

Broadfields, Ashwell

Preliminary Ecological Appraisal and Preliminary Roost Assessment

Report for Oakwood Planning & Design

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Executive Summary

Hawthorn Ecology was commissioned by Oakwood Planning & Design in March 2026 to carry out a Preliminary Ecological Appraisal (PEA), comprising a habitat survey, protected species assessment and ecological evaluation, and Preliminary Roost Assessment (PRA) of Broadfields, Ashwell, Hertfordshire, SG7 5RJ (henceforth referred to as 'the site'). The proposals include the construction of a residential property in the existing garden on site. Part of the existing residential property will be demolished to facilitate the construction of the new property. The main findings are as follows:

- The site comprised a residential property with associated garden with trees, and developed land. A small area of arable land was present to the south of the site.
- **Protected Sites** – The site is not subject to any statutory or non-statutory nature conservation designations. One internationally important site, a including Special Area of Conservation (SAC) is located within a 15km radius of the proposed development and one nationally designated site, a Site of Special Scientific Interest (SSSI) is located within a 2km radius of the proposed development. These sites are unlikely to be impacted by the proposed works due to the small scale of the development.
- **Habitats/Plants** – No Habitats of Principal Importance or plant species of concern are located on or adjacent to the site. It is considered unlikely that the Habitats of Principal Importance in the wider landscape will be impacted by the proposed works due to the small scale of the development. A willow-leaved cotoneaster plant was present on site. This species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as a non-native invasive species. It is recommended that this plant is removed by a licenced contractor prior to works commencing to ensure that the works do not cause the spread of this plant in the wild.
- **Roosting Bats** – The residential property was subject to a Preliminary Roost Assessment. Potential roosting features were recorded on the building and anecdotal evidence suggests bats have been recorded roosting between hanging tiles and the wall on the north-eastern elevation of the building. However, this part of the building will not be impacted by works. Small gaps were recorded under the fascia on the garage that will be demolished but these were fully inspected with an endoscope and no bats or evidence of bats was recorded. It is considered unlikely that bats will be impacted by the demolition of the garage but given the presence of a likely roost within the residential property it is recommended that works follow a non-licensed method statement as detailed in Section 4 of this report.
- **Foraging/Commuting Bats** – The vegetated garden, trees and hedgerows had the potential for foraging/commuting bats. It is unlikely that foraging/commuting bats will be significantly impacted by the works and new hedgerows will be planted as part of the works. Therefore, no further surveys are required. However, suitable lighting and native species planting should be considered on site.
- **Breeding Birds** – The trees and hedgerows on site had the potential to support nesting birds and nest boxes were recorded on the trees. Any hedgerow or tree removal should take place outside

nesting bird season that runs from February to August. If this is not possible then a nesting bird check should be undertaken within 24 hours of works commencing with any nests identified left *in situ* until the chicks have fledged.

- **Great Crested Newts** – No waterbodies were recorded on OS mapping within 250m of the site. However, anecdotal evidence suggests that a small pond is present in a nearby property. The terrestrial habitats on site were suboptimal for this species as they were maintained at a short sward height. Therefore, it is unlikely that great crested newts will be impacted by works and no further surveys are required but a precautionary approach to site clearance should be undertaken, as detailed in Section 4 of this report.
- **Reptiles** – The grassland within the garden was maintained at a short sward height and was suboptimal for reptiles. Therefore, it is unlikely that reptiles will be impacted by works and no further surveys are required but a precautionary approach to site clearance should be undertaken, as detailed in Section 4 of this report

Recommendations to enhance the importance of the site for biodiversity in accordance with the Environment Act 2021 and national and local planning policies have been provided in Section 4 of this report.

1 Introduction

BACKGROUND TO COMMISSION

- 1.1 Hawthorn Ecology was commissioned by Oakwood Planning & Design in March 2026 to carry out a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) of Broadfields, Ashwell, Hertfordshire, SG7 5RJ. The appraisal was carried out to provide ecological information to inform a planning application for the construction of a residential property in the existing garden on site. Part of the existing residential property will be demolished to facilitate the construction of the new property. This PEA considers land within the site boundary (henceforth referred to as 'the site').

SCOPE OF THE REPORT

- 1.2 The aim of this appraisal is to provide baseline ecological information about the site. This will be used to identify any potential ecological constraints associated with the proposed development and/or to identify the need for additional survey work to further evaluate any impact that may risk contravention of legislation or policy relating to protected species and nature conservation. Where possible, this report outlines any avoidance, mitigation, compensation and enhancement measures as may be required to ensure compliance with legislation and policy.
- 1.3 This assessment has been completed in line with the established mitigation hierarchy (as set out in BS42020:2013 and CIEEM, 2019), whereby impacts are first avoided, then mitigated or reduced and, as a last resort, compensated for. Consideration has been made to existing habitats that will be retained and protected as part of the design process, with compensatory habitats proposed where losses are unavoidable.
- 1.4 This report also provides an assessment of the likelihood that the site supports roosting bats and outlines any requirement for further survey. It also provides an assessment of the value of the site for foraging and/or commuting bats. Where possible, it also outlines any avoidance, mitigation, compensation and enhancement measures as may be required to ensure compliance with legislation and policy.
- 1.5 The survey, assessment and report were conducted and written by Rosie McLaughlin BSc (Hons) MSc MCIEEM, an ecologist with over 12 years' experience who is trained and competent in carrying out habitat surveys, protected species assessment, and BNG assessments.

SITE CONTEXT AND STATUS

- 1.6 The proposed development site is approximately 0.18 hectares (ha) in size and is centred on Ordnance Survey National Grid reference TL 28173 39343 and is located outside the village of Ashwell in Hertfordshire. The area immediately surrounding the site comprises residential properties and arable land. The location of site is shown in Appendix 1, Figure 1 and extent of site boundary is shown in Appendix 1, Figure 2.
- 1.7 The site comprised a residential property with associated garden with trees, and developed land. A small area of arable land was present to the south of the site.

DEVELOPMENT PROPOSALS

- 1.8 Proposals include the construction of a residential property within the existing garden on site. Part of the residential property will be demolished to facilitate the proposed development.

RELEVANT LEGISLATION AND PLANNING POLICY

- 1.9 The key pieces of national nature conservation legislation relevant to this appraisal are detailed in Appendix 3.

2 Methodology

DESK STUDY

2.1 The following data sources were reviewed to provide information on the location of statutory or non-statutory designated sites, protected species and Species and Habitats of Principal Importance within a 2km radius of the Site, with the exception of international wildlife sites which have been identified within a 15km radius:

- Hertfordshire Environmental Records Centre, the local Biological Records Centre;
- MAGIC (<http://www.magic.gov.uk/>) - the Government's on-line mapping service; and
- Ordnance Survey mapping and publicly available aerial photography.

HABITAT SURVEY

- 2.2 A habitat survey of the site was carried out on the 31st March 2026 in weather conditions of 9°C, 2/12 Beaufort scale wind, 8/8 okta cloud cover, and no rain. It covered the entire site including boundary features. Habitats were described and mapped following UK Habitat Classifications (UKHab Ltd, 2023) and marked on a paper base map and subsequently digitised using QGIS software. Habitats were also assessed against descriptions of Habitat of Principal Importance as set out by the JNCC (BRIG, 2008) where appropriate.
- 2.3 Records for dominant and notable plants are provided, as are incidental records of birds and other fauna noted during the course of the habitat survey.

PROTECTED AND INVASIVE SPECIES ASSESSMENT

2.5 The suitability of the site for protected species was assessed on the basis of relevant desk study records from the last ten years, combined with field observations from the habitat survey. The likelihood of the habitat(s) supporting protected and/or notable species was ranked on a scale from 'negligible' to 'present' as described below:

- **Present** – presence confirmed by survey or desk study.
- **High** – habitats provide the relevant requirements for the species/group with good connectivity to high quality habitat in the surrounding area. The desk study confirms presence in the local area.

- **Moderate** – habitats provide some of the relevant requirements for the species/group. Some factors that may reduce likelihood include limited connectivity to surrounding area, small area of suitable habitat, disturbance. The site is within the known range of the species/group but it has not necessarily been recorded within the desk study.
- **Low** – habitats are of relatively poor quality for the species/group, with few or no records within the desk study. However, the site is within the known range of the species/group and therefore cannot be discounted.
- **Negligible** – no suitable habitat for the species/species group, or very poor quality. No records for the species and surrounding habitat unlikely to support the species and/or separated from the site by significant barriers to dispersal.

2.6 The assessment of habitat suitability for protected or notable species was based on professional judgement drawing on experience of carrying out surveys of a large number of urban and rural sites and best practice survey guidance.

2.7 The findings of this assessment help establish the need for protected species surveys.

PRELIMINARY ROOST ASSESSMENT

2.8 The PRA consisted of an inspection of all features/surfaces of the building on site. The survey and assessment were undertaken by Rosie McLaughlin BSc (Hons) MSc MCIEEM, an experienced ecologist with over 12 years' commercial bat survey experience. Rosie possesses a Natural England Level 3/4 Class Licence for bats (licence number 2025-84808-CL1920-BAT).

2.9 The aim of the surveys outlined below is to establish the suitability of the buildings for bat roosts. The suitability of structures to support roosting bats, ranging from negligible to the presence of a confirmed roost, is assessed using the findings of the survey and the desk study. The following criteria were used to determine the suitability of the buildings for roosting bats (taken from Collins, 2023):

- **Negligible** – No obvious habitat features likely to be used by roosting bats.
- **Low** – A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of 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 or hibernation).

- **Moderate** – A structure with one or 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).
- **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.
- **Confirmed roost** – Evidence indicates a building or other structure is used by bats, for example:
 - bats seen roosting or observed flying from a roost or freely in the habitat;
 - droppings, carcasses and feeding remains indicative of a roost; and
 - bats heard ‘chattering’ inside on a warm day or at dusk.

- 2.10 The gathered information has been used to inform whether further survey is required in the form of dusk emergence and/or dawn re-entry surveys to fully understand how bats are using the site and the potential impacts of the proposals on bats, or whether an assessment can be made on the basis of the building inspection alone.
- 2.11 The PRA was carried out on 31st March 2026 in weather conditions of 9°C, 2/12 Beaufort scale wind, 8/8 okta cloud cover, and no rain.
- 2.12 The survey comprised an inspection of the buildings on site, involving a detailed search of all accessible architectural features for bat droppings, urine staining, scratch marks, staining around suitable crevices and feeding remains. Windowpanes and other external surfaces were checked for droppings or other secondary evidence. This included external features, such as soffits and fascias, roof lining, brickwork and window casements. Any features that could potentially provide access into internal areas (such as cavity walls) were noted.
- 2.13 The survey methodology followed best practice guidelines (Collins, 2023; Reason and Wray, 2023). Equipment used during the building inspection included close-focusing binoculars, a hand-held LED torch and a high-powered torch.
- 2.14 Finally, all buildings/structures were inspected for evidence of/potential for breeding and/or roosting birds.

DATA VALIDITY AND LIMITATIONS

- 2.15 A Preliminary Ecological Appraisal is only able to act as a 'snapshot' to record flora and fauna that is present at the time of survey. It is therefore possible that some species may not have been present during the survey but may be evident at other times of the year. For this reason, habitats are assessed for their potential to support some species, even when no direct evidence has been found.
- 2.16 The habitat survey does not constitute a full botanical survey or provide accurate mapping of invasive plant species. A full botanical list was not considered necessary for the site, due to the limited habitats. The relevant data was obtained to determine whether the habitats were of Principal Importance or had the potential to support protected species.
- 2.17 Where records within the desk study were provided to only four/six figure grid references, the precise location of the record could not be determined. Therefore, distances from the site are approximate and may vary in practice.
- 2.18 Anecdotal evidence suggests that there is a pond on a neighbouring property. However, access was not possible to survey the pond or confirm its location.
- 2.19 Ecological survey data are typically valid for 12-18 months (CIEEM, 2019).

3 Results

DESIGNATED SITES

Statutory designated nature conservation sites

- 3.1 The site is not subject to any statutory nature conservation designations. One internationally important site, a Special Area of Conservation (SAC) is located within a 15km radius of the proposed development. One nationally designated site, a Site of Special Scientific Interest (SSSI) is located within a 2km radius of the proposed development. The statutory sites are shown in Table 3.1.

Table 3.1: Statutory Designated Sites

Site Name	Distance from Site and orientation	Qualifying features/Description
Wimpole and Eversden Woods SAC	13.5km north-east	Designated for the presence of a maternity population of barbastelle <i>Barbastella barbastellus</i> bats.
Ashwell Springs SSSI	1.2km west	Ashwell Springs are a series of freshwater springs arising from the foot of the Hertfordshire chalk and forming a source of the River Cam

Non-statutory designated nature conservation sites

- 3.2 There are four non-statutory sites within 2km of the Site including County Wildlife Sites (CWS) and Local Wildlife Sites (LWSs). Those relevant to this assessment are summarised in Table 3.2.

Table 3.2: Non-statutory Designated Sites

Site Name	Distance from Site and orientation	Qualifying features/Description
Ruddy Pit CWS	0.8km north-east	Supports frequent numbers of six or more strong calcareous grassland indicator species.
Morden Grange Plantation Chalk Pit CWS	1.6km north-east	Supports frequent numbers of at least six strong calcareous grassland indicator species and a population of a Nationally Scarce vascular plant species, <i>Iberis amara</i> .

Ducklake Farm, Ashwell LWS	1.8km north-west	Building and environs important for protected species.
Partridge Hall Field LWS	1.8km west	Field supporting long-standing secondary grassland with old hedges around the margin. Most of the site is open scrub with neutral/calcareous grassland.

Habitat inventories and landscape-scale conservation initiatives

3.3 There are several areas of Habitats of Principal Importance located within 2km of the site. These include the following:

- One area of lowland calcareous grassland, approximately 0.7km north-east of the site;
- More than 10 areas of deciduous woodland, the closest of which is 0.7km east; and
- Five traditional orchards, the closest of which is 0.3km south-east; and
- One area of woodpasture and parkland, approximately 1.8km west.

HABITAT SURVEY

Overview

3.4 Habitat types are mapped in Appendix 1, Figure 4. A description of dominant and notable species and the composition of each habitat is provided below, along with the UKHabs code for each habitat type provided in brackets. Photographs are located in Appendix 2.

Habitat Description

3.5 The site comprised a residential property with associated garden with trees, and developed land. A small area of arable land was present to the south of the site.

Built up area and garden (UKHab code u1)

3.6 The majority of the site comprised vegetated garden (UKHab secondary code 828) with trees (UKHab secondary code 32). A residential property (UKHab u1b5) were present on site including. Developed land sealed surface (u1b6) was present around the buildings.

3.7 The building is discussed in more detail below.

3.8 Species present within the garden included rye grass *Lolium sp.*, creeping buttercup *Ranunculus repens*, *Geranium sp.*, nettle *Urtica dioica*, daisy *Bellis perennis*, cleavers *Galium aparaine*, yarrow *Achillea millefolium*, dandelion *Taraxacum sp.*, Germander speedwell *Veronica*

chamaedrys, cinquefoil *Potentilla sp.*, clover *Trifolium sp.*, primrose *Primula vulgaris*, red dead nettle *Lamium purpureum*, shepherd's purse *Capsella bursa-pastoris*, spear thistle *Cirsium vulgare*, ribwort plantain *Plantago lanceolata*, and mallow *Malva sp.*. A willow-leaved cotoneaster *Cotoneaster salicifolius sp.* was present to the south-west of the site.

- 3.9 Tree species present included willow *Salix sp.*, cherry *Prunus sp.*, apple *Malus sp.*, birch *Betula sp.*, holly *Ilex aquifolium* and cedar *Cedrus sp.*.

Hedgerows (UKHab code h2)

- 3.10 A non-native ornamental hedgerow bordered most of the eastern boundary of the site and partially through the centre of the site. Species present included privet *Ligustrum sp.*, and cherry laurel *Prunus laurocerasus*. A Lawson cypress *Chamaecyparis lawsoniana* hedge bordered the arable field part of the site. A short length of vegetation that appeared to have previously been managed as a hedgerow was present to the centre west of the site and included hawthorn *Crataegus monogyna* and blackthorn *Prunus spinosa*.

Cropland (UKHab code c1c)

- 3.11 An arable field was present to the south of the site comprising cereal crops.

PROTECTED, NOTABLE AND INVASIVE SPECIES ASSESSMENT

- 3.12 The potential for the site to support protected and/or notable species, as set out in Table 3.3 below, has been assessed using criteria provided in paragraph 2.5 and is based on the results of the desk study and observations made during the survey of habitats at the site. Those legally protected species not referred to have been scoped out as it is considered that the site does not contain habitats suitable to support them.
- 3.13 Key pieces of legislation are set out in detail in Appendix 3.

Table 3.3. Protected, notable and invasive species assessment

Ecological feature	Likelihood of occurrence
Bats: Roosting Foraging/commuting	Confirmed Roosting: The residential property was subject to a PRA. Anecdotal evidence (conversation with the previous tenant of the building) suggests that bats have been recorded roosting between hanging tiles and the wall on the north-eastern elevation of the property (Target Note 4 in Figure 3). The areas of the residential property that will be impacted by works were considered to have low suitability for roosting bats, but the potential roosting features present were fully inspected, and no bats or evidence of bats were recorded (as detailed in Table 3.4). No potential roosting features were identified on the trees on site. Foraging/commuting: The vegetated garden including trees and hedgerows provided low suitability habitat for foraging/commuting bats. No European Protected Species Mitigation licences for bats have been granted within 2km of the site in the last ten years.
Great crested newt	Low No waterbodies were recorded on OS mapping within 250m of the site and the site is located within a green risk zone for great crested newts. Anecdotal evidence (conversation with the previous tenant of the building and now neighbour to the site) suggests that a pond is present in a property to the north of the site. The majority of terrestrial habitats on site were suboptimal for newts as the grassland was maintained at a short sward height however the compost heaps provide suitable habitat (Target Note 1 in Figure 3). Two records exist for this species within 2km in the last ten years, both from over 500m from the site. No European Protected Species Mitigation licences for great crested newts have been granted within 2km of the site in the last ten years.
Birds	Moderate The hedgerow and trees on site had the potential to support nesting birds and bird boxes were present on trees on site (Target Note 3 in Figure 3). A total of 1,747 records exist for birds within 2km in the last ten years, including 16 species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended).
Reptiles	Low The majority of habitats on site were suboptimal for reptiles as the grassland was maintained at a short sward height. Compost heaps (Target Note 1 in Figure 3) were present that may be suitable for reptiles. One record for reptiles exists within 2km of the site from the last ten years, for common lizard <i>Zootoca vivipara</i> .

Invasive species	non-native	Confirmed A willow-leaved cotoneaster was present adjacent to the cypress hedgerow to the south-west of the site (Target Note 2 in Figure 3). No records exist for invasive non-native species within 2km of the site in the last ten years.

Table 3.4. Preliminary Roost Assessment

Building/Tree number	Description/Species	Potential Roost Features (PRFs)	Suitability	Evaluation
Residential property – B1a	The residential property comprised a two-storey, brick built, 20th century property with pitched roof covered with concrete roof and ridge tiles. An area of hanging tiles was present on the upper storey of the north-eastern elevation of the building. Access inside the building was not possible at the time of survey.	Gaps under roof and ridge tiles. Gaps between hanging tiles and brickwork.	Moderate – but anecdotal evidence suggests bats have been recorded roosting in the gap between hanging tiles and the brickwork on the north-eastern elevation of the building.	Works are unlikely to impact bats that may be roosting within this building as the building is due to be retained.
Garage on residential property – B1b	A single storey, brick built, flat roofed garage was present attached to the west of the residential property. The roof was covered with bitumen roofing felt. Access inside the building was not possible at the time of survey.	Gaps under fascia board on western elevation of the building. These were fully inspected with an endoscope and no bats or evidence of bats were recorded.	Low – but no evidence of bats was recorded.	Works are unlikely to impact bats due to the lack of evidence of bats.

4 Impact Appraisal and Recommendations

- 4.1 This section summarises the potential impacts on habitats and notable species that may be present at this site and sets out the recommendations for further survey and mitigation where required. The impact assessment is preliminary and further detailed assessment and surveys will be required to assess impacts and design suitable mitigation, where appropriate.

STATUTORY AND NON-STATUTORY SITES

- 4.2 Due to the small scale of the site, it is considered unlikely that any proposed development would be of such a size that designated sites will be impacted by the works.

HABITATS/PLANTS

- 4.3 No Habitats of Principal Importance were recorded on site. The Habitats of Principal Importance in the surrounding area are unlikely to be impacted by the proposed works due to the size and scale of the project. Therefore, it is unlikely that protected habitats will be impacted by the works. A willow-leaved cotoneaster plant was present on site. This species is listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) as a non-native invasive species. It is recommended that this plant is removed by a competent contractor prior to works commencing to ensure that the works do not cause the spread of this plant in the wild.

BATS

- 4.4 Potential roost features were identified on the residential property and it is understood that bats have been recorded roosting within the property. However, this part of the building will not be directly impacted by the works. Potential roosting features were recorded on the garage that is due to be demolished but these were fully inspected using an endoscope and no bats or evidence of bats were recorded.
- 4.5 Due to the lack of evidence of bats within the building that is proposed for demolition, no further surveys are required. However, due to the likely roost within the adjacent building and presence of potential roosting features for bats, the works should take place under a non-licensed method statement. This should detail how works should be done safely to ensure bats are not disturbed, injured or killed during works, and what to do if a bat is unexpectedly found during works. A tool box talk should be undertaken to all contractors on site, and the hand removal of any potential roosting features should be undertaken. Opportunities for roosting bats must be incorporated into the design of the proposed development to compensate for the loss of roosting opportunities.

- 4.6 No potential roosting features were recorded on the trees on site so further surveys of trees will not be required.
- 4.7 The impacts to habitats suitable for foraging/commuting bats are minimal and therefore unlikely to significantly impact foraging/commuting bats. Therefore, no further surveys are required. However, suitable lighting and native species planting should be considered on site with any lighting kept to a minimum and follow guidance provided in Institute of Lighting Professionals (2023).

GREAT CRESTED NEWTS

- 4.8 No waterbodies are present within 250m of the site from OS mapping but it is understood that a garden pond is located nearby. The majority of terrestrial habitats on site were suboptimal for great crested newts, but compost heaps were present that may be suitable for this species. Due to the low level of impact, no further surveys are required but a precautionary approach to works should be adopted. This includes the hand removal of the compost heaps on site. In the unlikely event that great crested newts are discovered prior to or during works all works must cease and the advice of a licenced ecologist sought.

BREEDING BIRDS

- 4.9 The trees and hedgerow on site were suitable for nesting birds. Any works to these habitats should be done outside the nesting bird season that runs from February to August. If this is not possible then a nesting bird check should be undertaken within 24 hours of works commencing with any nests identified left *in situ* until the chicks have fledged. Opportunities for nesting birds must be incorporated into the design of the proposed development to compensate for the loss of nesting opportunities.

REPTILES

- 4.10 The majority of habitats on site were suboptimal for reptiles and the impacts to grassland are minimal. Therefore, it is unlikely that reptiles would be present on site and no further surveys are required. However, a precautionary approach to the removal of the compost heaps should be adopted, as detailed in the great crested newt section above. In the unlikely event that reptiles are discovered during works, they should be moved to an area of retained habitat away from the works area.



OPPORTUNITIES FOR ECOLOGICAL ENHANCEMENT

4.12 Planning policy at the national and local level and strategic biodiversity partnerships encourage inclusion of ecological enhancements in development projects. Ecological enhancements can also contribute to green infrastructure and ecosystem services such as storm water attenuation and reducing the urban heat island effect. A Biodiversity Net Gain Assessment accompanies this report, that details how a net gain can be achieved. Additional measures for ecological enhancement could include the following:

- Installation of bat boxes onto buildings and/or mature trees within the site boundary;
- installation of bird boxes on the buildings and/or trees on site; and
- native species planting including hedgerows and trees.

References

BRIG (2008) UK Biodiversity Action Plan; Priority Habitat Descriptions (ed Ant Maddock). JNCC, Peterborough.

British Standards Institution (2013) Biodiversity. Code of practice for planning and development: 42020. BSI, London.

British Standards Institution (BSI) (2012) BS 5837:2012- *Trees in relation to design, demolition and construction*. BSI, London.

CIEEM (2019) *Advice note on the life span of ecology reports and surveys*. Chartered Institute of Ecology and Environmental Management, Winchester.

CIEEM (2018) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal. Version 1.1*. Chartered Institute of Ecology and Environmental Management, Winchester.

CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal, 2nd edition*. Chartered Institute of Ecology and Environmental Management, Winchester.

Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines*. 4th edition. The Bat Conservation Trust, London.

MAGIC (2026) *Multi-Agency Geographic Information for the Countryside*. <http://www.magic.gov.uk/> [accessed 23/03/2026].

Ministry of Housing, Communities and Local Government (2024). *National Planning Policy Framework. Ministry of Housing, Communities and Local Government, London*. [Available online]: <https://www.gov.uk/government/publications/national-planning-policy-framework--2> [accessed 23/03/2026].

UKHab Ltd (2023) UK Habitat Classification [online]. Available at: <https://ukhab.org/>

Appendix 1: Maps

Figure 1: Site Context Map

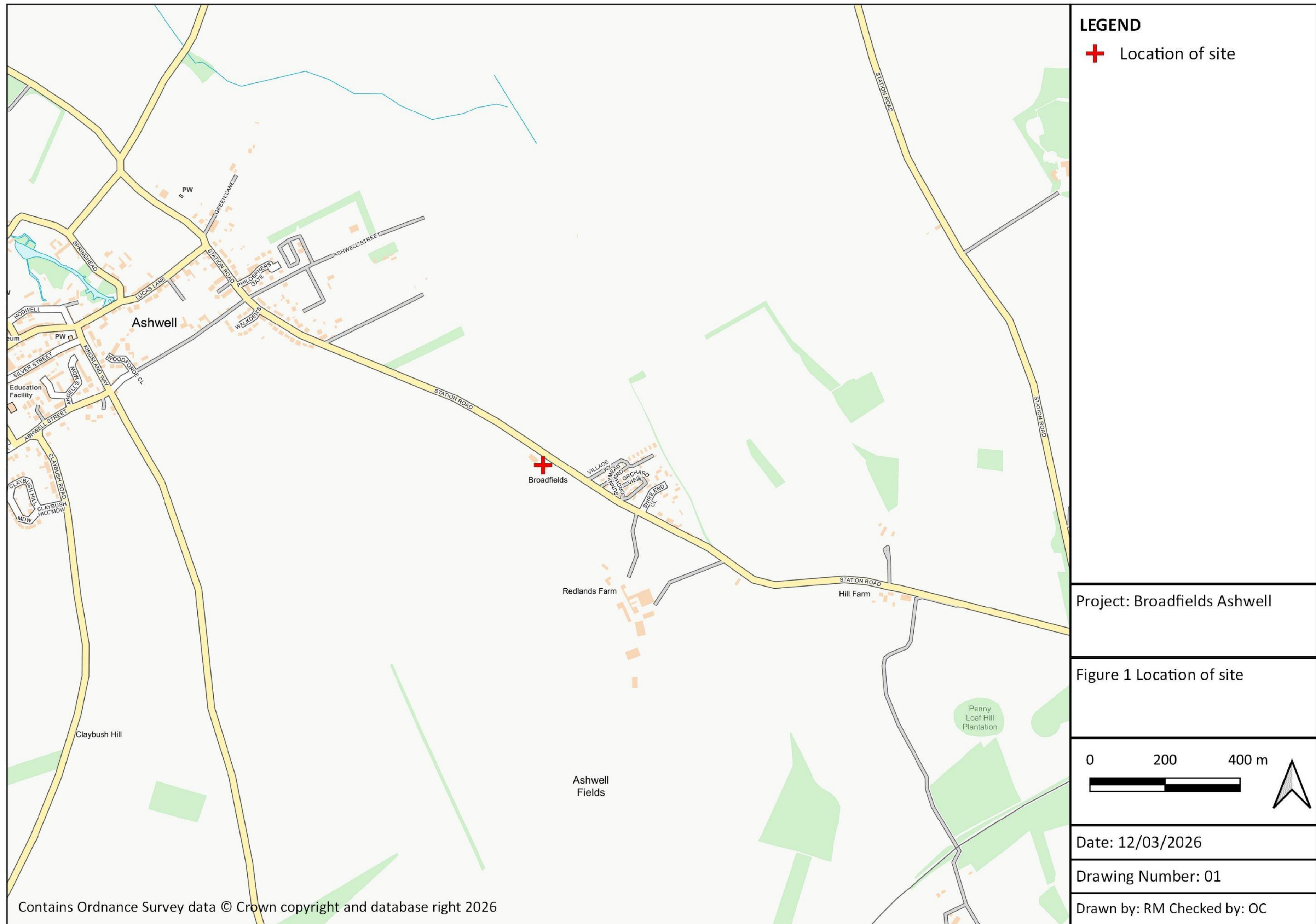


Figure 2: Extent of site boundary

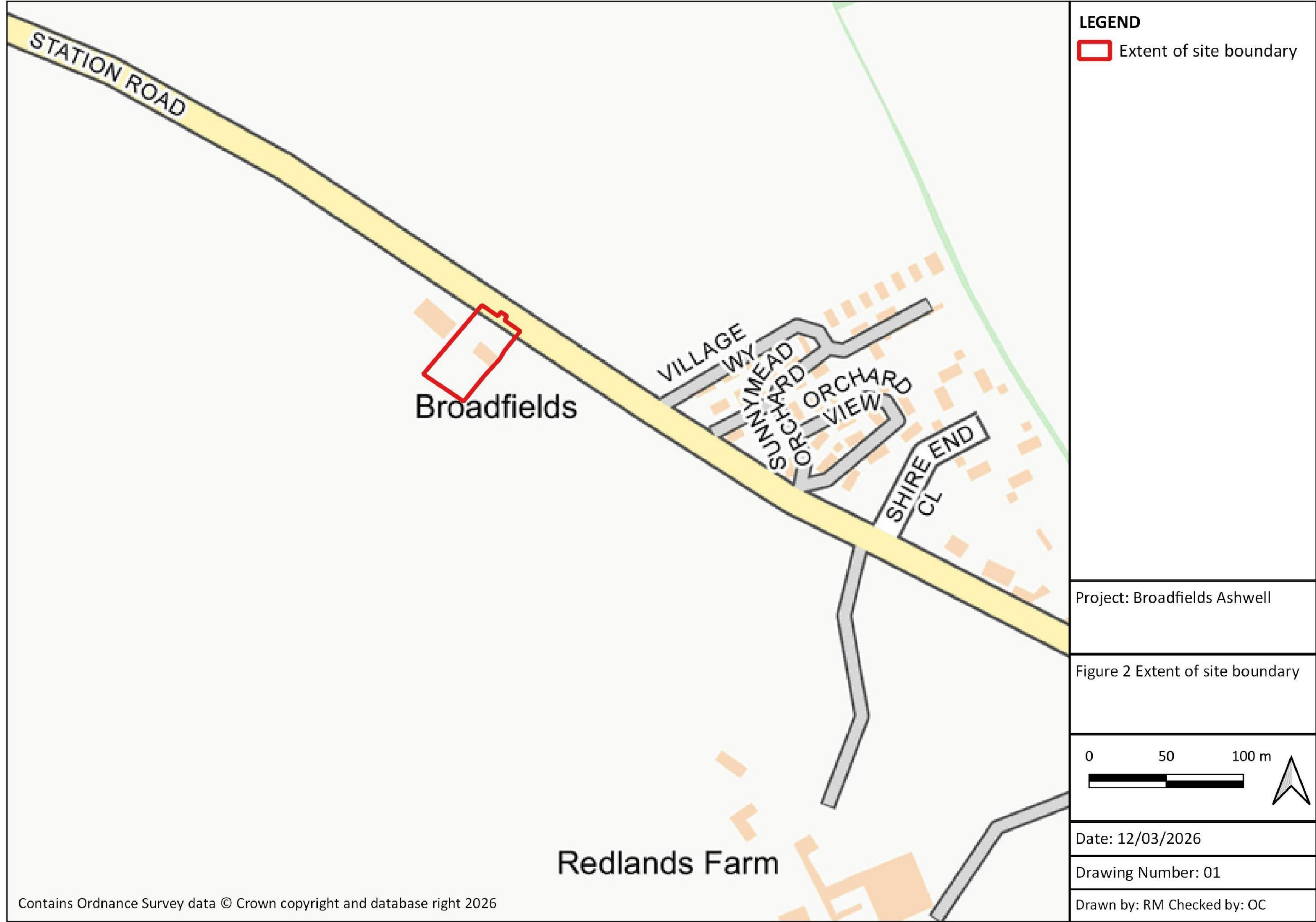


Figure 3: Habitat map

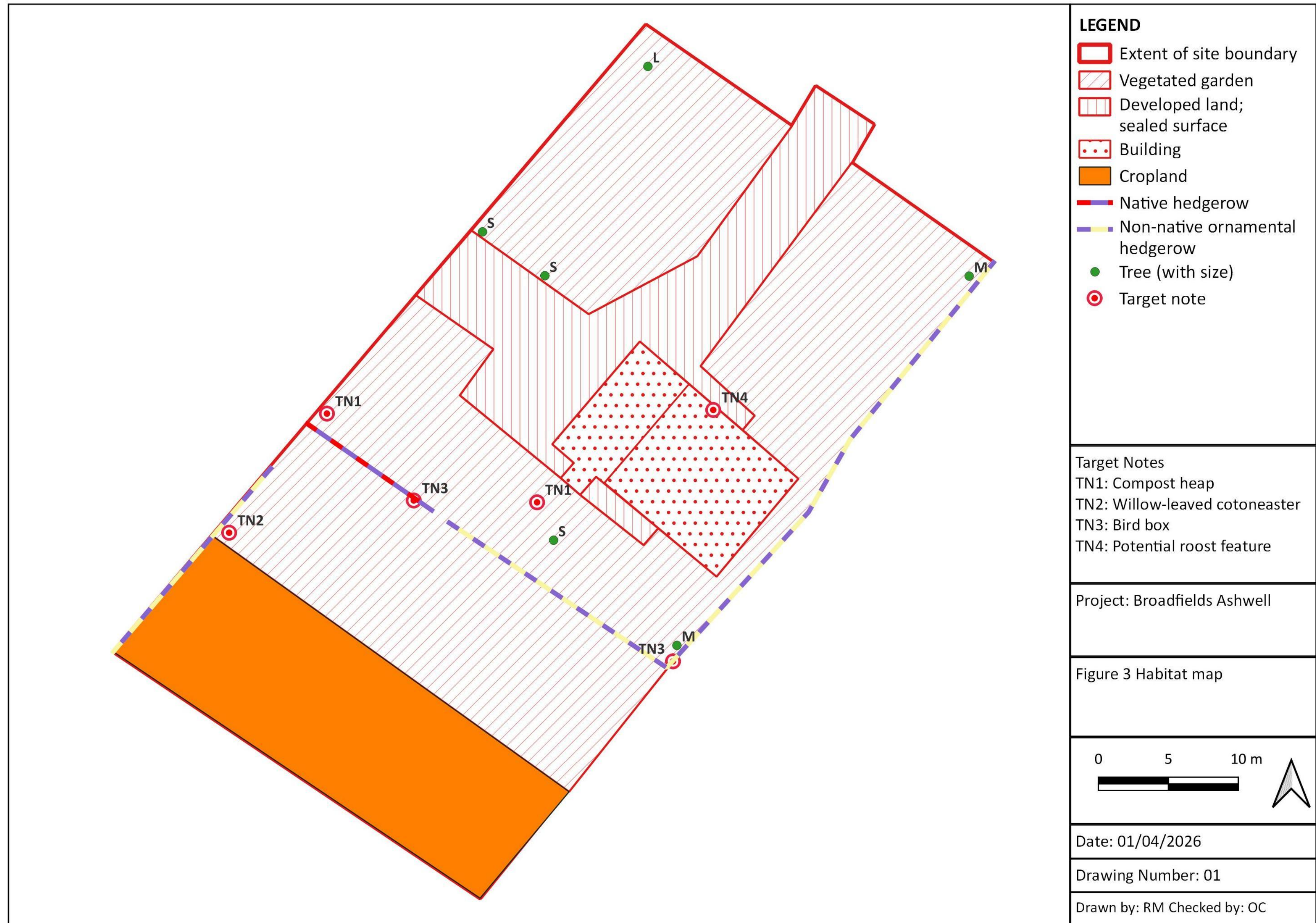
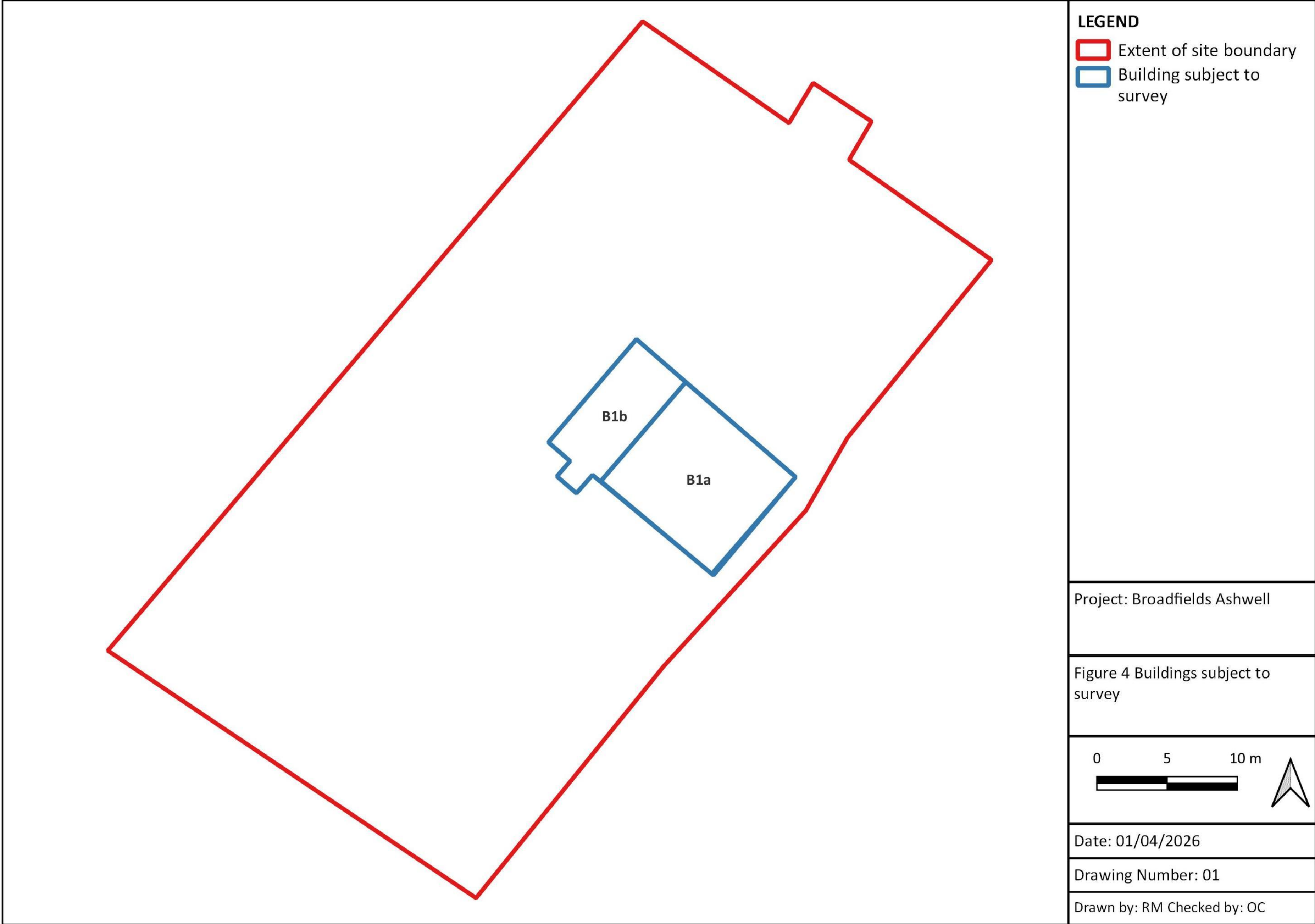


Figure 4:
Buildings
subject
to
survey



Appendix 2: Photographs

Photograph 1 North-eastern
elevation of B1a and B1b



Photograph 2 North-western
elevation of B1b



Photograph 3 Garden,
hardstanding and tree to north of
site



Photograph 4 Native hedgerow



Photograph 5 Compost heap and non-native ornamental hedgerow



Photograph 6 Cropland, non-native ornamental hedgerow and cotoneaster



Photograph 7 Hedgerows through centre of site



Photograph 8 North-west of buildings, hardstanding and garden



Photograph 9 Compost heap



Photograph 10 Compost heap



Photograph 11 Small gaps under fascia on north-western elevation of B1b – fully inspected with endoscope



Photograph 12 Small gaps under fascia on north-western elevation of B1b – fully inspected with endoscope



Photograph 13 Gap between hanging tiles and brickwork on right hand side – where bat was seen to emerge



Appendix 3: Legislation and Planning Policy

Important Notice: This section contains details of legislation applicable in England and Wales only (i.e. not including Scotland, the Isle of Man, Northern Ireland, the Republic of Ireland or the Channel Islands) and is provided for general guidance only. While every effort has been made to represent the current (at the time of writing) situation with respect to the UK's position outside of the EU and to ensure accuracy throughout, this section should not be relied upon as a definitive statement of the law.

Over the past few years, three important bills have been published which are intended to shape how growing pressures on the environment are tackled. Both the Agriculture Bill and Fisheries Bill gained Royal Assent in November 2020 and are now the Agriculture Act 2020 and Fisheries Act 2020 respectively; and, more recently, the Environment Bill was passed into law in November 2021, becoming the Environment Act 2021. *N.B. as environment policy is a devolved matter, most of this Act applies to England only.*

A LEGISLATION AFFORDED TO SPECIES

The objective of the EC Habitats Directive¹ is to conserve the various species of plant and animal which are considered rare across Europe. The Directive is transposed into UK law by **The Conservation of Habitats and Species Regulations 2017 (as amended)** and **The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)**.

Various amendments to the 2017 Regulations in England and Wales have been made through the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. These changes came into effect on the 1 January 2021 following the UK's departure from the EU and the end of the Transition Period. The changes are largely limited to 'operability changes' that will ensure the Regulations can continue to have the same working effect as before.

The Wildlife and Countryside Act 1981 (as amended) is a key piece of national legislation which implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection obligations of Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Since the passing of the Wildlife & Countryside Act 1981, various amendments have been made, details of which can be found on www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CROW) Act (2000).

As well as delivering long-term targets to reduce waste and improve resource efficiency and improve air and water quality targets, the **Environment Act 2021** aims to halt the decline of nature by 2030,

¹ Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora

mandates Biodiversity Net Gain for developments in England and amends the Wildlife and Countryside Act 1981 (as amended) to introduce an additional purpose for granting a protected species licence in relation to development which is 'for reasons of overriding public interest'. The Act also introduces the Office for Environmental Protection (OEP), which will be a new public body intended to hold government and public authorities to account, although the government will be able to issue guidance to the OEP on how it enforces policies and legislation.

Some of the key biodiversity elements in the Act that will have a bearing on species protection in the UK include:

- A strengthened biodiversity duty on Local Planning Authorities;
- Biodiversity net gain to ensure developments, including Nationally Significant Infrastructure Projects (NSIP), deliver at least 10% increase in biodiversity;
- Local Nature Recovery Strategies to support a Nature Recovery Network;
- Duty upon Local Authorities to consult on street tree felling;
- Strengthen woodland protection enforcement measures;
- Conservation Covenants;
- Protected Site Strategies and Species Conservation Strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature;
- Introduces the power for the Habitats Regulations to be amended or 'refocused' to 'to deliver creative public policy thinking that delivers results'.

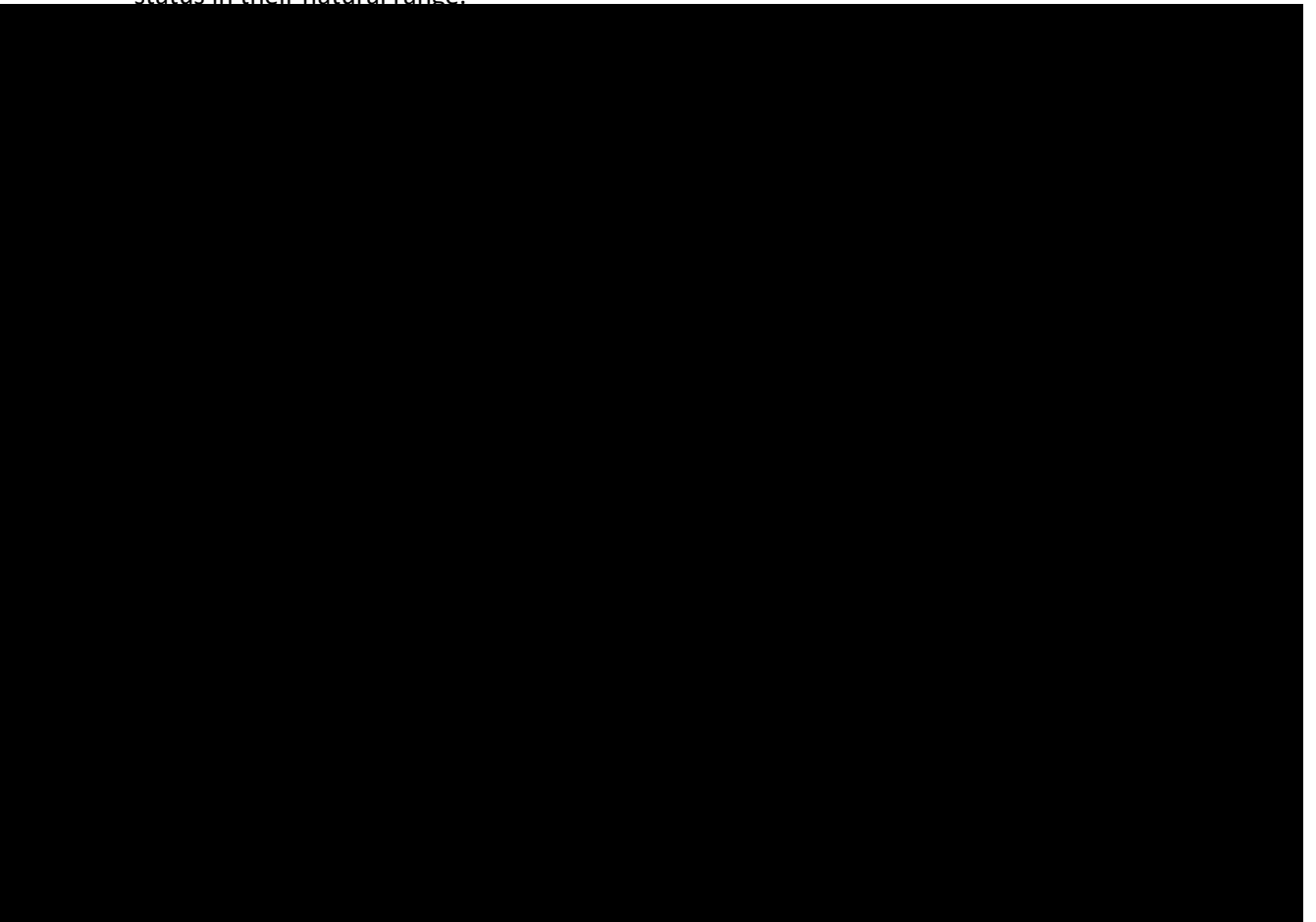
Other legislative Acts affording protection to wildlife and their habitats include:

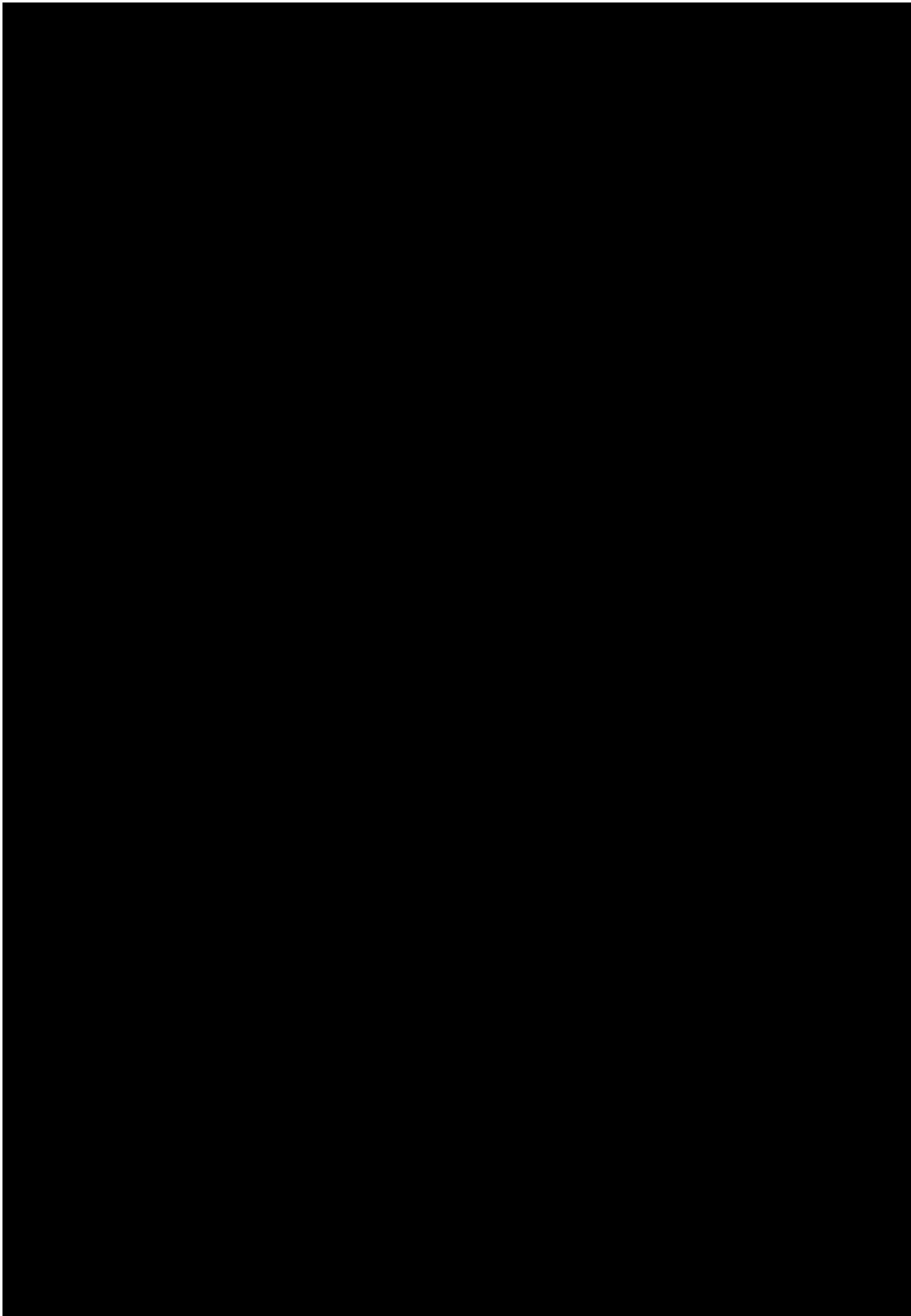
- Salmon and Freshwater Fisheries Act 1975;
- Deer Act 1991;

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- Wild Mammals (Protection) Act 1996;
 - Countryside and Rights of Way (CROW) Act 2000;
 - Natural Environment & Rural Communities (NERC) Act 2006;
 - The Eels (England and Wales) Regulations 2009; and
 - Environment (Wales) Act 2016.

Species and species groups that are protected or otherwise regulated under the aforementioned legislation, and that are most likely to be affected by development activities, include herpetofauna (amphibians and reptiles),  bats, birds, dormouse, invasive species, otter, plants, red squirrel, water vole and white clawed crayfish.

Explanatory notes relating to species protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which includes smooth snake, sand lizard, great crested newt, natterjack toad, all bat species, otter, dormouse and some plant, invertebrate and fish species, are given below. **These should be read in conjunction with the relevant species sections that follow.**

- In the Habitats Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.
 - The Conservation of Habitats and Species Regulations 2017 (as amended) does not define the act of 'migration' and therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered where relevant.
 - In order to obtain a mitigation licence for species protected under the Conservation of Habitats and Species Regulations 2017 (as amended), the application must demonstrate that it meets all of the following three 'tests': i) the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment; ii) that there is no satisfactory alternative and iii) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.
- 



Bats

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. all bats);
- Deliberate disturbance of bat species as:
 - a) to impair their ability:
 - to survive, breed, or reproduce, or to rear or nurture young; or
 - to hibernate or migrate.
 - b) to affect significantly the local distribution or abundance of the species.
- Damage or destruction of a breeding site or resting place; and
- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

Bats are also protected under the Wildlife and Countryside Act 1981 (as amended) in respect to sub-sections 9 (4) (b) and (c) and 9 (5) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance while in their place of shelter (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.

How is the legislation pertaining to bats liable to affect development works?

The appropriate licence issued by the relevant countryside agency (e.g. Natural England, Natural Resources Wales) will be required for works liable to affect a bat roost 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, rear young and hibernate). The licence is to derogate from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Though there is no case law to date, the legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded

protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost⁵.

Birds

All wild birds, their nests and eggs are protected under Sections 1-8 of the Wildlife and Countryside Act 1981 (as amended). A wild bird is defined as any bird of a species that is resident in or is a visitor to the European Territory of any member state in a wild state. Among other things, the legislation 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; or
- 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 *Tyto alba*, black redstart *Phoenicurus ochruros*, hobby *Falco subbuteo*, bittern *Botaurus stellaris* and kingfisher *Alcedo atthis* receive additional special protection under Schedule 1 of the Act. 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.

How is the legislation pertaining to birds liable to affect development works?

To avoid contravention of the Wildlife and Countryside Act 1981 (as amended), 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 is to undertake work outside the main bird nesting season which typically runs from March to August⁶. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

⁵ Garland and Markham (2008) Is important bat foraging and commuting habitat legally protected? Mammal News, No. 150. The Mammal Society, Southampton.

⁶ It should be noted that this is the main breeding period. Breeding activity may occur outside this period (depending on the particular species, geographical location of the site and vagaries of the season in any particular year) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

Those species of bird listed on Schedule 1 are also 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. It should be noted that there is no threshold under which disturbance is not an offence, that is to say that disturbance need not be 'significant' for an offence to be committed.

While it is possible to obtain a licence to permit some activities that would otherwise constitute an offence, these can only be issued for specific purposes set out in the Act. This includes damage to crops, to preserve public health or safety and to preserve air safety, but does not include development, some land management and recreational activities and damage to property.

Herpetofauna (Amphibians and Reptiles)

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, great crested newt *Triturus cristatus* and pool frog *Pelophylax lessonae* receive full protection under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of species listed on Schedule 2;
- Deliberate disturbance of any Schedule 2 species as:
 - to impair their ability:
 - to survive, breed, or reproduce, or to rear or nurture young; and
 - in the case of animals of a hibernating or migratory species, to hibernate or migrate.
 - to affect significantly the local distribution or abundance of the species.
- Deliberate taking or destroying of the eggs of a Schedule 2 species;
- Damage or destruction of a breeding site or resting place; and
- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

With the exception of the pool frog, these species are also listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) in respect to sub-sections 9 (4) (b) and (c) and 9 (5). The pool frog is afforded protection in respect of sub-sections 9(4) (b) and (c) for England only. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance while in their place of shelter (at any level);
- Intentional or reckless obstruction of access to any place of shelter or protection; and

- Selling, offering or exposing for sale, possession or transporting for purpose of sale (excluding pool frog).

Other native species of herpetofauna are protected solely under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). Species such as the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis* are listed in respect to sub-section 9 (1) & (5). For these species, it is prohibited to:

- Intentionally kill or injure these species; and
- Sell, offer or expose for sale, possess or transport for purpose of sale these species, or any part thereof.

Common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Lissotriton vulgaris* and palmate newt *L. helveticus* are listed in respect to sub-section 9 (5) only which affords them protection against sale, offering or exposing for sale, possession or transport for the purpose of sale.

How is the legislation pertaining to herpetofauna liable to affect development works?

The appropriate licence issued by the relevant countryside agency (e.g. Natural England, Natural Resources Wales) will be required for works liable to affect the breeding sites or resting places of those amphibian and reptile species protected under The Conservation of Habitats and Species Regulations 2017 (as amended). 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 derogate 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 Wildlife and Countryside Act 1981 (as amended).

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.

Non-native species (fauna)

Under Section 14 (1) of the Wildlife and Countryside Act 1981 (as amended), it is an offence to release, or allow to escape into the wild, *any* animal that is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state, or is listed on Schedule 9 of the Act. Examples of species included on Schedule 9 are signal crayfish *Pacifastacus leniusculus*, American mink *Neovison vison*, grey squirrel *Sciurus carolinensis* and European pond terrapin *Emys orbicularis*. In the main, Schedule 9 species are those that are already established in the wild, but which continue to pose a threat to the conservation of native biodiversity and habitats, such that further releases should be regulated. The Schedule also includes some native species, such as barn owl *Tyto alba*, to ensure that any releases or re-introduction programmes are undertaken in consultation with the relevant authorities and in accordance with best practice guidelines.

How is the legislation pertaining to non-native faunal species liable to affect development works?

In most cases, development works are unlikely to infringe the legislation. This is because such operations are unlikely to result in the release or escape of non-native faunal species. However, there may be circumstances, particularly where works involve watercourses or water bodies, which have the potential to exacerbate the spread of e.g. signal crayfish or certain fish or amphibian species. If this is deemed a possibility, it will be necessary to ensure appropriate preventative measures are in place prior to and during the works.

B EUROPEAN AND NATIONAL LEGISLATION AFFORDED TO SITES AND HABITATS

As for certain species described above, habitats and sites are also protected directly through the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended) and The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) through the notification, classification or designation of various protected sites as detailed below.

In addition, The Environment Act 2021 and the Water Framework Directive indirectly afford protection to non-designated habitats through the duties placed on public and private bodies to promote nature conservation and biodiversity, for example, the creation of Local Nature Recovery Strategies (LNRS) and associated Species Conservation and Protected Site strategies, and to reduce or avoid harmful

activities. Many of these duties and targets form the basis for national and local planning policy and wider conservation strategies and are not covered in detail here.

Statutory Site Designations: National

Nationally important areas of special scientific interest, by reason of their flora, fauna, or geological or physiographical features, are notified by the countryside agencies as statutory **Sites of Special Scientific Interest** (SSSI) under the National Parks and Access to the Countryside Act 1949 and latterly the Wildlife & Countryside Act 1981 (as amended). As well as underpinning other national designations (such as **National Nature Reserves** which are declared by the countryside agencies under the same legislation), the system also provides statutory protection for terrestrial and coastal sites which are important within a European context (formerly referred to as part of the Natura 2000 network and recently amended to the National Site Network in line with the UK's departure from the EU) and globally (such as Wetlands of International Importance) - see subsequent sections for details of these designations. Improved provisions for the protection and management of SSSI have been introduced by the Countryside and Rights of Way Act 2000.

The Wildlife & Countryside Act 1981 (as amended) also provides for the making of Limestone Pavement Orders, which prohibit the disturbance and removal of limestone from such designated areas, and the designation of Marine Nature Reserves, for which byelaws must be made to protect them.

Statutory Site Designations: International

Special Protection Areas (SPAs), together with Special Areas of Conservation (SACs) form the basis of the National Site Network (until recently, these were part of the Natura 2000 network whilst the UK was part of the EU). SPAs are identified and classified by the Government under the EC Birds Directive (Council Directive 2009/147/EC (formerly 79/409/EEC)) on the Conservation of Wild Birds) via the mechanisms set out in the Habitats Regulations (as applicable at the time of classification).

SPAs are areas of the most important habitat for rare (listed on Annex I of the Directive) and migratory birds within the European Union. Protection afforded SPAs in terrestrial areas and territorial marine waters out to 12 nautical miles (nm) is given by The Conservation of Habitats & Species Regulations 2017 (as amended). The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) provide a mechanism for the classification and protection of European Marine Sites or EMS (SPAs and SACs) in UK offshore waters (from 12-200 nm).

SACs are identified and designated under the EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora) via the mechanisms set out in the Habitats Regulations (as applicable at the time of designation). These are areas which have been identified as best representing the range and variety of habitats and (non-bird) species listed on Annexes I and II to the Directive within the European Union. SACs in terrestrial areas and territorial marine waters out to 12 nautical miles are protected under The Conservation of Habitats & Species Regulations 2017 (as amended). The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) provide a mechanism for the designation and protection of European marine sites or EMS (SACs and SPAs) in UK offshore waters (from 12-200 nm).

Ramsar sites are listed under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and wise use, in particular recognizing wetlands as ecosystems that are globally important for biodiversity conservation. Wetlands can include areas of marsh, fen, peatland or water and may be natural or artificial, permanent or temporary. Wetlands may also incorporate riparian and coastal zones adjacent to the wetlands. Ramsar sites are underpinned through prior notification as Sites of Special Scientific Interest (SSSI) and as such receive statutory protection under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government highlighting the special status of Ramsar sites. This effectively extends the level of protection to that afforded to sites in England and Wales which have been designated under the EC Birds and Habitats Directives as part of the Natura 2000 network and now the National Site Network (e.g. SACs and SPAs).

Statutory Designations: Local

Under the National Parks and Access to the Countryside Act 1949 **Local Nature Reserves** (LNRs) may be declared by local authorities after consultation with the relevant countryside agency. LNRs are declared for sites holding special wildlife or geological interest at a local level and are managed for nature conservation and provide opportunities for research and education and enjoyment of nature.

Statutory Protection of Aquatic Habitats

Water Framework Directive and The Environment Act 2021

Aquatic habitats are also afforded protection under The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017, which transposes the Water Framework Directive 2000/60/EC (The WFD). At its core it aims to prevent deterioration of the water environment and improve water quality by managing water in natural river basin districts, rather than by administrative boundaries. It looks at ecological, physico-chemical, quantitative and morphological aspects of the water environment and requires that improvements take account of economic aspects, including costs and benefits. Plans to improve the status of water bodies are set out in River Basin Management Plans (RBMPs). The Directive aims for 'good status' of all ground and surface water (rivers, lakes, transitional water and coastal waters) in the EU and the UK. The Environment Agency and Natural Resources Wales are the competent authorities for river basin planning in England and Wales.

Any works which could affect the hydro-morphology, ecology or water quality of any classified waterbody up to 1nm out to sea requires an assessment under the WFD to demonstrate how any adverse impacts will be mitigated and, where possible, the status of the waterbody enhanced in order to achieve the required good status targets. Construction must have no permanent, unmitigated effects which cause any deterioration in the current status of any surface-water or groundwater body. If a WFD assessment shows an activity will either cause a deterioration in the status of a water body or jeopardise a water body achieving good status, it may then be necessary to consider whether it meets the criteria for an Article 4(7) exemption⁷.

The Environment Act also places a new statutory duty on government to produce a plan to reduce discharges from storm overflows, on water companies and the Environment Agency to publish data on storm overflow operation and on water companies to monitor the water quality upstream and downstream of storm overflows and sewage disposal works. The Act also contains a new duty on the water sector to create drainage and sewerage management plans and enables the revocation or variation of permanent abstraction licences where the change is necessary to protect the environment. This is because some older abstraction licences do not take account of fluctuating water availability and may enable too much water to be taken from the environment.

Non-Statutory Designations

Areas considered to be of local conservation interest may be designated by local authorities as a **Wildlife Site**, under a variety of names such as **Local Wildlife Sites (LWS)**, **County Wildlife Sites (CWS)**,

⁷ https://circabc.europa.eu/sd/a/e0352ec3-9f3b-4d91-bdbb-939185be3e89/CIS_Guidance_Article_4_7_FINAL.PDF

Listed Wildlife Sites (LWS), Local Nature Conservation Sites (LNCS), Sites of Biological Importance (SBIs), Sites of Importance for Nature Conservation (SINCs), or Sites of Nature Conservation Importance (SNICIs). The criteria for designation may vary between counties.

Together with the statutory designations, these are defined in Local Plan documents under the Town and Country Planning system and are a material consideration when planning applications are being determined. The level of protection afforded to these sites through local planning policies may vary between counties.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are intended to protect 'important' countryside hedgerows from destruction or damage. Under the 'Wildlife and Landscape' criteria of the Regulations, a hedgerow is considered important if (a) it has existed for 30 years or more; and (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 important hedgerows without permission from the local planning authority. 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 are covered by these regulations. Hedgerows '*within or marking the boundary of the curtilage of a dwelling-house*' are not.

C PLANNING POLICY

National Planning Policy Framework

The National Planning Policy Framework replaced PPS9 and emphasises the need for sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species (see Section D below). An emphasis is also made for the need for ecological networks via preservation, restoration and re-creation. The protection and recovery of priority species is also listed as a requirement of planning policy. In determining planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; 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 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 (Section 42 in Wales) 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.

D BIODIVERSITY ACTION PLANS (BAPs)

Since the publication of the UK BAP in 1994, new strategies and frameworks have resulted in the development of biodiversity issues and changes in the terminology used to describe these habitats and species in England. This has been brought about through the replacement of the previous England Biodiversity Strategy with *Biodiversity 2020: A Strategy For England's Wildlife and Ecosystem Services* (2011) and the replacement of the UK BAP itself with the *UK Post-2010 Biodiversity Framework* (2012). All previous UK BAP species and habitats are still of material consideration in the planning process but are now referred to as Habitats and Species of Principal Importance (as described under the NERC Act 2006 above).

The distribution of BAP/priority habitats has been used to identify Biodiversity Opportunity Areas at a regional scale through Biodiversity Strategies/Partnerships. They represent a strategic landscape scale approach to habitat creation, restoration or expansion. They represent regional priority areas of opportunity to restore and create key habitats. They are therefore a spatial representation of targets for Habitats of Principal Importance and are areas of opportunity, not constraint.