MIDDLEMARCH

Preliminary Ecological Appraisal

Haydon Drive, Pinner, London Borough of Hillingdon

A Report To: Philip Pank Partnership LLP
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Declaration of Compliance

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of Practice for Planning and Development". The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide **opinions.**

Disclaimer

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment. Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned **and prepared.**

Validity of Data

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

Non-Technical Summary

Project Background

In November 2024 Philip Pank Partnership LLP commissioned Middlemarch to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Haydon Drive, Pinner, London Borough of Hillingdon. This assessment is required to inform a planning application associated with the demolition of the existing buildings and redevelopment of the site to provide 21 family homes, along with associated access roads/paths, car parking spaces, private gardens and a dedicated play/recreation area along the northern edge of the site.

Scope of Appraisal

To fulfil the above brief, an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey) were undertaken. The survey was carried out on 5th December 2024 by Zeina Farhat (Ecological Consultant). An initial review of the ecological data was subsequently carried out to determine the features of ecological importance on site as well as a preliminary assessment of the potential impacts the proposed development could have on these features.

Preliminary Evaluation and Impact Assessment

Key ecological features in proximity to the site include Haydon Hall Meadows SINC. Within the site, the most notable features comprise the trees and dense scrub. These habitats contribute to the structural and species diversity of the site and have the potential to support a variety of fauna. The semi-mature to mature trees also have intrinsic ecological value and are irreplaceable in the short to medium term. The site has the potential to support a range of wildlife, including amphibians, bats, badgers, hedgehogs, birds, reptiles and invertebrates.

Potential impacts which could occur as a result of the proposals include damage to designated sites, the loss or fragmentation of notable habitats, and the killing, injury or disturbance of protected and notable species.

Whilst the proposed development has the potential to adversely impact ecological features, it also presents opportunities to deliver ecological enhancements (see Section 5.6).

Recommendations

In order to ensure compliance with wildlife legislation and relevant planning policy and to secure a net gain for biodiversity overall, the following recommendations are made (full details are provided in Chapter 6):

Haydon Hall Meadows SINC (Borough Grade I)	Consult the local planning authority to determine any required measures to safeguard this SINC and ensure appropriate measures are included within the CEcMP for the site.
Scheme Design and Biodiversity Net Gain	In the first instance the proposals should be designed to avoid/minimise losses of the trees and dense scrub and incorporate these habitats in the landscaping layout of the scheme accordingly. Where losses or impacts are unavoidable, compensation should be provided. In accordance with the principles of the Environment Act 2021 the development will need to secure an overall net gain for biodiversity. The Statutory Biodiversity Metric Calculation Tool should be used to help guide and quantify the baseline and proposed value of the scheme. A Biodiversity Statement and Metric Assessment should be produced to inform any planning application.
Further Ecological Surveys	Further survey/assessment work should include a Preliminary Bat Roost Assessment of buildings and a Ground-Level Tree Assessment for roosting bats.
Construction Ecological Management Plan (CEcMP)	A CEcMP should be produced for the site setting out the safeguards and appropriate working practices that will be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation. Full details are included in Chapter 6.

Contents

1. Introduction

1.1. Project Background

In November 2024 Philip Pank Partnership LLP commissioned Middlemarch to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Haydon Drive, Pinner, London Borough of Hillingdon. This assessment is required to inform a planning application associated with the demolition of the existing buildings and redevelopment of the site to provide 21 family homes, along with associated access roads/paths, car parking spaces, private gardens and a dedicated play/recreation area along the northern edge of the site. The existing trees along the northern site boundary will be retained as part of the open space.

Middlemarch have also been commissioned to carry out a Biodiversity Statement & Metric Assessment for the site.

1.2 Site Description and Context

Table 1.1 provides a brief summary of the site and its surroundings.

Attribute	Description
Location	Haydon Drive, Pinner, London Borough of Hillingdon HA5 2PL
National Grid Reference	TQ 10423 89444
Site Area (ha)	0.58
Topography	Flat
Land Cover (on site)	The site comprises a residential road (Haydon Drive) and associated residential properties, gardens and verges. The gardens and verges are dominated by amenity grassland, whilst other habitats include trees, dense scrub and introduce shrub.
Land Cover (site surrounds)	The site is bordered in all directions by residential properties and associated roads and gardens. The northern site boundary also borders a small cluster of trees adjacent to Chamberlain Lane, whilst an offsite ornamental hedge (dominated by non-native privet *Ligustrum* sp.) is located immediately beyond the western site boundary. The wider landscape is largely residential in nature, whilst a number of greenspaces and habitat corridors are present. These include Haydon Hall Meadows SINC, located approximately 70 m east of the site and Ruislip Woods SSSI/NNR, located approximately 550 m west of the site.

Table 1.1: Summary of Site and Surroundings

1.3 Documentation Provided

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.2.

Document / Drawing Number	Author
Topography (Drawing no.: MBS21558-T-R1-(1-4), June 2023)	MK BIM Solutions
Elevation (1-23; Drawing no.: MBS21558-E-R1-(1-23), June 2023)	MK BIM Solutions
Proposed Residential Scheme; Interim Design Document (File Ref. M10029, October 2024)	Hunters
Proposed Residential Scheme Site Plan (Job no: M10029, Drawing no: APL006, Rev A, November 2024)	Hunters

Table 1.2: Documentation Provided by Client

2. Methods

2.1 Desk study

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - MAGIC website for statutory conservation sites; and,
- Greenspace Information for Greater London CIC – GIGL.

The desk study included a search for:

- Relevant local planning policy/strategies with regard to biodiversity and nature conservation;
- European statutory nature conservation sites in the UK (collectively the 'National Site Network') within a 10 km radius of the site;
- UK statutory sites within a 2 km radius; and,
- Non-statutory sites and protected/notable habitats and species records within a 1 km radius.

The data collected from the consultees are discussed in Chapter 3. In compliance with the terms and conditions relating to its commercial use, the full desk study data are not provided within this report.

2.2 Phase 1 Habitat / UK Hab Survey

A field survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee[1] and the Institute of Environmental Assessment[2]. Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site.

During the survey, the presence or potential presence of protected species was noted where observed. This included a review of suitable habitat opportunities or field signs of notable species groups (amphibians, bats, birds, terrestrial and aquatic invertebrates, terrestrial and aquatic mammals, plants and reptiles). A full detailed assessment of any built structures and/or trees was not undertaken as part of the survey, however their potential to support roosting bats was considered.

The survey was carried out on 5th December 2024 by Zeina Farhat (Ecological Consultant). Table 2.1 details the weather conditions at the time of the survey.

[1] Joint Nature Conservation Committee (2010). *Handbook for Phase 1 Habitat Survey: A technique for environmental audit (reprint).* Joint Nature Conservation Committee, Peterborough.
[2] Institute of Environmental Assessment. (1995). *Guidelines for Baseline Ecological Assessment, Institute of Environmental Assessment*. E&FN Spon, An Imprint of Chapman and Hall. London.

Parameter	Condition
Temperature (ºC)	6
Cloud (%)	100
Wind (Beaufort)	F1
Precipitation	Light drizzle

Table 2.1: Weather Conditions During Field Survey

Field Survey Constraints and Limitations

It was not possible to directly access the residential gardens. However, these areas were all visible from the periphery and were clearly dominated by amenity grassland, with small hardstanding areas (patios and paths) and occasional trees and ornamental shrubs. Therefore, the lack of immediate access did not constrain the ability to classify the habitats present.

2.3 Preliminary Evaluation and Impact Assessment

An initial review of the ecological data (desk study and Phase 1 Habitat Survey) has been undertaken to identify ecological features that by virtue of their legal status, their inclusion in any national policy or plan, or their rarity or contribution to local ecological networks, are worthy of further consideration in the planning system. This typically includes statutory or non-statutory nature conservation sites, species protected by law, Habitats and Species of Principal Importance in England as defined by the Natural Environment and Rural Communities (NERC) Act 2006 or other ecological corridors and Biodiversity Opportunity Areas outlined in local policy. A preliminary assessment of the potential impacts on these features that could occur as a result of the proposed development has been undertaken. This initial assessment of impacts is based on Middlemarch's current understanding of the project.

3. Desk Study

3.1 Local Planning Policies/Strategies

Local Planning Policies/Strategies of relevance to ecology in the context of the development are described in Table 3.1. Full details are provided in Appendix 1.

Policy Document/Strategy	Relevance to Ecology/Development
Local Plan Part 1 (London Borough of Hillingdon)	Policy EM7 Biodiversity and Geological Conservation – Describes how biodiversity and geological interest will be preserved. This will include the protection and enhancement of nature conservation sites, protected/priority habitats and species. Developers will make appropriate contributions to help enhance Sites of Importance for Nature Conservation in close proximity to the development, and developers should also provide biodiversity enhancements on site, particularly where these contribute to Hillingdon Biodiversity Action Plans. Developments should provide green roofs and green walls were feasible, as well as sustainable drainage systems that promote ecological connectivity and natural habitats.
Local Plan Part 1 (London Borough of Hillingdon)	Policy DMHB 11 Design of New Development – Describes how new developments should include landscaping and tree planting to protect and enhance amenity value, biodiversity and green infrastructure.
	Policy DMHB 14 Trees and Landscaping – Describes how a qualified arboriculturalist should be employed to ensure the protection of trees. Developments should provide biodiversity enhancements and where space for ground-level planting is limited, such as with high-rise buildings, the inclusion of living walls and roofs will be expected where feasible.
	Policy DMEI 7 Biodiversity Protection and Enhancement – Describes how the biodiversity value of a site should be protected during development and how compensation should be provided for any unavoidable loss to biodiversity. Where a development lies near a site or feature of ecological value, appropriate surveys or assessments should be undertaken to ensure the site/feature is safeguarded, whilst the development must also make a positive contribution to its conservation. Proposals that result in significant harm to biodiversity which cannot be avoided, mitigated, or, as a last resort, compensated for, will normally be refused.
London General Plan (Greater London Authority)	Policy G1 Green Infrastructure – Sets out how green infrastructure, including green and open spaces and green features should be protected and enhanced.
	Policy G2 London's Green Belt – Describes how green belt land in London will be protected from inappropriate development. It is noted that the current development does not fall within an area designated as green belt.
	Policy G3 Metropolitan Open Land – Describes how Metropolitan Open Land in London will be protected from inappropriate development. It is noted that the current development does not fall within an area designated as Metropolitan Open Land.

Table 3.1: Summary of Relevant Local Planning Policies/Strategies (continues)

Policy Document/Strategy	Relevance to Ecology/Development
London General Plan (Greater London Authority) continued	Policy G4 Open Space – Describes how open space areas will be protected and promoted within London.
	Policy G5 Urban Greening – Describes how major developments should contribute to the greening of London, such as through the creation of green walls and green roofs. Also describes the need for Urban Greening Factor in major development projects.
	Policy G6 Biodiversity and Access to Nature – Describes how nature conservation sites, such as SI, should be protected, and how development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.
	Policy G7 Biodiversity and Access to Nature – Describes how nature conservation sites, such as SI, should be protected, and how development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.

Table 3.1 (continued): Summary of Relevant Local Planning Policies/Strategies

3.2 Nature Conservation Sites

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 3.2. It is noted that no European statutory sites fall within 10 km of the proposed development.

Site Name	Designation	Proximity to the Survey Area	Description
UK Statutory Sites			
Ruislip Woods	SSSI/NNR	550 m west	This site is predominantly comprised of woodland, with extensive areas of hornbeam *Carpinus betulus* coppice overstood with either English oak *Quercus robur* or sessile oak *Quercus petraea*. The site also contains areas of secondary woodland. Situated between Park Wood and Copse Wood is Poor's Field, an area of 16.2 ha, which is a Registered Common. Sub-soil ranging from Reading Beds to Reading Sand, combined with a long history of grazing, has given rise to a wide range of flowering plants. There are numerous header streams, mostly running in their original meanders, and areas of wetland surrounding small bodies of water amounting to approximately 6 ha.

Table 3.2: Summary of Nature Conservation Sites (continues)

Site Name	Designation	Proximity to the Survey Area	Description
UK Statutory Sites (continued)			
Ruislip	LNR	1.2 km south	Ruislip Local Nature Reserve supports a species-rich association of willow carr, tall fen and swamp communities. Additional diversity is provided by the juxtaposition of the woodland with areas of acidic grassland, neutral grassland and open heath.
Non-statutory Sites			
Haydon Hall Meadows	SINC (Borough I)	70 m east	A series of lightly cattle-grazed meadows in the south of the site display an excellent meadow flora, whilst a number of native trees and outgrown hedges are present. A wide variety of insects use these good quality grasslands including diverse solitary bees, hoverflies, dung-beetles and butterflies. The birdlife includes goldfinch *Carduelis carduelis* and chiffchaff *Phylloscopus collybita*. To the south-west, a densely overgrown orchard appears to have remained unmanaged for some years. The river corridor to the north and west contains a variety of habitats, including riparian scrub and trees, a copse and rough grassland. A broad tree and scrub-lined permissive footpath may be a remnant of an ancient trackway.
River Pinn Near Eastcote	SINC (Local)	250 m south	Includes The River Pinn and surrounding green corridors. Habitats within the SINC include amenity grassland, bare ground, running water, scattered trees, scrub, secondary woodland, semi-improved neutral grassland and tall herbs.
Fore Street Meadows	SINC (Borough II)	460 m west	Two grazing fields, a hedge and a section of public footpath situated on the east margin of Park Wood. Habitats include a hedge, roughland, ruderal vegetation, scattered trees, semi-improved neutral grassland and wet ditches.
Ruislip Woods and Poor's Field	SINC (Metropolitan)	550 m west	One of London's two National Nature Reserves, this site includes a large area of ancient woodland, as well as heathland and grassland. Further information is provided above under the Ruislip Woods SSSI/NNR citation.

Table 3.2 (continued): Summary of Nature Conservation Sites (continues)

Site Name	Designation	Proximity to the Survey Area	Description
Non-statutory Sites (continued)			
St Vincent's Hospital Meadows	SINC (Borough II)	700 m northwest	Two fields, one each side of St Vincent's Hospital, rich in butterflies and grasshoppers. Habitats include amenity grassland, bare ground, roughland, ruderal vegetation, scattered trees, scrub and semi-improved neutral grassland.
River Pinn at West Harrow	SINC (Local)	830 m southeast	Contains the River Pinn corridor, with habitats including running water, scrub, secondary woodland, semi-improved neutral grassland and wet grassland.
Haste Hill Golf Course, Northwood Golf Course and Northwood Park	SINC (Borough I)	835 m northwest	Habitats include acid grassland, amenity grassland, bare ground, coniferous woodland, hedge, roughland, running water, scattered trees, scrub, secondary woodland, semi-improved neutral grassland, wet grassland, and wet woodland/carr.
Key: SSSI: Site of Special Scientific Interest NNR: National Nature Reserve LNR: Local Nature Reserve SINC: Site of Importance for Nature Conservation SINC Metropolitan: Site of Metropolitan Importance for Nature Conservation SINC Borough Grade I: Site of Importance for Nature Conservation at Borough Level Grade I SINC Borough Grade II: Site of Importance for Nature Conservation at Borough Level Grade II SINC Local: Site of Local Importance for Nature Conservation			

Table 3.2 (continued): Summary of Nature Conservation Sites

The site is located within an impact risk zone for Ruislip Woods SSSI, which is located 550 m west of the site. Under this impact risk zone, any residential development of 100 units or more, or any residential development of 50 units or more located outside existing settlements or urban areas is considered to be a risk factor. The proposed development will comprise 21 dwellings and is therefore not considered to be a risk factor in relation to this impact risk zone.

3.3 Habitats

Reference to MAGIC identified no Priority Habitats within or adjacent to the site. The closest Priority Habitat to the site displayed through MAGIC mapping data is an area of Deciduous Woodland located approximately 100 m southeast of the site within Haydon Hall Meadows SINC.

3.4 Protected / Notable Species

Table 3.3 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Species of Principal Importance?	Legislation / Conservation Status
Bony Fish					
Bullhead *Cottus gobio*	3	2016	663 m southeast	-	ECH 2
Amphibians					
Common Toad *Bufo bufo*	1	2002	841 m north	✓	WCA 5 S9(5)
Common frog *Rana temporaria*	8	2006	494 m south	-	WCA 5 S9(5)
Reptiles					
Slow worm *Anguis fragilis*	1	2002	841 m north	✓	WCA 5 S9(1), WCA 5 S9(5)
Birds					
Kingfisher *Alcedo atthis*	5	2015	747 m southeast	-	WCA 1i
Red kite *Milvus milvus*	8	2017	1 km west	-	WCA 1i
Honey buzzard *Pernis apivorus*	1	2014	1 km west	-	WCA 1i
Fieldfare *Turdus pilaris*	20	2017	1 km west	-	WCA 1i
Redwing *Turdus iliacus*	2	2019	1 km west	-	WCA 1i
Hobby *Falco subbuteo*	5	2004	†	-	WCA 1i
Peregrine *Falco peregrinus*	1	2015	†	-	WCA 1i
Little Ringed Plover *Charadrius dubius*	4	2017	†	-	WCA 1i
Mammals – Other					
Hedgehog *Erinaceus europaeus*	37	2022	210 m south	✓	WCA 6
Badger *Meles meles*	3	2021	†	-	WCA 6, PBA

Table 3.3: Summary of Protected/Notable Species Records (continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Species of Principal Importance?	Legislation / Conservation Status
Mammals – Bats					
Serotine *Eptesicus serotinus*	1	2021	995 m south	-	ECH 4, WCA 5, WCA 6
Unidentified Myotis *Myotis* sp.	1	2021	995 m south	#	ECH 2 #, ECH 4, WCA 5, WCA 6
Daubenton's bat *Myotis daubentonii*	1	2017	691 m southeast	-	ECH 4, WCA 5, WCA 6
Leisler's bat *Nyctalus leisleri*	1	2021	995 m south	-	ECH 4, WCA 5, WCA 6
Noctule *Nyctalus noctula*	1	2021	995 m south	✓	ECH 4, WCA 5, WCA 6
Unidentified Pipistrellus *Pipistrellus* sp.	3	2010	435 m east	#	ECH 4, WCA 5, WCA 6
Nathusius's pipistrelle *Pipistrellus nathusii*	4	2021	691 m southeast	-	ECH 4, WCA 5, WCA 6
Common pipistrelle *Pipistrellus pipistrellus*	11	2021	691 m southeast	-	ECH 4, WCA 5, WCA 6
Soprano pipistrelle *Pipistrellus pygmaeus*	10	2021	691 m southeast	✓	ECH 4, WCA 5, WCA 6
Unidentified Plecotus *Plecotus* sp.	1	2013	770 m southeast	#	ECH 4, WCA 5, WCA 6
Brown long-eared bat *Plecotus auritus*	2	2021	712 m south	✓	ECH 4, WCA 5, WCA 6
Unidentified bat *Vespertilionidae* sp.	3	2004	755 m southwest	#	ECH 2 #, ECH 4, WCA 5, WCA 6
Plants					
Bluebell *Hyacinthoides non-scripta*	1	2004	900 m southwest	-	WCA 8 S13(2)
Invertebrates					
Heath Fritillary *Melitaea athalia*	2	2005	*	✓	WCA 5 S9(1) WCA 5 S9(4a) WCA 5 S9(4b) WCA 5 S9(4c)
Stag beetle *Lucanus cervus*	38	2023	97 m southwest	✓	ECH 2, WCA 5 S9(5)

Table 3.3 (continued): Summary of Protected/Notable Species Records (continues)

Key:

#: Dependent on species.
†: Record is confidential and therefore proximity is not provided within the report.
*: Potentially within a 1 km radius. Grid reference given to four figures only.

ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation.
ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection.

WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times.
WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds).
WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking.
WCA 5 S9(4a): Schedule 5 Section 9(4a) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to damaging, destroying, or obstructing access to, any structure or place used by the animal for shelter or protection.
WCA 5 S9(4b): Schedule 5 Section 9(4b) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to disturbing the animal while it is occupying any structure or place which it uses for shelter or protection.
WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal.
WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.
WCA 8 S13(2): Schedule 8 Section 13(2) of Wildlife and Countryside Act 1981 (as amended). Protection limited to selling, offering for sale, possessing or transporting for purpose of sale, or advertising for sale, any live or dead plant, or any part of, or anything derived from, such plant.

Species of Principal Importance: Species of Principal Importance for Nature Conservation in England.

Note. These tables do not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Table 3.3 (continued): Summary of Protected/Notable Species Records

Birds

The desk study returned records of three bird species listed as Species of Principal Importance in England. These included hawfinch *Coccothraustes coccothraustes*, lesser redpoll *Acanthis cabaret* and house sparrow *Passer domesticus*. The desk study also returned records of numerous bird species listed on the Birds of Conservation Concern 5 Red List. These included swift *Apus apus*, pochard *Aythya ferina*, goldeneye *Bucephala clangula*, greenfinch *Chloris chloris*, house martin *Delichon urbicum* and lesser spotted woodpecker *Dryobates minor*.

Invertebrates

The desk study returned records of eight invertebrate species listed as Species of Principal Importance in England. These included white admiral butterfly *Limenitis camilla*, small heath butterfly *Coenonympha pamphilus*, heath fritillary butterfly *Melitaea athalia*, brown hairstreak

butterfly *Thecla betulae*, white-letter hairstreak butterfly *Satyrium w-album*, wall butterfly *Lasiommata megera*, grey dagger moth *Acronicta psi* and stag beetle *Lucanus cervus*.

3.5 Invasive Species

Table 3.4 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Legislation / Conservation Status
Red Kite *Milvus milvus*	8	2017	1 km west	WCA 9
Ring-necked Parakeet *Psittacula krameri*	8	2017	930 m west	WCA 9, LISI 4
Chinese Muntjac *Muntiacus reevesi*	5	2022	520 m west	WCA 9, LISI 4
Tree-of-heaven *Ailanthus altissima*	3	2021	910 m north	LISI 3
Butterfly-bush *Buddleja davidii*	6	2006	80 m northeast	LISI 3
Unidentified Cotoneaster species *Cotoneaster* sp.	7	2024	150 m south	WCA 9 #, LISI 2
New Zealand Pigmyweed *Crassula helmsii*	2	2004	510 m south	WCA 9, LISI 3
Canadian Waterweed *Elodea canadensis*	3	2004	510 m south	WCA 9, LISI 4
Japanese Knotweed *Fallopia japonica*	2	2008	660 m southeast	WCA 9, LISI 3
Goat's-rue *Galega officinalis*	2	2014	660 m southeast	LISI 4
Giant Hogweed *Heracleum mantegazzianum*	3	2008	660 m southeast	WCA 9, LISI 3
Spanish Bluebell *Hyacinthoides hispanica*	3	2004	80 m northeast	LISI 4
Himalayan Balsam *Impatiens glandulifera*	2	2008	660 m southeast	WCA9, LISI 3
Variegated yellow archangel	2	2004	850 m south	WCA 9, LISI 4
Parrot's-feather *Myriophyllum aquaticum*	1	2002	510 m south	WCA 9, LISI 3
Cherry Laurel *Prunus laurocerasus*	6	2024	570 m east	LISI 3
Turkey Oak *Quercus cerris*	16	2024	90 m southwest	LISI 5
Evergreen oak *Quercus ilex*	2	2024	250 m west	LISI 5

Table 3.4: Summary of Invasive Species Records (continues)

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Legislation / Conservation Status
False-acacia *Robinia pseudoacacia*	21	2024	210 m northwest	LISI 4
Snowberry *Symphoricarpos albus*	4	2004	80 m northeast	LISI 2

Key:

#: Dependent on species.

LISI: London Invasive Species Initiative

LISI 2: London Invasive Species Initiative – Species of high impact or concern present at specific sites that require attention (control, management, eradication etc).

LISI 3: London Invasive Species Initiative – Species of high impact or concern which are widespread in London and require concerted, coordinated and extensive action to control/eradicate.

LISI 4: London Invasive Species Initiative – Species which are widespread for which eradication is not feasible but where avoiding spread to other sites may be required.

LISI 5: London Invasive Species Initiative – Species for which insufficient data or evidence was available from those present to be able to prioritise.

LISI 6: London Invasive Species Initiative – Species that were not currently considered to pose a threat or have the potential to cause problems in London.

WCA 9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.

Table 3.4 (continued): Summary of Invasive Species Records

4. Survey Results

4.1 Habitats

The habitat types recorded on site during the field survey are described in Table 4.1. A Phase 1 Habitat Survey Drawing (Drawing C162897-01-01), illustrating the location and extent of all habitat types recorded on site, is provided in Chapter 7. Photographs taken during the field survey are presented in Chapter 8.

Polygon/Line Ref.	Phase 1 Habitat Type	Habitat Description
Area Habitats		
TN1	Buildings	The site contained several terraced/semi-detached bungalow properties across a total of four single-storey buildings. The buildings were of brick construction with pitched, clay-tiled roofs and UPVC windows. The properties were occupied and in good repair at the time of the survey.
TN2	Hardstanding	Hardstanding on site comprised Haydon Drive road, along with driveways and a number of patios and paths associated with residential properties.
TN3	Amenity grassland	The site contained extensive areas of amenity grassland on road verges and within the residential gardens. The grass was evidently subject to regular management and had a short sward. Species included perennial ryegrass *Lolium perenne*, common nettle *Urtica dioica*, clover *Trifolium* sp., common daisy *Bellis perennis*, wood crane's-bill *Geranium sylvaticum*, yarrow *Achillea millefolium*, common ragwort *Jacobaea vulgaris*, dandelion *Taraxacum officinale* agg., and buttercup *Ranunculus* sp.
TN4	Scattered trees	Occasional scattered trees were present within the road verges and residential gardens. The trees were semi-mature to mature in age and included a variety of species such as crab apple *Malus sylvestris*, cherry *Prunus* sp., corkscrew willow *Salix matsudana* 'Tortuosa', ash *Fraxinus excelsior* and English elm *Ulmus procera*.
TN5	Groups of trees	Two adjacent groups of semi-mature to mature trees, resembling small copses, were present adjacent to the northern site boundary. Species included sycamore *Acer pseudoplatanus*, yew *Taxus baccata*, Leyland cypress *Cupressus* × *leylandii* and oak *Quercus robur*. A fairly thick understorey was present beneath the trees, formed by low branches, clumps of ivy *Hedera helix* and introduced shrub planting.
TN6	Dense Scrub	A strip of dense scrub was present along the western site boundary. This was dominated by bramble *Rubus fruticosus* agg. but also contained other species such as elder *Sambucus nigra*. The scrub also contained scattered trees (see TN4).
TN7	Introduced Shrub	Introduced shrub on site predominantly comprised scattered ornamental shrubs located within the residential gardens and grassland verges. More extensive introduced shrub cover was present along the western site boundary. In addition, areas of introduced shrub cover, such as cherry laurel *Prunus laurocerasus*, were present around the trees along the northern site boundary.

Table 4.1: Summary of Habitats on Site

4.2 Protected/Notable Species

Table 4.2 summarises the suitability of the site for protected/notable species and any species/evidence of species that were recorded during the survey. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Species/Group	Description
Amphibians	The site was dominated by buildings, hardstanding and mown amenity grassland, all of which are of negligible value to amphibians. However, the dense scrub, introduced shrub and accumulation of trees (which contains undergrowth in places) may provide suitable refugia for amphibians.
Bats	The buildings on site were in generally good condition but contained potential opportunities for roosting bats such as slipped/cracked roof tiles, lifted lead flashing and damaged bricks. In addition, an accumulation of trees was present along the northern site boundary which may contain suitable opportunities for roosting bats. In contrast, the remaining trees on site were relatively small and clearly unsuitable for roosting bats and although the rear gardens could not be accessed directly, when viewed from the periphery they clearly did not contain any trees suitable for roosting bats. The site is predominantly of limited value for foraging and commuting bats, albeit the accumulation of trees along the northern site boundary may form more suitable foraging/commuting habitat.
Badger	The site does not contain suitable habitat for sett building such as woodland or hedges, whilst the residential nature of the site does not provide favourable foraging habitat for badger. Nonetheless, given the presence of more suitable habitat within the wider landscape such as woodland and fields, it is possible that badgers may occasionally forage within or commute through the site.
Hedgehog	The vegetated habitats on site provide suitable foraging habitat for hedgehog. In addition, the dense scrub, introduced shrub and accumulation of trees (which contains undergrowth in places) provide potential refugia for hedgehogs.
Birds	The buildings, trees, dense scrub and introduced shrub offer potential nesting and foraging habitat for birds.
Reptiles	The site was dominated by buildings, hardstanding and mown amenity grassland, all of which are of which are of negligible value to reptiles. Although habitats such as dense scrub and introduced shrub can provide suitable refugia, these habitats are all isolated between extensive areas of unsuitable habitat such as mown grassland and hardstanding, whilst a similar landscape extends beyond the site. Considering the character of the site and adjacent areas overall, the presence of reptiles is highly unlikely.
Invertebrates	The vegetation on site is likely to provide opportunities for a number of common invertebrate species, albeit no deadwood suitable for stag beetles was recorded on site.

Table 4.2: Summary of Species/Species Evidence Recorded on Site

4.3 Invasive Species

Cherry laurel was recorded adjacent to the northern site boundary (see Drawing C162897-01-01). This species is included on the London Invasive Species Initiative.

5. Preliminary Evaluation and Impact Assessment

5.1 Summary of Proposals

The development proposals involve the demolition of the existing buildings and redevelopment of the site to provide 21 family homes, along with associated access roads/paths, car parking spaces, private gardens and a dedicated play/recreation area along the northern edge of the site. The existing trees along the northern site boundary will be retained as part of the open space.

The proposed development has the potential to adversely impact ecological features, but also presents opportunities to deliver new or enhanced habitats and benefits to biodiversity.

Activities likely to be associated with the proposed development during the construction and operational phases are outlined below.

Construction Phase

- Site clearance and ground preparation;
- Use and movement of heavy goods vehicles and machinery;
- Storage of plant, materials and waste;
- Presence of and movement of site personnel; and,
- Creation of landscaping / delivery of new habitats.

Operational Phase

- Permanent siting of buildings, roads and other hard landscaping;
- Frequent movement of vehicles and site personnel;
- Use of lighting associated with roads and buildings;
- Establishment of new habitats; and,
- Maintenance of landscaping.

5.2 Nature Conservation Sites

An initial review of the proposals (see Section 5.1) has been undertaken to determine whether the project has the potential to affect any nature conservation sites. The identified sites are listed in Table 5.1, and justification for scoping them in or out of further assessment is provided.

Nature Conservation Site	Evaluation of Importance and Potential Impacts	Further Action Required?
UK Statutory Sites		
Ruislip Woods SSSI/NNR	The site is located within an impact risk zone for Ruislip Woods SSSI/NNR, which is located 550 m west of the site. Under this impact risk zone, any residential development of 100 units or more, or any residential development of 50 units or more located outside existing settlements or urban areas is considered to be a risk factor. The proposed development will comprise 21 dwellings and is therefore not considered to be a risk factor in relation to this impact risk zone. Furthermore, given the nature and scale of the development and the distance and separation of the SSSI/NNR from the site beyond residential development, the proposed works are not considered to risk impacting this ecological designation.	No, site scoped out.
Ruislip LNR	This LNR is located 1.2 km south of the site. Again, given the distance and separation of this designation from the site and the nature and scale of the proposals, the proposed works are not considered to risk impacting this designated site.	No, site scoped out.
Non-statutory Sites		
Haydon Hall Meadows SINC	Haydon Hall Meadows SINC (Borough Grade I) is located approximately 70 m east of the site at its closest point. This SINC is separated from the proposed development site beyond Haydon Drive residential estate which is likely to buffer the SINC from potential impacts such as runoff, light or noise pollution. Considering this, as well as the nature and scale of the proposed development, it is unlikely that the proposals risk impacting the SINC. Nonetheless, it is recommended that precautionary measures are included within a Construction Ecological Management Plan (CEcMP) for the site in order to safeguard this SINC and other habitats surrounding the site form pollution, noise and vibration. Furthermore, it is recommended that the Local Planning Authority are contacted to confirm any further necessary considerations with respect to this SINC.	Consultation with local planning authority (Recommendation R1) and precautionary measures within a CEcMP (Recommendation R4)
River Pinn Near Eastcote SINC and five other SINCs	Six other SINCs are located within 1 km of the site, the closest of which is River Pinn Near Eastcote SINC. Given the nature and scale of the development, the distances of the SINCs and the largely built-up nature of the intervening habitats, it is considered highly unlikely that the construction or operational phases of the development will impact these SINCs	No, sites scoped out.

Table 5.1: Summary of Potential Impacts on Nature Conservation Sites

5.3 Habitats

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local Biodiversity Action Plan (if relevant). Also taken into account is the intrinsic value of the habitat, its rarity and contribution to local ecological networks.

Table 5.2 below summarises the potential adverse impacts on habitats that may occur as a result of the construction and operational activities of the proposed development (see Section 5.1), in the

absence of mitigation. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 5.4.

Habitats	Evaluation of Importance and Potential Impacts	Further Action Required?
Non-Priority Notable Habitats		
Groups of trees (TN5)	Two adjacent groups of trees were present adjacent to the northern site boundary. The trees were semi-mature to mature in age and therefore have intrinsic ecological value and are irreplaceable in the short to medium term. The trees also enhance the structural and species diversity of the site and provide opportunities for a variety of fauna, particularly given that the trees collectively formed a dense canopy, whilst an understorey was present beneath providing further cover for fauna. These groups of trees are proposed for retention, but any activities (such as site storage or use of vehicles) located within the tree root protection areas would risk habitat damage or degradation.	Appropriate Scheme Design (Recommendation R2) and Protection Measures to be incorporated into a CEcMP (Recommendation R4)
Scattered trees (TN4)	The remaining trees on site were also semi-mature to mature in age, and again, have intrinsic ecological value and are irreplaceable in the short to medium term. The trees will also provide opportunities for fauna such as birds. The trees will be sought for retention under the proposals, albeit the removal of some trees will be required. In addition, any activities (such as site storage or use of vehicles) located within the tree root protection areas would risk the damage or degradation of trees.	Appropriate Scheme Design (Recommendation R2) and Protection Measures to be incorporated into a CEcMP (Recommendation R4)
Dense scrub	A small area of dense scrub was present within the northwestern corner of the site. This habitat forms valuable cover, foraging, and nesting opportunities for a range of wildlife in the local area. The scrub may be lost to the proposals, but overall site will be enhanced through native planting including shrub and hedgerow planting, including within the northwestern corner of the site.	Appropriate Scheme Design (Recommendation R2) and Protection Measures to be incorporated into a CEcMP (Recommendation R4)
Other Habitats		
Amenity grassland and introduced shrub	Although these habitats are not considered to be important and do not require further detailed consideration in the context of assessing impacts, they do hold some value and contribute to overall site biodiversity, which is recognised through the use of a biodiversity metric tool. The potential for these habitats to support protected and notable faunal species and the associated risks are described within Tables 4.2 and 5.3.	Appropriate Scheme Design (refer to Recommendation R2)
Buildings and hardstanding	These habitats are of negligible ecological value. The potential for the buildings to support protected and notable faunal species and the associated risks are described within Tables 4.2 and 5.3.	No further recommendations are made.

Table 5.2: Summary of Potential Impacts on Habitats

5.4 Protected / Notable Species

Table 5.3 below summarises the potential adverse impacts on species/species groups that may occur as a result of the construction and operational activities of the proposed development (see Section 5.1), in the absence of mitigation.

Species/species groups discussed are based on those species highlighted in the desk study exercise and other species for which potentially suitable habitat occurs within or adjacent to the survey area. This includes species protected by law under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended), as well as those listed as Species of Principal Importance in England.

Species / Species Group	Evaluation of Importance and Potential Impacts	Further Action Required?
Amphibians	The desk study returned no records of Great Crested Newt *Triturus cristatus* within 1 km of the site, whilst reference to MAGIC identified no ponds within 500 m of the site. Therefore, the presence of great crested newts on site is highly unlikely as this species requires an interconnected network of waterbodies. In contrast, common amphibian species habituate residential areas, whilst the desk study returned records of common frog and common toad. The site is predominantly of negligible value for amphibians, but the areas of undergrowth, such as the scrub and introduced shrub, provide suitable refugia. Therefore, any works affecting these habitats would risk harming common amphibian species.	Reasonable Avoidance Method Statement as part of a CEcMP (Recommendation R4)
Bats	The desk study returned records of at least 8 bat species within 1 km of the site. The buildings and the group of trees along the northern site boundary provide potentially suitable habitat for roosting bats. Therefore, demolition of the buildings or removal/pruning of suitable trees would risk the killing or injury of roosting bats and the disturbance or destruction of a bat roost. In addition, the group of trees along the northern site boundary may form a suitable landscape feature for foraging and commuting bats. Any impacts on these trees, such as through light spill or habitat clearance, may degrade and fragment this habitat.	Further survey work (Recommendation R3) and measures included within CEcMP with respect to habitat safeguards and lighting (Recommendation R4)
Badger	The desk study returned three records of badger within 1 km of the site; however, the precise location of badger records is confidential. The habitats on site are of minimal value for badger, albeit badgers may occasionally forage within or commute through the site. Any badgers passing through the site during the construction phase of the development are at risk of entrapment within open excavations or pipework.	General construction safeguards included within CEcMP (Recommendation R4)
Hedgehog	The desk study returned numerous records of hedgehog. The habitats on site may support foraging and commuting hedgehogs, which are at risk from entrapment within open excavations or pipework. In addition, any clearance of undergrowth (such as the scrub or introduced shrub) may risk harming hedgehog if using these habitats as refugia.	Sensitive working practices included within a CEcMP (Recommendation R4)

Table 5.3: Summary of Potential Impacts on Protected/Notable Species (continues)

Species / Species Group	Evaluation of Importance and Potential Impacts	Further Action Required?
Birds	The desk study identified records of 8 bird species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) within the search radius, however, based on their specific breeding ranges and habitat requirements, these species are highly unlikely to nest within the site. Nonetheless, the desk study returned records of numerous other notable bird species, whist the habitats on site provide opportunities for a number of notable and more common/generalist species. Removal of/works affecting suitable nesting habitat on site (the buildings or woody vegetation) would risk the killing or injury of nesting birds or the damage/destruction of a nest.	Nesting bird safeguards included within CEcMP (Recommendation R4)
Invertebrates	The desk study returned records of numerous notable invertebrate species including bees, butterflies and moths. The vegetated habitats on site are likely to provide habitat for a number of common invertebrate species, albeit these habitat types are common and widespread and are unlikely to be of value to invertebrates beyond the site level. The site also lacked deadwood habitat suitable for saproxylic invertebrates such as stag beetles.	No further recommendations are made
Other species	Other species, such as dormouse *Muscardinus avellanarius*, reptiles, aquatic mammals, aquatic invertebrates, and notable plant species, have been scoped out of further assessment due to a lack of desk study records or evidence of these species on site and/or absence of suitable habitat on site or within surrounding areas.	No recommendations are made

Table 5.3 (continued): Summary of Potential Impacts on Protected/Notable Species

5.5 Invasive Plant Species

Cherry laurel was recorded adjacent to the northern site boundary (see Drawing C162897-01-01). This species is included on the London Invasive Species Initiative. In the absence of mitigation, the proposed works may result in the spread of cherry laurel, which can reduce biodiversity by outcompeting native species.

5.6 Biodiversity Opportunities

The development presents the following opportunities to enhance the site for biodiversity and work towards the target of 10% net gain:

- Planting of native trees and hedges to provide habitats for a number of faunal species such as invertebrates and nesting birds.
- Creation of flower-rich grassland margins to benefit a range of invertebrate species.
- Installation of bird nest boxes on existing trees and on the proposed buildings. In particular, the incorporation of integrated swift bricks is recommended within the external fabric of the proposed buildings to support swift, a rapidly declining species included on the Birds of Conservation Concern 5 Red List. Swift bricks should be installed as high up as possible and in clusters of at least three in order to support the gregarious nature of swifts. Swift bricks also provide opportunities for other declining species such as the Red Listed house sparrow.

- Installation of bat boxes on the new buildings and on existing trees for species such as common pipistrelle and soprano pipistrelle.

6. Recommendations

All recommendations provided in this section are based on Middlemarch's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

R1 **Haydon Hall Meadows SINC (Borough Grade I):** This SINC is located approximately 70 m east of the site. In the first instance, the London Borough of Hillingdon should be consulted to establish any required safeguards concerning this SINC. In addition, measures should be included within a Construction Ecological Management Plan (see recommendation R4) to safeguard this SINC.

R2 **Scheme Design and Biodiversity Net Gain:** The proposed development should be designed in accordance with the ecological mitigation hierarchy as set out in the National Planning Policy Framework (NPPF), and Planning Practice Guidance (PPG). In the first instance the proposals should be designed to avoid/minimise losses of the trees and dense scrub and incorporate these habitats in the landscaping layout of the scheme accordingly. This will help to further avoid and minimise impacts to protected and notable species.

Where losses or impacts are unavoidable, compensation should be provided. This could include the replacement of lost habitats and/or connectivity and the creation of new habitats of ecological value.

In accordance with the principles of the Environment Act 2021 the development will need to secure an overall net gain for biodiversity. The Statutory Biodiversity Metric Calculation Tool should be used to help guide and quantify the baseline and proposed value of the scheme. A Biodiversity Statement and Metric Assessment should be produced to inform any planning application.

Suitable opportunities for enhancement, both to contribute to biodiversity net gain on site, and to provide further opportunities for fauna (e.g. bird boxes) are included in Section 5.6.

R3 **Further Ecological Surveys:** It is recommended that the following species surveys/assessments are undertaken in relation to bats:

- Preliminary Bat Roost Assessment of buildings; and,
- Ground-level Tree Assessment.

All further ecological surveys should be undertaken in accordance with best practice methodologies, during the appropriate survey windows. Please refer to Appendix 3.

R4 **Construction Ecological Management Plan (CEcMP):** A Construction Ecological Management Plan should be produced for the site setting out the safeguards and appropriate working practices that will be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation. The details of the CEcMP will be informed by the final site design and ongoing ecological survey works but should include as a minimum:

- Measures will be undertaken to ensure that Haydon Hall Meadows SINC is safeguarded during the proposed works. Safeguards should include, as a minimum, pollution prevention measures and noise and vibration safeguards. A

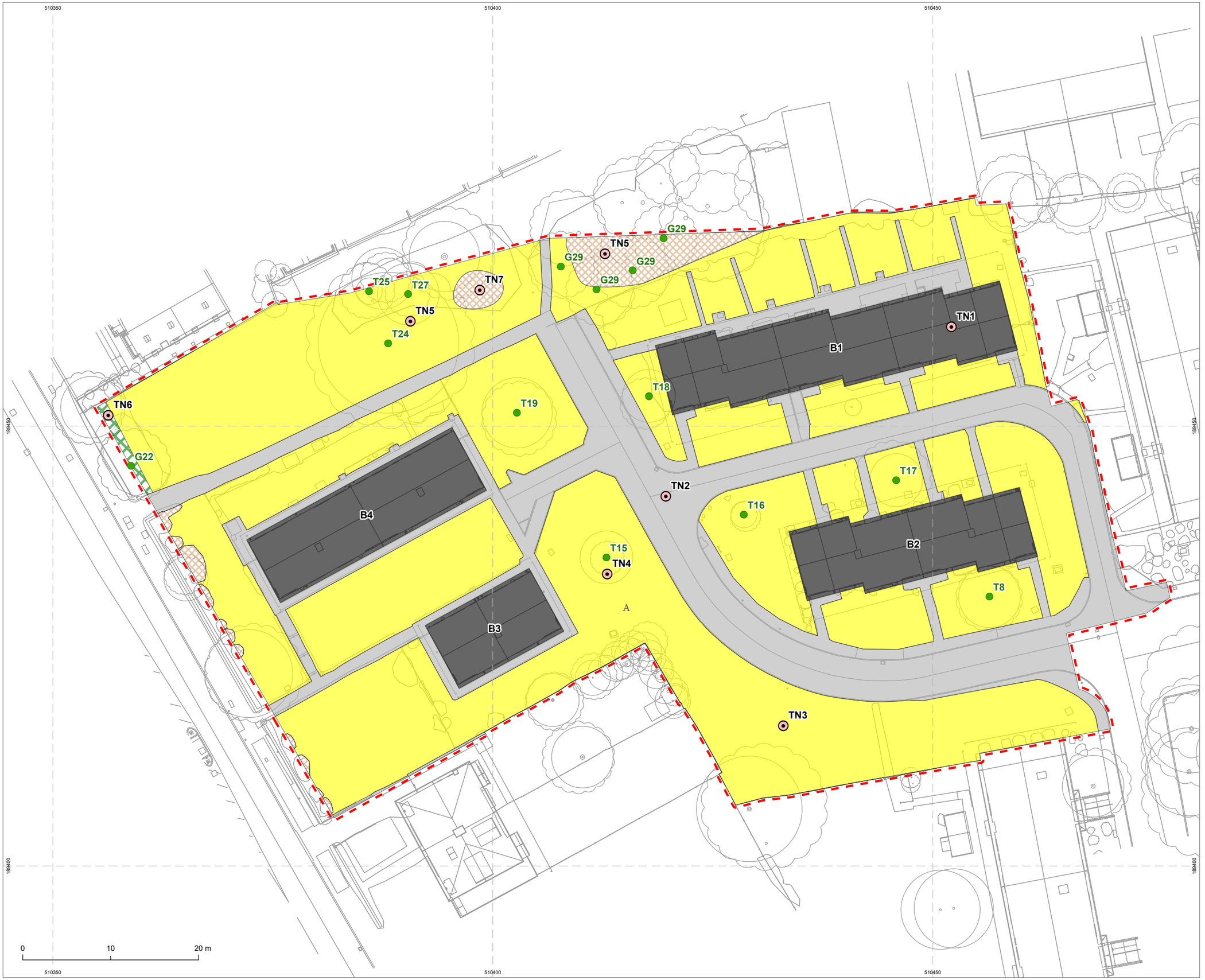
summary of measures is included below, albeit full details should be included within the CEcMP report:

  - Pollution Prevention: Pollution prevention measures should be incorporated, including dust suppression, avoidance of silty water production, avoidance of storing fuel and other liquids on site and the availability of spill kits.
  - Noise and Vibration: Reasonable measures will be taken to avoid significant increases in noise and vibration during the proposed works.
- Development standoffs and safeguards for all retained habitats such as trees.
- Measures to avoid excessive construction-phase lighting, particularly around the trees along the northern site boundary, in order to safeguard the value of the site for foraging and commuting bats.
- Construction timetables to avoid sensitive periods such as nesting bird season.
- Nesting bird survey methodology for any clearance of suitable nesting habitat during the nesting bird season (March to September inclusive).
- Sensitive working practices during any clearance of suitable habitat cover for common amphibians or hedgehogs (such as the scrub or introduced shrub).
- Covering open excavations and pipework to prevent accidental entrapment of terrestrial mammals.
- Precautionary safeguards to ensure that the proposed works no not result in the spread of invasive plant species such as cherry laurel.

The CEcMP should be submitted to the Local Planning Authority for Approval and implemented in full thereafter.

Drawings

Drawing C162897-01-01 – Phase 1 Habitat Map



C162897-01-01-RevA

Legend

- Site boundary
- Scattered broad-leaved tree
- Species-poor defunct hedgerow
- A — Amenity grassland
- Building
- Dense scrub
- Hardstanding
- Introduced shrub
- Target note - habitat parcel

N

Project	Haydon Drive, Pinner, London Borough of Harrow, HA5 2PL
Drawing	Phase 1 Habitat Map
Client	Philip Pank Partnership LLP
Drawing Number: C162897-01-01-RevA	Revision: Rev A
Scale @ A3: 1:400	Date: February 2025
Approved By: ND	Drawn By: CD/KB/AW

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8. Photographs

Plate 8.1: Buildings and hardstanding

Plate 8.2: Buildings and amenity grassland

Plate 8.3: Amenity grassland

Plate 8.4: Offsite hedge located beyond the western site boundary

Plate 8.5: Trees inside northern site boundary

Plate 8.6: Amenity grassland and scattered tree

Appendix 1

General Biodiversity Legislation and Policy

The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (the Habitats Regulations 2019)

The Habitats Regulations 2017 (as amended) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English and Welsh law. Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1 January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

The Habitats Regulations 2019 have created a 'National Site Network' on land and at sea, including both the inshore and offshore marine areas in the UK. The National Site Network includes:

- Existing Special Areas of Conservation (SACs), which are designated due to their importance to the habitats and species listed in Annexes I and II of the Habitats Directive;
- Existing Special Protection Areas (SPAs), which are designated due to their importance for wild birds in accordance with the Wild Birds Directive; and,
- New SACs and SPAs designated under these Regulations.

SACs and SPAs in the UK no longer form part of the European Union's Natura 2000 ecological network. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new National Site Network. However, guidance provided by Freeths (2020)[3] recommends that SACs and SPAs can continue to be referred to as "European sites" / "European marine sites".

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the National Site Network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs.

The 2019 Regulations establish management objectives for the National Site Network. The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,

[3] Freeths (2020). *The Habitats Regulations Assessment regime after 31 December 2020 – how will it look?* Available: https://www.freeths.co.uk/2020/10/22/the-habitats-regulations-assessment-regime-after-31-december-2020-how-will-it-look/?cmpredirect

- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

The appropriate authorities must also have regard to the:

- Importance of protected sites;
- Coherence of the National Site Network; and,
- Threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their favourable conservation status within the UK.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017 and the Habitats Regulations 2019, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Environment Act 2021

The Environment Bill completed its passage through parliament on 13th October 2021 and received Royal Assent on 9th November 2021. The Environment Act introduces a new framework for setting long-term, legally binding targets for environmental improvement, including nature and biodiversity (Part 6 & 7).

The Town and Country Planning Act 1990

Schedule 7A (Biodiversity Gain in England) and regulations made under Schedule 7A contain most of the statutory framework for mandatory biodiversity gain (referred to as 'biodiversity net gain'). With some exceptions every grant of planning permission is subject to the condition that development may not begin until a biodiversity gain plan has been approved by demonstrating how the objective of delivering at least a 10% gain in biodiversity will be achieved. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The Countryside and Rights of Way (CRoW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions.

Section 40, as amended by the Environment Act 2021, places a 'biodiversity duty' on all public authorities who operate in England to consider how they can conserve and enhance biodiversity, agree policies and specific objectives based on that consideration and deliver policies to achieve their objectives. Local Authorities (excluding parish councils) and Local Planning Authorities have a duty under Section 40A to report on the performance of this duty.

Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These habitats and species are a material consideration in the planning process.

The Hedge Regulations 1997

The Hedge Regulations make provision for the identification of important hedges which may not be removed without permission from the Local Planning Authority.

National Planning Policy Framework

On the 12 December 2024 the Government released their revised version of the National Planning Policy Framework (NPPF), replacing the previous framework published in 2012 and revised in 2018, 2019, 2021 and 2023. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

Planning Practice Guidance

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the Planning Practice Guidance (PPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled *'Natural Environment'*, which was updated in February 2024. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of environmental net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

Other relevant PPG sections include:

- '*Appropriate assessment: Guidance on the use of Habitats Regulations Assessment'* (updated July 2019) which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).
- *'Biodiversity Net Gain'* (updated May 2024) which provides information on the statutory framework referred to as 'biodiversity net gain' and how it is applied through the planning process, from submission of a planning application through to determination of the Biodiversity Gain Plan. Guidance is also provided on exemptions, the Biodiversity Gain Hierarchy and phased developments.

Local Planning Policy

London Borough of Hillingdon: Local Plan: Part 1

The Hillingdon 'Local Plan: Part 1- Strategic Policies' (previously known as the Core Strategy) was adopted by the Council on the 8th November 2012. It sets out the key elements of the planning framework for the borough over the next 15 years. It comprises a spatial vision, strategic objectives, a spatial strategy, core policies and a monitoring and implementation framework with clear objectives for achieving delivery. The policy of relevance to ecology is:

Policy EM7: Biodiversity and Geological Conservation

The Council will review all the Borough grade Sites of Importance for Nature Conservation (SINCs). Deletions, amendments and new designations will be made where appropriate within the Hillingdon Local Plan: Part 2- Site Specific Allocations Local Development Document. These designations will be based on previous recommendations made in discussions with the Greater London Authority.

Hillingdon's biodiversity and geological conservation will be preserved and enhanced with particular attention given to:

1. The conservation and enhancement of the natural state of:
   - Harefield Gravel Pits
   - Colne Valley Regional Park
   - Fray's Farm Meadows
   - Harefield Pit
2. The protection and enhancement of all Sites of Importance for Nature Conservation. Sites with Metropolitan and Borough Grade 1 Importance will be protected from any adverse impacts and loss. Borough Grade 2 and Sites of Local Importance will be protected from loss with harmful impacts mitigated through appropriate compensation.
3. The protection and enhancement of populations of protected species as well as priority species and habitats identified within the UK, London and the Hillingdon Biodiversity Action Plans.
4. Appropriate contributions from developers to help enhance Sites of Importance for Nature Conservation in close proximity to development and to deliver/ assist in the delivery of actions within the Biodiversity Action Plan.
5. The provision of biodiversity improvements from all development, where feasible.
6. The provision of green roofs and living walls which contribute to biodiversity and help tackle climate change.
7. The use of sustainable drainage systems that promote ecological connectivity and natural habitats.

Local Plan: Part 2

The Local Plan Part 2 Development Management Policies and Site Allocations and Designations were adopted as part of the borough's development plan at Full Council on 16th January 2020. The new Local Plan Part 2 replaces the Local Plan Part 2 Saved UDP Policies (2012). Policies of relevance to ecology within this document comprise:

Policy DMHB 11: Design of New Development

A. All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:
   i) harmonising with the local context by taking into account the surrounding:
      - scale of development, considering the height, mass and bulk of adjacent structures;
      - building plot sizes and widths, plot coverage and established street patterns;
      - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
      - architectural composition and quality of detailing;

- local topography, views both from and to the site; and,
- impact on neighbouring open spaces and their environment.

ii) ensuring the use of high-quality building materials and finishes;
iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

B. Development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
C. Development will be required to ensure that the design safeguards the satisfactory re-development of any adjoining sites which have development potential. In the case of proposals for major development sites, the Council will expect developers to prepare master plans and design codes and to agree these with the Council before developing detailed designs.
D. Development proposals should make sufficient provision for well designed internal and external storage space for general, recycling and organic waste, with suitable access for collection. External bins should be located and screened to avoid nuisance and adverse visual impacts to occupiers and neighbours.

Policy DMHB 14: Trees and Landscaping

A. All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.
B. Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.
C. Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.
D. Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

Policy DMEI 7: Biodiversity Protection and Enhancement

A. The design and layout of new development should retain and enhance any existing features of biodiversity or geological value within the site. Where loss of a significant existing feature of biodiversity is unavoidable, replacement features of equivalent biodiversity value should be provided on-site. Where development is constrained and cannot provide high quality biodiversity enhancements on-site, then appropriate contributions will be sought to deliver off-site improvements through a legal agreement.
B. If development is proposed on or near to a site considered to have features of ecological or geological value, applicants must submit appropriate surveys and assessments to demonstrate that the proposed development will not have unacceptable effects. The development must provide a positive contribution to the protection and enhancement of the site or feature of ecological value.

C. All development alongside, or that benefits from a frontage on to a main river or the Grand Union Canal will be expected to contribute to additional biodiversity improvements.
D. Proposals that result in significant harm to biodiversity which cannot be avoided, mitigated, or, as a last resort, compensated for, will normally be refused.

Greater London Authority: London General Plan

The London Plan is the overall strategic plan for London, setting out an integrated economic, environmental, transport and social framework for the development of London over the next 20–25 years. It is the policies in this document that form part of the development plan for Greater London, and which should be taken into account in taking relevant planning decisions, such as determining planning applications.

This London Plan runs from 2019 to 2041. It was formally published by the Mayor on 2nd March 2021. This is a new plan, replacing all previous versions.

The policies of relevance to ecology are:

Policy G1 'Green Infrastructure'

A. London's network of green and open spaces, and green features in the built environment, should be protected and enhanced. Green infrastructure should be planned, designed and managed in an integrated way to achieve multiple benefits.
B. Boroughs should prepare green infrastructure strategies that identify opportunities for cross-borough collaboration, ensure green infrastructure is optimised and consider green infrastructure in an integrated way as part of a network consistent with Part A.
C. Development Plans and area-based strategies should use evidence, including green infrastructure strategies, to:
    1) identify key green infrastructure assets, their function and their potential function
    2) identify opportunities for addressing environmental and social challenges through strategic green infrastructure interventions.
D. Development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.

Policy G2 'London's Green Belt'

A. The Green Belt should be protected from inappropriate development:
    1) development proposals that would harm the Green Belt should be refused except where very special circumstances exist,
    2) subject to national planning policy tests, the enhancement of the Green Belt to provide appropriate multi-functional beneficial uses for Londoners should be supported.
B. Exceptional circumstances are required to justify either the extension or de-designation of the Green Belt through the preparation or review of a Local Plan.

Policy G3 'Metropolitan Open Land'

A. Metropolitan Open Land (MOL) is afforded the same status and level of protection as Green Belt:
    1) MOL should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt
    2) boroughs should work with partners to enhance the quality and range of uses of MOL.

B. The extension of MOL designations should be supported where appropriate. Boroughs should designate MOL by establishing that the land meets at least one of the following criteria:
    1) it contributes to the physical structure of London by being clearly distinguishable from the built-up area
    2) it includes open air facilities, especially for leisure, recreation, sport, the arts and cultural activities, which serve either the whole or significant parts of London
    3) it contains features or landscapes (historic, recreational, biodiverse) of either national or metropolitan value
    4) it forms part of a strategic corridor, node or a link in the network of green infrastructure and meets one of the above criteria.
C. Any alterations to the boundary of MOL should be undertaken through the Local Plan process, in consultation with the Mayor and adjoining boroughs. MOL boundaries should only be changed in exceptional circumstances when this is fully evidenced and justified, taking into account the purposes for including land in MOL set out in Part B.

Policy G4 'Open Space'

A. Development Plans should:
    1) undertake a needs assessment of all open space to inform policy. Assessments should identify areas of public open space deficiency, using the categorisation set out in Table 8.1 (the reader should refer to the full text within the plan) as a benchmark for the different types required. Assessments should take into account the quality, quantity and accessibility of open space
    2) include appropriate designations and policies for the protection of open space to meet needs and address deficiencies
    3) promote the creation of new areas of publicly accessible open space particularly green space, ensuring that future open space needs are planned for, especially in areas with the potential for substantial change
    4) ensure that open space, particularly green space, included as part of development remains publicly accessible.
B. Development proposals should:
    1) not result in the loss of protected open space
    2) where possible create areas of publicly accessible open space, particularly in areas of deficiency.

Policy G5 'Urban Greening'

A. Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.
B. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2 (the reader should refer to the full text within the plan), but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development (excluding B2 and B8 uses).
C. Existing green cover retained on site should count towards developments meeting the interim target scores set out in (B) based on the factors set out in Table 8.2.

Policy G6 'Biodiversity and Access to Nature'

A. Sites of Importance for Nature Conservation (SINCs) should be protected.

B. Boroughs, in developing Development Plans, should:
    1) use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks
    2) identify areas of deficiency in access to nature (i.e. areas that are more than 1 km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them
    3) support the protection and conservation of priority species and habitats that sit outside the SINC network, and promote opportunities for enhancing them using Biodiversity Action Plans
    4) seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context
    5) ensure designated sites of European or national nature conservation importance are clearly identified and impacts assessed in accordance with legislative requirements.
C. Where harm to a SINC is unavoidable, and where the benefits of the development proposal clearly outweigh the impacts on biodiversity, the following mitigation hierarchy should be applied to minimise development impacts:
    1) avoid damaging the significant ecological features of the site
    2) minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site
    3) deliver off-site compensation of better biodiversity value.
D. Development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.
E. Proposals which reduce deficiencies in access to nature should be considered positively.

Policy G7 'Trees and Woodlands'

A. London's urban forest and woodlands should be protected and maintained, and new trees and woodlands should be planted in appropriate locations in order to increase the extent of London's urban forest – the area of London under the canopy of trees.
B. In their Development Plans, boroughs should:
    1) protect 'veteran' trees and ancient woodland where these are not already part of a protected site
    2) identify opportunities for tree planting in strategic locations.
C. Development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed, determined by, for example, i-tree or CAVAT or another appropriate valuation system. The planting of additional trees should generally be included in new developments – particularly large-canopied species which provide a wider range of benefits because of the larger surface area of their canopy.

Policy SI 17 'Protecting and enhancing London's waterways'

A. Development Plans should support river restoration and biodiversity improvements.
B. Development proposals that facilitate river restoration, including opportunities to open culverts, naturalise river channels, protect and improve the foreshore, floodplain, riparian and adjacent terrestrial habitats, water quality as well as heritage value, should be supported. Development proposals to impound and narrow waterways should be refused.

C. Development proposals should support and improve the protection of the distinct open character and heritage of waterways and their settings.
D. Development proposals into the waterways, including permanently moored vessels, should generally only be supported for water-related uses or to support enhancements of water-related uses.
E. Development proposals along London's canal network, docks, other rivers and water space (such as reservoirs, lakes and ponds) should respect their local character, environment and biodiversity and should contribute to their accessibility and active water-related uses. Development Plans should identify opportunities for increasing local distinctiveness and recognise these water spaces as environmental, social and economic assets.
F. On-shore power at water transport facilities should be considered at wharves and residential moorings to help reduce air pollution.

Appendix 2

Relevant Species Legislation

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive legal protection under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, *or obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The reader should refer to the original legislation for the definitive interpretation.

The following bat species are Species of Principal Importance for Nature Conservation in England: barbastelle bat *Barbastella barbastellus*, Bechstein's bat *Myotis bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared bat *Plecotus auritus*, greater horseshoe bat *Rhinolophus ferrumequinum* and lesser horseshoe bat *Rhinolophus hipposideros*. Species of Principal Importance for Nature Conservation in England are material considerations in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- 'Any structure or place that displays signs indicating current use by a badger'.

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

The reader should refer to the original legislation for the definitive interpretation.

Common amphibians

Common frogs, common toad, smooth newt and palmate newt are protected in Britain under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) with respect to sale only. They are also listed under Annex III of the Bern Convention 1979. Any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger. The convention seeks to prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species.

Common toad is listed as a Species of Principal Importance for Nature Conservation in England.

Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.

Nesting Birds

The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 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, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

Appendix 3

Survey Calendar

MIDDLEMARCH

SPECIES SURVEY CALENDAR

This calendar helps identify the seasonal constraints associated with many ecological and protected species surveys.

Recommended survey time

Possible survey time

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Extended Phase 1 Habitat Survey	■	■	■	■	■	■	■	■	■	■	■	■
Botanical Survey				■	■	■	■	■	■			
Bats (initial bat survey)	■	■	■	■	■	■	■	■	■	■	■	■
Bats (activity survey)				■	■	■	■	■	■			
Bats (hibernation survey)	■	■	■									■
Great Crested Newt (habitat assessment)	■	■	■	■	■	■	■	■	■	■	■	■
Great Crested Newt (presence/absence survey)			■	■	■	■						
Reptiles			■	■	■	■	■	■	■			
Badger	■	■	■	■	■	■	■	■	■	■	■	■
Water Vole			■	■	■	■	■	■	■	■		
Otter	■	■	■	■	■	■	■	■	■	■	■	■
Birds (winter birds)	■	■	■								■	■
Birds (nesting bird)			■	■	■	■	■	■	■			
Dormouse	■	■	■	■	■	■	■	■	■	■	■	■
White Clawed Crayfish				■	■	■	■	■	■	■		

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