

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

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.