



---

# WILDLIFE SURVEYS FACT SHEET

---

Wildlife surveys are an issue that effect many listed building owners. They are often required by local authorities when owners seek building consent, adding a significant extra cost to the already expensive process of consent. In the coming years we have a unique opportunity to reform the system to make it clearer and more sensible.

## THE FACTS

- Species like bats, newts and many types of birds have had legal protection for decades, preventing owners from carrying out work that would harm animals, their nests or their young.
- Wildlife protection has long been a factor in planning decisions, seeking to prevent habitats being destroyed and threatened species being harmed.
- The 1992 European Habitat directive provided stronger protection for specific species, but also emphasised a duty of care for local authorities. EU directives are interpreted on a national level and little initially changed.
- Legal challenges in 2004, 2009 and 2014 over planning authorities implementation of the habitat directive have been somewhat contradictory, forcing a more conservative reading of the directive.
- Councils are unwilling to risk being taken to court, and so prefer to require a costly survey.
- This is applied to all actions of a planning authority, which includes listed building consent, even when non-listed buildings would not have to give any assurance about wildlife.
- The judicial reviews were part of larger planning cases brought by private individuals; the EU was satisfied that the UK met the directive.
- No British law has been made on this subject in decades, and the official guidance is lacking.

## OUR POLICY

We are asking for the government to issue clear guidelines on the Habitat Directive. As the directive ceases to apply, we should take the opportunity to draft a new and clearer act that enshrines this guidance in law.

## WHY?

Wildlife surveys have become more and more common for listed building owners. Today seeking consent to repair a roof will almost certainly require a costly survey.

Full surveys can take a long time, requiring observation through different seasons or testing animal droppings to confirm the species, all at the owner's cost.

The preceding law preventing works harming wildlife is still in force, so even without a survey wildlife is legally protected. A survey doesn't provide protection; just early warning.