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Guidance

Protected plants, fungi and lichens: advice for making planning decisions

How to assess a planning application when there are protected plants, fungi or lichens on or near a proposed development site.

From: [Natural England](#)
([/government/organisations/natural-england](https://government/organisations/natural-england))

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Applies to England

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This is Natural England's 'standing advice' for protected plants, fungi and lichens. It is a material planning consideration for local planning authorities (LPAs). You should take this advice into account when making planning decisions. It forms part of a [collection of standing advice for protected species](https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species) (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#standing-advice-for-protected-species>).

Following this advice:

- avoids the need to consult on the negative effects of planning applications on protected plants, fungi or lichens in most cases
- can help you make decisions on development proposals

You may need a qualified ecologist to advise you on the planning application and supporting evidence if it's likely that protected plants, fungi or lichens are present on the proposed development site. You can find one using either the:

- [Chartered Institute of Ecology and Environment Management \(CIEEM\) directory](https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx) (<https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx>)
- [Environmental Data Services directory](https://www.endsdirectory.com/) (<https://www.endsdirectory.com/>)

How plants, fungi and lichens are protected

The developer must comply with the legal protection of protected plants, fungi and lichens.

You should consider if the developer has taken appropriate measures to avoid, mitigate and, as a last resort, compensate for any negative effects on protected plants, fungi and lichens.

The developer may need to [apply for a wildlife licence](#) to carry out their proposal.

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[Water voles: advice for making planning decisions](/guidance/water-voles-advice-for-making-planning-decisions)

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Detailed guidance

[Protected species and development: advice for local planning authorities](/guidance/protected-species-how-to-review-planning-applications)

[\(/guidance/protected-species-how-to-review-planning-applications\)](/guidance/protected-species-how-to-review-planning-applications)

[Invertebrates: advice for making planning decisions](#)

European protected species (EPS)

[\(/guidance/invertebrates-advice-for-making-planning-decisions\)](#)

Plant EPS are listed in [schedule 5](#) (<http://www.legislation.gov.uk/ukxi/2010/490/schedule/5/made>) of the Conservation of Habitats and Species Regulations 2017.

It is an offence to:

- deliberately pick, collect, cut, uproot or destroy them
- possess, control or transport them (alive or dead)

The developer must [apply for a mitigation licence](#) (<https://www.gov.uk/government/publications/european-protected-species-apply-for-a-mitigation-licence>) to carry out any of these actions for any plant that is a EPS.

Plants, fungi and lichens protected under the Wildlife and Countryside Act 1981

Under the Wildlife and Countryside Act 1981, it is an offence to intentionally uproot any wild plant without the landowner's consent.

For plants, fungi and lichens listed in [schedule 8 of the Wildlife and Countryside Act 1981](#) (<https://www.legislation.gov.uk/ukpga/1981/69/schedule/8>) it is an offence to intentionally pick, uproot or destroy them. The developer may need a [mitigation licence](#) (<https://www.gov.uk/government/publications/protected-species-apply-for-a-mitigation-licence-a05-and-a05a>) to carry out their proposed activities.

Section 41 priority species

Many plants, fungi and lichens are [listed as rare and most threatened species](#) (<http://publications.naturalengland.org.uk/publication/4958719460769792>) under section 41 of the Natural Environment and Rural Communities Act (2006). You must have regard for the conservation of section 41 species as part of your planning decision. Find out more about your [biodiversity duty](#).

When to ask for a survey

You should ask for a survey if distribution, habitat assessments and historical records suggest they may be present on your proposed development site. You can [search the National Biodiversity Network Atlas \(https://nbnatlas.org/\)](https://nbnatlas.org/) by species and location.

You must check if the ecologist is qualified and experienced to carry out surveys for plants, fungi and lichens. For EPS, the ecologist must hold a [EPS mitigation licence \(https://www.gov.uk/government/publications/european-protected-species-apply-for-a-mitigation-licence\)](https://www.gov.uk/government/publications/european-protected-species-apply-for-a-mitigation-licence) if surveys cause any harm to protected plants.

The ecologist should also follow the biodiversity code of practice for planning and development (BS 42020:2013) available on the [British Standards Institute \(https://www.bsigroup.com/en-gb/standards/\)](https://www.bsigroup.com/en-gb/standards/) website. This document may not be accessible to assistive technology.

Assess the effect of development on protected plants, fungi or lichens

Where possible proposals should avoid affecting plants, fungi or lichens.

Where this is not possible, you should look for adequate mitigation and compensation measures in the planning proposal to allow you to make a planning decision.

Effects to consider

Development would have a negative effect on species if it:

- kills or damages plants, fungi or lichens
- kills or damages certain tree species that host fungi or lichens

- changes the soil, for example by adding rubble or nutrients
- makes the soil too wet or dry
- alters water flow across the site
- creates or destroys ponds
- increases shade from buildings or planted shrubs or trees
- decreases shade or humidity by removing tree cover
- creates chemical pollution, for example from accidental spills
- changes the way habitats are currently managed

Avoidance, mitigation and compensation measures

Look for examples of avoidance, mitigation or compensation plans in the development proposal.

To avoid possible effects on plants, fungi and lichens, developers could redesign the proposal to:

- leave plants, fungi and lichens in place
- change the methods of working

Where this is not possible, mitigation and compensation measures could include:

- making sure the development covers a small area
- keeping site traffic to a minimum
- improving habitats
- creating new areas of habitat
- moving plants to a new location, but only as a last resort

You can find more information on mitigation plans and compensation measures in the guidance on [protected species and development: advice for local planning authorities](https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications) (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>).

Planning and licence conditions

If the proposal is likely to affect a plant protected under the Wildlife and Countryside Act 1981, the developer must [apply for a wildlife licence](https://www.gov.uk/government/publications/protected-species-apply-for-a-mitigation-licence-a05-and-a05a) (<https://www.gov.uk/government/publications/protected-species-apply-for-a-mitigation-licence-a05-and-a05a>).

If the proposal is likely to affect a EPS plant, the developer must [apply for a EPS mitigation licence](https://www.gov.uk/government/publications/european-protected-species-apply-for-a-mitigation-licence) (<https://www.gov.uk/government/publications/european-protected-species-apply-for-a-mitigation-licence>).

Before you can grant planning permission, you must:

- make sure any mitigation or compensation conditions you impose are not likely to conflict with the requirements of a wildlife licence
- be confident that Natural England will grant a wildlife licence

You can find more information in the guidance on [protected species and development: advice for local planning authorities](https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications) (<https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>).

Enhance biodiversity

To meet your [biodiversity duty](https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity) (<https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>), you should suggest ways for the developer to:

- create new or enhanced habitats on the development site
- achieve a [net gain in biodiversity](https://www.gov.uk/guidance/natural-environment#biodiversity) (<https://www.gov.uk/guidance/natural-environment#biodiversity>) through good design, such as green roofs, street trees or sustainable drainage

Site management and monitoring

You should consider the need for site monitoring and management. These measures are likely to be needed by protected species licences.

A site management and monitoring plan should include:

- long term maintenance and management plans for the specific plant, lichen or fungus
- monitoring plant, lichen and fungus populations proportionate to species rarity

This can also include additional survey work to check that mitigation measures are working as intended, followed by remedial work if needed.

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