



RIVERDALE ECOLOGY

Preliminary Ecological Appraisal

Gibsons Farm, Burgate, Suffolk

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Report For: Durrants Building Consultancy

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Executive Summary

Riverdale Ecology Ltd were commissioned by Durrants to undertake a Preliminary Ecological Appraisal (PEA) of a potential development site located within Gibson's Farm, Furze Way, Burgate Suffolk; situated around Ordnance Survey Grid Reference TM 07681 74710. The appraisal was carried out in order to inform a planning application for a small-scale residential development at the site.

The Application Site is less than 0.1 hectares within the farm holdings of Gibson's Farm, comprising part of a paddock supporting improved grassland grazed by sheep. The site is situated in a largely rural setting with pasture and arable fields, but residential properties are situated along Furze Way, immediately to the southeast of the site; Gibson's Farm and yard is located approximately 70m northwest.

The proposal is for a single residential dwelling tied to the farm to provide new accommodation for farm employees/workers.

The intrinsic value of the habitats on-site within a defined geographic context is generally considered to be of importance at site level only. The majority of the site comprises improved grassland which is widespread and abundant locally. The Application Site does support a section of native hedgerow which is a Habitat of Principal Importance under the NERC Act. However, the hedgerows are not species-rich and are in poor condition; they do not meet the ecology criteria within the Hedgerow Regulations 1997 to qualify as 'important' hedgerow under the regs.

The habitats within the development footprint have low ecological value and are generally common and widespread existing locally in both larger area and higher quality to the site. Any loss of other habitats from within the site would be unlikely to affect the overall assemblage of species or the conservation status of any individual species beyond the context of the site.

The following ecological constraints have been identified within the site:

- The boundary hedgerow may provide opportunities for foraging and commuting bats; bats are sensitive to artificial lighting which can disrupt the normal 24-hour pattern of light and dark and is likely to affect the natural behaviour of bats. Bright light may reduce social flight activity or restrict access to foraging areas causing bats to move away from the light area.
- There is suitable nesting habitat for common and widespread bird species within the boundary hedgerow.
- There are three ponds located within 250m of the site, however, the principal habitat within the development area is not considered suitable terrestrial habitat for great crested newts.
- The site could support hedgehogs which are vulnerable to impacts from development.

Mitigation measures recommended include:

- It is recommended that directional lighting is used to avoid illuminating habitat which could be utilised by bats. Of particular importance for this development site is to avoid light spill across the boundary hedgerows and adjacent tree belt which contain mature trees capable of supporting roosting bats and which provide opportunities for commuting and foraging bats. External lighting in the vicinity of these areas should be managed carefully and designed to avoid excessive light spill which could disrupt bats.
- A simple method statement for site clearance is sufficient mitigation for any risk to great crested newts. The site is already short grazed and should be maintained at a short height to deter great crested newts from entering the construction site. Temporary Amphibian Fencing (TAF) can be used during construction, if required, to ensure that great crested newts cannot enter the site when the building activities may advertently create refuge habitat for newts beneath pallets etc. The TAF would not require a protected species licence as the grassland within the construction footprint is not considered suitable habitat for great crested newts and the fencing would still permit passage around the site and so would not be a barrier to dispersal. Localised hand searches should be carried out when clearing any hedgerow or other habitat which might support great crested newts.



- Any clearance of suitable nesting vegetation should be undertaken outside of the bird nesting season (from 1st March to the 31st August, inclusive) where appropriate. If this is not possible a detailed inspection for nesting birds should be carried out by a suitably qualified ecologist no more than 48 hours prior to removal of vegetation capable of supporting nesting birds. Any active nests found must be retained with an appropriate buffer until young birds have fledged, and the nest is no longer in use. It should be noted that the nesting bird check is only appropriate for small areas of nesting habitat. It is not effective for widescale site clearance and should be avoided when clearing habitat such as hedgerows and dense scrub; this type of large-scale clearance should be undertaken outside of the nesting season.
- Consideration should be given to hedgehogs during construction and hedgehog friendly features included into the design of the development.

Possible opportunities to enhance the wildlife potential, appropriate to this site, in line with NPPF policies to achieve NET GAIN in biodiversity through planning include:

- The new boundaries of the site should be planted with new native hedgerow. Any new hedgerow planting should include native species only with a minimum of seven woody species within each 30m section. Species should comprise approximately 60% hawthorn with 40% being a mix of other native hedging plants such as field maple, blackthorn, hornbeam, hazel, dogwood, wayfaring tree *Viburnum lantana*, guelder rose, dog rose *Rosa canina*, spindle, small-leaved lime *Tilia cordata*, wild damson *Prunus domestica subsp. Insititia*, crab apple *Malus sylvestris*, wild service tree *Sorbus torminalis* and elder *Sambucus nigra*.
- Bat boxes such as the Schwegler 1FR bat tube and the Schwegler Brick Box Type 27 or other integrated bat boxes such as those supplied by birdbrickhouses (<http://www.birdbrickhouses.co.uk/brick-nesting-boxes/bat-box>) provide opportunities for bats to roost in specially made boxes designed to be built into the external walls of the new dwelling. The boxes are very discrete and require no maintenance. At least one box should be installed on the new dwelling at a location advised by the project ecologist.
- The rural location of the development site could provide suitable nesting habitat for barn owls. Provision of a nest box for barn owls would offer a safe nesting site overlooking fields adjacent to the site. The box should be installed on a mature tree within the wider farm landholding, ideally overlooking rough grassland field margins or other suitable foraging habitat.

1 Introduction

1.1 Background to Commission

Riverdale Ecology Ltd were commissioned by Durrants to undertake a Preliminary Ecological Appraisal (PEA) of a potential development site located within Gibson's Farm, Furze Way, Burgate Suffolk; situated around Ordnance Survey Grid Reference TM 07681 74710. The appraisal was carried out in order to inform a planning application for a small-scale residential development at the site.

1.2 Scope of Report

The purpose of this PEA report is to establish the current biodiversity value of the site, to identify any potential ecological constraints or ecological impacts associated with the proposed development and provide recommendations for additional survey work to further evaluate any impacts that may risk contravention of legislation or policy relating to protected species and nature conservation. Where necessary, avoidance, mitigation/compensation and/or enhancement measures have been recommended to ensure compliance. It is based on the following information sources:

- A desk study of the site and within a 2km surrounding radius; and
- A Phase 1 Habitat Survey (JNCC, 2010) of the site boundary and immediate surrounds to map habitats and identify features with potential to support protected or otherwise notable species.

This report has been prepared with reference to best practice as published by the Chartered Institute for Ecology and Environmental Management (CIEEM, 2017) and to British Standard 42020:2013 (BSI, 2013). This report provides recommendations for enhancement of the site for biodiversity in line with the National Planning Policy Framework (NPPF) (Department of Communities and Local Government, 2019) and best practice guidelines.

The survey, assessment and report were conducted and written by Danny Thomas CEcol, MCIEEM, Principal Ecologist at Riverdale Ecology Ltd. Danny has over 19 years' experience within ecological consultancy and as such is suitably qualified to undertake habitat surveys and protected species assessments. He is a Chartered Ecologist and has a BSc (Hons) in Ecology with Biology and an MSc in Environmental Sciences from the University of East Anglia. He holds current Natural England survey licences for great crested newts, bats, dormice and water vole and has a Schedule 1 licence for several protected bird species including barn owl and Cetti's warbler.

1.3 Site Description and Context

The Application Site comprises part of a pasture field, within the farm holdings of Gibson's Farm, to the south of the existing farmhouses and farmyard.

The Application Site is less than 0.1 hectares comprising part of a paddock supporting improved grassland grazed by sheep. The site is situated in a largely rural setting with pasture and arable fields, but residential properties are situated along Furze Way, immediately to the southeast of the site, and Gibson's Farm is located approximately 70m northwest.

Plans of the site are included in Appendix 1 and Photographs are included in Appendix 2.

1.4 Project Overview

The proposal is for a single residential dwelling tied to the farm to provide new accommodation for farm employees/workers.

1.5 Relevant Legislation and Planning Policy

The following key pieces of nature conservation legislation are relevant to this appraisal:



- The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (commonly referred to as the Habitats Regulations);
- Wildlife and Countryside Act 1981 (as amended); and
- Natural Environment and Rural Communities (NERC) Act 2006.

The National Planning Policy Framework (DfCLG, 2019) requires local authorities to avoid and minimise impacts on biodiversity and, where possible, to provide net gains in biodiversity when taking planning decisions:

“The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”

To protect and enhance biodiversity and geodiversity, plans should:

“Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation”; and,

“Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

When determining planning applications, local planning authorities should apply the following principles:

“If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.”

“Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists”; and,

“Developments whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

A summary of relevant legislation and planning policy is provided in Appendix 3.



2 Methodology

2.1 Desk Study

A desk study was carried out to determine if any Statutory¹ land designations occur within 1km of the site; these were identified using the Multi-Agency Geographic Information for the Countryside website (www.magic.gov.uk).

Aerial photographs were reviewed to identify any habitats surrounding the site or wildlife corridors connecting the site to other habitats. Ordnance Survey maps, aerial photographs and the MAGIC website were used to identify the presence of water bodies within 250m of the site in order to establish if the land within the site could be used as terrestrial habitat for great crested newts. This species can use suitable terrestrial habitat up to 500m from a breeding pond although Natural England research report ENRR574 suggests that newts are likely to travel no more than 250m from ponds where suitable habitats for foraging, refuge and hibernation exist in immediate proximity (Cresswell, W. & Whitworth, R. 2004). The 250m zone was considered an appropriate distance for this assessment based on the size of the proposed development site and the habitats within.

Information relating to the location of non-Statutory² wildlife sites and records of protected³ or otherwise notable⁴ species was not requested from Suffolk Biodiversity Information Service (SBIS) as the site is very small and the habitats within the site are fairly unremarkable. It was considered that the potential impacts of the project could be determined without the requirement for historic ecological data.

The status of species is taken directly from the relevant legislation, UK Biodiversity Action Plan (UK BAP, 2009), local (Suffolk) BAP or the list of Birds of Conservation Concern 5 (Stanbury et al., 2021). The red and amber lists of Birds of Conservation Concern refer to bird species of particular conservation concern for a number of reasons. In general terms, red list species are globally threatened showing severe recent declines in population. Amber list species are species either with unfavourable conservation status or those species showing moderate recent declines in population; they may also include particularly localised species.

2.2 Extended Phase 1 Habitat Survey

A habitat survey of the site was carried out including any boundary features of interest. Habitats were described and mapped broadly in accordance with standard Phase 1 Habitat survey methodology (JNCC, 2010). Habitats were also assessed against Habitat of Principal Importance (HPI) criteria as set out by the JNCC (<http://jncc.defra.gov.uk/page-5706>).

Scientific names are given for vascular plant species only, following their first mention, thereafter common names only are used. Nomenclature for vascular plants follows Stace (2010). Incidental records of birds and other fauna noted during the course of the habitat survey were also compiled.

The presence of invasive or injurious plant species as defined by Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) was also recorded.

¹ **Statutory designations** include Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites, National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI) and Local Nature Reserves (LNR).

² **Non-statutory sites** are designated by local authorities and protected through the planning process (e.g., County Wildlife Sites, Sites of Importance for Nature Conservation or Local Wildlife Sites).

³ **Legally protected species** include those listed in Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981; Schedule 2 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019; or in the Protection of Badgers Act 1992 (as amended).

⁴ **Notable species** include Species of Principal Importance under the Natural Environment and Rural Communities Act 2006; Local Biodiversity Action Plan (LBAP) species; Birds of Conservation Concern (Eaton *et al.*, 2009); and/or Red Data Book/nationally notable species (JNCC, undated).

2.3 Protected Species

The habitats were assessed for their potential to support legally protected species using a combination of the desk study information and field observations carried out during the habitat survey. The assessment was based on professional judgement and best practice survey guidance methodology for identifying field signs of protected species including but not limited to: badger (e.g. Roper, 2010); bats (Hundt, L. 2012, Collins, J. (ed) 2016, Mitchell-Jones, A. 2004, Andrews, H. 2018); hazel dormouse (English Nature, 2006); great crested newt (Langton et al, 2001; English Nature, 2001; Cresswell & Whitworth 2004); reptiles (Gent and Gibson, 2003); barn owl (Shawyer, 1998); and UK BAP Mammals (Cresswell et al, 2012). The potential for protected species presence was based on the following criteria:

- **Present** – Confirmed presence through first-hand survey evidence or recent verified records.
- **High Potential** – Local records highlight presence in the local vicinity. The site and immediate surrounds support good quality habitat or good connectivity to such habitat.
- **Moderate Potential** – Habitat within the site provides key elements for any species or species group although may be limited by factors including habitat area, isolation or disturbance. Desk study records highlight presence in proximity to site.
- **Low Potential** – On-site habitat is of low quality for any species or species group, lacking key elements and limited by factors including habitat fragmentation and habitat area. Few or absence of local records but within national distribution and thus cannot be completely discounted.
- **Negligible Potential** – Habitats within the site are very poor quality or completely absent for any species or species group. Desk study records are absent, the site is outside of the normal range of the species or species group and the surrounding habitat is unlikely to support wider populations. Presence cannot be completely ruled out, but it is considered 'reasonably unlikely' to support any species or species group.

The findings of this assessment establish any requirement for targeted protected species surveys that may be required to achieve compliance with relevant legislation. Surveys may be required where a site is judged to be of low suitability for a particular species or species group, alternatively it may be more appropriate to ensure compliance with protected species legislation through precautionary measures prior to and during construction.

Specific features within the site with potential to support protected species such as buildings and trees which may support bat roosts, waterbodies which may support water vole, otters and white-clawed crayfish and ponds which may support great crested newts will be superficially assessed to determine potential but further surveys may be required if potential is identified.

2.4 Preliminary (Ground Level) Tree Bat Roost Assessment

A Preliminary Roost Assessment (PRA) survey of any trees within the site boundary was undertaken in accordance with best practice guidelines for assessing roost potential of trees (Collins, J. (ed.) 2016; Hundt, L. 2012, Andrews, H. 2018).

The survey comprised a systematic and detailed inspection of the exterior of the tree from ground level to search for Potential Roost Features (PRFs) which could be utilised by bats for roosting. The survey comprised a description of the physical characteristics of the tree alongside identification of any PRFs or evidence of roosting bats. PRFs found in trees include woodpecker holes; rot holes; vertical or horizontal cracks or splits in limbs; partially detached or loose bark; epicormic growth; enclosed gaps between overlapping stems or branches; and dense ivy with stem diameter in excess of 50mm.

2.5 Great Crested Newt Habitat Suitability Index (HSI)

Accessible ponds within 250m of the Application Site were assessed using the Habitat Suitability Index (HSI) methodology (Oldham et al., 2000). The HSI of a pond is determined by calculating a geometric mean of ten variables that are known to have an influence on its suitability as a breeding location for great crested newts (see Table 1), thus:

$$\text{HSI} = (\text{SI1} \times \text{SI2} \times \text{SI3} \times \text{SI4} \times \text{SI5} \times \text{SI6} \times \text{SI7} \times \text{SI8} \times \text{SI9} \times \text{SI10})^{1/10}$$

Table 1: HSI parameters.

Parameter	Name	Description
SI1	Geographic Location	Lowland England or upland England, Scotland and Wales
SI2	Pond area	To the nearest 50m ²
SI3	Permanence	Number of years' pond dry out of ten
SI4	Water quality	Measured by invertebrate diversity
SI5	Shade	Percentage shading of pond edge at least 1m from shore
SI6	Fowl	Level of waterfowl use
SI7	Fish	Level of fish population
SI8	Pond count	Number of ponds within 1km ²
SI9	Terrestrial habitat	Quality of surrounding terrestrial habitat
SI10	Macrophytes	Percentage extent of macrophyte cover on pond surface

Once calculated, the HSI score for a waterbody can be categorised as follows (Oldham et al, 2010):

- Excellent (>0.8)
- Good (0.7 – 0.79)
- Average (0.6 – 0.69)
- Below Average (0.5 – 0.59)
- Poor (<0.5)

2.6 Site Evaluation

An evaluation of the site was carried out in general accordance with guidance issued by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2019) which ranks the nature conservation value of a site according to a geographic scale of reference: International/ European, National, Regional, Metropolitan, County, vice-county or other local authority-wide area, or of value at the Local scale or just within the context of the site.

In evaluating the nature conservation value of the site, the following factors were considered: nature conservation designations, rarity, naturalness, fragility, connectivity and relevant nature conservation aims and objectives for a given area as contained in national and local biodiversity action plans and planning policies.



2.7 Survey and Assessment Limitations

The data and conclusions presented here are an evidence-based assessment of the current status of the application site and should not be taken as providing a full and definitive survey of any protected species group. The results of this ecological assessment have allowed an evaluation of the likely ecological constraints to the proposed development and are considered sufficient to inform the need for further ecological survey and mitigation measures.

Ecological surveys are limited by factors which affect the presence of plants and animals such as the time of year, migration patterns and behaviour. Therefore, the absence of evidence of any particular species should not be taken as conclusive proof that the species is not present or that it will not be present in the future.

3 Results

3.1 Desk Study

Statutory Sites for Nature Conservation

There is one statutory site for nature conservation within 1km of the site:

Burgate Wood Site of Special Scientific Interest (SSSI)

Burgate Wood SSSI is located approximately 790m north of the Application Site. Burgate Wood is a particularly good example of the type of oak *Quercus robur*-hornbeam *Carpinus betulus* woodland characteristic of this part of north Suffolk. It is ancient, with a coppice-with-standards structure and continues to support entirely semi-natural stands. Many giant coppiced stools are present which indicate its great antiquity. The ground flora is diverse and includes several species that are indicators of ancient woodland, including one rarity. Pedunculate oak-hornbeam woodland occupies the central plateau in the wood. Hornbeam is present as coppice with ash *Fraxinus excelsior* and hazel *Corylus avellana*. Some field maple *Acer campestre* occurs on the edge of the plateau and standard trees are of oak and ash. Mixed oak-hazel-ash woodland is present on a number of shallow valley sides that radiate from the central area with wet ash-maple woodland on the more calcareous boulder clays in the valley bottoms. Dogwood *Cornus sanguinea*, guelder rose *Viburnum opulus* and spindle *Euonymus europaeus* are characteristic of the calcareous soils.

The ground flora contains much dog's mercury *Mercurialis perennis* with frequent primrose *Primula vulgaris*, enchanter's nightshade *Circaea lutetiana*, sanicle *Sanicula europaea* and water avens *Geum rivale*. A number of uncommon species are present including herb Paris *Paris quadrifolia*, yellow archangel *Lamium galeobdolon*, hairy woodrush *Luzula pilosa* and the rare lungwort *Pulmonaria officinalis*. The acidic sands on the central plateau are dominated by bracken *Pteridium aquilinum* with honeysuckle *Lonicera periclymenum* and wood sorrel *Oxalis acetosella*. Wide rides are present, and they have a distinctive flora including tufted hairgrass *Deschampsia cespitosa*, meadowsweet *Filipendula ulmaria*, yellow pimpernel *Lysimachia nemorum* and creeping buttercup *Ranunculus repens*. A moated site is present and a massive woodbank and ditch surrounds much of the wood.

The proposed development site is not subject to any statutory or non-statutory nature conservation designations and does not contain equivalent habitat that could be considered as functionally linked to any nature conservation sites.

In addition, the site is not located in proximity to any statutory or non-statutory designated site where the development could result in direct impacts to any designated site. The site is very small, and the development is relatively minor so any impacts resulting from the proposed development are anticipated to be localised and are not expected to extend beyond the redline site boundary. As such, it is reasonable to conclude that the proposed development will have no detrimental effect on any statutory or non-statutory sites.

3.2 Habitat Survey

Summary

The habitat survey was carried out on 7th March 2023 in appropriate weather conditions.

The site is part of a former arable field converted to a paddock and used for grazing sheep. The site is bounded by Furze Way to the east and to the south by a hedgerow and drainage ditch separating the Application Site from the neighbouring property. The remaining site boundaries are unmarked and contiguous with the larger area of paddock.

A Phase 1 Habitat Plan is included in Appendix 1.



Grassland

The majority of the site comprises improved grassland which had been heavily grazed by sheep at the time of the survey (Appendix 2, Photographs 1). The sward is fairly unremarkable comprising a high proportion of perennial ryegrass *Lolium perenne*, meadow-grass *Poa spp.* and red fescue *Festuca rubra*. Very few flowering forbs were present within the grazed areas.

Around the edge of the field is an electric fence which has left a strip approximately 2m wide ungrazed by sheep and here the grassland is more characteristic of semi-improved grassland (Appendix 2, photograph 2) comprising a greater proportion of wild coarse grasses including Yorkshire fog *Holcus lanatus* and cock's foot *Dactylis glomerata*. Flowering forbs are frequent including ground ivy *Glechoma hederacea*, cleavers *Galium aparine*, dove's foot cranesbill *Geranium molle*, red deadnettle *Lamium purpureum*, lords and ladies *Arum maculatum*, dandelion *Taraxacum officinale agg.*, bristly oxtongue *Helminthotheca echioides* and ragwort *Jacobaea vulgaris*. Tall herbs are also present including nettles *Urtica dioica*, hogweed *Heracleum sphondylium* and broad-leaved dock *Rumex obtusifolius*. Semi-improved grassland is also present in a strip between Furze Way and the Application Site.

Hedgerows

The eastern and southern boundaries of the site are demarked by a species-poor native hedgerow (Appendix 2, Photograph 3). Hawthorn *Crataegus monogyna* is dominant alongside field maple *Acer campestre* and blackthorn *Prunus spinosa*. Honeysuckle is present in the section adjacent to the neighbouring property which is generally better managed. Bramble *Rubus fruticosus agg.* and ivy *Hedera helix* are frequent throughout. There is a 20m gap in the hedgerow section next to Furze Way with the northern section being more overgrown and unmanaged.

Drainage ditch

There is a drainage ditch adjacent to the hedgerow which follows the line of the field boundary (Appendix 2, Photograph 4). The ditch had very little water at the time of the site visit and does not exhibit any aquatic features which would indicate it contained water regularly.

Offsite habitats

There are five ponds located within 250m of the site:

Pond 1 is located approximately 60m northwest of the site adjacent to the access to Gibson's Farm House. The pond contained very little standing water at the time of the survey (Appendix 2, Photograph 5).

Pond 2 is located approximately 100m northwest of the site in a small block of woodland adjacent to Gibson's Farmyard.

Pond 3 is located approximately 125m north of the site.

Pond 4 is located approximately 160m northwest of the site adjacent to Burgate Road (Appendix 2, Photograph 6).

Pond 5 is located approximately 180m northeast of the site.

3.3 Protected Species

Bats

The boundary hedgerow is a linear feature likely to have some value for commuting and foraging bats, however, the hedgerow has a large gap adjacent to the site and does not provide any significant commuting routes or foraging habitat of particular value.

There are no existing buildings within the site which could support roosting bats; some of the farm buildings to the north of the site may contain roosting bats but are far enough from the proposed development site that they would be unlikely to be impacted by the new dwelling.

Great Crested Newts

There are five ponds within 250m of the site, but only Pond 1, Pond 2 and Pond 4 could be accessed at the time of the survey.

Table 2: Great crested newt HSI results.

Criteria	Pond 1	Pond 2	Pond 4
Location	1.00	1.00	1.00
Pond Area	0.00 (2.35m ²)	0.02 (7.85m ²)	0.32 (160m ²)
Pond Drying	0.10 (Frequently)	0.50 (Sometimes)	1.00 (Rarely)
Water Quality	0.67 (Moderate)	0.67 (Moderate)	1.00 (Good)
Overshading	0.20 (100%)	0.20 (100%)	1.00 (50%)
Presence of Wildfowl	1.00 (Absent)	1.00 (Absent)	0.67 (Minor)
Presence of Fish	1.00 (Absent)	1.00 (Absent)	1.00 (Absent)
Pond Network	1.00 (≥3)	1.00 (≥3)	1.00 (≥3)
Quality of Terrestrial Habitat	1.00 (Good)	1.00 (Good)	1.00 (Good)
Macrophyte cover for egg laying	0.31 (0%)	0.31 (0%)	0.61 (30%)
HSI Score	0.34	0.45	0.82
Categorisation of Habitat Suitability	Poor	Poor	Excellent

Despite the presence of ponds within 250m of the site and the presence of high value potential breeding ponds nearby, the site itself provides very few credible opportunities for great crested newts. The habitat within the site is short grazed improved grassland or mown semi-improved grassland which is not suitable terrestrial habitat for great crested newts. The proposed development is a single dwelling located entirely within the grassland area of the site and although suitable terrestrial habitat for great crested newts exists within the boundary hedgerows the actual development will result in very minor habitat loss if any. Furthermore, the ponds within 250m from the site all have abundant high value terrestrial foraging and refuge habitat surrounding them which is adequate to support any population of newts that could be present. As such it is considered unlikely that newts would travel beyond the immediate vicinity of the ponds.

It is considered unlikely that great crested newts will be present within the site or encountered during the proposed construction works. As such, there is negligible risk to great crested newts. Natural England's standing advice is that "if the consultant ecologist, on the basis of survey information and specialist knowledge of the species concerned, considers that on balance the proposed activity is reasonably unlikely to result in an offence under the Habitat Regulations then no licence is required (European Protected Species Guidance Note, WML-G12 (11/07), Natural England 2007).

A simple method statement may be required to ensure that effective avoidance measures are in place to illuminate any risk of impacts to great crested newts during works to remove any section of the boundary hedgerow.

Birds



In general, the habitats within the site are only likely to support a small number of common or widespread species with some potential to support red or amber listed species of conservation concern including song thrush and dunnock in the boundary hedgerow.

Bird species recorded on or adjacent to the site during the PEA site visit were very few but did include woodpigeon, greenfinch, redwing, great tit, blue tit, robin, dunnock, wren and blackbird.

Reptiles

The grassland within the site has no credible suitability for reptiles. The sward is fairly uniform and lacks diversity of structure which would be of value as habitat for reptiles.

On this basis it is considered unlikely that any reptiles will be present with the site and therefore will not be affected by the proposed development.

Badger

The site has some value as foraging habitat for badgers but lacks suitable habitat for sett creation. No setts or other evidence of badgers was identified within the site or up to 30m from the site boundary.

As such it is unlikely that badgers will be affected by the proposed development.

NERC Act SPI /Local or National BAP Species

Hedgehogs are likely to be present locally and will utilise the habitats within the Application Site for foraging. However, hedgehogs will also regularly utilise garden habitats if access is available and much of the site will be managed as a garden for the single property. As such the conversion of the site to a dwelling with a garden containing appropriate shrubs and planted borders is not likely to significantly affect the distribution or population of hedgehogs locally.



4 Discussion and Recommendations

4.1 Nature Conservation Evaluation

The intrinsic value of the habitats on-site within a defined geographic context is generally considered to be of importance at site level only. The majority of the site comprises improved grassland which is widespread and abundant locally. The Application Site does support a section of native hedgerow which is a Habitat of Principal Importance under the NERC Act. However, the hedgerow is not species-rich and is in poor condition; it does not meet the ecology criteria within the Hedgerow Regulations 1997 to qualify as 'important' hedgerow under the regs.

The habitats within the development footprint have low ecological value and are generally common and widespread existing locally in both larger area and higher quality to the site. Any loss of other habitats from within the site would be unlikely to affect the overall assemblage of species or the conservation status of any individual species beyond the context of the site.

4.2 Constraints and Mitigation/Compensation

Bats

Bats are sensitive to artificial lighting which can disrupt the normal 24-hour pattern of light and dark and is likely to affect the natural behaviour of bats. Bright light may reduce social flight activity or restrict access to foraging areas causing bats to move away from the light area. Studies have shown that in extreme cases continuous lighting can sometimes create barriers which some bat species will not cross. Lighting can be particularly harmful if used near high value foraging and commuting habitat such as woodland edges, hedgerows or rivers.

It is recommended that directional lighting is used to avoid illuminating habitat which could be utilised by bats. Of particular importance for this development site is to avoid light spill across the boundary hedgerows and adjacent tree belt which contain mature trees capable of supporting roosting bats and which provide opportunities for commuting and foraging bats. External lighting in the vicinity of these areas should be managed carefully and designed to avoid excessive light spill which could disrupt bats.

Great crested newts

A simple method statement for site clearance is sufficient mitigation for any risk to great crested newts. The site is already short grazed or mown and should be maintained at a short height to deter great crested newts from entering the construction site. Temporary Amphibian Fencing (TAF) can be used during construction, if required, to ensure that great crested newts cannot enter the site when the building activities may inadvertently create refuge habitat for newts beneath pallets etc. The TAF would not require a protected species licence as the grassland within the construction footprint is not considered suitable habitat for great crested newts and the fencing would still permit passage around the site and so would not be a barrier to dispersal. Localised hand searches should be carried out when clearing any hedgerow or other habitat which might support great crested newts.

Birds

Any clearance of suitable nesting vegetation should be undertaken outside of the bird nesting season (from 1st March to the 31st August, inclusive) where appropriate. If this is not possible a detailed inspection for nesting birds should be carried out by a suitably qualified ecologist no more than 48 hours prior to removal of vegetation capable of supporting nesting birds. Any active nests found must be retained with an appropriate buffer until young birds have fledged, and the nest is no longer in use. It should be noted that the nesting bird check is only appropriate for small areas of nesting habitat. It is not effective for widescale site clearance and should be avoided when clearing habitat such as hedgerows and dense scrub present on this site; this type of large-scale clearance should be undertaken outside of the nesting season.



Hedgehogs

Consideration should be given to hedgehogs during construction and hedgehog friendly features included into the design of the development. Provision of woodpiles or a hedgehog house would provide necessary refuge for this species and the development should seek to reduce any potential fragmentation of habitats through the introduction of physical barriers to dispersal such as hardstanding, fences and artificial lighting.

4.3 Ecological Enhancement

The National Planning Policy Framework (NPPF) encourages developers to incorporate habitat enhancement measures into development projects with the aim of providing tangible benefits for wildlife and achieving no net loss or where possible an observed gain in biodiversity within an individual site. Where opportunities exist, an individual development may provide enhancements to biodiversity which contribute to wildlife and habitat connectivity in the wider area. Enhancements act to improve the quality of the habitat for the flora and fauna on and within the vicinity of the site, although these enhancements may also provide aesthetic appeal.

Possible opportunities to enhance the wildlife potential, appropriate to this site, are provided below. It is important that any measures adopted be clearly demonstrated to the Planning Authority through inclusion in design plans and accompanying documentation.

- The new boundaries of the site should be planted with new native hedgerow. Any new hedgerow planting should include native species only with a minimum of seven woody species within each 30m section. Species should comprise approximately 60% hawthorn with 40% being a mix of other native hedging plants such as field maple, blackthorn, hornbeam, hazel, dogwood, wayfaring tree *Viburnum lantana*, guelder rose, dog rose *Rosa canina*, spindle, small-leaved lime *Tilia cordata*, wild damson *Prunus domestica subsp. Insititia*, crab apple *Malus sylvestris*, wild service tree *Sorbus torminalis* and elder *Sambucus nigra*.
- Bat boxes such as the Schwegler 1FR bat tube and the Schwegler Brick Box Type 27 or other integrated bat boxes such as those supplied by birdbrickhouses (<http://www.birdbrickhouses.co.uk/brick-nesting-boxes/bat-box>) provide opportunities for bats to roost in specially made boxes designed to be built into the external walls of the new dwelling. The boxes are very discrete and require no maintenance. At least one box should be installed on the new dwelling at a location advised by the project ecologist.
- The rural location of the development site could provide suitable nesting habitat for barn owls. Provision of a nest box for barn owls would offer a safe nesting site overlooking fields adjacent to the site. The box should be installed on a mature tree within the wider farm landholding, ideally overlooking rough grassland field margins or other suitable foraging habitat.

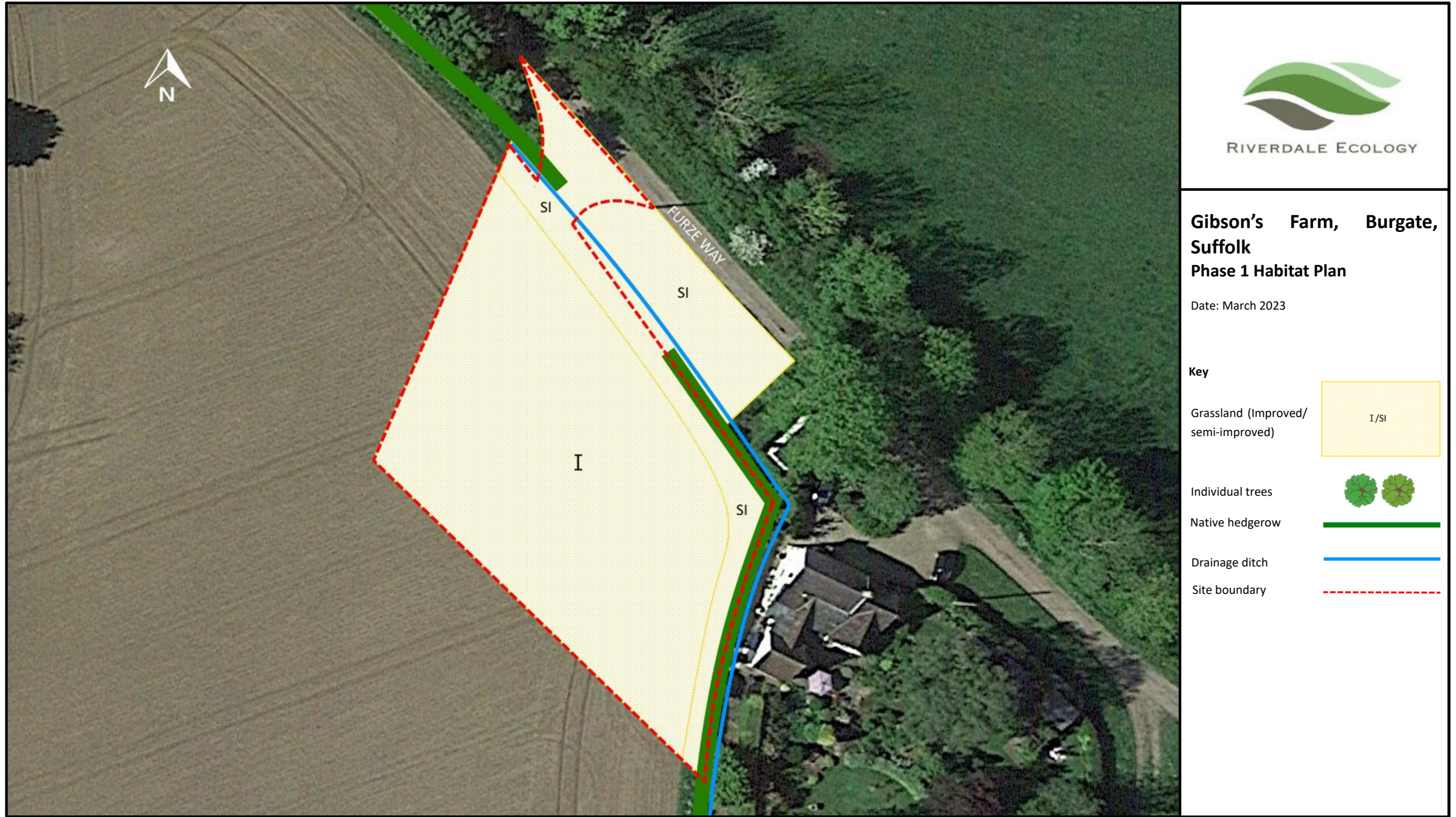
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Appendix 1: Site Plans

Figure 1: Phase 1 Habitat Plan





Appendix 2: Photographs



Photograph 1.
View south across Application Site.



Photograph 2.
View north towards Gibson's Farm – showing semi-improved grassland strip.



Photograph 3.
Section of boundary hedgerow.



Photograph 4.
Drainage ditch between the site and Furze Way.



Photograph 5.
Pond 1 located 60m from the site.



Photograph 6.
Pond 4 (160m northwest of the site boundary).

Appendix 3: Legislation

Relevant Legislation

Please note: This section contains key details of legislation and planning policy applicable in England and Wales only (i.e. not including the Isle of Man, Scotland, Northern Ireland, the Republic of Ireland or the Channel Islands) and does not provide full details. It is provided for general guidance only. While every effort has been made to ensure accuracy, this section should not be relied upon as a definitive statement of the law. Further information can be obtained from the relevant authorities.

National Legislation: Species

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 provides safeguards for European Protected Sites and Species (as listed in the Habitats Directive) and was transferred directly into UK law, thereby continuing the same provision for European protected species, licensing requirements, and protected areas after leaving the European Union.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 interpret the Birds Directive and Habitats Directive into English and Welsh law with appropriate amendments introduced following the removal of the UK from the European Union in January 2021.

Explanatory notes relating to species protected under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (which includes smooth snake, sand lizard, great crested newt and natterjack toad, all bat species, otter, dormouse and some plant species) are given below and consider the case in England only, with Natural England given as the appropriate nature conservation body. **These should be read in conjunction with the relevant species sections that follow.**

- In the legislation, 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 (Amendment) (EU Exit) Regulations 2019 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.
- In order to obtain a European Protected Species Mitigation (EPSM) licence, the application must demonstrate that it meets the following three 'tests':
 - (i) the action(s) is(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.

The Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is a fundamental 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. Various amendments have been made to the Wildlife & Countryside Act 1981 including the Countryside and Rights of Way (CROW) Act (2000).



Other Legislation

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

- Deer Act 1991
- Countryside and Rights of Way (CROW) Act 2000
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996.

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

Wild Mammals (Protection) Act 1996

Under the Wild Mammals (Protection) Act 1996 all wild mammals are protected against intentional acts of cruelty under the above legislation. It is 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 nests or burrows) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Bats

All species of bat are fully protected under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which 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:
 - (i) to survive, breed, or reproduce, or to rear or nurture young;
 - (ii) 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
- 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) 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
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Implication for development works

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), a European Protected Species Mitigation (EPSM) Licence, issued by the relevant countryside agency (e.g. Natural England), will be required. The licence is to allow derogation from the relevant legislation and to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Though there is no current case law the legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded de facto protection, for example, where it can be proven that removal of such features may have a major impact to maintaining the viability of a bat roost⁵.

Birds

With certain exceptions, all wild birds, their nests and eggs are protected under Sections 1-8 of the Wildlife and Countryside Act 1981 (as amended). Among other things, this makes it an offence to:

- Intentionally kill, injure or take any wild bird;
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built;
- Intentionally take or destroy an egg of any wild bird;
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, black redstart, hobby, bittern and kingfisher receive additional special protection under Schedule 1 of the Act and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC). 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.

Implication for development works

Works should be planned to avoid the possibility of killing or injuring any wild bird, or damaging or destroying their nests, in order to avoid breaching the Wildlife and Countryside Act 1981 (as amended). To reduce the likelihood of nest destruction in particular, work should be undertaken outside the main bird breeding season (March to September⁶). Where this is not achievable any areas of habitat suitable for birds must be thoroughly checked for nests prior to vegetation clearance.

Species of bird listed on Schedule 1 are additionally protected against disturbance during the breeding season. It will therefore 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 achievable, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Herpetofauna (Amphibians and Reptiles)

Through their inclusion EPS under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, the sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita* and great crested newt *Triturus cristatus*

5 Garland & 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 out of this period (depending on the particular species and geographical location of the site) and as such due care and attention should be given when undertaking potentially disturbing works at any time of year.

receive full protection. The pool frog *Pelophylax lessonae* is also afforded full protection under the same legislation. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of species listed on Schedule 2
- Deliberate disturbance of any Schedule 2 species as:
 - a) to impair their ability:
 - (i) to survive, breed, or reproduce, or to rear or nurture young;
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate
 - b) 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
- 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 currently listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

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 Section 9(1) & (5). For these species, it is prohibited to:

- Intentionally (or recklessly in Scotland) kill or injure these species
- 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 Section 9(5) only which affords them protection against:

- Sale, offering or exposing for sale, possession or transport for the purpose of sale.

Implication for development works

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) 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 (Amendment) (EU Exit) Regulations 2019 (sand lizard, smooth snake, natterjack toad, great crested newt and pool frog). 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 Wildlife and Countryside Act 1981 (as amended).

Badger

Badgers *Meles meles* receive protection under The Protection of Badgers Act 1992 which consolidates the previous Badger Acts of 1973 and 1991. Under the Act it is an offence to:

- Wilfully kill, injure, take, or, in England and Wales only, 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

Implication for development works

A Development Licence is required from the relevant countryside agency (e.g. Natural England, Natural Resources Wales or Scottish Natural Heritage) for any development works liable to affect an active badger sett, or to disturb badgers whilst in the sett. In Wales, the Welsh Government is responsible for issuing licences in relation to agricultural and forestry operations or works to maintain or improve any existing watercourse or drainage works, or to construct new works required for the drainage of land, including works of defence against seawater or tidal water.

Depending on the nature of the works and the specifics of the sett and its environment, badgers could be disturbed by work near the sett even if there is no direct interference or damage to the sett itself. The countryside agencies have issued guidelines on what constitutes a licensable activity. N.B. there is no provision in law for the capture of badgers for development purposes and therefore it is not possible to obtain a licence to translocate badgers from one area to another.

Invasive Plant Species

Certain species of plant, including Japanese knotweed *Fallopia japonica*, giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera* are listed on Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) in respect to Section 14(2). Such species are generally non-natives whose establishment or spread in the wild may be detrimental to native wildlife. Inclusion on Part II of Schedule 9 therefore makes it an offence to plant or otherwise cause these species to grow in the wild.

Implication for development works

Although it is not an offence to have these plants on your land, it is an offence to cause these species to grow in the wild. Therefore, if they are present on site and development activities (for example movement of spoil, disposal of cut waste or vehicular movements) have the potential to cause the further spread of these species to new areas, it will be necessary to ensure appropriate measures to prevent this prior to the commencement of works.

International and National Legislation: Habitats

Statutory Designations: International

Special Protection Areas (SPAs) and Special Areas of Conservation (SACs)

Special Protection Areas (SPAs), together with Special Areas of Conservation (SACs) form the Natura 2000 network in Europe (National Site Network in the UK). The Government was obliged to identify and classify SPAs under the EC Birds Directive (Council Directive 2009/147/EC (formerly 79/409/EEC)) on the Conservation of Wild Birds) and these sites have been retained within UK law despite the removal of the UK from the European Union via The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

- **Special Protection Areas** are areas of the most important habitat for rare (listed on Annex I of the Directive) and migratory birds within the UK and Europe. Protection afforded SPAs in terrestrial areas and territorial marine waters out to 12 nautical miles (nm) is given by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of SPAs in UK offshore waters (from 12-200 nautical miles (nm)).



- **Special Areas of Conservation** are areas which have been identified as best representing the range and variety of key habitats and rare (non-bird) species listed on Annexes I and II of the Directive. The Government is still obliged to identify and designate SACs under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 whereby the EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora) was incorporated fully into the UK legislation despite the removal of the UK from the European Union. SACs in terrestrial areas and territorial marine waters out to 12 nm are protected under The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a mechanism for the designation and protection of SACs in UK offshore waters (from 12-200 nm).

Ramsar sites

Ramsar sites are designated under the Convention on Wetlands of International Importance. The Convention provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources, in particular it recognises 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 (SSSIs) 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 in England and Wales highlighting the special status of Ramsar sites. This effectively extends the level of protection to that afforded to sites which have been designated under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. (e.g. SACs & SPAs).

Statutory Designations: National

Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNR)

Sites of Special Scientific Interest are nationally important areas of special scientific interest, designated for their flora, fauna, or geological or physiographical features, under the National Sites and Access to the Countryside Act 1949 and latterly the Wildlife & Countryside Act 1981 (as amended). National Nature Reserves are declared by the countryside agencies under the same legislation. As well as underpinning other national designations the system also provides statutory protection for terrestrial and coastal sites which are important within a European context (National Site Network) and globally (such as Wetlands of International Importance). See subsequent sections for details of these designations. Improved provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales).

Statutory Designations: County

Local Nature Reserves (LNRs)

LNRs are statutory sites of lower conservation value designated under national legislation. LNR designation is 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.

Non-Statutory Designations

Non-statutory sites designated under local legislation are areas considered to be of local conservation interest. These may be designated by local authorities as **Local Wildlife Sites (LWS)**, also known as **County Wildlife Sites (CWS)**, **Local Nature Conservation Sites (LNCS)**, **Sites of Biological Importance (SBIs)** or **Sites of Importance for Nature Conservation (SINCS)**. May vary between counties.

Together with the statutory designations, these are defined in local and structure plans under the Town and Country Planning system and are a material consideration when planning applications are being determined. The criteria for designation and the level of protection afforded to these sites through local planning policies and development frameworks may vary between counties.

National Planning Policy

The National Planning Policy Framework (NPPF)



The National Planning Policy Framework (NPPF) replaced Planning Policy Statement (PPS9) in April 2012 as the key national planning policy concerning nature conservation. The NPPF emphasises the need for suitable development and specifies the need for protection of designated sites and priority habitats and priority species. An emphasis is also made for the need for ecological networks via preservation, restoration and re-creation. The protection and recovery of priority species – those listed as UK Biodiversity Action Plan priority species – is also listed as a requirement of planning policy. The NPPF was updated in February 2019 and now includes a presumption in favour of providing a **net gain** in biodiversity as opposed to a 'no net loss' as was previously the policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that:

- Designated sites are protected from adverse harm;
- Planning permission is refused where significant harm from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for;
- Opportunities to incorporate biodiversity in and around developments are required and a net gain in biodiversity through enhancement during development is now expected;
- Planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland; and
- Protection should be given to biodiversity within areas designated for their landscape value to include National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

The Natural Environment and Rural Communities (NERC) Act 2006, (as amended)

The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. The Act includes a list of habitats and species of 'principal importance for the conservation of biodiversity' in England. They are referred to in this report as **Species of Principal Importance and Habitats** or **Principal Importance**. Local Authorities are required to consider the needs of these habitats and species when making decisions such as on planning application. A developer must show that their protection has been adequately addressed within a development proposal.

Local Planning Authority's planning policy

The Local Planning Authority has policies relating to biodiversity conservation. For details, please see the planning website for the relevant authority.

Regional and Local BAPs

Many local authorities in the UK have also produced a local Biodiversity Action Plan (LBAP) at the County or District level. For details, please see the planning website for the relevant authority.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are intended to protect 'important' countryside hedgerows from destruction or damage by controlling their removal through a system of notification. A hedgerow is considered important if it:

- has existed for 30 years or more; and
- satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Schedule 1 criteria are related to the presence of protected plants and animals, or a high diversity of woody species and other qualifying features, e.g. connectivity to other hedgerows, woodlands or ponds, and the presence of standard trees.

Under the Regulations, it is a criminal offence to remove or destroy certain hedgerows without permission from the local planning authority. Countryside hedgerows are defined as those on or adjoining:



Preliminary Ecological Appraisal

- common land;
- village greens;
- SSSIs (including all NNRs, SPAs and SACs);
- LNRs, and;
- land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys are covered by these regulations.

Garden hedgerows, e.g. within or marking the boundary of the curtilage of a dwelling-house, are exempt from The Hedgerow Regulations.