

# Protected species decision checklist

Apply this checklist to each protected species on site as the impact of development on each species may be different.

## Is the application within or close to a designated site, such as a:

- site of special scientific interest
- special area of conservation
- special protection area
- RAMSAR site
- proposed designated site notified for a protected species

See: [www.magic.gov.uk](http://www.magic.gov.uk)

If your answer is:

Yes, go to '[What to do, section A](#)'

No, [go to 1](#)

## 1. Has the survey report confirmed that there's suitable habitat for the species:

- on or next to the application site
- within a known range of the species

You might need specialist advice to check that the survey report and assessment are adequate.

If your answer is:

Yes, [go to 2](#)

No, go to '[What to do, section B](#)'

## 2. Has the applicant and specialist advice confirmed that:

- it's unlikely the development will have an adverse effect on the species

If your answer is:

Yes, go to '[What to do, section C](#)'

No, [go to 3](#)

### **3. Has the species survey been carried out:**

- at the right time of year
- using appropriate survey techniques covering an adequate search area

If your answer is:

Yes, [go to 4](#)

No, go to ['What to do, section F'](#)

### **4. Has evidence of the species been found in the application site or in the study area?**

If your answer is:

Yes, [go to 5](#)

No, [go to 9](#)

### **5. Will the species and/or their habitat be impacted by the planning application?**

If your answer is:

Yes, [go to 6](#)

No, go to ['What to do, section B'](#)

### **6. Does the mitigation proposed make sure:**

- there isn't a net loss of quantity or quality of habitat
- habitat links will be kept
- there's a long-term management strategy for the site for the benefit of the species

Replacement sites are:

- within the home range of the existing population and free from future development threats

If your answer is:

Yes, [go to 7](#)

No, go to ['What to do, section E'](#)

### **7. Is the species a European protected species?**

If your answer is:

Yes, [go to 8](#)

No, go to ['What to do, section D'](#)

**8. Are mitigation measures adequate to avoid offences under Regulation 43 (1) and 47 (1) of the Conservation of Habitats and Species Regulations 2017?**

- is a [mitigation licence](#) needed?
- after considering the [3 tests](#), do you think that Natural England is likely to grant a licence?

If your answer is:

Yes, go to ['What to do, section D'](#)

No, go to ['What to do, section E'](#)

**9. Could the proposals indirectly impact on the species, for example prevent species movement between habitats?**

If your answer is:

Yes, [go to 6](#)

No, go to ['What to do, section C'](#)

# What to do

**A. Consult Natural England if the planning application is within a designated site or site of special scientific interest impact risk zone.**

**B. Accept the findings. Consider promoting biodiversity net gain for the species in accordance with the:**

- National Planning Policy Framework.
- Biodiversity duty under Section 40 of the NERC Act.

**C. Accept the findings. Planning permission may be granted (subject to other material considerations)**

- Secure working methods and programme using planning conditions where necessary to avoid impacts.
- Consider encouraging biodiversity net gain, as detailed in B.

Add an 'informative' to the planning decision notice regarding the action to be taken if protected species are encountered during development.

**D. Planning permission may be granted subject to appropriate planning conditions and obligations. This may include a detailed mitigation and monitoring strategy.**

**E. Request further or more appropriate mitigation or compensation and reconsider question 6.**

If the applicant fails to provide satisfactory information, consider refusal of the application as it does not adequately consider protected species or comply with the [Wildlife and Countryside Act 1981](#) (as amended) or [The Conservation of Habitats and Species Regulations 2017](#).

**F. Inadequate survey. Request this is done properly as in question 3 or refuse application.**