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## Biodiversity Action Plans

Non-statutory Biodiversity Action Plans (BAPs) have been prepared on a local and regional scale throughout the UK over the past 15 years. Such plans provide a mechanism for implementing the government's broad strategy for conserving and enhancing the most endangered ('priority') habitats and species in the UK for the next 20 years. As described above the UK BAP was succeeded in England by Biodiversity 2020 although the list of priority habitats and species remains valid as the list of Species of Principal Importance for Nature Conservation.

Regional and local BAPs are still valid however and continue to be updated and produced.

Detail on the relevant BAPs for this site are provided in the main text of this report.

## Legislation Relating to Nesting Birds

Nesting birds, with certain exceptions, are protected from intentional killing, destruction of nests and destruction/taking of eggs under the Wildlife and Countryside Act 1981 (as amended) and the CROW Act. Any clearance of dense vegetation should therefore be undertaken outside of the nesting bird season, taken to run conservatively from March to August (inclusive), unless an ecologist confirms the absence of active nests prior to clearance.

## Legislation Relating to Bats

All UK bats and their roosts are protected by law. Since the first legislation was introduced in 1981, which gave strong legal protection to all bat species and their roosts in England, Scotland and Wales, additional legislation and amendments have been implemented throughout the UK.

Six of the 18 British species of bat have Biodiversity Action Plans (BAPs) assigned to them, which highlights the importance of specific habitats to species, details of the threats they face and proposes measures to aid in the reduction of population declines.

Although habitats that are important for bats are not legally protected, care should be taken when dealing with the modification or development of an area if aspects of it are deemed important to bats such as flight corridors and foraging areas.

The Wildlife & Countryside Act 1981 (WCA) was the first legislation to provide protection for all bats and their roosts in England, Scotland and Wales (earlier legislation gave protection to horseshoe bats only.)

All eighteen British bat species are listed in Schedule 5 of the Wildlife and Countryside Act, 1981 and under Annex IV of the Habitats Directive, 1992 as a European protected species. They are therefore fully protected under Section 9 of the 1981 Act and under Regulation 43 of the Conservation of Habitats and Species Regulations 2017, which transposes the Habitats Directive into UK law.

Consequently, it is an offence to:

- Deliberately capture, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats;

- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time);
- Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat; and
- Intentionally or recklessly obstruct access to a bat roost.

This legislation applies to all bat life stages.

The implications of the above in relation to the proposals are that where it is necessary during construction to remove trees, buildings or structures in which bats roost, it must first be determined that work is compulsory and if so, appropriate licenses must be obtained from Natural England.

## 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.

## C.2 PLANNING POLICY

### National

#### National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2021<sup>30</sup> sets out the Government's planning policies for England, including how plans and decisions are expected to apply a presumption in favour of sustainable development. Chapter 15 of the NPPF focuses on conservation and enhancement of the natural environment, stating plans should 'identify and pursue opportunities for securing measurable net gains for biodiversity'.

It goes on to state: 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'. Alongside this, it acknowledges that planning should be refused where irreplaceable habitats such as ancient woodland are lost.

### Regional

#### The London Plan<sup>31</sup>

#### *Policy G1 Green infrastructure*

1. London's network of green and open spaces, and green features in the built environment such as green roofs and street trees, should be protected, planned, designed and managed as integrated features of green infrastructure.
- B. Boroughs should prepare green infrastructure strategies that integrate objectives relating to open space provision, biodiversity conservation, flood management, health and wellbeing, sport and recreation.
2. Development Plans and Opportunity Area Planning Frameworks should:
  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.
3. Development proposals should incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network.

### *Policy G5 Urban greening*

1. 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.
2. 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, 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*

1. Sites of Importance for Nature Conservation (SINCs) should be protected.
2. Boroughs, in developing Development Plans, should:
  - a. use up-to-date information about the natural environment and the relevant procedures to identify SINCs and ecological corridors to identify coherent ecological networks
  1. identify areas of deficiency in access to nature (i.e. areas that are more than 1km walking distance from an accessible Metropolitan or Borough SINC) and seek opportunities to address them
  - b. 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

2. seek opportunities to create other habitats, or features such as artificial nest sites, that are of particular relevance and benefit in an urban context
- c. ensure designated sites of European or national nature conservation importance are clearly identified and impacts assessed in accordance with legislative requirements.
3. 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:
  - a. avoid damaging the significant ecological features of the site
  3. minimise the overall spatial impact and mitigate it by improving the quality or management of the rest of the site
  - b. deliver off-site compensation of better biodiversity value.
4. 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.
- D. Proposals which reduce deficiencies in access to nature should be considered positively.

### *Policy G7 Trees and woodlands*

1. 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.
2. In their Development Plans, boroughs should:
  - a. Protect 'veteran' trees and ancient woodland where these are not already part of a protected site
  1. Identify opportunities for tree planting in strategic locations
3. Development proposals should ensure that, wherever possible, existing trees of quality are retained [Category A and B]. 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.

### London Environment Strategy 2018<sup>32</sup>

The Mayor's Environment Strategy was published in May 2018. This document sets out the strategic vision for the environment throughout London. Although not primarily a planning guidance document, it does set strategic objectives, policies and proposals that are of relevance to the delivery of new development in a planning context, including:

### *Objective 5.1 Make more than half of London green by 2050*

Policy 5.1.1 Protect, enhance and increase green areas in the city, to provide green infrastructure services and benefits that London needs now.

This policy states:

“New development proposals should avoid reducing the overall amount of green cover and, where possible, seek to enhance the wider green infrastructure network to increase the benefits this provides. [...] New developments should aim to avoid fragmentation of existing green space, reduce storm water run-off rates by using sustainable drainage, and include new tree planting, wildlife-friendly landscaping, or features such as green roofs to mitigate any unavoidable loss”.

This supports the ‘environmental net gain’ approach promoted by government in the 25 Year Environment Plan.

Proposal 5.1.1.d The London Plan includes policies to green streets and buildings, including increasing the extent of green roofs, green walls and sustainable drainage.

### *Objective 5.2 conserving and enhancement wildlife and natural habitats*

Policy 5.2.1 Protect a core network of nature conservation sites and ensure a net gain in biodiversity

This policy requires new development to include new wildlife habitat, nesting and roosting sites, and ecologically appropriate landscaping will provide more resources for wildlife and help to strengthen ecological corridors. It states:

“Opportunities should be sought to create or restore priority habitats (previously known as UK Biodiversity Action Plan habitats) that have been identified as conservation priorities in London [and] all land managers and landowners should take BAP priority species into account”.

## Local

### Hillingdon Local Plan (Adopted 2012)<sup>33</sup>

#### *Policy EM7: Biodiversity and Geological Conservation*

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 adverse impacts and loss.

Borough Grade 2 sites 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 and London 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.

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