Preliminary Ecological Appraisal and Preliminary Roost Assessment

Berrite Limited, Iron Bridge Road South, West Drayton, UB7 8HY.

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

> The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.
>
> This approach is enshrined in Government planning guidance, for example, paragraph 174 of the National Planning Policy Framework for England.
>
> The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.
>
> (BS 42020, 2013)

Executive Summary

Matthew Game Consultancy was instructed to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Berrite Limited, Iron Bridge Road South, West Drayton, UB7 8HY (hereafter referred to as "the site"). The survey was required to inform a planning application for the demolition and redevelopment of the existing buildings (hereafter referred to as "the proposed development").

The following is work you will need to commission to obtain planning permission and to comply with legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 7 of this report.

Feature	***Foreseen impacts***	***Recommendations*** *Measures required to adhere to guidance, legislation and planning policies.*
Designated sites	No impacts to designated sites are anticipated due to the distance of the proposed development from such sites (where known) as well as the location of the site with surrounding physical barriers.	Best practice measures to minimise the possibility of pollution and tree damage must be implemented during construction.
Habitats and flora	No impacts to any notable habitats are anticipated due to the distance of the proposed development from such habitats as well as the location of the site with surrounding physical barriers.	Best practice measures to minimise the possibility of pollution and tree damage must be implemented during construction.
Roosting bats (B1 & B2)	The proposed development will result in the demolition of these buildings. This could result in destruction of any bat roosts present and could cause disturbance, death or injury to bats.	A full endoscopic and thermal imaging survey of potential roosting features has been commissioned. Results of this extended survey will be added as a file note. If bat roosts are confirmed in the building additional surveys will be required to inform an EPSL application to Natural England.
Foraging and commuting bats	The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats. The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site.
Hedgehog	No impacts are anticipated on hedgehogs as a result of the proposed development.	A precautionary working method will be implemented.

Otter	No impacts are anticipated on otters as a result of the proposed development.	A precautionary working method will be implemented.
Water Vole	No impacts are anticipated on water voles as a result of the proposed development.	A precautionary working method will be implemented.
Birds	No impacts are anticipated on birds as a result of the proposed development.	Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the buildings should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

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1.0 Introduction and Context

1.1 Background

Matthew Game Consultancy was instructed to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Berrite Limited, Iron Bridge Road South, West Drayton, UB7 8HY (hereafter referred to as "the site"). The survey was required to inform a planning application for the demolition and redevelopment of the existing buildings (hereafter referred to as "the proposed development"). A plan showing the proposed development is provided in Appendix 1.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development.

The aim of the PRA was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how bats could use the site for roosting, foraging or commuting. This has been undertaken with due consideration to the "Bat Surveys for Professional Ecologists —Good Practice Guidelines" publication (Collins, 2016).

No previous ecology reports have been produced for this site by Matthew Game Consultancy or, to the author's knowledge, by any other consultancy.

1.2 Site Context

The site is located at National Grid Reference TQ 07124 79994 and has an area of approximately 0.25ha comprising buildings and associated hardstanding. It is surrounded by other commercial buildings. The town of West Drayton extends to all aspects, with Hayes extending to the northeast and the Grand Union Canal adjacent to the north of the site. A site location plan is provided in Appendix 2.

1.3 Scope of the Report

The PEA element of this report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

The PRA element of this report provides a description of all features suitable for roosting, foraging and commuting bats and evaluates those features in the context of the site and wider environment. It further documents any physical evidence collected or recorded during the site survey that establishes the presence of roosting bats. It provides information on possible constraints to the proposed development as a result of bats and summarises the requirements for any further surveys to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken, including an external survey and internal inspection of built structures and a ground level assessment of trees where possible, to determine the presence or the suitability of any features which bats could use for roosting and to assess the suitability of the site's bat foraging and commuting habitat.
- An outline of potential impacts on any confirmed or unidentified roosts has been provided, based on the proposed development.
- Recommendations for further surveys and mitigation have been made, along with advice on the requirements for a European Protected Species Licence (EPSL) application if appropriate.
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.
- Opportunities for the enhancement of the site for biodiversity have been set out.

2.0 Methodology

2.1 Desk Study

The desk study included a 2km radius review of statutory designated sites with bat qualifying interests and granted EPSL records for bats held on magic.gov.uk database. An assessment of the surrounding landscape structure was also completed using aerial images from Google Earth and OS maps.

2.2 Field Survey

The survey was undertaken by Matthew Game (Accredited Agent on Natural England Bat Licence Number: 2018-15716-CLS-CLS) on 21/10/2022.

Preliminary Ecological Appraisal

An extended habitat survey was undertaken, following the methodology set out in UK Habitat Classification User Manual (UK Habitat Classification Working Group, 2018). All land parcels are described and mapped and, where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species.

Preliminary Roost Assessment

The PRA focussed on two built structures which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

<u>For any surveyed buildings</u>:

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the building for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. An internal inspection of the building was also made, including the living areas and any accessible roof spaces, using a torch and ladders. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows, and carried out a detailed search of numerous features within the roof space. An endoscope was used to complete a close-up inspection of any accessible features, where appropriate.

2.3 Breeding Birds and Other Incidental Observations

The surveyor also made note of any other ecological constraints observed during the survey, notably the likelihood of presence or signs of breeding birds, and the suitability of the site for barn owls *Tyto alba*.

2.4 Suitability Assessment

Built structures were categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 for buildings below. Roost suitability is classified as high, moderate, low and negligible and dictates any further surveys required before works can proceed.

Table 1: Features of a building that are correlated with use by bats

Classification	***Feature of building and its context***
Moderate to high	Buildings or structures with features of particular significance for larger numbers of roosting bats e.g. mines, caves, tunnels, icehouses and cellars. Habitat on site and surrounding landscape of high quality for foraging bats e.g. broadleaved woodland, tree-lined watercourses and grazed parkland. Site is connected with the wider landscape by strong linear features that would be used by commuting bats e.g. river and or stream valleys and hedgerows. Site is proximate to known or likely roosts (based on historical data). Buildings with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Low	A small number of possible roost sites or features, used sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities or upwards orientation with exposure to inclement weather or predators. Habitat suitable for foraging in close proximity, but isolated in the landscape. Or an isolated site not connected by prominent linear features. Few features suitable for roosting, minor foraging or commuting.
Negligible	Unsuitable for use by bats.

2.5 Limitations

It should be noted that whilst every effort has been made to describe the features on site in the context of their suitability for roosting bats, this does not provide a complete characterisation of the site. This survey provides a preliminary view of the likelihood of bats being present. This is based on suitability of the habitats on site and in the local area, the ecology and biology of bats as currently understood, and the known distribution of bats as recovered during the desk study. Bats are highly mobile creatures that switch roosts regularly and therefore the usage of a site by bats can change over a short period of time.

A biological records data search has not been undertaken. However, given the location of the site, the nature of the habitats present and the assessed suitability of the site for protected or notable species, it is not anticipated that the purchase of biological records data will add any significant weight or alter the conclusions and recommendations outlined in this report. B2 was inaccessible at the time of survey as the building is structurally unsafe due to fire damage.

These limitations have been taken into account during the evaluation of the site and requirement for further surveys and mitigation.

3.0 Results and Evaluation

3.1 Desk Study Results

A summary of desk study results is provided below.

3.2 Designated Sites

The site falls within the impact risk zones for Wraysbury & Hythe End Gravel Pits Site of Special Scientific Interest (SSSI) as well as Staines Moor SSSI and Kingcup Meadows and Oldhouse Wood SSSI.

No statutory designated sites were identified within 2km of the site (MAGIC).

3.3 Landscape

A review of aerial photographs (Google Earth) the magic.gov.uk database and OS maps has been undertaken. Collated together, the value of the landscape for bats is described below:

The site is in an urban area of Middlesex. It is surrounded by other commercial buildings. The town of West Drayton extends to all aspects, with Hayes extending to the northeast and the Grand Union Canal adjacent to the north of the site. There are tree lines around the area, which could be used by bats for roosting, foraging and commuting. One area of deciduous woodland is located 230m to the east that could be an important local habitat for bats.

Notable Habitats

Notable habitats within 2km are listed in Table 3.

Table 3: Notable habitats within 2km of the site

Habitat	***Closest distance from site (approx.)***
Deciduous woodland	230 metres east
Traditional orchards	1130 metres northeast

3.4 Historical Records

A search of the magic.gov.uk database for granted EPSLs within a 2km radius of the site has been completed. Displaced bats from licensed sites <2km away from the survey site will find alternative habitat either within the mitigation measures implemented as part of the licence or will relocate to other known roosts sites in close proximity to the licensed site. No EPSL records for bats were found within a 2km search radius.

3.5 Field Survey Results

The PEA & PRA focussed on two built structures which will be affected by the proposed development. As well as providing an overview of the wider site and the surrounding landscape. The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 4.

Table 4: Weather conditions during the survey

Date: 21/10/2022	
Temperature	18°C
Humidity	56%
Cloud Cover	30%
Wind	9mph
Rain	None

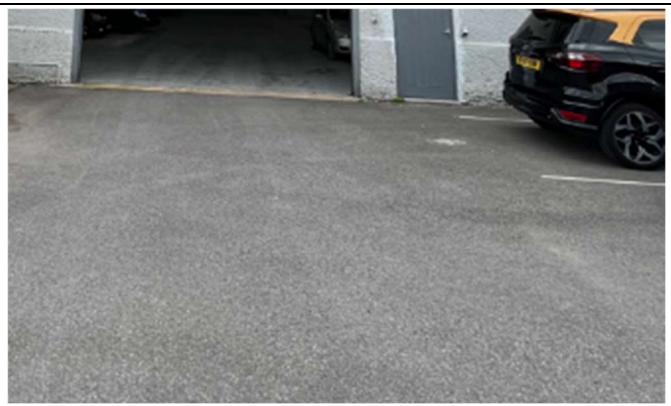
Habitats and Flora

The following habitats are present within and adjacent to the site:

- Buildings – u1b5
- Mixed scrub – h3h
- Developed land; sealed surface – u1b

A description and photograph of each habitat is provided in Table 5. No protected or non-native invasive plant species were identified on the site.

Table 5: Description and photographs of habitats within and adjacent to the site

Habitat Type	***Habitat description***	***Photograph***
Buildings	B1 is a detached single-storey block and steel framed commercial building with a cross-pitched and gabled roof clad in asbestos roof sheets. The building is currently used as a vehicle workshop. B2 is a detached single-storey brick-built commercial building with an asbestos sheet roof. It has been fire damaged and is now in a state of disrepair. These buildings offer low ecological habitat.	
Mixed scrub	To the north of the buildings is a small area of mixed scrub. This consists of Perennial Ryegrass (D), also Bramble (F) and Hawthorn (O). This habitat offers low ecological value.	
Developed land; sealed surface	To the south, east and west of the buildings is the concrete access road, as well as tarmac surfaced hardstanding areas adjacent to each building. This habitat offers negligible ecological value.	

Fauna

Bats

There are no records of granted EPSL applications within the 2km search radius (MAGIC).

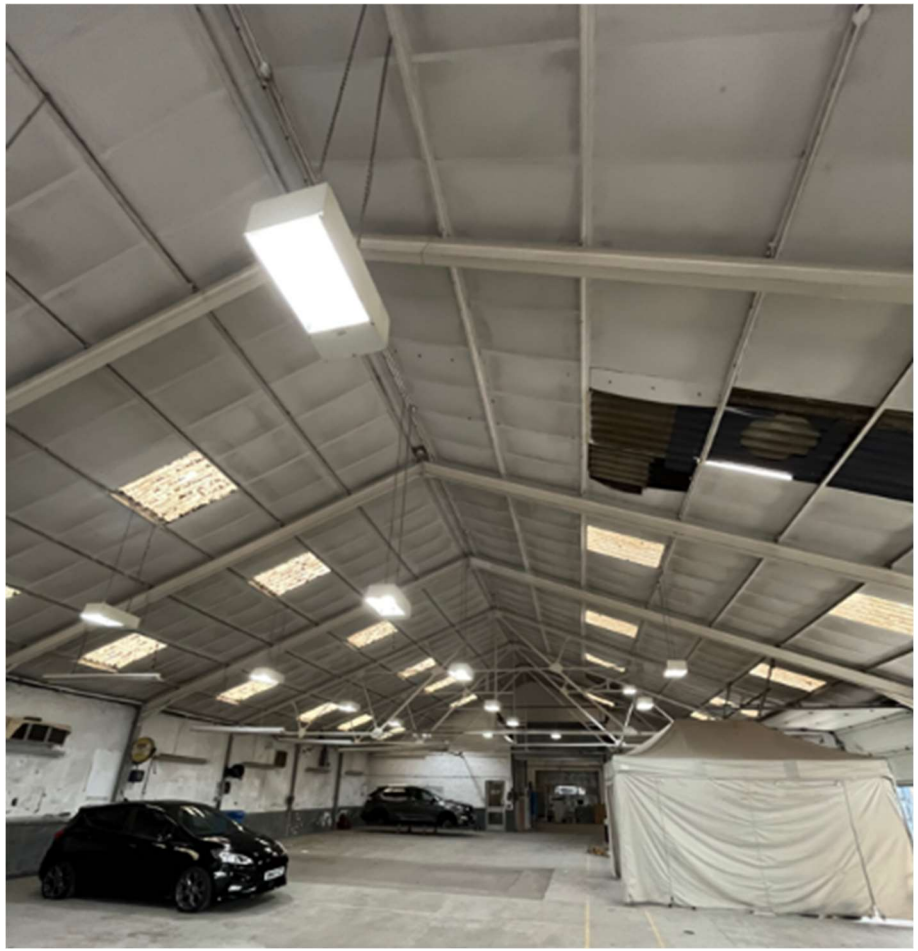
Some of the northern boundary of the site provides foraging habitat for bats, this is due to the mix of scrub and the canal. It is likely that bats utilise this habitat for both foraging and commuting.

The results of the PRA are provided in Table 6. No evidence of roosting bats was identified during the survey.

	Description	***Photographs***
	Building B1 Exterior B1 – western elevation (pictured opposite). B1 is a detached single-storey block and steel framed commercial building with a cross-pitched and gabled roof clad in asbestos roof sheets. The roof sheets are in good condition with no raised sheets under which bats could roost. The blockwork around the building appears in good condition with no gaps or cracks in which crevice-dwelling bats could roost. There are some gaps at the ends of the roof sheets, which could provide roosting habitat for crevice dwelling bats, such as Common Pipistrelle.	

B1 – southern elevation (pictured opposite)

There are timber bargeboards around the building which are generally in good condition. Again, some of the ends of the roof sheets could provide roosting habitat for crevice dwelling bats.

B1 Interior B1 – loft space. There is no loft space within the main roof void of B1. The roof structure is built from steel and has a sheet liner against the asbestos external roof sheets. These internal sheets provide a space that could be used by crevice dwelling bats for roosting, although access is limited. No daylight enters the roof space which indicates that it is well sealed.	
B1 Evidence of bats There was no evidence of bats located internally or externally on the survey building. **B1 Breeding birds and other incidental observations** There was no evidence of nesting birds located internally or externally on the survey building.	

Building B2 Exterior B2 – southern elevation (pictured opposite). B2 is a detached single-storey brick-built commercial building with an asbestos sheet roof. The roof sheets are in poor condition. The brickwork around the building appears in good condition with no suitable gaps or cracks in which crevice-dwelling bats could roost. Although access was limited to inspect the building closely.	

B2 Exterior B2 – Eastern elevation There are various opportunities around the building that bats could use for access. There are also several features present that could be used by crevice dwelling bats, such us the bargeboards to the southern and northern elevations which have gaps present between them and the brickwork.	
B2 Evidence of bats There was no evidence of bats located externally on the survey building. **B2 Breeding birds and other incidental observations** There was no evidence of nesting birds located internally or externally on the survey building.	

Foraging and Commuting Habitat

Some foraging and commuting habitat is present adjacent to the site. This is in the form of mature trees and hedgerows adjacent to the Grand Union Canal to the north.

Other Species

An assessment of the suitability of the site for protected or notable species is provided in Table 7.

Table 7: Assessment of the suitability of the site for protected or notable species

Species	***Assessment of suitability***
Amphibians	A review of the MAGIC database returned no granted EPSL records for great crested newts within 2km of the site. Great crested newts exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; great crested newts are typically found within terrestrial habitats up to 500m from breeding ponds (Langton *et al.* 2001). There are no ponds within 500 metres of the site, and the site does not have suitable terrestrial habitat with connectivity available. Amphibians including Great Crested Newt are likely absent.
Reptiles	The site has little suitable habitat for sheltering and commuting reptiles. Connectivity is also limited. Reptiles are likely absent.
Badgers	There are no known setts within 30 metres of the site boundary. No signs of Badger (*Meles Meles*) were found during the field survey. Badgers are likely absent.
Hazel Dormouse	A review of the MAGIC database returned no granted EPSL records for Hazel Dormouse (*Muscardinus Avellanarius*) within 2km of the site. Habitats recorded are assessed to provide foraging, commuting, and nest building opportunities for dormouse in the form of hedgerows and scattered scrub. Dormice typically utilise a three-dimensional habitat structure as to commute between feeding and breeding sites whilst avoiding predation; hedgerows within the locality of the site support this habitat structure. Furthermore, for isolated habitats in the UK, research indicates that dormice require 20ha of woodland habitat to support a viable population (Bright *et al.* 1994). 20ha of woodland is not present on or directly adjacent to the sites. Hazel Dormouse is likely absent.
Hedgehog	The site potentially could be used by small mammals such as hedgehog – a species of principal importance under section 41 of the NERC act 2006.
Otter	The canal situated adjacent to the north is lined with concrete and offers only commuting habitat. The proposed development has no affect on this habitat.

Water Vole	The canal situated adjacent to the north is lined with concrete and offers only commuting habitat. The proposed development has no affect on this habitat.
Birds	The survey shows that the buildings within the site, could support some bird species and as such a nesting bird check should be carried out prior to any work carried out to these features or their locality.
Invertebrates	Common invertebrate assemblages could use the mixed scrub on site. This habitat is considered to have low value for invertebrates.

4.0 Conclusions, Impacts and Recommendations

4.1 Informative Guidelines

A summary of the relevant legislation and planning policies is provided in Appendix 4.

Likelihood of the Presence of Protected Species

Where physical evidence of the presence of protected species is indeterminate during the survey, the habitats on site are evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

Where this report supports a planning application, the ecological interest of the study area (i.e. the area covered by the desk study and field survey) and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity.

4.2 Evaluation

Taking the desk study and field survey results into account, Table 4 presents an evaluation of the value of the site for bats and also details any other ecological constraints identified in relation to the proposed development which will comprise of the demolition and redevelopment of the existing buildings.

Table 4: Evaluation of the site for bats and any other ecological constraints

Ref	***Summary of Survey Findings***	***Foreseen impacts***	***Recommendations*** *Measures required to adhere to guidance, legislation and planning policies.*	***Biodiversity Enhancements*** *The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021)*
Designated sites	There are no statutory sites within 2km of the site. The site lies within the impact risk zone for the Wraysbury & Hythe End Gravel Pits Site of Special Scientific Interest (SSSI) as well as Staines Moor SSSI and Kingcup Meadows and Oldhouse Wood SSSI. The proposed development is not listed as a possible high risk with regard to this designation.	No impacts to designated sites are anticipated due to the distance of the proposed development from such sites (where known) as well as the location of the site with surrounding physical barriers.	Best practice measures to minimise the possibility of pollution and tree damage must be implemented during construction.	None.

Habitats and flora	There are no notable habitats within the site, but two habitats are present within 2km of the site, the closest being deciduous woodland located 230 metres from the site.	No impacts to any notable habitats are anticipated due to the distance of the proposed development from such habitats as well as the location of the site with surrounding physical barriers.	Best practice measures to minimise the possibility of pollution and tree damage must be implemented during construction.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development: • Native tree, hedgerow and shrub planting. • A green roof on new buildings. Species-specific enhancement opportunities are detailed later in this table.
Amphibians	Amphibians including Great Crested Newt are likely absent due to a lack of suitable habitat.	No impacts are anticipated on amphibians, including great crested newt, as a result of the proposed development.	None	None
Reptiles	Reptiles are likely absent due to a lack of suitable habitat and connectivity.	No impacts are anticipated on reptiles as a result of the proposed development.	None	None

Roosting bats (B1)	B1 has low value for roosting bats due to the features for crevice dwelling bats underneath the roofing sheets.	The proposed development will result in the demolition of these buildings. This could result in destruction of any bat roosts present and could cause disturbance, death or injury to bats.	A full endoscopic and thermal imaging survey of potential roosting features has been commissioned. Results of this extended survey will be added as a file note. This survey will be carried out via a Mobile Elevated Work Platform (MEWP) due to the condition of the buildings and access to the areas that contain potential roosting features. If physical bat roosts or evidence of bat roosts are confirmed in the building, additional surveys will be required to inform an EPSL application to Natural England.	To be confirmed upon completion of the surveys.
Roosting bats (B2)	B2 has negligible / low value for roosting bats due to the features for crevice dwelling bats underneath the roofing sheets and the bargeboards.	The proposed development will result in the demolition of these buildings. This could result in destruction of any bat roosts present and could cause disturbance, death or injury to bats.	A full endoscopic and thermal imaging survey of potential roosting features has been commissioned. Results of this extended survey will be added as a file note. This survey will be carried out via a Mobile Elevated Work Platform (MEWP) due to the condition of the buildings and access to the areas that contain potential roosting features. If physical bat roosts or evidence of bat roosts are confirmed in the building, additional surveys will be required to inform an EPSL application to Natural England.	To be confirmed upon completion of the surveys.

Foraging and commuting bats	Trees adjacent to the site could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats. The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures: • Use narrow spectrum light sources to lower the range of species affected by lighting. • Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only. External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. Wall lights and security lights will be 'dimmable' and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats: • Planting of native tree, shrub and hedgerows to increase foraging opportunities.

Badger	No sign of Badger were noted during the field survey.	No impacts are anticipated on badgers as a result of the proposed development.	None.	None.
Hazel dormouse	No local EPSL records, and habitat not large enough, or well-connected enough to support this species.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.
Hedgehog	Onsite habitats could support local hedgehog populations.	No impacts are anticipated on hedgehogs as a result of the proposed development.	A precautionary working method will be implemented during construction, including the following measures: • A toolbox talk will be given to contractors regarding the possible presence of hedgehogs at the site. • A pre-commencement inspection of the site will be undertaken for hedgehogs. • Heras fencing will be erected around the working area to prevent encroachment into retained habitats where hedgehogs could be present. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which hedgehogs could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. If a hedgehog is found then this should be moved by gloved hand to an undisturbed and sheltered area of the site or adjacent land.	None.

Otter	The canal situated adjacent to the north is lined with concrete and offers only commuting habitat. The proposed development has no affect on this habitat.	No impacts are anticipated on otters as a result of the proposed development.	Owing to the nature of the proposed development and the low potential for impacts to otter, further otter surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures: • A toolbox talk will be given to contractors regarding the possible presence of otters at the site. • A pre-commencement inspection of the site will be undertaken for otters. • Heras fencing will be erected around the working area to prevent encroachment within 8m of the watercourse. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to the watercourse and any retained habitats which otters could use. • Best practice pollution prevention measures will be implemented to minimise impacts to the watercourse and any retained habitats that otters could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. In the unlikely event that an otter holt or den is identified, works must cease and advise must be sought from a suitably qualified ecologist.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for otter: • Planting native trees and shrubs close to the watercourse to increase opportunities for shelter.

Water vole	The canal situated adjacent to the north is lined with concrete and offers only commuting habitat. The proposed development has no affect on this habitat.	No impacts are anticipated on water vole as a result of the proposed development.	Owing to the nature of the proposed development and the low potential for impacts to water voles, further water vole surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures: • A toolbox talk will be given to contractors regarding the possible presence of water vole at the site. • Heras fencing will be erected around the working area to prevent encroachment within 5m of the watercourse. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to the watercourse and any retained habitats which water voles could use. • Best practice pollution prevention measures will be implemented to minimise impacts to the watercourse and any retained habitats that water vole could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. In the unlikely event that water voles or evidence of water voles is identified, works must cease and advise must be sought from a suitably qualified ecologist.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for water vole: • Planting species rich grassland close to the watercourse to increase foraging opportunities.
Invertebrates	Low habitat value is available on site in the form of mixed scrub.	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.	None.

Birds	The survey shows that the buildings within the site, could support some bird species and as such a nesting bird check should be carried out prior to any work carried out to these features or their locality.	No impacts are anticipated on nesting birds as a result of the proposed development.	Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the buildings should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.	The installation of a minimum of two bird boxes on buildings will provide additional nesting habitat for birds e.g. Schwegler No 17 Swift Nest Box (buildings) Schwegler 1SP Sparrow Terrace (buildings) Or a similar alternative brand. Swift and sparrow boxes should be positioned at the eaves of a building and can be incorporated into the fabric of the building during construction.

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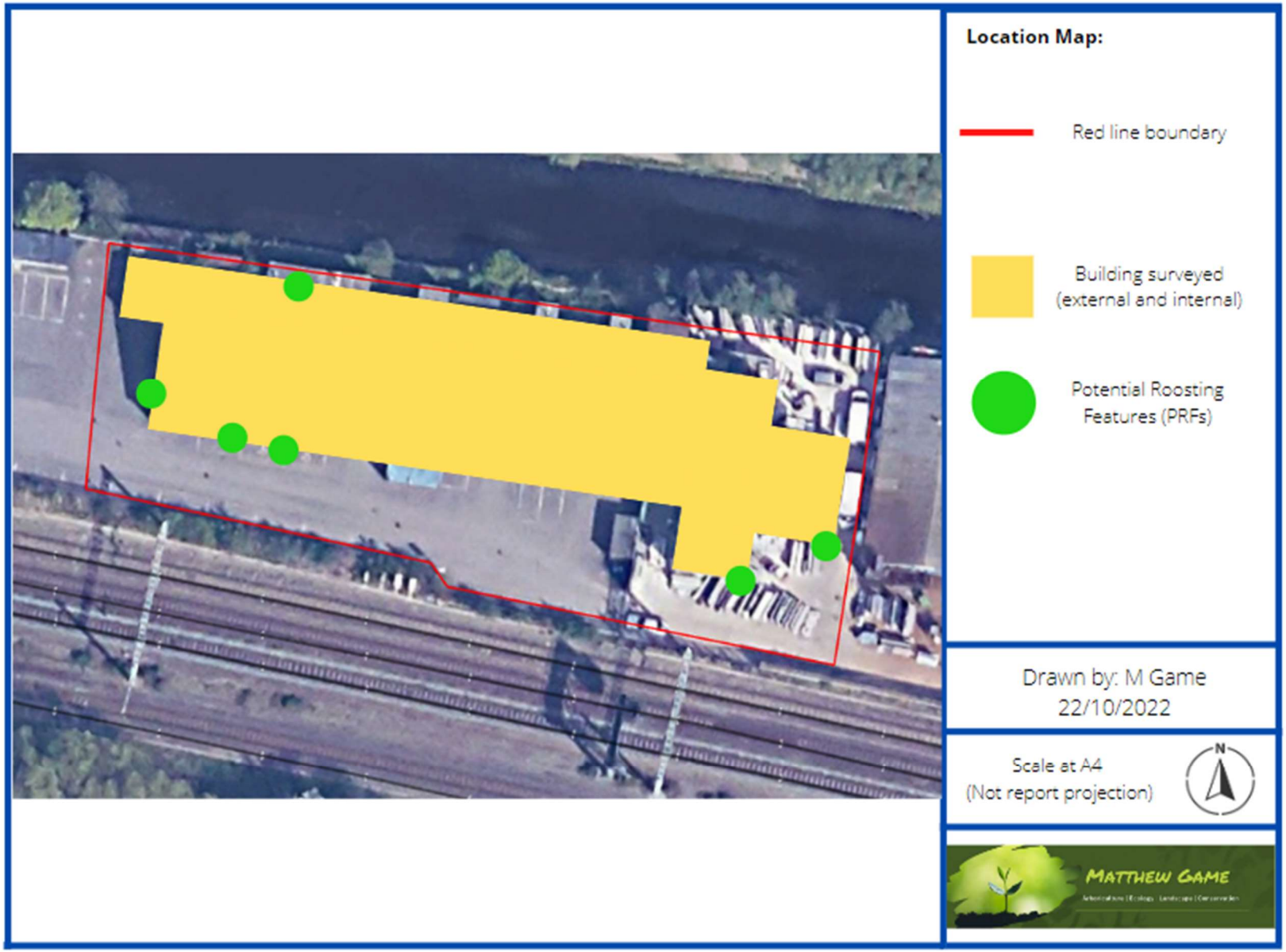
Appendix 1: Proposed Development Plan

Appendix 2: Site Location Plan

Appendix 3a: Habitat Survey Plan

Appendix 3b: Bat Survey Plan



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

Annex V species (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as "*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*". However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CRoW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

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

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CRoW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act 1992 which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett

- Sell or offers for sale, possesses or has under his control, a live badger

Effects on development works:

A development licence will be required from the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) for any development works likely to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agencies to define what would constitute a licensable activity. It is no possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally (or recklessly in Scotland) kill, injure or take any wild bird
- Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.
- Intentionally or recklessly obstruct or prevent any wild bird from using its nest (Scotland only)

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and are commonly referred to as "Schedule 1" birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird
- In Scotland only, intentional or reckless disturbance whilst lekking
- In Scotland only, intentional or reckless harassment

Effects on development works:

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Amphibians and Reptiles

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of reptiles are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works likely to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

Water Voles

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:

- Intentionally kill, injure or take (capture) water voles
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection
- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

Effects on development works:
If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

Otters

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Otters are also currently protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works likely to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Hazel Dormice

Hazel dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Dormice are also protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales (NB: Hazel Dormouse are entirely absent from Scotland)). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White Clawed Crayfish

There is a considerable amount of legislation in place in an attempt to protect the White-clawed crayfish *Austropotamobius pallipes*. This species is listed under the European Union's (EU) Habitat and Species Directive and is listed under Schedule 5 of the Wildlife and Countryside Act (1981). This makes it an offence to:

- Protected against intentional or reckless taking
- Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

It is also classified as Endangered in the IUCN Red List of Endangered Species. As a result of this and other relevant crayfish legislation such as the Prohibition of Keeping of Live Fish (Crayfish) Order 1996, a series of licences are needed for working with White-clawed and non-native crayfish. These are:

- A licence to handle crayfish (therefore survey work) in England
- A licence for the keeping of crayfish in England and Wales with an exemption for Signal crayfish (England).
- People in the post-code areas listed with crayfish present prior to 1996 do not need to apply for consent for crayfish already established. It does not, however, allow any new stocking of non-native crayfish into waterbodies. Consent for trapping of non-native crayfish for control or consumption is most likely to be granted in Thames and Anglian regions in the areas with "go area" postcodes.
- Harvesting of crayfish is prohibited in much of England and in any part of Scotland and Wales.

Effects on development works:

The relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation Afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only)
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
- Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
- Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

Effects on development works:

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) for works which are likely to affect species of planted listed on Schedule 5 of the Conservation or Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England and Wales to plant or cause to grow in the wild due to their impact on native wildlife. Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*
- Himalayan balsam *Impatiens glandulifera*

Effects on development works:

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site, however, it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

Injurious weeds

Under the Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

Effects on development works:

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

NATIONAL PLANNING POLICY (ENGLAND)

Environment Act 2021

The Environment Act 2021 (EA 2021) received Royal Assent on 9 November 2021 and is expected to become fully mandated within the next couple of years. The Act principally creates a post Brexit framework to protect and enhance the natural environment. Through amendments to the Town and Country Planning Act 1990, the Act will require all planning permissions in England (subject to exemptions which is likely to include householder applications) to be granted subject to a new general pre-commencement condition that requires approval of a biodiversity net gain plan. This will ensure the delivery of a minimum of 10% measurable biodiversity net gain. The principal tool to calculate this will be the Defra Biodiversity 3.0 Metric. Works to enhance habitats can be carried out either onsite or offsite or through the purchase of 'biodiversity credits' from the Secretary of State. However, this flexibility may be removed (subject to regulations) if the onsite habitat is 'irreplaceable'. Both onsite and offsite enhancements must be maintained for at least 30 years after completion of a development (which period may be amended).

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;
- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.