

# PRIORITY HABITATS

ADVICE FOR PLANNING OFFICERS AND APPLICANTS SEEKING PLANNING  
PERMISSION FOR LAND WHICH MAY IMPACT ON PRIORITY HABITATS

ISSUE 02    APRIL 2017

## Introduction

Northern Ireland priority habitats are those habitats which require conservation action because of their decline, rarity and importance. Priority habitats are susceptible to impacts from development. This standing advice provides information to help when assessing applications which have the potential to impact on priority habitats, to inform when NIEA should be consulted and ensure priority habitats are adequately considered during the planning process.

## Northern Ireland Biodiversity Strategy

The overall aim of the Northern Ireland Biodiversity Strategy is to halt the loss of biodiversity. The decline in the quality, extent and range of our natural habitats and the species they support are key factors in the loss of our biodiversity. It also results in the loss of the important benefits that these habitats provide to people.

Northern Ireland priority habitats include woodlands, uplands, grasslands, wetlands and coastal habitats which contain our most important natural heritage. They are also increasingly recognised as providing a range of ecosystem services such as the provision of clean air, water, flood protection, recreation and tourism which are of wide benefit to society and individuals. See Appendix 1 for the Northern Ireland Biodiversity List of Priority Habitats (see NIEA website <https://www.daera-ni.gov.uk/articles/what-biodiversity>).

## Legislation

The European Habitats Directive (92/43/EEC) is one of the main drivers in the conservation of biodiversity in Northern Ireland. It identifies habitats of community interest (Annex 1 habitats) and requires European member states to monitor the quality, extent and range of these habitats with the aim of achieving Favourable Conservation Status (FCS). The Habitats Directive is transposed by the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). See <http://jncc.defra.gov.uk/page-1523> for the list of Annex 1 habitats.

Article 10 of the Habitats Directive also requires member states to endeavour to encourage the management of features of the landscape that are of major importance for wild flora and fauna. These features are those that, because of their linear and continuous structure of their function as stepping-stones, are essential for migration, dispersal and genetic exchange of both plants and animals. Examples given in the Directive are rivers with their banks, traditional field boundary systems (such as hedgerows), ponds and small woods.

The Environmental Liability Directive (2004/35/EC) is applicable for Annex 1 habitats and imposes obligations on operators of economic activity to prevent, limit or remediate environmental damage. As one of the grounds of appeal is damage under instruction from a public authority, the planning authority should also consider this directive when assessing proposals. The directive is transposed by the Environmental Liability (Prevention and

Remediation) (Amendment) Regulations (Northern Ireland) 2009 which are aimed at the prevention and remedy of environmental damage. The Regulations impose obligations on operators of economic activities to prevent, limit or remediate environmental damage. The Regulations apply to the more serious cases of environmental damage and are in addition to existing environmental legislation.

The Wildlife and Natural Environment Act (Northern Ireland) 2011 (known as the WANE Act) introduced a biodiversity duty on public bodies in Northern Ireland. It states that it is the duty of every public body, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions.

The WANE Act also requires that the Department of Environment maintains lists of habitat requiring special attention when delivering this duty. The Northern Ireland Biodiversity Lists are available at <https://www.daera-ni.gov.uk/articles/what-biodiversity>. Actions for these habitats and species have been addressed in a range of government policies and activities. The NI Biodiversity Lists also include most European Annex 1 habitats that occur in Northern Ireland.

## Policy

Planning Policy Statement 2, Natural Heritage, Policy NH5 and the Strategic Planning Policy Statement apply to priority habitat and cases where priority habitat forms features of the landscape of major importance for wild flora and fauna. There may also be protected and priority species impacts that have to be considered.

## Survey requirements

The Northern Ireland Environment Agency (NIEA) Biodiversity Hazard mapping highlights those areas where priority habitats are more likely to occur. However NIEA does not have, and cannot reasonably be expected to have, total knowledge of the location of every area of priority habitat in Northern Ireland. Therefore the NIEA Biodiversity Hazard mapping should not be utilised to infer the complete coverage of these environmental assets in Northern Ireland. In addition this spatial data has no set update frequency so changes in habitat are not always recorded.

If an application site is located within the NIEA Biodiversity Hazard mapping, an aerial imagery check or site visit should be undertaken to confirm that a priority habitat is likely to be present.

If a semi-natural habitat is present, a Phase 1 habitat survey is required for a complete application. The ecologist should identify which priority habitats are present and likely to be impacted. In some cases a more detailed habitat survey such as National Vegetation Classification (NVC) may be required. This is especially the case for grasslands, peatlands, long-established woodland habitats and if habitat compensation measures are being considered as this type of survey provides details of the plant species and densities present. Appendix 2 provides more detail on these types and timing of habitat surveys.

The Northern Ireland Biodiversity Checklist (<https://www.daera->

[ni.gov.uk/topics/environmental-advice-planners](http://ni.gov.uk/topics/environmental-advice-planners) ) should be referred to when deciding if indirect effects on priority habitat may also be a consideration or if additional species surveys may be required.

## How a development proposal could impact on a priority habitat

Priority habitats are vulnerable to changes in land-use such as development. Whether within designated sites or the wider countryside, these Northern Ireland priority habitats require action to prevent further biodiversity loss and where possible, action to restore, degraded or destroyed habitats.

Impacts from development can be direct or indirect loss of the habitat or degradation caused by changes in hydrology or water and air pollution.

## NIEA consultation on priority habitats

Northern Ireland priority habitats make up many of our important landscape features including peatlands and uplands, wetlands, woodland, farmland and coast as well as marine areas. They include:

- woodland comprising more than 50% native tree species;
- parkland/wood pasture comprising of scattered old, open-grown trees in an extensive area of grassland;
- peatland and upland priority habitats which include most of our unenclosed uplands and peatlands;
- most wetlands including rivers, lakes, ponds and fens;
- most of the undeveloped coastal fringe; and
- farmland priority habitats include hedgerows and species-rich grassland. The latter is associated with less intense farming particularly on wetter, steeper and shallow soils.

Priority habitats are extremely variable in the ease by which they can be identified and the amount of existing information on their occurrence and quality. The information which is required to assess the potential impact of a planning application on a priority habitat also varies with habitat type.

As a result, a series of priority habitat guidance notes are being developed providing information on a range of individual priority habitats. The guidance notes also give links to other additional information such as the Northern Ireland priority habitat action plans (HAPs) which were published in 2003 and 2005 (see NIEA website for HAPs).

Where a development proposal is located within priority habitat, a habitat survey must be carried out by a professional ecologist. The habitat survey should include an assessment of the impact of the development on the habitat and provide details of avoidance, mitigation and in exceptional circumstances, compensation measures. The survey should be sent to NIEA to provide specific advice.

## Sources of information

- **Priority habitat guidance** notes which indicate how to recognise the priority habitat and provides a specific source of information on conservation importance and survey requirements (under development)
- **Standing advice** for wider ranging habitats (see advice section of PlanningNI website)
- **Priority Habitat Action Plans**
  - **UK wide found at** <http://jncc.defra.gov.uk/page-5718>
  - **Northern Ireland wide found at** <https://www.daera-ni.gov.uk/articles/what-biodiversity>
- **Spatial information**
  - **Northern Ireland Environment Agency Biodiversity Hazard mappings** showing areas likely to be of significance for priority habitats and species containing
    - Local Wildlife Sites
    - Mapped priority habitats
    - Mapped sensitive bird species (often displayed as 1km<sup>2</sup> area grids)
  - **Landscape Character Area (LCA) summary biodiversity descriptions** indicating significance for priority habitats and species on a landscape-scale

## Mitigation

Development proposals should be sited and designed to include provision for the retention and integration of priority habitats to prevent their fragmentation and isolation. Where appropriate the quality of habitats should be improved within development sites and links to other habitats strengthened to enhance connectivity within and between development sites and the wider landscape.

In assessing a development proposal consideration will be given to the impact of the proposal on the:

- Integrity of the habitats on site;
- connectivity of the habitat to the wider landscape;
- value to the habitat network;
- favourable conservation status or potential to reach this;
- the potential effect on features of interest;
- rarity and vulnerability of the habitat; and
- its ability to recover from impacts.

In the first instance the principles applied within the mitigation plan should be the avoidance of any adverse impact on the priority habitat through design of the proposal. Where this is not possible consideration should be given to minimising effects through the use of mitigation measures. Compensatory measures should only be considered where, despite mitigation, there will still be adverse effects on priority habitat.

Where there is no significant harm to natural heritage interests, opportunities to enhance biodiversity can be sought and guaranteed by condition or planning agreement. Where

appropriate mitigation and/or compensation measures are not achievable and the proposal will result in the unacceptable loss of biodiversity it is likely to be contrary to planning policy. Where compensation measures are proposed, long term monitoring and management will be required for any newly managed or created habitats which should be secured by planning condition or agreement.

Any habitat survey or mitigation plans should be sent to NIEA for consideration.

## Links with other standing advice

Due to the importance of priority habitats to their associated species the following standing advice sheets (see advice section of PlanningNI website) should also be considered when dealing with cases that affect priority habitats:

- Badgers
- Wild Birds
- Bats
- Otters
- Smooth Newt
- Common Lizard
- Invasive Alien Species
- Priority Species
- Hedgerows

The Northern Ireland Biodiversity Checklist (<https://www.daera-ni.gov.uk/topics/environmental-advice-planners>) should be referred to when deciding if surveys are required.

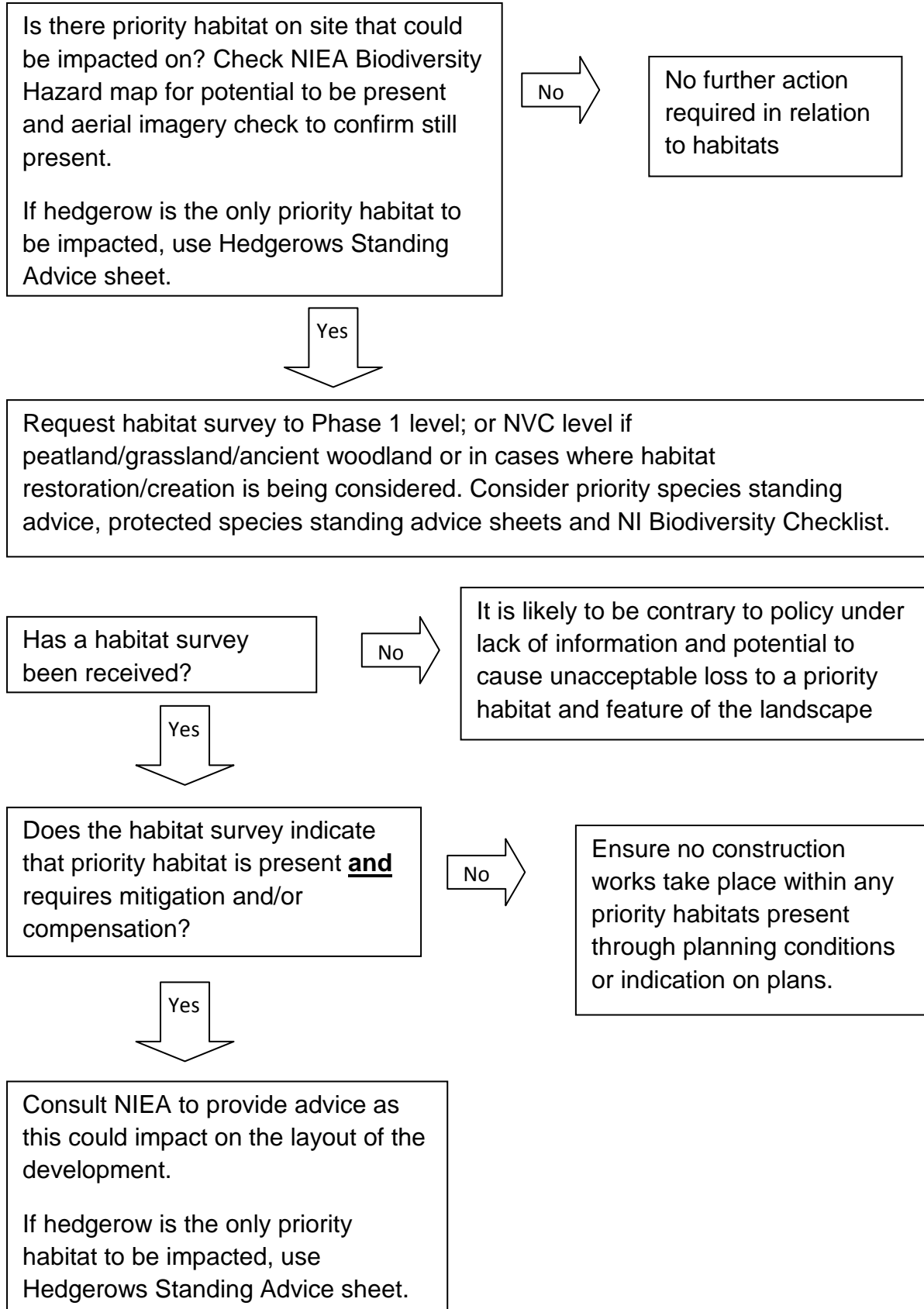
## Informative for decision notices

Due to the significant link between priority habitats and breeding birds the following informative should be used in all cases of hedgerow loss:

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly kill, injure or take any wild bird. It is also an offence to intentionally or recklessly: take, damage or destroy the nest of any wild bird while that nest is in use or being built; or take or destroy an egg of any wild bird. If any person intentionally or recklessly disturbs any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or disturbs dependent young of such a bird they shall be guilty of an offence. Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that tree and hedge loss should be kept to a minimum and removal should not be carried out during the bird breeding season between 1<sup>st</sup> March and 31<sup>st</sup> August.

## Process to consider when dealing with priority habitat on site



## Appendix 1 List of Northern Ireland priority habitats

Aquifer-Fed Naturally Fluctuating Water Bodies (Turloughs)
Arable Field Margins
Blanket Bog
Blue Mussel Beds on Sediment
Calcareous Grassland
Coastal and Floodplain Grazing Marsh
Coastal Saltmarsh
Coastal Sand Dunes
Coastal Vegetated Shingle
Estuarine Rocky Habitats
Eutrophic Standing Waters
Fragile Sponge and Anthozoan Communities on Sub-Tidal Rocky Habitats
Hedgerows
Horse Mussel Beds
Inland Rock Outcrop and Scree Habitats
Intertidal Chalk
Intertidal Mudflats
Intertidal Underboulder Communities
Limestone Pavements
Lowland Dry Acid Grassland
Lowland Fens
Lowland Heathland
Lowland Meadows
Lowland Raised Bog
Maerl Beds
Maritime Cliff and Slopes
Marl Lakes
Mesotrophic Lakes
Mixed Ashwoods
Montane Heath
Mud Habitats in Deep Water
Oakwoods
Oligotrophic and Dystrophic Lakes
Open Mosaic Habitats on Previously Developed Land
Parkland
Peat and Clay Exposures with Piddocks
Ponds
Purple Moor Grass and Rush Pastures
Reedbeds
Rivers and Streams
Sabellaria Alveolata Reefs
Saline Lagoons
Seagrass Beds
Sheltered Muddy Gravels.
Subtidal Chalk.



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Subtidal Sands and Gravels
Tide-Swept Channels
Traditional Orchards
Upland Flushes, Fens and Swamps
Upland Heathland
Wet Woodland

## Appendix 2 Types of Habitat Surveys

### Phase 1 Habitat Surveys

The main type of habitat survey used to identify broad habitats is a JNCC Phase 1 Habitat Survey. This habitat classification system was developed to aid with countrywide habitat surveys. Some of the habitats classified can include priority habitats. The survey report will therefore have to highlight when a priority habitat is present to aid assessment and determining of planning applications. An Extended Phase 1 Habitat Survey includes a survey for signs of protected animal species as well as habitat mapping.

See for a copy of the technique involved:

[http://jncc.defra.gov.uk/PDF/pub10\\_handbookforphase1habitatsurvey.pdf](http://jncc.defra.gov.uk/PDF/pub10_handbookforphase1habitatsurvey.pdf) (PDF, 7.7MB)

### National Vegetation Classification (NVC) Surveys

The NVC survey is a more detailed habitat classification based on sample squares (quadrats) of plant species across each distinct habitat within the survey area. This allows for a greater differentiation of habitat types present and provides lists of plant species present with their coverage in the quadrats. The higher level of information present in these surveys can be required during the assessment of some priority habitat types including grassland, peatland and woodland types within Ancient woodland and where compensatory habitat restoration or creation is being considered. Again some of the classifications can include priority habitats. The survey report will therefore have to highlight when a priority habitat is present to aid assessment and determination of planning applications.

For more details see <http://jncc.defra.gov.uk/page-4259>

### Survey Season for Broad Habitat Types

Habitat surveys are undertaken to allow for a judgement of the species richness and biodiversity interest within a habitat. This assessment is therefore dependent on the survey being undertaken at the correct time of year. All Phase 1 Habitats surveys can be undertaken throughout the year with the exception of dry grasslands which should only be undertaken from June to August as classification cannot be depended upon outside this period. However it should be noted that where a Phase 1 habitat survey is undertaken outside the optimum summer period any species lists provided cannot be relied upon to provide a full list of species that could be present.

Where more detail of the species present is required for an application such as NVC a more restricted time period is necessary to ensure the full information is present.

**Woodland**

**Survey period – Mid April to June**

Woodland ground flora appears in early spring mainly before the leaves appear on trees. Therefore any survey outside this period is likely to miss the species richness of the ground flora present. This is applicable to

Mixed Ashwoods
Oakwood
Parkland
Traditional Orchards
Wet Woodland

**Wetlands**

**Survey period – June to August**

The timing of these surveys is such as to allow aquatic plants to grow to a sufficient size to allow for identification. Surveys outside this period are likely to miss some aquatic species. This is applicable to

Aquifer-Fed Naturally Fluctuating Water Bodies (Turloughs)
Eutrophic Standing Waters
Lowland Fens
Marl Lakes
Mesotrophic Lakes
Mud Habitats in Deep Water
Oligotrophic and Dystrophic Lakes
Ponds
Reedbeds
Rivers and Streams
Upland Flushes, Fens and Swamps

**Peatland**

**Survey Period – June to September**

The timing of these surveys is to allow for flora to grow. The survey season can be extended in warmer years as species are still present.

Blanket Bog*
Lowland Heathland
Lowland Raised Bog
Montane Heath*
Upland Heathland*

\*These habitats can be surveyed all year round as long as there is no snow cover.

## Grasslands

### Survey period – June to August

The timing of these surveys is to allow sufficient time for flora to grow and aid species identification. Surveys outside these months are likely to miss the species richness within grasslands as they die back in the autumn each year.

Arable Field Margins
Calcareous Grassland
Coastal Sand Dunes
Inland Rock Outcrop and Scree Habitats
Limestone Pavements
Lowland Dry Acid Grassland
Lowland Meadows
Maritime Cliff and Slopes
Open Mosaic Habitats on Previously Developed Land
Purple Moor Grass and Rush Pastures
Upland Heathland (where higher grass content)



**Creating prosperity and well being  
through environment and heritage  
excellence**

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