wind farms

- ❑ Peat and bog habitats are shown to be avoided through site identification and turbine location. Any damage is mitigated and compensated through on site restoration.
- ❑ Site selection minimises impacts on birds taking into account commuting distances from designated sites and migrating species.
- ❑ Site and turbine location takes into account impacts on foraging bats.
- ❑ Biodiversity mitigation and enhancement are incorporated into the design, construction, operation and restoration stages.

Mineral Workings

- ❑ Biodiversity mitigation and enhancement is incorporated at design stage for operation, phased and final restoration
- ❑ Opportunities for nature are incorporated into operational requirements including native hedgerows and woodland for landscaping; enriching bunds and unused areas with grasslands and wildflowers
- ❑ LBAP priorities are addressed in design including reedbeds, grassland, heathland and lochans
- ❑ Monitoring plans identify operational features that may support important wildlife and may need to be safeguarded such as rocky ground for reptiles and sand banks for sand martins.
- ❑ Restoration aims to enhance the previously existing habitat. Areas that have become valuable to wildlife such as ponds, sand banks, and bare ground for invertebrates are retained.
- ❑ At restoration, valuable geodiversity interests are identified and are safeguarded.

