Preliminary Ecological Appraisal and Preliminary Roost Assessment

148-154 High Street, Uxbridge, UB8 1JY

DNA Uxbridge Ltd

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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.
>
> 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

Arbtech Consulting Limited was instructed by DNA Uxbridge Ltd to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at 148-154 High Street, Uxbridge, UB8 1JY (hereafter referred to as "the site"). The survey was required to inform a planning application for the demolition of the existing site and full redevelopment for a mix of co-living, hotel and commercial floorspace (hereafter referred to as "the proposed development").

The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 8 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Roosting bats (B1)	B1 has low value for roosting bats.	The proposed development will result in the full demolition of this building. This could result in destruction of any bat roosts present and could cause disturbance, death or injury to bats.	One bat emergence or re-entry survey is required during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely-absence of a bat roost in the building. Infra-red cameras should be used as an aid. Six surveyors are required to provide full coverage of the bat suitable roosting features on the building. If the absence of a bat roost cannot be determined during the first visit, then further surveys will be required.
Foraging and commuting bats	There are no habitats on the site which could be used by bats for foraging. However, bats could pass when 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 within the proposed development. This should be designed in accordance with Guidance Note GN08/23 Bats and Artificial Lighting at Night (Institution of Lighting Professionals, 2023).
Birds	No evidence of nesting birds was identified on or within B1, or elsewhere within the site boundary. The roof top may provide nesting sites for urban bird species, such as pigeons.	The existing roof top will be lost (demolished) during construction. The loss of the roof top as nesting habitat is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the roof top 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.

Contents

1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by DNA Uxbridge Ltd to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at 148-154 High Street, Uxbridge, UB8 1JY (hereafter referred to as "the site"). The survey was required to inform a planning application for the demolition of the existing site and full redevelopment for a mix of co-living, hotel and commercial floorspace (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.

No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author's knowledge, by any other consultancy.

1.2 Site Location and Landscape Context

The site is located at National Grid Reference TQ 05506 84207 and has an area of approximately 0.4ha comprising commercial buildings and hardstanding. It is surrounded by urban infrastructure on all aspects, with habitats of elevated ecological value nearby in the wider landscape, including good quality woodland habitat, several waterbodies, and frequent recreational grounds. 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 to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species, including roosting bats.
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.

- Potential impacts on features of value, as a result of the proposed development, have been identified.
- Recommendations for further surveys and mitigation have been made.
- 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 review of the magic.gov.uk database for statutory designated sites within a 2km radius of the site. Landscape value and the presence of notable habitats as well as granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database has also been considered where these are within influencing distance of the site.

2.2 Field Survey

The survey was undertaken by Charlie Drapala BSc (Hons) AMRSB (Accredited Agent on Natural England Bat Licence Number: 2019-41480-CLS-CLS) on 27 December 2023.

Preliminary Ecological Appraisal

An extended habitat survey was undertaken, following the methodology set out in The UK Habitat Classification Habitat Definitions Version 2.0 (The UK Habitat Classification Working Group, July 2023). 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).

For ease of reading, scientific names are omitted from this report for widespread, ubiquitous and well-known species. Scientific names are only included where deemed necessary in conveying correct information to the reader, for example where common names differ regionally or in specialised, notable, unusual or challenging taxa, or if there is any ambiguity in identification (e.g where a species can only be identified to genus level).

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 one built structure 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 DBW survey was undertaken, comprising 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.

Suitability Assessment

Habitats were categorised in accordance with Tables 4.1 and 6.2 of the "Bat Surveys for Professional Ecologists —Good Practice Guidelines" publication (Collins, 2023), which are replicated in Tables 1 to 2 below.

Table 1: Guidelines for assessing the potential suitability of a built structure for bats

Potential Suitability	Roosting Habitats in Structures
Negligible	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site, but could be used by individual hibernating bats).
Moderate	A structure with one of more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts e.g. maternity or classic cool/stable hibernation site.

Table 2: Guidelines for assessing the potential suitability of a site for bats

Potential Suitability	Potential Flight-Paths and Foraging Habitats
Negligible	No obvious habitat features on site likely to be used as flight-paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.
Low	Habitat that could be used by small numbers of bats as flight-paths such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bas for foraging such as trees, scrub, grassland or water.
High	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.

2.3 Limitations

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape, the ecology and biology of species as currently understood, and the known distribution of species as recovered during the searches of historical biological records.

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. In the event that a bat roost is confirmed in B1, bat records will be required for the EPSL.

The loft space in B1 was not accessible during the PRA.

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 Designated Sites

Details of any statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 3 below. The presence of non-statutory designated sites within 2km cannot be established without biological records data from GiGL.

The site lies within the impact risk zone for Kingcup Meadows and Oldhouse Wood, Fray's Farm Meadows, and Denham Lock Wood Site of Special Scientific Interest (SSSI). The proposed development type is not listed as a possible high risk with regard to this designation.

Table 3: Statutory designated sites within 2km radius of the site, and European designated sites within a 10km radius of the site.

Designated site name	Distance from site	Reasons for notification from Natural England
Frays Valley Local Nature Reserve (LNR)	~1400m north	The wildlife-rich Frays River meanders through the luxuriant Frays Farm Meadows SSSI. In spring, kingcups vividly pick out the damper areas and hard on their heels comes a splendid expanse of ragged-robin. Snipe; water vole and harvest mouse; kingcups and ragged robin; slow worm; willow; banded demoiselle.
Fray's Farm Meadows SSSI	~1400m north	Fray's Farm Meadows are one of the last remaining examples of relatively unimproved wet alluvial grassland in Greater London and the Colne Valley. The meadows contain a variety of grassland communities which range from the grazed grassland of sweet vernal-grass *Anthoxanthum odoratum*, crested dog's-tail *Cynosurus cristatus* and perennial rye-grass *Lolium perenne* through to areas of tall sedge dominated marshy grassland with lesser pond sedge *Carex acutiformis* and reed-grass *Glyceria maxima*. The linear features of the site - ditches, hedges and railway embankment - add further habitat diversity, and contribute to the richness of plants and animals present.
Denham Quarry Park LNR	~1900m north	The park is home to a mix of wildlife. Visitors may catch a glimpse of herons and kingfishers while in summer damselflies and dragonflies dart over the wet meadows and Flooded quarry. Denham Quarry Park is close by to Frays Valley Local Nature Reserve in the Greater London area.
Denham Lock Wood SSSI	~1900m north	Denham Lock Wood is a diverse area of open mire and wet woodland which shows a zonation of wetland habitats occurring rarely in Greater London. The woodland herb flora is particularly varied and reflects subtle differences in topography and drainage.
South West London Waterbodies Special Protection Area (SPA) and Ramsar site	~9000m south	South West London Waterbodies comprises a number of reservoirs and former gravel pits in the Thames Valley adjacent to Heathrow Airport between Windsor and Hampton Court which support internationally important numbers of gadwall *Anas strepera* and shoveler *Anas clypeata.* South West London Waterbodies SPA is of European importance for ornithological interest as it is used regularly by 1% or more of the biogeographical populations of gadwall *Anas strepera*, shoveler *Anas clypeata*. In addition, the site supports nationally important numbers of cormorant *Phalacrocorax carbo*, great crested grebe *Podiceps cristatus*, tufted duck *Aythya fuligula*, pochard *Aythya ferina* and coot *Fulica atra*.
Burnham Beeches Special Area of Conservation (SAC)	~9700m west	Annex I habitats that are a primary reason for selection of this site: 9120 Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (*Quercion robori-petraeae* or *Ilici-Fagenion*). Burnham Beeches is an example of Atlantic acidophilous beech forests in central southern England. It is an extensive area of former beech wood-pasture with many old pollards and associated beech *Fagus sylvatica* and oak *Quercus* spp. high forest. Surveys have shown that it is one of the richest sites for saproxylic invertebrates in the UK, including 14 Red Data Book species. It also retains nationally important epiphytic communities, including the moss *Zygodon forsteri*.

3.2 Field Survey Results

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:	27/12/2023
Temperature	11°C
Humidity	85%
Cloud Cover	80%
Wind	5m/s
Rain	Light drizzle

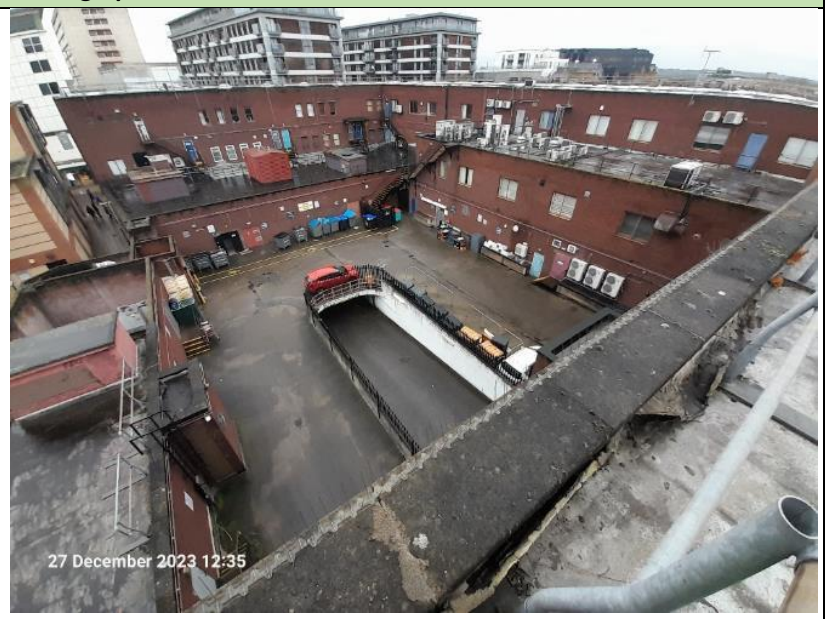
Habitats and Flora

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

- **u1b5 815** – Buildings; commercial buildings
- **u1b6 804** – Other developed land; car park

A description and photographs of each habitat are provided in Table 5.

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

Habitat type	Habitat description	Photograph
u1b5 Buildings 815 commercial building **u1b6** Other developed land 804 car park	There is one large complex building on-site: B1 is a three-storey commercial building. The building is described in detail in Table 6 below. Within the confines of B1, is a hardstanding car park. There is no vegetation on site. Therefore, this has limited ecological value.	

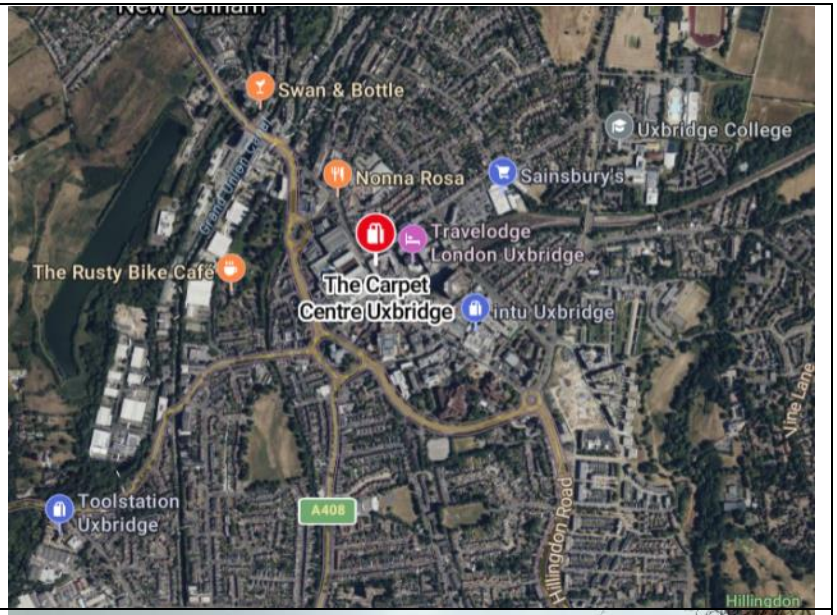
Fauna

Bats

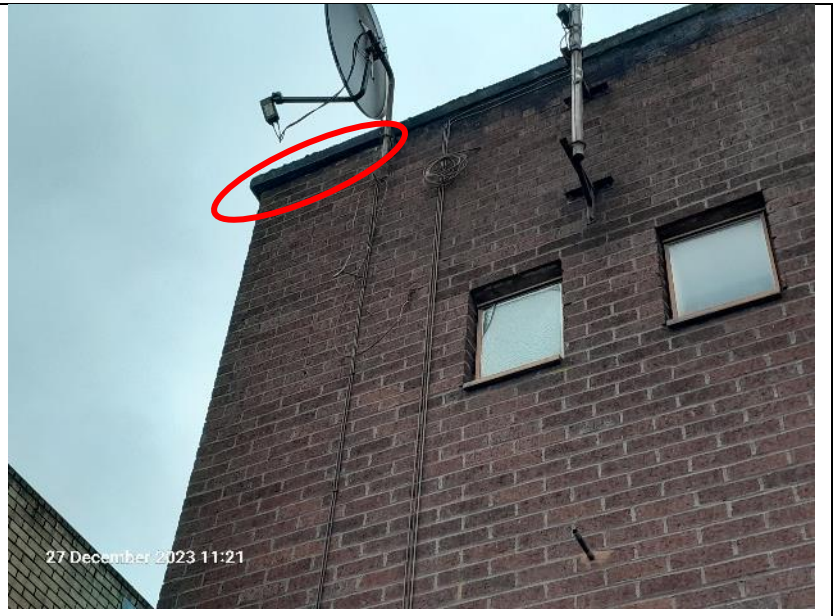
The results of the PRA are provided in Table 6.

Table 6: Assessment of the suitability of the site for bats

Feature	Description	Photographs
Historical records	There are two EPSLs for bats within 2km. The nearest is located ~1000m from site and is for the destruction of a resting place of common and soprano pipistrelles. The second is ~1300m from site and is for the destruction of a resting place of Daubenton's bat.	

Bat foraging and commuting habitat	The site is characterised by buildings and hardstanding. There are no trees or vegetation on site, and therefore there is no suitable foraging habitat on site. The wider landscape features a lake and woodland areas, suitable for foraging bats, although these are not well connected to the site. However, these foraging opportunities are near enough (~300m to the river) that the site could be used as a commuting route between these habitats of elevated ecological value in the landscape. The habitat is assessed as having low value for foraging and commuting bats.	
B1 – overview – external complex	B1 is a three-storey commercial building, with shops currently operating from the ground floor whilst the upper floors of the building are no longer in use. There are no eaves or soffits. The building is square shaped and separated into several sections internally. There are decorative fixtures on the external, which are well sealed to the wall. The walls appear in good condition, with no missing mortar or gaps in the brickwork or decorative fixtures. The external walls of the complex present no roosting opportunities for bats, or nesting opportunities for birds.	

B1 – internal complex	The internal complex walls are bare brick. The walls appear in good condition across the complex, with a couple of gaps in the brickwork noted. The windows and doors are metal framed and appear well sealed and tight fitting to the surrounding structure, providing no roosting opportunities or access points for bats.	
B1 – gaps in the brickwork	There is a gap in the brickwork, under the northernmost underpass area, where several bricks are missing. The wall appears double skinned, and the missing bricks have created a crevice in which bats could roost.	

B1 – gaps in the mortar	There are several areas where the mortar is failing just under the lip of the roof. These provide shallow crevices which is likely to provide sub-optimal roosting habitat for bats.	
B1 – gaps in the timber shed	There are two pink utility sheds of brick construction and covered in timber on the exterior. Both sheds have a missing section of timber which could allow bats to access the crevice to roost. Refer to Appendix 3	

B1 – roof	The building features a flat asphalt roof, which was inspected up close. There are some vents and cables scattered across. Due to the nature of the roof, there are no roosting opportunities for bats or nesting opportunities for birds. There are plant rooms with venting on a few of the roofs, however, the vents are covered with mesh which obscures access. The roof does not appear to allow any access into the internal or loft spaces. No evidence of nesting birds was observed throughout the survey. The flat roof may provide nesting opportunities for common bird species such as pigeons.	 
B1 – suitability assessment	B1 is assessed as having low suitability for roosting bats due to the gaps in the brickwork, gaps in the mortar and gaps in the timber sheds. The surrounding habitat has some ecological value for foraging and commuting bats in the local area.	

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	Biological records data
Amphibians	No direct evidence of amphibians was observed on site. There are no ponds or suitable terrestrial habitat for amphibians on site. Additionally, there are no ponds within 500m of site, although the River Colne is situated ~300m to the west of the site. There is no connectivity to suitable areas of habitat in the wider landscape and numerous barriers to dispersal (e.g. roads, high kerbs and buildings) which surround the site. The site is therefore not considered suitable for amphibians (including great crested newts).	There are four EPSLs within 2km for great crested newt. The nearest EPSL is ~800m from the site.
Birds	No evidence of nesting birds was observed onsite, however, there may be opportunities for urban bird species, such as pigeons, to nest on the roof top in sheltered corners. The site provides no suitable habitat or nesting sites for barn owls.	None.
Other species	**Invertebrates** There is no suitable habitat onsite, or connectivity to suitable areas of invertebrate habitat in the wider landscape. Given the urban location of the environment, invertebrates present are likely to be common species. **Reptiles** There is no suitable habitat onsite or connectivity to suitable areas of reptile habitat in the wider landscape, therefore the site is not considered suitable to support reptiles. **Terrestrial mammals (Badger, Hazel dormouse, Hedgehog)** No direct evidence of terrestrial mammals was observed onsite. There is no suitable habitat onsite or connectivity to suitable areas of habitat in the wider landscape, therefore the site is not considered suitable to support badgers, dormice or hedgehogs. **Riparian mammals** No direct evidence of riparian mammals was observed onsite. The site lacks connectivity to water courses or riparian habitats in the wider landscape. The site is therefore not suitable for riparian mammals.	None.

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 8 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise the demolition of the existing site and full redevelopment for a mix of co-living, hotel and commercial floorspace.

Table 8: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities[1]
Designated sites	There are four statutory sites within 2km of the site, the closest being Fray's Farm Meadows SSSI located ~1400m from the site. The presence of non-statutory designated sites within 2km of the site cannot be established without data from Greenspace Information for Greater London.	No impacts to designated sites are anticipated due to the distance of the proposed development from such sites (where known) as well as the urban location of the site with surrounding physical barriers.	None.	None.
Habitats and flora	There are no notable habitats within the site, but six habitats are present within 2km of the site, the closest	No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed	None.	The following habitat creation and enhancement opportunities could be

[1] The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).

	being deciduous woodland located ~600m from the site.	development from such habitats as well as the urban location of the site with surrounding physical barriers. There are no habitats of ecological value on site.		incorporated into the proposed development: • Planting of native shrubs and trees in the proposed redevelopment of the car park to create foraging and sheltering opportunities for wildlife.
Roosting bats (B1)	B1 has low value for roosting bats due to the gaps in the brickwork, gaps in the mortar and gaps in the timber sheds, which are features suitable for crevice dwelling bats.	The proposed development will result in the full demolition of this building. This could result in destruction of any bat roosts present and could cause disturbance, death or injury to bats.	One bat emergence or re-entry survey is required during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely-absence of a bat roost in the building. Infra-red cameras should be used as an aid. Six surveyors are required to provide full coverage of the bat suitable roosting features on the building. If the absence of a bat roost cannot be determined during the first visit, then further surveys will be required. If bat roosts are confirmed in the building two additional surveys may be required to characterise the roost and to inform an EPSL application to Natural England. Surveys should be a minimum of three weeks apart. The EPSL application requires that surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.	To be confirmed upon completion of the surveys.
Foraging and commuting bats	There are no habitats on the site which could be used by bats for foraging. However, bats could pass when 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	A low impact lighting strategy will be adopted within the proposed development. This should be designed in accordance with Guidance Note GN08/23 Bats and Artificial Lighting at Night (Institution of Lighting Professionals, 2023).	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats:

		could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	Avoidance of light spill on to key habitats or features which bats may use for roosting, foraging or commuting, via an appropriately sized buffer insofar as possible. A luminaire specification which reduces the effects of light spill on bats should be chosen where feasible. The installation of physical screening features, glazing treatments and the use of dimming or part night lighting could also be considered, where appropriate.	• Planting of native tree, shrub or hedgerows to increase foraging opportunities.
Birds	No evidence of nesting birds was identified on or within B1, or elsewhere within the site boundary. The roof top may provide nesting sites for urban bird species, such as pigeons.	The existing roof top will be lost (demolished) during construction. The loss of the roof top as nesting habitat is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the roof top 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 one peregrine nest box on the new roof of B1 (e.g. Vivara Pro Peregrine Falcon Nest Box or similar alternative brand) at the site will provide additional nesting habitat. Furthermore, a swift tower incorporating 20 swift nesting spaces will be installed in the rear car park of the site (ideally the opposite side of B1 to the suggested peregrine box). This will be in the style of the Cambridge Swift Tower. Advice on the design of the tower will be sought from Action for Swifts and the tower will be checked by an ecologist once it is installed.
All other protected species (badger, hazel dormouse, amphibians, reptiles, hedgehog, riparian mammals, invertebrates)	The site is not deemed to provide suitable habitat for these species, or have suitable connectivity to areas of suitable habitat in the wider landscape. The risk to these species as a result of the proposed development is considered to be acceptably low.	No impacts are anticipated as a result of the proposed development.	None.	None.

5.0 Bibliography

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Appendix 1: Proposed Development Plan

Design Development - Ground Floor Organisation

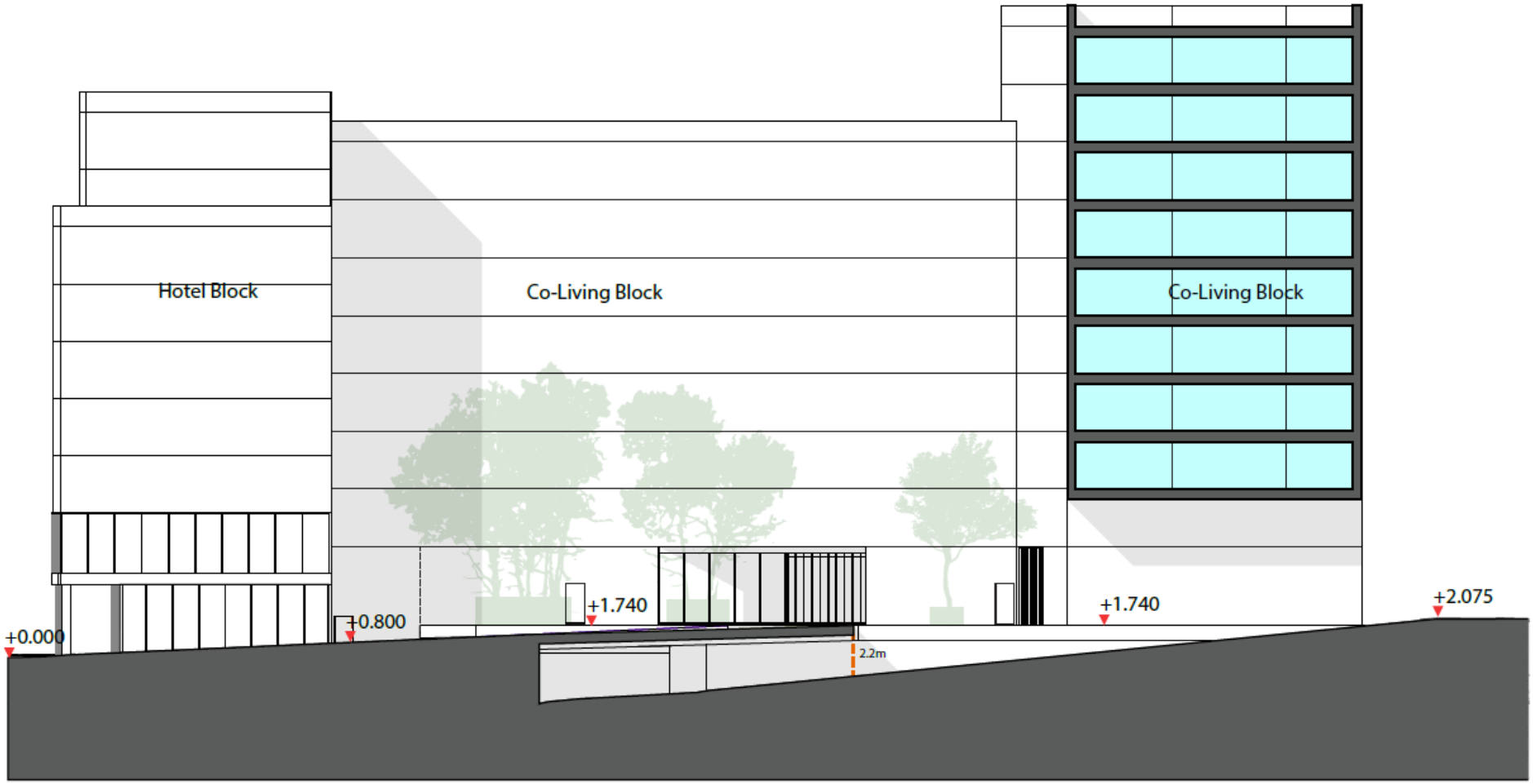
Follow-up Option Plan - Level 00

Key

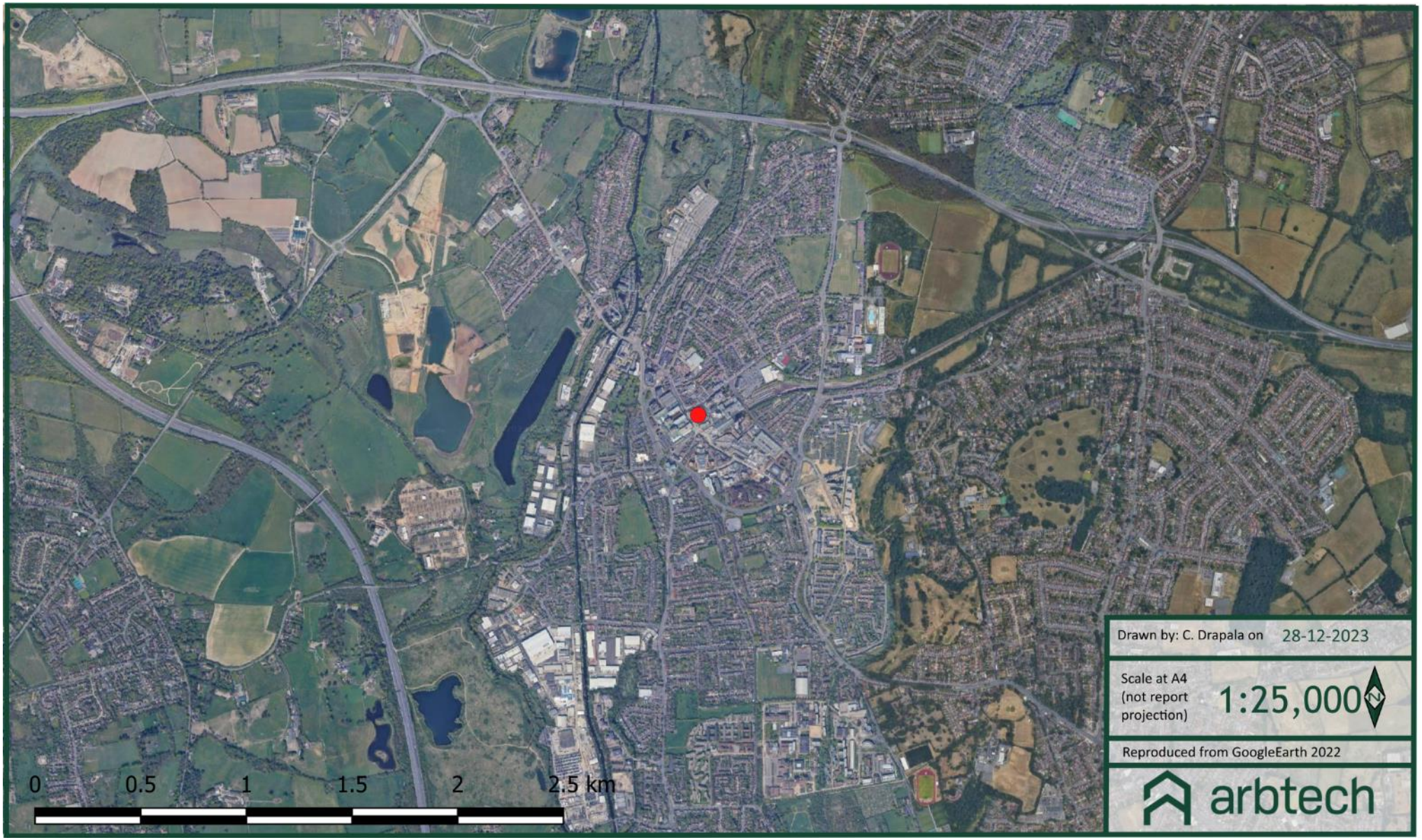
- Hotel lobby/ social
- Retail
- Co-living amenity
- Co-living bedrooms
- Hotel BOH
- Ancillary

Design Development - Ramp Sections

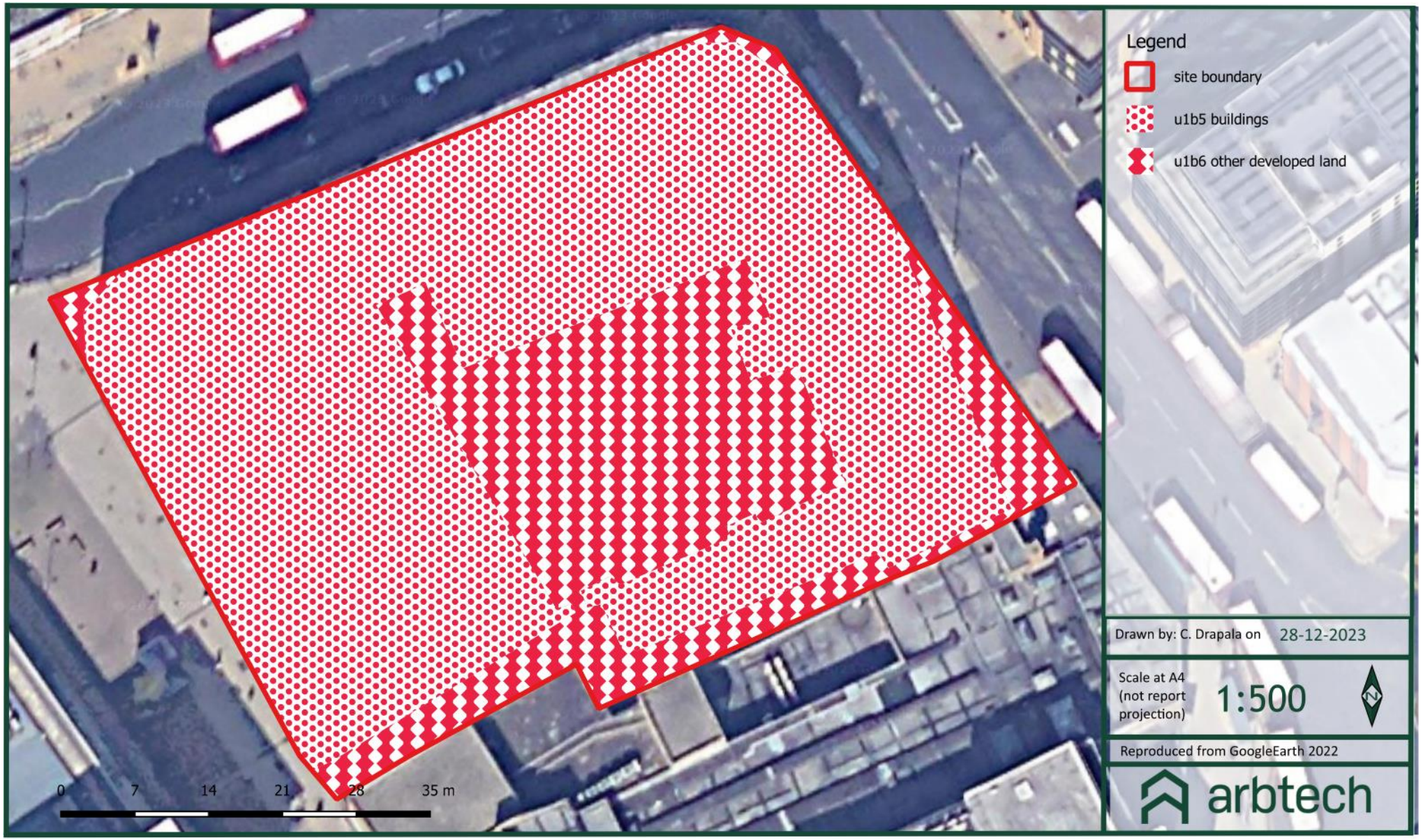
Section through proposed ramp from Bakers Road



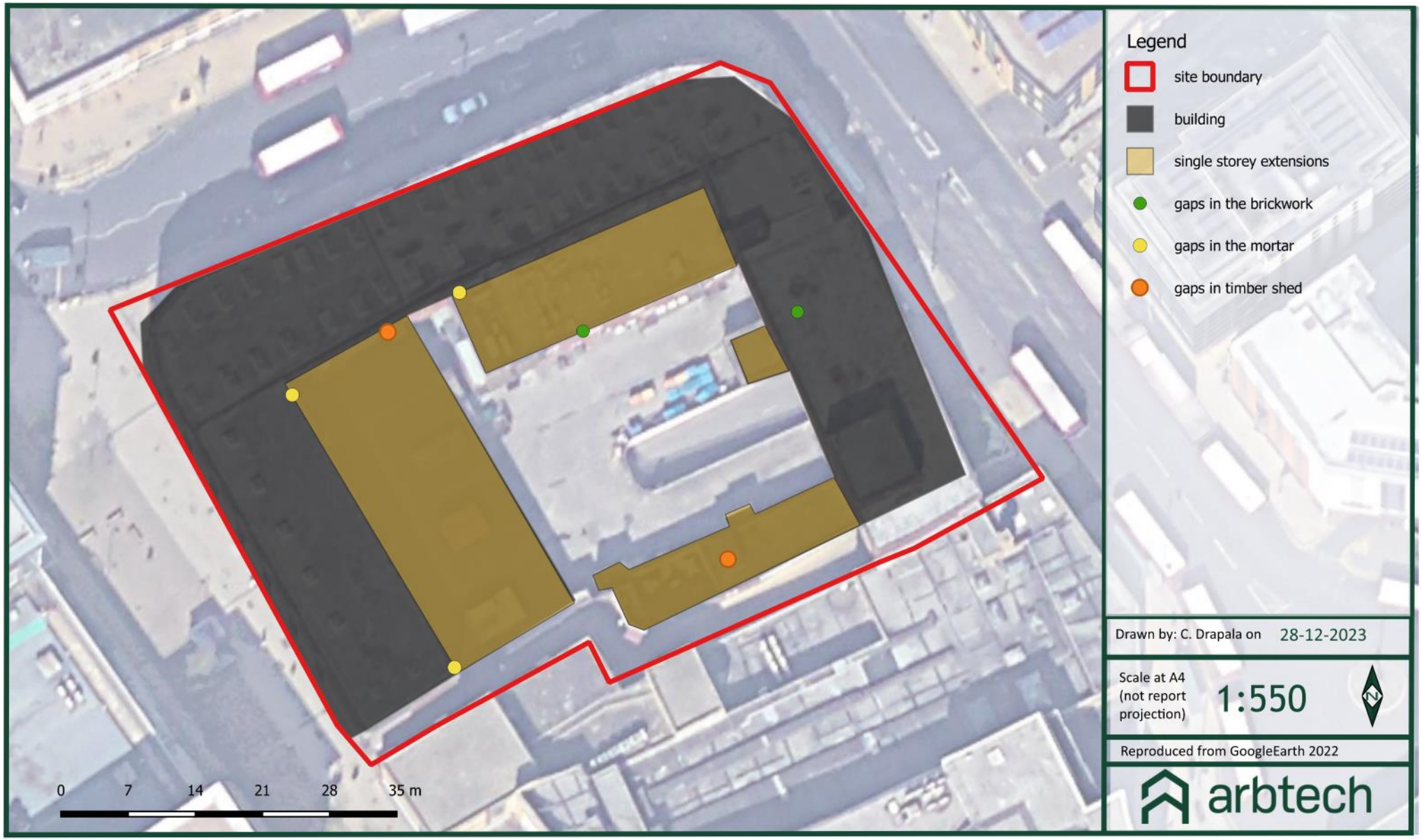
Appendix 2: Site Location Plan



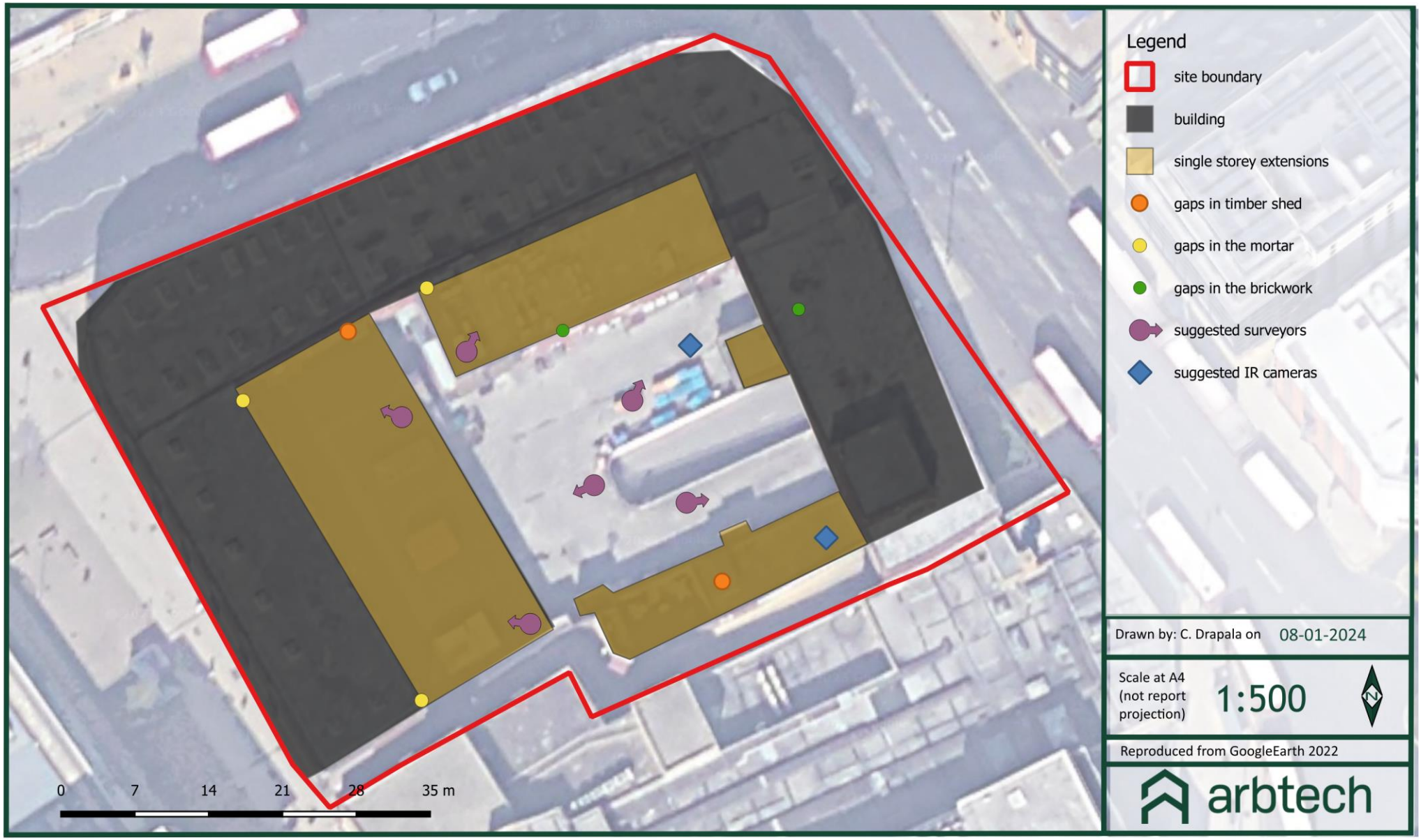
Appendix 3a: Habitat Survey Plan



Appendix 3b: PRA Plan



Appendix 3c: Proposed BERS 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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A development licence will be required from the relevant countryside agency (i.e. Natural England) 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 kill, injure or take any wild bird
- Intentionally take, damage or destroy 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.

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

EFFECT OF LEGISLATION AND POLICY 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.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) 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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England) 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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) 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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) 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 EPSL. 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

EFFECT OF LEGISLATION AND POLICY 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). 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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

The relevant countryside agency (i.e. Natural England) 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 picking, uprooting or destruction of any wild Schedule 8 species
- 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.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England) 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 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*

EFFECT OF LEGISLATION AND POLICY 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*

EFFECT OF LEGISLATION AND POLICY 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

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.