Preliminary Ecological Appraisal and Preliminary Roost Assessment

The Glen, Pirbright, Surrey, GU24 0BN

Mr Alex Greenwood

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Industry Guidelines and Standards

This report has been written with due consideration to:

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

Proportionality

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

Executive Summary

Arbtech Consulting Limited was instructed by Mr Alex Greenwood to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at The Glen, Pirbright, Surrey, GU24 0BN (hereafter referred to as "the site"). The survey was required to inform a planning application for the demolition of an existing barn and the erection of three terraced dwellings (hereafter referred to as "the proposed development").

The following is work you will need to commission to obtain planning permission and to comply with legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 4 of this report.

Ref	***Recommendations*** *Measures required to adhere to guidance, legislation and planning policies.*
Birds	Although no live active nests were found during the survey visit, evidence of previous nests were identified within section A of the barn B1, whilst evidence of bird activity was present throughout section B. Old little owl pellets were also found in section B, implying historic use by the species. The barn B1 and the defunct hedgerow, located east of the driveway, could provide opportunities for birds to nest. The barn B1 will be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to 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. The proposed development does not include any work to the defunct hedgerow. Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building and hedgerow if affected) should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Mr Alex Greenwood to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at The Glen, Pirbright, Surrey, GU24 0BN (hereafter referred to as "the site"). The survey was required to inform a planning application for the demolition of an existing barn and the erection of three terraced dwellings (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 Context

The site is located at National Grid Reference SU 94170 55227 and has an area of approximately 0.178ha comprising a barn (B1), a shed (B2), hardstanding, amenity grass and ephemerals with bramble. A defunct species-poor hedgerow is present along the eastern end of the driveway. It is surrounded by scattered residential properties and their associated landscaping to the north, with Pirbright town centre being located ~520m to the northeast, and a large woodland copse is present towards the south and southwest.

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 2km radius review of statutory designated sites and notable habitats as well as a 2km radius review of granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database. An assessment of the surrounding landscape structure was also completed using aerial images from Google Earth and OS maps.

2.2 Field Survey

The survey was undertaken by Deqa Mohamed BSc (Hons) (Accredited Agent on Natural England Bat Licence Number: 2019-41480-CLS-CLS) on 23/02/2022.

Preliminary Ecological Appraisal

An extended habitat survey was undertaken, following the methodology set out in *Phase 1 Habitat Survey Methodology* (JNCC, 2010). 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.

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.

Ponds on and adjacent to the site were assessed for their suitability to support great crested newts *Triturus cristatus* using the *Habitat Suitability Index (HSI) Assessment Methodology* (Oldham et al, 2000).

Preliminary Roost Assessment

The PRA focussed on two built structures (B1 & B2) which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

<u>For any surveyed buildings</u>

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

<u>Suitability Assessment</u>

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

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

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

2.3 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.

The PEA survey was completed during the sub-optimal survey period limiting the identification of ground flora species, although it is not considered to be a significant constraint based on the habitats on-site. These limitations have been taken into account during the evaluation of the site and requirement for further surveys and mitigation.

3.0 Results and Evaluation

3.1 Desk Study Results

The desk study methodology as outlined in Section 2.1 has been carried out, and any relevant findings regarding sites, habitats or species will be incorporated into the conclusions and recommendations section of this report (Section 4.2) for ease of reading.

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 2.

Table 2: Weather conditions during the survey

Date: 23/02/2022	
Temperature	11°C
Humidity	55%
Cloud Cover	95%
Wind	9.9mph
Rain	None

PEA Results

The site comprised predominantly hardstanding (including the barn, B1, and shed, B2) [J3.6] and amenity grassland [J1.2] with a patch of ephemeral and bramble [J1.3]. A brash/log pile [TN1; see **Appendix 3a**] was also present on site, to the western end of the barn B1. Species present within the amenity grassland included perennial ryegrass (dominant), creeping buttercup (frequent) and narrow-leaf plantain (occasional). BittercressI dominated the small patch of scrub found towards the north of the barn B1, whilst broad-leaved dock, bramble and cat's ear were all occasionally seen. There was a single storey shed (B2), which acted as an electrical hub, present further west of the was a small patch of ephemeral and bramble. The driveway leading to the site was formed of hardstanding, although it was lined by a small section of amenity grass. The driveway was bordered by small timber fencing [J2.4] at its southern end, and a defunct species-poor hedgerow [J2.2] to the north. Aaron's-beard, Mexican orange blossom and cherry laurel were some of the species present.

The remainder of The Glen (outside of the site) consisted of several built structures and fields grazed by horses. There was also a pond [G1] located ~130m to the southeast end of the site. The pond was subject to a HSI assessment which returned a score of **0.60** which is classed as **'average'** according to the categorisation of HSI score (see Table 3a and 3b).

Aaron's-beard, Mexican orange blossom, cherry laurel,

Table 3a: HSI calculation of the pond on site.

SI Description	***SI Value***
Geographic location	1
Pond Area	0.81
Pond permanence	0.9
Water quality	0.01
Shade	1
Waterfowl effect	1
Fish presence	1
Pond Density	3.82
Terrestrial habitat	0.67
Macrophyte cover	0.35
HSI Score	**0.60**

Table 3b: HSI categorisation

HSI Score	**Pond Suitability**
< 0.50	Poor
0.50 - 0.59	Below average
0.60 - 0.69	Average
0.70 - 0.79	Good
> 0.80	Excellent

PRA Results

The barn, B1:

The barn, labelled B1, is a two-storey built steel framed structure featuring a gabled roof structure, clad in corrugated metal sheets. The sides of the building were also formed of corrugated metal sheets, although exposed concrete breeze blocks were present at the centre of the wall on the southern elevation. The exterior was generally in good condition and tightly sealed, barring a few holes within the concrete breeze blocks, which could provide access to void-dwelling bat species. The barn was split in half in the interior, with access doors/gates present on both the eastern and western elevations of the structure and a central timber plywood wall partitioning these sections. These sections have subsequently been labelled section A (western half) and section B (eastern half).

Section A:

There is no loft space internally and the interior is open plan. The underside of the roof as well as the inside wall on the northern and western elevations are clad with uPVC panels Ih are in good condition with no gaps or damage. The southern elevation is formed of the concrete breeze blocks which are well sealed in this area. The roof structure is supported by metal beams and rafters, although one timber beam was seen cutting across the roof structure. Four lights, used to illuminate the interior, were suspended from these beams. The interior overall Is well sealed with no access points or daylight entering.

The flooring is entirely formed of concrete and scattered items are present throughout the barn. No evidence of bats or bat activity was found within section A, however, three disused bird nests were found above the beams and rafters. The nests appear to have been neglected for a long period of time and were concentrated towards the western end of the structure, as demonstrated in Appendix 3b.

Approximate internal dimensions: 6m wide x 8m long x 6m high (floor to ridge height).

Section B:

The interior of section B was similar to that of section A's. Section B's roof structure also featured metal beams and rafters, which were of different sizes. The roof structure is lined with uPVC styled panelling, as are the internal walls on the northern, eastern and a small section of the southern elevations. The remaining area of the southern elevation features concrete breeze blocks. The concrete breeze blocks have a few holes within them which subsequently allow daylight to enter the structure. These holes could be used as an access point for bats. The flooring was also lined with concrete and is stored with several vehicles.

No evidence of bats or bat activity was found within section B; however, bird droppings were present throughout the interior and seen on the vehicles themselves, indicating the use of the barn by birds. Towards the centre of the barn, closest to the northern elevation, little owl droppings were identified. This is showcased in Appendix 3b. No active nests were identified during the visit, which could indicate past use of the structure and its maintenance may have encouraged nesting within the structure.

Approximate internal dimensions: 6m wide x 16m long x 6m high (floor to ridge height).

B1: Evidence of Bats – No bats or evidence of bat activity i.e., droppings or feedings remains were located internally or externally on the survey building.

B1: Breeding Birds and Other Incidental Observations – There was evidence of nesting birds and little owl located within the survey building. No evidence was found externally on the survey building.

The shed, B2:

The shed, labelled B2, is a single storey block constructed of concrete breeze blocks which have been tightly sealed together with mortar. B2 features a slanted roof structure, clad in timber boards. There is one timber-built door located at its northern elevation which is tightly sealed. Ivy is seen growing alongside the eastern elevation. This shed is used as an electrical hub for the site and was thus unsafe to enter.

B2: Evidence of Bats – No bats or evidence of bat activity i.e., droppings or feedings remains were located externally on the survey building.

B2: Breeding Birds and Other Incidental Observations – There was no evidence of nesting birds located externally on the survey building.

Picture 1: Facing south, standing at the site entrance located at the northern end of the site.

Picture 2: Facing north, standing at the top of the driveway.

Picture 3: Facing northwest, looking towards the north-eastern corner of the development area.

Picture 4: B1's northern and eastern elevations, as well as surrounding habitats.

Picture 5: B1's eastern elevation.

Picture 6: B1's southern elevation.

Picture 7: Amenity grassland and scrub located at B1's northern end.

Picture 8: B2's northern and eastern elevations.

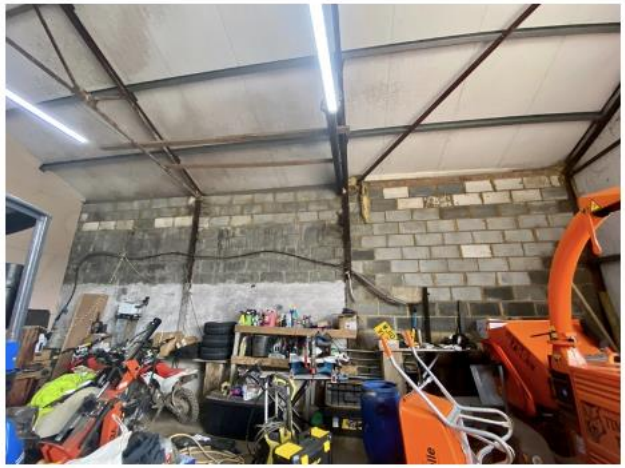
Picture 9: Standing at B1's north-western corner, facing east.

Picture 10: B1's western elevation with a log/brash pile on show.

Picture 11: Facing south, looking towards the pond located ~130m to the southeast of the development site.

Picture 12: Inside section A (B1), facing north.

Picture 13: Inside section A (B1), facing east.



Picture 14: Inside section A (B1), facing south.

Picture 15: Inside section A (B1), facing west.

Pictures 16 & 17: Images of the disused bird nests identified within section A (B1).

Picture 18: Inside section B (B1), facing west.

Picture 19: Inside section B (B1), facing east.

Picture 20: Inside section B (B1), facing northwest.

Picture 21: Inside section B (B1), facing southwest.

Picture 22: Image showing evidence of bird droppings located within section B (B1).

Picture 23: Image showing evidence of little barn owl pellets within section B (B1).

4.0 Conclusions, Impacts and Recommendations

4.1 Informative Guidelines

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

Likelihood of the Presence of Protected Species

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

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

4.2 Evaluation

Taking the desk study and field survey results into account, Table 4 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise the demolition of an existing barn and the erection of three terraced dwellings.

Table 4: Evaluation of the site and any ecological constraints

Ref	***Summary of Survey Findings***	***Foreseen Impacts***	***Recommendations*** *Measures required to adhere to guidance, legislation and planning policies.*	***Biodiversity Enhancements*** *The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021)*
Designated sites	The site is not subject to any statutory or non-statutory designation. A review of the MAGIC database returned a total of four designated sites within a 2km radius of the site. The closest of these was Ash to Brookwood Heaths Site of Special Scientific Interest (SSSI) which spans across the western, southern and eastern aspects of the 2km radius. The closest section of this designated site was located ~630m to the southwest. Other designated sites identified within a 2km radius were Basingstoke Canal (SSSI) (located ~1,580m to the northwest), Colony Bog and Bagshot Heath (SSSI) (situated ~1,820m to the north) and Fox Corner Local Nature Reserve (LNR), located ~1,890m to the southeast. The presence of non-statutory designated sites within 2km of the site cannot be established without data from Surrey Biodiversity Information Centre.	No impacts to designated sites are anticipated due to the small scale and distance of the proposed development from such sites (where known).	None.	None.
Habitats and flora	There are no notable habitats within the site. Other habitats within the site are common and widespread and have low ecological value. A number of habitats of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006) where present within a 2km radius of the site.	No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats. The development will be restricted to the footprint of the barn which has negligible ecological value.	The Local Planning Authority (LPA) may request a Biodiversity Net Gain (BNG) Assessment or an Ecological Management Plan (EMP) to ensure that the proposed development achieves BNG.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development: • Native tree, hedgerow and shrub planting. • Creation of wildflower grassland. • The enhancement of existing offsite pond for

	The closest of these was traditional orchard, located ~150m to the north of the site. Other principal habitats identified on MAGIC's datablclude several deciduous/broadleaved/ancient woodland copses (closest one situated ~170m to the south), lowland heathland (~350m to the southwest) and Woodpasture and parkland (~600m to the northwest). The proposed development area comprises a barn, shed, hardstanding and small patch of amenity grassland and scattered scrub. No protected or notable plant species were recorded during the survey.	The loss of common and widespread habitats is likely to have a minimal impact on biodiversity.		wildlife to include native plant species and no fish. • A green roof on new buildings. Species-specific enhancement opportunities are detailed later in this table.
Amphibians	There was one pond located ~130m to the southeast end of the site (outside the proposed development site) which returned with a HSI score of 0.60. This score equated to 'average' using the Habitat Suitability Index. It is highly unlikely amphibians would be present in the terrestrial habitats on the site given their lack of suitability. The current site conditions (short, grazed grassland), neighbouring agricultural fields and boundary fences effectively form barriers to dispersal onto the site for great crested newts. A review of the MAGIC database returned no EPSL's within a 2km radius of the site.	No impacts are anticipated on amphibians, including great crested newt, as a result of the proposed development.	None.	None.
Reptiles	The habitats on site provide limited habitat for reptiles although it is not considered to be of any use to any local reptile populations considering more	No impacts are anticipated on reptiles as a result of the proposed development.	None.	None.

	suitable habitats are present within the wider landscape.			
Roosting bats	The built structure B1 has been assessed to provide **"negligible habitat value"** (Collins, 2016) to support roosting bats. This was based on a lack of roosting features, lack of a loft void and the current use of the dwelling which would significantly disturb any bats attempting to roost. The shed, B2, was also assessed to provide **negligible** habitat value to support roosting bats. A review of the MAGIC database returned one EPSL record within a 2km radius of the site. This licence allowed for the damage and destruction of a resting place, as well as the impact and damage of a breeding site. This EPSL affected brown long-eared bats, common and soprano pipistrelles and is located ~1,890m to the northwest. Bats are likely to forage and commute across the site as there are woodlands present to the west, south and east. Hedgerows in the locale will also act as good foraging and commuting grounds for bats.	Bats are very unlikely to be roosting within the B1 or B2 and as such, there are not anticipated to be any impacts on roosting bats as a result of the proposed development.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.	The installation of a minimum of two bat boxes on the developed buildings will provide additional roosting habitat for bats e.g. Beaumaris Bat Box Vivara Pro Woodstone Bat Box Or a similar alternative brand. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light. Alternatively, bat boxes could be incorporated into new buildings on the site e.g. Habibat Bat Box Schwegler 1FR Bat Tubes Bat tubes should be inserted into the fabric of the building during construction, positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance and facing landscapes areas, away from artificial light.
Badger	No evidence of badger activity was located on or within 30m of the site. The habitats on the site are considered unsuitable for badgers in terms of foraging or sett excavation.	No impacts are anticipated on badgers as a result of the proposed development.	None.	None.
Hazel dormouse	No suitable habitats on site.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.

Hedgehog	No suitable habitats on site.	No impacts are anticipated on hedgehogs as a result of the proposed development.	None.	None.
Otter	No suitable habitats on site.	None foreseen.	None.	None.
Water vole	No suitable habitats on site.	None foreseen.	None.	None.
Birds	Although no live active nests were found during the survey visit, evidence of previous nests were identified within section A of the barn B1, whilst evidence of bird activity was present throughout section B. Old little owl pellets were also found in section B, implying historic use by the species. The barn B1 and the defunct hedgerow located east of the driveway, could provide opportunities for birds to nest.	The barn B1 will be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to 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. The proposed development does not include any work to the defunct hedgerow.	Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building (and hedgerow if affected) should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.	The installation of a minimum of two bird boxes on the new developed buildings will provide additional nesting habitat for birds e.g. Schwegler No 17 Swift Nest Box Schwegler 1SP Sparrow Terrace Woodstone Nest Box Or a similar alternative brand. Woodstone nest boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Swift and sparrow boxes should be positioned at the eaves of a building and can be incorporated into the fabric of the building during construction.
Invertebrates	The habitats found on the site are common and widespread and are not considered suitable to support a significant invertebrate assemblage.	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for invertebrates: • Native tree, hedgerow and shrub planting. • Creation of wildflower grassland.

				• The creation of a enhancement of existing offsite pond for wildlife. • A green roof on new buildings. • Retention of deadwood on the site.

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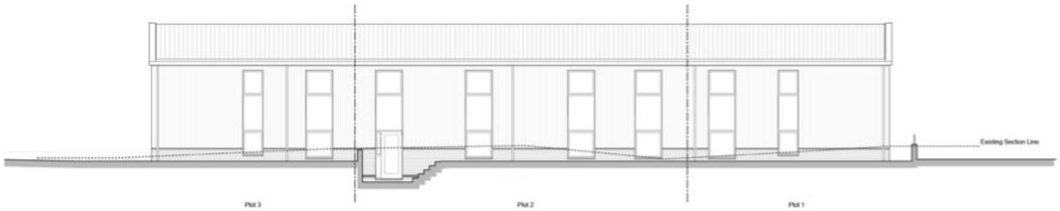
Appendix 1: Proposed Development Plan

Front Elevation

Survey Datum 45.000m

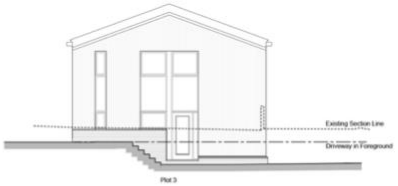
Side Elevation A

Survey Datum 45.000m



Rear Elevation

Survey Datum 45.000m



Side Elevation B

Survey Datum 45.000m

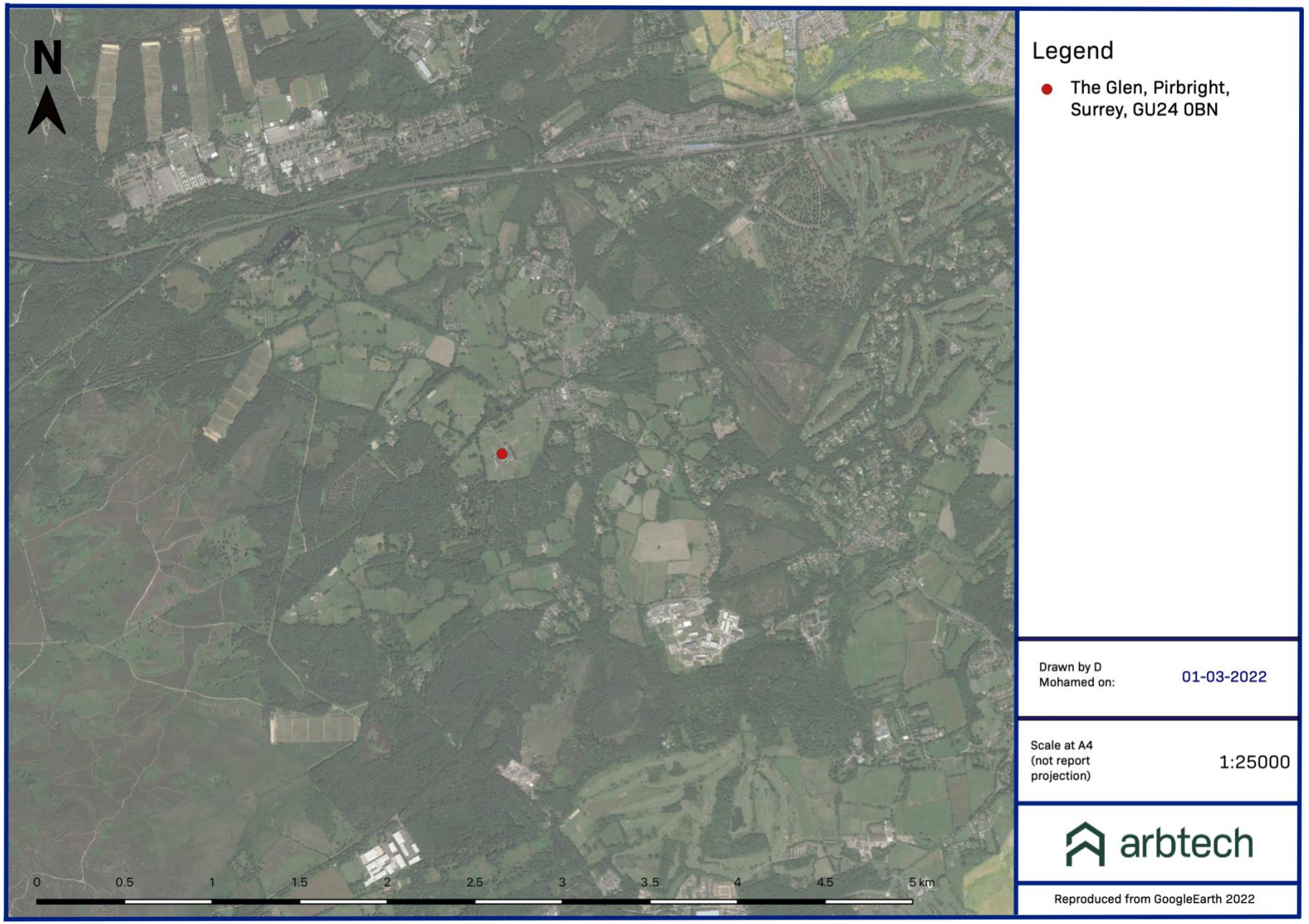
REV | DATE | REVISIONS | BY | REV | DATE | REVISIONS | BY | REV | DATE | REVISIONS | BY | STATUS

Planning

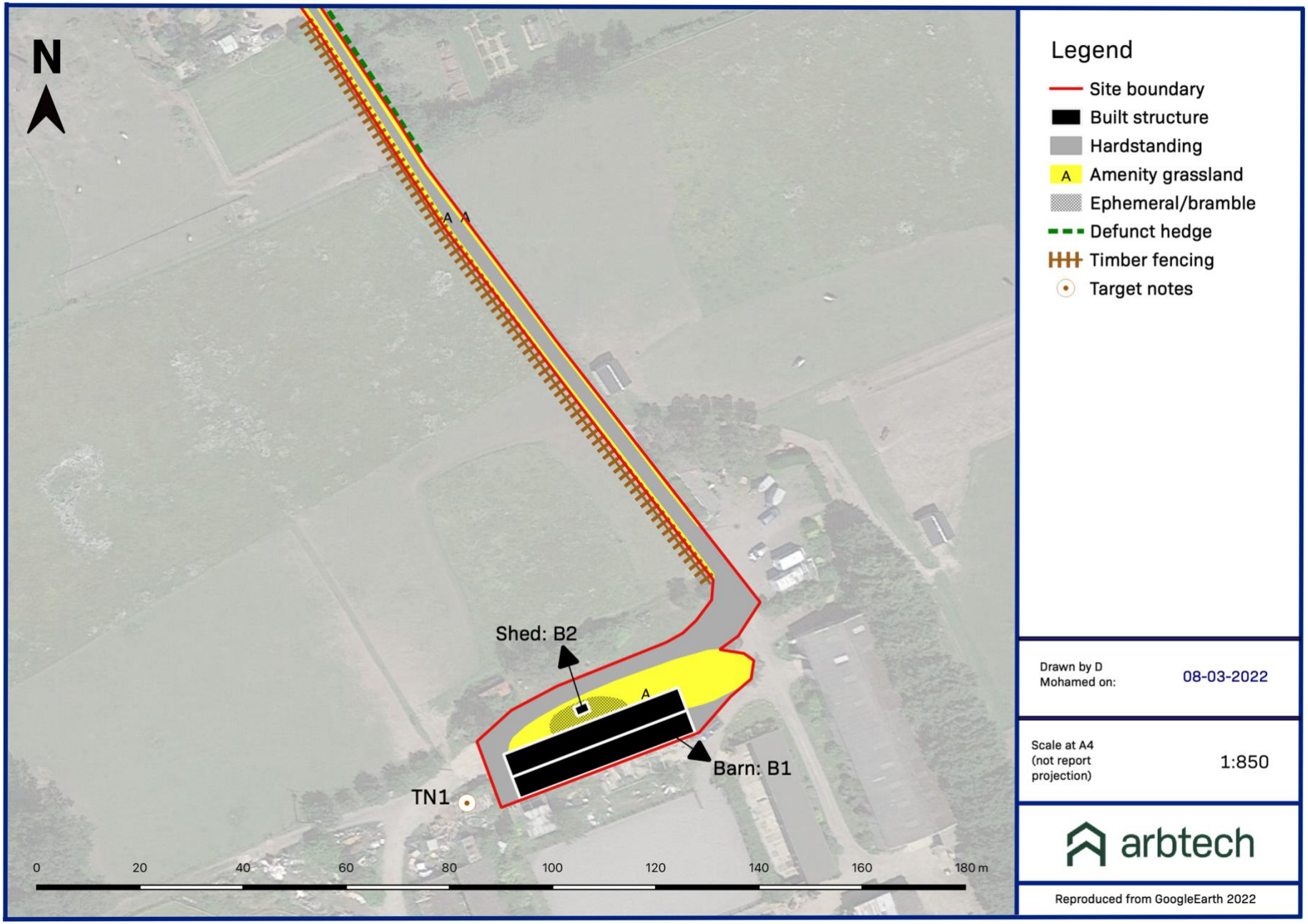
CLIENT:	Private Client		PROJECT:	The Barn, The Glen, Mill Lane, Barn at The Glen, Mill Lane, Pirbright
SCALE:	1:100	(A1 ORIGINAL)	DRAWING:	Proposed Elevations
DRAWN: ajg DATE: 14/12/21	21228		P111	–

architecture planning masterplanning
Broadmede House, Farnham Business Park, Weydon Lane, Farnham, Surrey GU9 8QT.
info@onparchitecture.com www.onparchitecture.com
Tel: 01252 267878

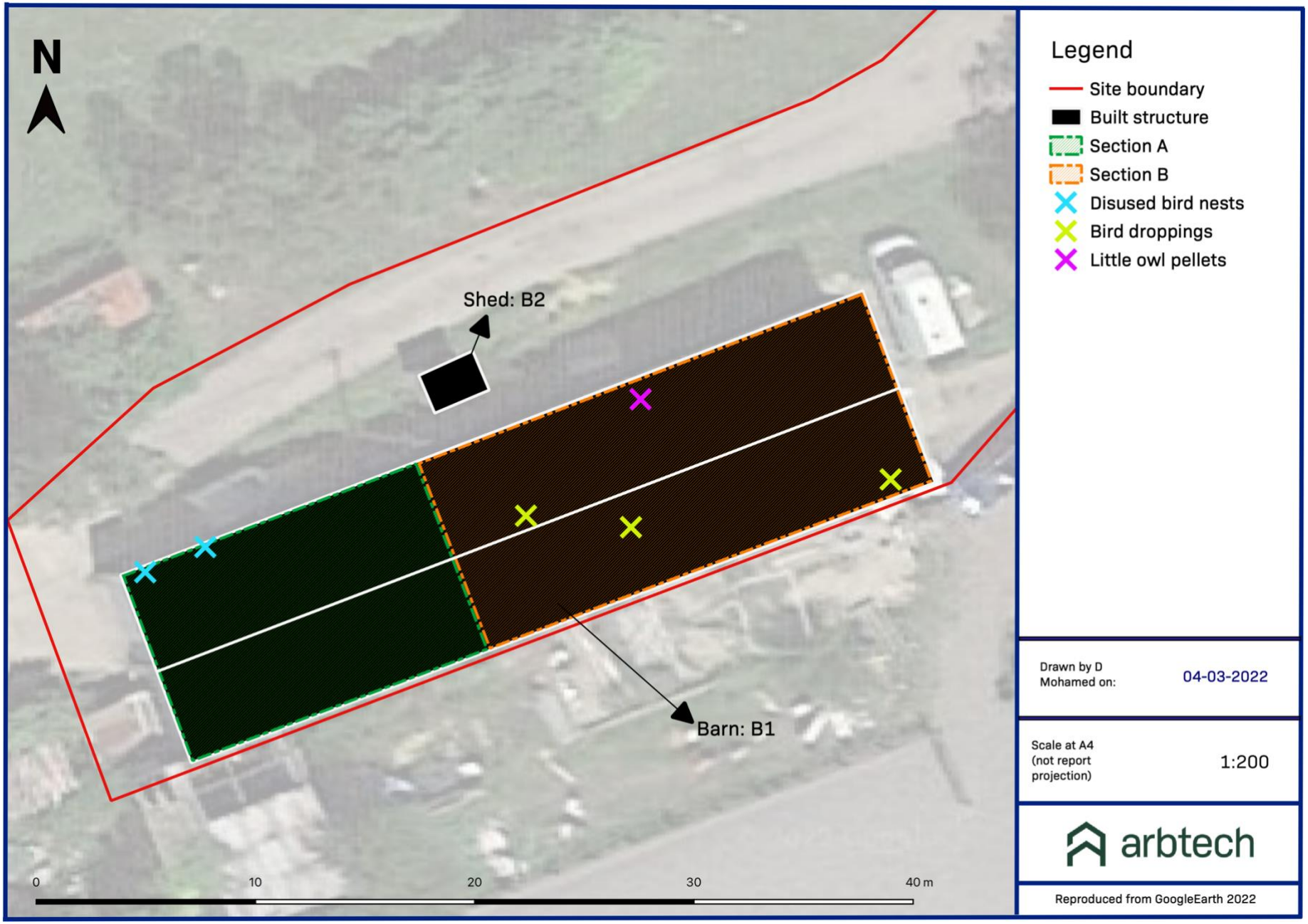
Appendix 2: Site Location Plan



Appendix 3a: Habitat Survey Plan



Appendix 3b: PRA Survey Plan



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

The ***Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019*** came into force when Britain left the European Union on 31st January 2020. It covered amendments relevant to this survey to:

Wildlife and Countryside Act 1981: England and Wales (x1 amendment)

Conservation of Habitats and Species Regulations 2017 (x29 amendments)

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 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 1.000 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 within the EU, both within and outside Natura 2000 sites.

Annex V species (over 90): Member States must ensure that 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.

SACs and SPAs up to 12 nautical miles from the coast (i.e. 'territorial waters') are afforded protection in the UK under the Conservation of Habitats and Species Regulations 2017 which consolidate all amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994.

The Conservation of Offshore Marine Habitats and Species Regulations 2017 consolidate and update the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007. The 2017 Regulations introduce amendments which transfer responsibility for European nature conservation in the Welsh offshore region to Welsh Ministers. This gives Welsh Ministers similar powers in Welsh offshore waters to those currently exercised by Scottish Ministers in Scottish offshore waters. These regulations transpose into national law Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive), and elements of Council Directive 2009/147/EC on the conservation of wild birds (Wild Birds Directive) in the

UK offshore area. They came into force on 30th November 2017. These regulations apply to the UK's offshore marine area which covers waters beyond 12 nautical miles, within British Fishery Limits and the seabed within the UK Continental Shelf Designated Area. The Conservation of Habitats and Species Regulations 2017 form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12nm 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 Habitats Directive

The EC Habitats Directive aims to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those species of European importance. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2017 (the Conservation Regulations) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). This has been amended by the ***Conservation of Habitats and Species Regulations (amendment) (EU Exit) Regulations (2019)*** which continue the same provision for European protected species, licensing requirements and protected sites after the UK leaves the EU.

The following notes are relevant for all species protected under the EC Habitats Directive:

In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

The Habitats Regulations do 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.

In order to obtain a European Protected Species Licence (EPSL), the application must demonstrate that it meets all of the following three 'tests':

- 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;
- There is no satisfactory alternative; and
- The action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

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

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

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

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

Badgers

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

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

Effects on development works:

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

Birds

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

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

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC) and are commonly referred to as "Schedule 1" birds.

This affords them protection against:

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

Effects on development works:

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

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

Amphibians and Reptiles

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

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

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

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

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

- Intentionally or recklessly kill or injure these species.

Effects on development works:

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

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

Water Voles

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

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

Effects on development works:

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

Otters

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

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:

- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

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

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

Effects on development works:

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

Bats

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

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

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

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

Effects on development works:

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

Hazel Dormice

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

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

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

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

Effects on development works:

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

White Clawed Crayfish

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

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

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

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

Effects on development works:

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

Wild Mammals (Protection Act) 1996

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

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

Legislation Afforded to Plants

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

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

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

Effects on development works:

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

Invasive Species

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

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

Effects on development works:

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

Injurious weeds

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

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

Effects on development works:

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

NATIONAL PLANNING POLICY (ENGLAND)

Environment Act 2021

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

National Planning Policy Framework 2021

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

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

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

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

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

EUROPEAN PROTECTED SPECIES POLICIES

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

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

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