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Planning Authority

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Dear [Head Planner]

DAERA Single Dwelling Standing Advice – Information Session – 24 November 2021

The purpose of this letter is to invite Officials from local Planning Authorities to attend a virtual information session on the Department's new Single Dwelling Standing Advice. The session will be held on Wednesday 24 November, 10.30 – 11.30, and will last for approximately 1 hour.

The aim of this Standing Advice is to develop a risk based approach to single dwelling applications. Its use should reduce the number of unnecessary single dwelling consultations being sent to NIEA, Natural Environment Division (NED), thus reducing the workload and helping to address the current backlog.

This new standing advice will assist Planning Officers in their assessment and determination of planning permission for single dwelling developments which may impact upon the natural environment. The guidance is intended to be applied to all development proposals for single dwellings which involve new builds and/or the renovation, alteration or replacement of an existing single dwelling.

The Department would encourage representatives from all Planning Authorities to attend this session and would particularly encourage case officers involved in the assessment and determination of single dwellings to attend.

Prior to the session, the Department would welcome any questions that you or your officers may have in relation to the understanding, interpretation or application of the Standing Advice. Please forward any questions or queries to the DAERA Planning Response Team at the above email address before the **19 November 2021**.

***Sustainability** at the heart of a living, working, active landscape valued by everyone.*

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.



We look forward to welcoming you to the Information Session. A webex invite will issue prior to the event.

Yours sincerely,

Dr Oonagh McCann
Head of Countryside, Coast and Landscape Team

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Single Dwellings Standing Advice

Advice for Planning Officers to inform decision making and applicants seeking planning permission for single dwelling developments which may impact on upon the natural environment.

Scope

This guidance should be applied to all development proposals for single dwellings which involve new builds and/or the renovation, alteration or replacement of an existing single dwelling. **The aim of this Standing Advice is to develop a risk based approach to single dwelling applications. Its use should reduce the number of unnecessary single dwelling consultations being sent to NIEA, Natural Environment Division (NED).**

This guidance should be read in conjunction with other DAERA Standing Advice for development, which can affect natural heritage interests¹, and the NI Biodiversity Checklist and associated guidance for planners².

This guidance does not consider potential landscape or visual impacts associated with single dwellings as NED does not normally comment on these issues in relation to single dwelling proposals.

The flow chart at the end of this document may be used to identify if NED should be consulted.

¹ <https://www.daera-ni.gov.uk/publications/standing-advice-development-land-may-affect-natural-heritage-interests>

² <https://www.daera-ni.gov.uk/publications/ni-biodiversity-checklist-documents>

Introduction

NED receives a high volume of consultations which relate to the demolition, renovation, alteration or building of single dwellings. Impacts to natural heritage can range from minor through to significant for such developments but the majority pose a low risk to natural heritage interests. **By considering this Standing Advice and adopting a risk based approach, NED need only be consulted on those applications that may pose a significant risk to natural heritage interests.**

Advice to Planners

Every planning consultation submitted to NED that relates to a single dwelling development **MUST** be accompanied by a completed biodiversity checklist or other appropriate ecological information and/or Earth Science assessment (if necessary).

Note: the planning case officer should refer to the NI Biodiversity Checklist and related advice for planners, including the Biodiversity Checklist Decision Flow Chart before initiating a consultation with NED.

*When does Natural Environment Division **not** need to be consulted in relation to single dwelling developments?*

- When there has been no ecological information submitted in relation to the site - *the planner should ask for a biodiversity checklist to be completed by a competent³ person;*
- If a completed Biodiversity Checklist has identified that further ecological information, such as surveys, are required but they are not submitted - *the planner should ask for them to be submitted;*
- If there are ecological surveys from competent ecologists which find no issues of natural heritage concern and no mitigation is required - *if concerned about quality or content of the survey, consult NED;*
- If a properly completed Biodiversity Checklist has identified no natural heritage issues and this is confirmed by the planner's own assessment following a site visit;
- If the only issue is an invasive species found on site - *unless the site is within/adjacent to a designated site or priority habitat.* The planning authority should use the informative in the DAERA Invasive Species standing advice.

When does Natural Environment Division need to be consulted in relation to single dwelling developments?

- If a survey has identified that an important natural heritage feature is likely to be impacted and mitigation or compensation is required, for example;
 - If a bat roost is present in a building to be demolished or tree to be removed;

³ A competent person could be an ecologist or a planning consultant with an environmental qualification and knowledge of the site.

- Badger setts are present on or within 25m of the site;
- If other protected/priority species are present on the site and likely to be impacted;
- If the site is within or adjacent to a designated site or priority habitat;
- If a site visit by the planning officer identifies concerns in relation to natural heritage interests;
- If the planning officer notices multiple recent applications in the area and is concerned about cumulative impacts in relation to natural heritage interests.

Advice to applicants

To speed up your planning decision potential impacts on the natural environment from a development proposal should be considered at an early stage and any relevant and necessary ecological information front loaded with your application. NED has published a Biodiversity Checklist to help you to identify whether you need expert ecological input for your proposed development.

By identifying any potential natural heritage issues early in your design process, you will have time to ensure that if any ecological surveys are required, especially those with seasonal restrictions, they can be conducted in a timely fashion. If mitigation or compensation is required this can be built into a high quality design.

Main areas of concern when assessing single dwelling applications

The following sections refer to designated sites, protected/priority species (bats, badgers, birds); priority habitats (hedgerows); Earth Science features and the water environment.

Existing Standing Advice is available for all of the above, apart from that for Earth Science features, which is in development.

Designated Sites

Formally designated sites include nationally and internationally designated sites, such as Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Areas of Special Scientific Interest (ASSIs), National Nature Reserves (NNRs) and Ramsar Sites.

Designated sites for nature conservation and Earth Science interests are protected by legislation, such as the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended), as well as Northern Ireland planning policy (see the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 2: Natural Heritage).

Where a single dwelling application is located within, or is in close proximity to, a site formally designated for nature conservation and/or Earth Science interests then NED should be consulted.

For developments which may have a significant effect on a European designated site, such as an SAC or SPA, a Habitats Regulations Assessment (HRA) is required to be carried out by the planning authority and Shared Environmental Services (SES) should also be consulted.

The location of designated sites can be viewed on the NIEA Natural Environment Map Viewer:

<https://www.daera-ni.gov.uk/services/natural-environment-map-viewer>

Other locally important sites for nature conservation and/or Earth Science include Local Nature Reserves (LNRs), Wildlife Refuges and Sites of Local Nature Conservation Importance (SLNCIs).

Protected and Priority Species

All protected and priority species are material considerations in the determination of planning applications. The following species are most likely to be impacted by single dwelling developments.

Bats

All species of bats are European protected species under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and have a strict level of protection. This means that it is illegal to injure, kill or disturb them; and their places of rest (roosts) are also protected from damage or destruction. Bat roosts are protected at all times, whether the bats are present or not.

Bats regularly use domestic dwellings and/or associated outbuildings for roosting and therefore the likely impact on bats from a development proposal involving works to an

existing building must be assessed before planning approval is granted. All buildings where significant works are proposed should be screened for their likelihood to support bats. Part 2, Section 1 of the NI Biodiversity Checklist contains appropriate questions which should initially be used to determine the likelihood of bat presence in a building. Where a building meets any of the criteria listed, or there is evidence that bats may be present, further survey information on bats should be sought, such as a bat roost survey.

Many mature trees will also have potential for roosting bats (particularly older trees with cavities caused by damage and decay). If the development involves the loss of mature trees, a bat roost survey may need to be carried out.

Bat roost surveys usually comprise bat roost potential surveys (BRPs) and/or bat emergence/re-entry surveys. BRP surveys (also referred to as preliminary roost assessments - PRAs) involve daytime inspections of a potential roosting site (such as a building, structure or tree) and can be carried out at any time of year. However, they only provide information regarding the potential of a building, structure or tree to host roosting bats. Should a BRP survey find that a building/structure/tree has the potential to host roosting bats then further survey work, such as bat emergence/re-entry surveys, is likely to be required. **Bat emergence/re-entry surveys are strictly time limited and can only be carried out when bats are active (usually May to September).**

If the planning authority receives a bat roost survey from a competent ecologist which identifies the likely presence of a bat roost or potential harm to bats then NED should be consulted. When a bat roost is found to be present on a site it should be retained and protected wherever possible. However, in many circumstances development can proceed if appropriate mitigation and/or compensation measures can be implemented. These measures must be agreed in advance and should be included on plans for the development and/or appropriately conditioned. Any damage, disturbance or destruction of a bat roost will require a licence from the NIEA Wildlife Licensing Team to prevent an offence being committed.

Summary

1. Apply Biodiversity Checklist;
2. Request Bat Roost Potential (BRP) survey if necessary;
3. If BRP indicates potential to support bats request further bat roost surveys (e.g. emergence/re-entry survey);
4. Consult with NED if bat roost surveys indicate potential harm to bats for which mitigation and/or compensation is required.

Refer to DAERA Standing Advice on Bats for further information.

Badgers

Badgers are a nationally protected species under the Wildlife (Northern Ireland) Order 1985 (as amended). This means that it is illegal to injure, kill or disturb them. Their places of rest (setts) are also protected from damage, destruction or obstruction and they should not be exposed if hidden by vegetation. Badger setts are protected at all times, whether the badgers are present or not.

Badgers normally excavate setts in hedgerows, scrub and woodland and therefore where development involves removal of these features, or occurs in close proximity, caution should be exercised. Badgers are susceptible to impacts from development such as disturbance or direct impacts to their setts, particularly from excavation works. Badger tunnels can extend over 25m from a sett entrance and excavation and heavy machinery can damage the sett underground.

If there is a reasonable likelihood of badgers being present on a site and/or affected by a development then an appropriate badger survey should be carried out.

A survey for badgers should be carried out if:

- It is known, or evidence suggests, that badgers are present on or near the site;
- A completed biodiversity checklist or other ecological assessment identifies the need for a badger survey;
- During a site visit evidence of potential badger sett entrances are found within or close to the site (large holes, normally wider than they are tall, approximately 25cm-30cm wide and 12cm+ tall, possibly with recently excavated earth).

NED should be consulted when a survey has identified that badger setts are present on, or within 25m of, the site.

Impacts on badgers and their setts should be avoided in the design of a development proposal. No works should take place within 25m of a badger sett entrance. Appropriate mitigation includes the provision of suitable buffers (at least 25m) to badger setts from any development works and ensuring that badgers have safe access to the wider countryside. In some circumstances temporary or permanent fencing may be required to protect badgers. Mitigation should be included on plans for the development and/or appropriately conditioned. Any works within 25m of a badger sett entrance will require a licence from the NIEA Wildlife Licensing Team to prevent an offence being committed.

Refer to DAERA Standing Advice on Badgers for further information.

Birds

All wild birds and their active nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended). Birds are particularly vulnerable to disturbances while breeding, therefore, where the loss of suitable nesting habitat, such as hedgerows, scrub or buildings, is proposed the impact on birds needs to be considered. Impacts on wild birds from single dwelling developments can be mitigated for by retaining hedgerows and trees and carrying out any works which may impact on nesting sites outside of the bird breeding season (usually considered, but not exclusively from March to August). *Note - the law does not define dates for the bird breeding season so disturbances to active nests will be an offence regardless of the time of year.*

There are a small number of birds whose nest structures are protected throughout the year regardless of whether the birds are actively nesting or not. These birds are listed on Schedule A1 of the Wildlife Order. These species are all birds of prey whose conservation status is regarded as extremely vulnerable, for example peregrines, barn owls and red kites.

Disturbance to these nests is only permitted under special licence from the NIEA Wildlife Licensing Team.

Some species of wild birds are specially protected, or are rare and identified as priority species, and may be significantly affected by single dwelling developments. For example, barn owls (Schedule A1, Wildlife Order and NI priority species) use old dwellings and outbuildings for nesting and their nests are protected at all times; and swifts (NI priority species) often use holes and crevices under the eaves of buildings for nesting.

If a biodiversity checklist or other ecological assessment identifies the presence of a specially protected or priority bird species and they or their nest site are likely to be impacted by a development proposal then NED should be consulted.

When only a small amount of hedgerow or scrub is proposed to be removed or a building containing non-specially protected or priority species of birds is proposed to be demolished the following condition can be used to protect breeding birds:

- No *vegetation clearance/removal of hedgerows, trees or shrubs/demolition of buildings or structures* shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: to protect breeding birds

Refer to DAERA Standing Advice on Wild Birds for further information.

Priority Habitats

The most common priority habitat affected by single dwelling developments is hedgerows. Other priority habitats which may be affected include woodlands, species rich grasslands, ponds and wetlands. If a Biodiversity Checklist indicates that priority habitat may be lost to a development proposal then an appropriate ecological survey will be required. Any losses of priority habitat should be avoided in the first instance but in some cases mitigation and/or compensation measures can be considered.

Where a single dwelling is located on potential priority habitat, is in close proximity to a significant natural heritage feature, such as a woodland, river or lake, or a significant amount of mature hedgerow and/or tree removal is proposed then this should be identified in a properly completed Biodiversity Checklist. In such cases a Preliminary Ecological Appraisal (PEA)⁴ is likely to be required and NED should be consulted upon submission of the PEA so we can assess its findings.

The location of some priority habitats have been mapped on the NIEA Natural Environment Map Viewer, however, NED does not have a comprehensive knowledge of where all priority

⁴ <https://www.daera-ni.gov.uk/publications/preliminary-ecological-appraisal-survey-specifications>

habitats are located and site specific assessments are necessary where priority habitats are likely to be present.

Where priority habitats, other than a short length of hedgerow, are likely to be lost or affected by a development proposal then NED should be consulted.

Refer to DAERA Standing Advice on Priority Habitats for further information.

Hedgerows

All native species hedgerows over 20m long are a priority habitat and their loss can impact on a broad range of wildlife. In particular the loss of mature hedgerows with large trees should be avoided. Retained trees and hedgerows should be protected by a suitable buffer and/or fencing. Where appropriate, planning conditions should be used to protect existing trees and hedgerows. If a development proposal involves the loss of significant hedgerows the following should be required:

- Surveys for protected and priority species.
- At least an equivalent, or preferably greater, length of hedgerow should be replanted as compensation.
- New planting should be with native species.

Refer to DAERA Standing Advice on Hedgerows for further information.

Earth Science

Single dwellings proposed either within or in close proximity to an Area of Special Scientific Interest or Site of Local Nature Conservation Importance with Earth Science features or earth science conservation review sites should be assessed against their potential impact on any important Earth Science features.

There are three main considerations for such sites;

- Access,
- Visibility
- Changes in surface processes (e.g. drainage or erosion)

Development should not destroy, directly damage, obscure or prevent appropriate access to Earth Science sites and features, or modify natural processes in such a way that would potentially destroy, damage, obscure or prevent appropriate access to the important features.

For karst (limestone) sites, development, even outside a designated or otherwise notified site, may have a potential negative impact if surface, storm and waste water are not appropriately managed.

Cumulative impacts from multiple developments are important to consider for this reason (see also advice on Water Environment). There is also the potential for impact on underground features like caves & cave passages (and special formations within them), either below a development site or in proximity to it. Underground features may also represent potential stability hazards to proposed development sites.

If there are potential impacts on important Earth Science features from development, an assessment of the impact must be made by a suitably qualified person. **It must be noted that mitigation of potential impacts may not be possible for Earth Science features.**

Water Environment

Single dwellings should connect to the Northern Ireland Water (NIW) mains sewer network if at all possible. Where this is not possible, the development will usually require the installation of a septic tank or other sewage treatment system. These have the potential to impact nearby watercourses or waterbodies, including protected sites designated for nature conservation. The choice and location of septic tanks/soakaways as well as possible drainage pathways to nearby watercourses is an important consideration for single dwelling developments. Septic tanks cannot discharge directly to a waterway without additional treatment. If a development is unlikely to impact nearby watercourses, adherence to standard Pollution Prevention Guidance (PPG) will usually be adequate to mitigate risk. If a possible hydrological link to a designated site exists, an assessment of the risk and appropriate mitigation measures will be required.

Link to NIEA, Water Management Unit (WMU) advice: <https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>

Invasive Species

Where invasive species are found to be present on a single dwelling site NED does not need to be consulted if this is the only issue of concern, unless the proposed works have the potential to cause the spread of the species to a designated site or priority habitat. This may be particularly relevant if the proposal is located adjacent to such a feature or is beside a significant watercourse. Common invasive plant species which may be found on a development site include Japanese knotweed, Giant hogweed and Himalayan balsam.

The planner should refer to the DAERA Standing Advice on Invasive Species for further information and an appropriate informative for the planning decision notice.

Note that some invasive species may cause issues in relation to construction, harm to amenity interests and public health, however, it is not within NED's remit to comment on these issues.

Further Information

Other DAERA Standing Advice on development which can affect natural heritage interests and the NI Biodiversity Checklist and associated guidance for planners can be found at the following links:

<https://www.daera-ni.gov.uk/publications/standing-advice-development-land-may-affect-natural-heritage-interests>

<https://www.daera-ni.gov.uk/publications/ni-biodiversity-checklist-documents>

NIEA have also produced an online GIS based map viewer showing the location of important natural environment areas including; NIEA protected areas and NIEA surveyed priority habitats and species which can be found here:

<https://www.daera-ni.gov.uk/services/natural-environment-map-viewer>

Appendix 1 – Example Scenarios

Example 1

A new single dwelling is proposed in an agricultural field of improved grassland (pasture). No existing buildings or structures are to be demolished and any existing mature hedgerows and/or trees are being retained and there is a buffer of at least 25m between the proposed development and these features. However, a short length of roadside, box cut hedgerow is being removed to facilitate access and sight lines.

In this scenario there should be no significant natural heritage concerns. Birds may use the roadside hedgerow for nesting, however, it is unlikely to be used by any specially protected or priority species due to significant disturbance. Any natural heritage concerns could be addressed by ensuring that an equivalent length of native species hedgerow is planted behind the proposed sightlines as compensation and that any necessary hedgerow removal is carried out outside of the bird breeding season, unless a check by a competent ecologist has identified the absence of nesting birds. This can be achieved by the imposition of an appropriate condition and NED need not be consulted (see above).

Example 2

A new single dwelling is proposed in an agricultural field of improved grassland (pasture) and an existing old dwelling is proposed to be demolished. Existing mature hedgerows and trees are being retained but development is likely to occur in close proximity to these. A short length of roadside, box cut hedgerow is being removed to facilitate access and sight lines.

In this scenario the existing building should be assessed for its likelihood to support bats. A properly completed Biodiversity Checklist should indicate whether the building has the potential to contain bat roosts (Part 2, Section 1). Where the Biodiversity Checklist has indicated that the building is unlikely to support bats and this conclusion is supported by the planning officer's own assessment then no further bat surveys would be required. However, if Part 2, Section 1 of the checklist has been answered 'Yes' then a further assessment for bats would be required. This is likely to involve a bat roost potential survey by a competent ecologist.

Sometimes, when a Biodiversity Checklist has been completed by a competent ecologist they will have already carried out a site visit and a bat roost potential survey of any building(s) to be demolished. The results of this can be detailed in the Ecological Statement of the Biodiversity Checklist. If, following a site visit, the ecologist has concluded that there is very low or negligible potential for the building(s) to support roosting bats then no further assessment for bats is required.

If they have identified that the building has higher (e.g. medium or high) potential to support roosting bats then a further survey is likely to be required unless the building(s) can be retained. In this case the planner should request a bat roost survey in accordance with the

Bat Conservation Trust's (BCT) Good Practice Guidelines⁵ and NIEA bat survey specifications⁶. NED need only be consulted on this survey if roosting bats have been found or if there are doubts over the competency of the surveyor or the survey report.

With regard to the development occurring within 25m of existing mature hedgerows, trees or woodland then a survey by an ecologist should be carried out to determine if other protected species, such as badgers, are likely to be impacted. This is usually in the form of a Preliminary Ecological Appraisal (PEA), however, as above, sometimes the results of a site survey by an ecologist is recorded in the Ecological Statement of a Biodiversity Checklist. Where a site survey by a competent ecologist has concluded that there is no evidence of the presence of other protected species, such as badgers, on the site and there is no need for any mitigation measures then NED do not need to be consulted. Where evidence of badgers or other protected species has been recorded then NED should be consulted.

⁵ Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edition). The Bat Conservation Trust, London. <https://www.bats.org.uk/resources/guidance-for-professionals/bat-surveys-for-professional-ecologists-good-practice-guidelines-3rd-edition>

⁶ <https://www.daera-ni.gov.uk/publications/bat-surveys-specifications>

