



Preliminary Ecological Appraisal and Preliminary Roost Assessment

Manor Farm House, Low Road, Besthorpe, Newark, Nottinghamshire, NG23 7HJ

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Industry Guidelines and Standards

This report has been written with due consideration to:

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

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

Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.

Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.

British Standard 42020 (2013). Biodiversity –Code of Practice for Planning and Development.

British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed by Calum & Laura McConnachie to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Manor Farm House, Low Road, Besthorpe, Newark, Nottinghamshire, NG23 7HJ (hereafter referred to as “the site”). The survey was required to inform a planning application for the conversion of outbuildings to two holiday lets. Additionally, the proposal will include a single storey extension between the main house and outbuildings (hereafter referred to as “the proposed development”).

The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 6 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Roosting bats (B1)	As a result of the proposed works completed or nearing completion, the building has been assessed as no longer suitable for void dwelling roosting bats. A best effort inspection was conducted internally to look for evidence of roosting bats, however none was recovered. It has therefore not been possible to confirm the presence of bats. The presence of roost habitat for crevice dwelling bats has been identified as there is missing mortar and lifted tiles which could allow crevice dwelling bats to utilise the newly constructed roof sub-space.	As no evidence of bats was recovered from the remaining structure, it cannot be concluded that a bat roost has been impacted by the internal and external works. The extensive interior works to the building interior makes it unlikely void dwelling bats will begin using the building due to unsuitable conditions now present.	Owing to the retrospective naturalistic assessment, and to compensate for the removal of habitat with roost value for void dwelling bat species, replacement roosts will be incorporated into the renovation of the building. Historical bat records are required from the Nottinghamshire Biological and Geological Records Centre (NBGR) to inform of bat roosts in the area and the species of bats in the vicinity. This will inform the type of compensatory habitat roost required.
Roosting bats (B2)	Building 2 has moderate value for roosting bats. The building includes gaps in the roof tiles and missing mortar along the ridge line that could be utilised by bats. The River Fleet is located approximately 110m west of site and could provide commuting and foraging habitat for bats. Furthermore, there is an excellent habitat within 2km of the site which could be utilised by foraging bats.	The proposed development will result in the potential to block access points to the building. Furthermore, with the proposed development in close proximity to the building, noise and vibrations could disturb roosting bats if present. This could result in damage and modification of any bat roosts present and could cause disturbance, death or injury to bats.	Two bat emergence and re-entry surveys are required during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely absence of a bat roost in the building. Both of the surveys should be completed during the optimal survey period mid-May to August inclusive.
Roosting bats (Main building, B3 and B4)	These buildings will be unaffected from the proposed development. However, noise and vibrations from the completed works adjacent to the buildings could have caused disturbance to bats if present.	Light spill on to the buildings could cause disturbance to roosting bats.	A low impact lighting strategy is recommended.

Hedgehog	No evidence of hedgehogs was seen on site.	No impacts are anticipated on hedgehogs as a result of the proposed development.	A precautionary working method recommended.
Birds	All buildings provide gaps under roof tiles that could be utilised by birds. Furthermore, shrubs and trees provide nesting potential for birds.	<p>The roof of B1 provides gaps which could provide access into the roof-subspace. However, the gaps may have provided access to the interior of the building previously. The loss of such habitats is likely to be inconsequential to local bird populations owing to the presence of an extensive habitat locally.</p> <p>However, the proposed development could have resulted in the destruction or the disturbance and subsequent abandonment of active bird nests.</p> <p>Additionally, B2 provides gaps that could be utilised by birds. Adjacent works could cause disturbance and abandonment of active bird nests.</p>	A precautionary working method recommended.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Calum & Laura McConnachie to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Manor Farm House, Low Road, Besthorpe, Newark, Nottinghamshire, NG23 7HJ (hereafter referred to as “the site”). The survey was required to inform a planning application for the conversion of outbuildings to two holiday lets. Additionally, the proposal will include a single storey extension between the main house and outbuildings (hereafter referred to as “the proposed development”). A plan showing the proposed development is provided in Appendix 1.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. The aim of the PRA was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how bats could use the site for roosting, foraging or commuting.

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

1.2 Site Location and Landscape Context

The site is located at National Grid Reference SK 82527 64874 and has an area of approximately 0.1ha comprising three buildings, hard standing and a vegetated garden to the west, east and south. It is surrounded by residential dwellings to the north, east, south and west with their associated garden areas. The wider landscape comprises residential dwellings with their associated garden areas, arable fields with hedgerows and tree lines, and the River Trent located to the west of site. Furthermore, there are two Sites of Special Scientific Interest (SSSI) within 2km of the site which includes Besthorpe Warren SSSI and Besthorpe Meadows SSSI. Additionally, there are 10 non statutory sites within 1km of the site. Habitats within 2km of the site include lowland fens, traditional orchards, good quality semi-improved grassland, coastal and floodplain grazing marsh, lowland meadows, and deciduous woodland. A site location plan is provided in Appendix 2.

1.3 Scope of the Report

The PEA element of this report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

The PRA element of this report provides a description of all features suitable for roosting, foraging and commuting bats and evaluates those features in the context of the site and wider environment. It further documents any physical evidence collected or recorded during the site survey that establishes the presence of roosting bats. It provides information on possible constraints to the proposed development as a result of bats and summarises the requirements for any further surveys to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

To achieve this, the following steps have been taken:

A desk study has been carried out.

A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species, including roosting bats.

Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.

Potential impacts on features of value, as a result of the proposed development, have been identified.

Recommendations for further surveys and mitigation have been made.

Opportunities for the enhancement of the site for biodiversity have been set out.

2.0 Methodology

2.1 Desk Study

The desk study included a review of the magic.gov.uk database for statutory designated sites within a 2km radius of the site. Landscape value and the presence of notable habitats as well as granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database has also been considered where these are within influencing distance of the site.

2.2 Field Survey

The survey was undertaken by Matthew Edwards on the 26th June 2023: accredited agent to Natural England Bat Licence Number: 2022-10404-CL18-BAT.

Preliminary Ecological Appraisal

An extended habitat survey was undertaken, following the methodology set out in *UK Habitat Classification User Manual* (UK Habitat Classification Working Group, 2018). 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.

Preliminary Roost Assessment

The PRA focussed on two built structures 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.

For any surveyed buildings:

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the buildings 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 one building was also made, including the living areas and any accessible roof spaces, using a torch and ladders. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows, and carried out a detailed search of numerous features within the roof space.

Suitability Assessment

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

<i>Classification</i>	<i>Feature of building and its context</i>
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.
Moderate	Buildings or structures with one or more features suitable for more regular roosting due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation value such as maternity or hibernation roosts. Continuous habitat connected to the wider landscape which could be used by bats for commuting such as lines of trees, linked gardens. Foraging habitat in the surrounding area such as trees, scrub, grassland or water.
Low	Buildings or structures with one or more features suitable for use 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 largely isolated in the landscape. Or an isolated site not connected by prominent linear features.
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.

There were no specific limitations to the survey.

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.

There was no access to the northern elevation of B1.

The works had been undertaken to the internal and external roof structure of B1. Renovations of the interior of the building included plasterboard on the ceiling, new walls and flooring. The modifications to the internal space prevented a full inspection of the internal roof space being conducted and may have resulted in the loss of bat evidence.

No internal inspection was carried out on B2 due to no proposals for works on for that building during the survey.

These limitations have been taken into account during the evaluation of the site and requirement for further surveys and mitigation.

3.0 Results and Evaluation

3.1 Designated Sites

Details of any statutory designated sites within a 2km radius of the site, and non-statutory designated sites within a 1km radius of the site, including their reasons for notification, are provided in Table 2 below. The reasons for notification of non-statutory designated sites within 1km cannot be established without biological records data.

Table 2: Statutory and non-statutory designated sites within 1km-2km radius of the site

Designated site name	Distance from site	Reasons for notification from Natural England
Besthorpe Warren SSSI	480m north-east	Besthorpe Warren supports an important mosaic of dry acid grassland vegetation including nationally uncommon types of parche acid grassland and an inland example of dune grassland, dominated by sand sedge <i>Carex arenaria</i> . Formerly characteristic of active inland dunes associated with the north Lincolnshire and east Nottinghamshire Coversands, this type of vegetation is now rare in the East Midlands and very restricted in its distribution across England.
Besthorpe Meadows SSSI	580m south-west	Besthorpe Meadows consist of two unimproved alluvial grasslands within the floodplain of the River Trent in east Nottinghamshire. They represent an extensive area of a distinctive plant community now nationally rare and reliant upon seasonal flooding and traditional forms of management for their survival.
The Fleet, Girton Local Wildlife Site (LWS)	95m west	n/a
The Fleet Grassland, Girton	280m north	n/a
Besthorpe Warren LWS	450m north-east	n/a
Primrose Hill LWS	380m east	n/a
The Fleet Grassland, Girton LWS	280m north	n/a
Besthorpe Road Verge LWS	780m north-east	n/a
Besthorpe Gravel Pits LWS	460m west	n/a
Ballast Pit, Besthorpe LWS	590m south-west	n/a
Black Pool, Besthorpe LWS	600m south	n/a
Black Pool Grassland, Besthorpe LWS	790m south	n/a

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 3.

Table 3: Weather conditions during the survey

Date:	26th June 2023
Temperature	21°C
Humidity	50%
Cloud Cover	25%
Wind	1mph
Rain	None

Habitats and Flora

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

- u1 231 1160 1170 Built-up areas and gardens (vegetated garden, introduced shrub, trees)
- u1b Developed land; sealed surface
- u1b5 Buildings


A description and photographs of each habitat are provided in Table 4.

No protected or non-native invasive plant species (as listed under Schedules 8 or 9 of the Wildlife and Countryside Act 1981) were identified on the site.

Table 4: Description and photographs of habitats within and adjacent to the site

Habitat type	Habitat description	Photograph
u1 231 1160 1170 Built-up areas and gardens (vegetated garden, introduced shrub, trees)	<p>The site is comprised of three areas of modified grassland located to the west (pictured opposite), and to the north-east and south-east. Modified grassland across the site is comprised of perennial rye grass, Yorkshire fog, clover, and buttercups.</p> <p>Shrubs in the photo opposite are mainly confined to pots with the exception of red tip photinia. Along the western boundary is a regularly maintained leyland cypress group.</p> <p>Concrete hard standing is located throughout the site adjacent to the main building, outbuilding and driveway.</p>	

<p>u1 231 1160 11' Built-up areas ar gardens (vegetate garden, introduced shrub, trees)</p>	<p>The vegetated garden opposite is compri modified grassland, young-semi mature trees ar introduced shrubs.</p> <p>Shrubs are comprised of spindle, lilac, cherry laurel, salvia, buddleia, mahonia.</p> <p>Trees consist of common cherry, sycamo whitebeam.</p>	
<p>u1b Developed land; sealed surface</p>	<p>Pictured opposite showing the locatio proposed single storey extension. The e comprised of the south and western side of the main building and north of single storey building (B2).</p>	


<p>u1b Developed land; sealed surface</p>	<p>Pictured opposite showing the driveway to the site.</p>	
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Fauna

Bats



The results of the PRA are provided in Table 5. No evidence of roosting bats was identified during the survey.



Table 5: Assessment of the suitability of the site for bats



Feature	Description	Photographs
<p>Building overview</p>	<p>The site is comprised of four buildings. However, B1 and the main building are connected and share a partial roof structure on the northern elevation. All buildings are constructed from clay type tiles which provide gaps which could be utilised by bats as they do not interlock.</p> <p>The main building's roof tiles are in good condition, however due to the type of tile, gaps are still present which could be utilised by bats. However, the proposed development has already been undertaken to B1 and the main building.</p> <p>The modifications to the internal space prevented inspection of the internal roof space and may have resulted in the loss of bat evidence.</p>	



<p>B1 – southern elevation</p>	<p>B1 is located to the west of the main building. It is comprised of a two-storey section and a single-storey section. Gaps are located throughout the roof structure from missing m along the ridge line, and lifted tiles.</p>	 <p>A photograph showing the exterior of a two-story brick building with a red tiled roof. The building has a mix of two-story and single-story sections. In the foreground, there is a garden with a green tractor, a blue and yellow striped awning, and various potted plants. The sky is blue with some clouds. A timestamp '26/06/2023 13:45' is visible in the bottom right corner.</p>
<p>B1 (single storey section) – southern elevation</p>	<p>Missing mortar and cracked mortar along the ridge line provides gaps that could/or could have been utilised by bats. Fresh mortar along the eastern section of the roof connecting to the two storey section.</p>	 <p>A close-up photograph of the red tiled roof ridge line. The tiles are arranged in a traditional pattern. There are visible gaps and areas of missing or cracked mortar along the ridge. The sky is blue with white clouds. A timestamp '26/06/2023 13:45' is visible in the bottom right corner.</p>



<p>B1 (single storey section) – southern elevation</p>	<p>Missing mortar along the ridge line that could/or could have been utilised by bats.</p>	 <p>A close-up photograph of a red tiled roof ridge. The tiles are arranged in a traditional pattern, but there is a noticeable gap in the mortar along the ridge line. The sky is overcast and grey.</p>
<p>B1 (two storey section) – southern elevation</p>	<p>The red circle opposite showing visible lifted clay tiles that could be utilised by bats. The type of tiles lack interlocking capabilities and could also provide gaps that are not visible.</p>	 <p>A photograph of a two-storey brick building with a red tiled roof. A red circle is drawn around a specific area on the roof where a tile appears to be lifted or missing. The building has a brick facade and a window is visible. The sky is blue with some white clouds.</p>

<p>B1 (two storey section) – northern elevation</p>	<p>The view of this section was limited due to lack of access in the neighbouring property. The types of roof tile could provide gaps that are utilised by bats.</p>	
<p>B1 (single storey section) – interior</p>	<p>Unable to assess the interior of the building due to a working site with plasterboard covering the roof structure.</p>	

<p>B1 (two storey section) – interior</p>	<p>Unable to assess the interior of the building due to the proposed works nearing completion with the new roof structure complete.</p>	 A photograph showing the interior of a two-storey section of a building. The ceiling features several large, dark wooden roof beams. A brick gable end is visible in the background. Dark kitchen cabinets are partially visible on the left side. A timestamp in the bottom right corner reads "26/06/2023 13:47".
<p>B1 (two storey section) – interior</p>	<p>Unable to assess the interior of the building due to the proposed works nearing completion with the new roof structure complete.</p>	 A photograph showing the interior of a two-storey section of a building. The ceiling is white with several recessed circular lights. Large wooden roof beams are visible. Dark kitchen cabinets are visible in the lower right corner. A timestamp in the bottom right corner reads "26/06/2023 13:47".

<p>B1 (two storey section) – interior</p>	<p>Unable to assess the interior of the building due to the proposed works nearing completion with the new roof structure complete.</p>	 <p>A photograph showing the interior of a room. On the left, there is a wall made of light-colored bricks. The ceiling features a large, dark wooden beam. The walls are painted a dark blue color. A white bathtub is visible in the background. The floor is light-colored. The date and time '26/06/2023 13:48' are visible in the bottom right corner.</p>
<p>B2 – northern elevation</p>	<p>The roof tiles of this single storey building are loose fitting providing gaps for bats to enter the interior of the building, or to roost under. Furthermore, missing mortar along the ridge lines provide suitable gaps to be utilised by bats.</p>	 <p>A photograph showing the exterior of a single storey building. The roof is covered in reddish-brown tiles. The walls are made of brick. There are windows with white frames and flower boxes. A garden with various plants and a blue metal structure is visible in the foreground. The sky is blue with some clouds. The date and time '26/06/2023 13:51' are visible in the bottom right corner.</p>

<p>B2 – southern and eastern elevations</p>	<p>Missing mortar along the ridge line could be utilised by bats.</p>	
<p>B2 - interior</p>	<p>An internal inspection was not undertaken due to it not being affected by the proposed development at the time of survey. However, the site owner provided the following image which shows multiple gaps that could provide access for bats.</p>	

<p>B3 – northern elevation</p>	<p>B3 will be unaffected by the proposed development. The tiles on this building are in excellent condition. However, the style of tile provides gaps that bats could utilise to roost within the roof sub-space (an area between the roof tiles and roof lining).</p>	
<p>B4 – northern elevation</p>	<p>B4 will be unaffected by the proposed development. However, the building provides suitable features that could be utilised by bats.</p>	

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 6 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development.

Table 6: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities ¹
Designated sites	There are two statutory sites within 2km of the site, the closest being Besthorpe Warren SSSI located 480m from the site. There are 10 non-statutory sites within 1km of the site, the closest being The Fleet, Girton (LWS) located 95m from the site.	No impacts to designated sites are anticipated due to the small scale ; distance of the proposed development from such sites.	None.	None.
Habitats and flora	There are no notable habitats within the site but lowland fens, traditional orchards, good quality semi-improved	No impacts to any notable habitats ; anticipated due to the small scale ; distance of the proposed development from such habitats as well as the urb.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development:

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

	grassland, coastal and floodplain grazing marsh, lowland meadows, and deciduous woodland habitats are present within 2km of the site, the closest being lowland fens located 150m west from the site.	location of the site with surrounding physical barriers.		Planting of native hedgerow along the site boundaries. Species-specific enhancement opportunities are detailed later in this table.
Amphibians	There is one pond located 400m to the east. However, the proposed development is located on existing buildings and hard standing that are of negligible value for amphibians. Furthermore, there is limited terrestrial habitat for amphibians due to regularly managed vegetated garden.	No impacts are anticipated on crested newt, as a result of the proposed development.	None.	None.
Reptiles	The proposed development located on existing buildings and hard standing that are negligible value for reptiles.	No impacts are anticipated on reptiles as a result of the proposed development.	None.	None.
Roosting bats (B1)	As a result of the proposed works completed or nearing completion, the building has been assessed as no longer suitable for void dwelling roosting bats. A best effort inspection was conducted internally to look for evidence of roosting bats, however none was recovered. It has therefore not been possible to confirm the presence of bats. The presence of roost habitat for crevice dwelling bats has been identified as there is missing mortar and lifted tiles which	As no evidence of bats was recovered from the remaining structure, it cannot be concluded that a bat roost has been impacted by the internal and external works. The extensive interior works to the building interior makes it unlikely that dwelling bats will begin using the building due to the unsuitable conditions present.	Owing to the retrospective nature of the assessment, and to compensate for the removal of habitat with roost value for void dwelling bat species, replacement roosts will be incorporated into the renovation of the building. Historical bat records are required from the Nottinghamshire Biological and Geological Records Centre (NBGR) to inform of bat roosts in the area and the species of bats in the vicinity. This will inform the type of compensatory habitat roost required.	Biological records data required to confirm compensatory measures required. Additionally, to be confirmed upon completion of bat emergence and re-entry surveys on site.

	could allow crevice dwelling bats to utilise the newly constructed roof sub-space.			
Roosting bats (B2)	<p>Building 2 has moderate value for roosting bats. The building includes gaps in the roof tiles and missing mortar along the ridge line that could be utilised by bats.</p> <p>The River Fleet is located approximately 110m west of site and could provide commuting and foraging habitat for bats. Furthermore, there is excellent habitat within 2km of the site which could be utilised by foraging bats.</p>	<p>The proposed development will result in the potential to block access points for bats. Furthermore, with the proposed development in close proximity to the building, noise and vibrations could disturb roosting bats if present.</p> <p>This could result in damage and modification of any bat roosts present and could cause disturbance, death or injury to bats.</p>	<p>Two bat emergence and re-entry surveys are required during the active bat season (optimal May to August, suboptimal September) to confirm the presence or likely absence of a bat roost in the building. Both surveys should be completed during the optimal survey period mid-May to August inclusive.</p> <p>Infra-red cameras should be used as an aid. Surveys should be a minimum of two weeks apart.</p> <p>Two surveyors are required to provide full coverage of the building.</p> <p>If bat roosts are confirmed in the building one additional survey may be required to characterise the roost and to inform an EPSL application to Natural England. The EPSL application requires that surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.</p>	To be confirmed upon completion of the surveys.
Roosting bats (Main building, B3 and B4)	<p>These buildings will be unaffected from the proposed development. However, noise and vibrations from the completed works adjacent could have caused disturbance to bats if present.</p>	<p>Light spill on to the buildings could cause disturbance to roosting bats.</p>	<p>A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures:</p> <ul style="list-style-type: none"> • Light spill on to the main building, B3 and B4 should be avoided. • Use narrow spectrum lighting sources to lower the range of species affected by lighting. 	To be confirmed upon completion of the surveys.

			<ul style="list-style-type: none"> • Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required, in order to manage the blue shortwave length content they should be warm / neutral colour temperature <4,200 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. • Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only. • External lighting will be on PIR sensors that are sensitive to light objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. • Wall lights and security lights will be 'dimmable' and set to lowest light intensity settings. There are several products on the market that allow the control of the intensity and the duration that lights are on. All lighting developed site will make use of the most up to date technology available. 	
Badger	No evidence of badgers was seen on site.	No impacts are anticipated on badgers as a result of the proposed development.	None.	None.

<p>Hedgehog</p>	<p>No evidence of hedgehogs was seen on site.</p>	<p>No impacts are anticipated on hedgehogs as a result of the proposed development.</p>	<p>A precautionary working method will be implemented during construction, including the following measures: Site clearance will be undertaken outside of the hedgehog hibernation season (November to March) insofar as is possible. A toolbox talk will be given to contractors regarding the possible presence of hedgehogs at the site. A pre-commencement inspection of the site will be undertaken for hedgehogs. A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 30cm and left overnight to allow any hedgehogs to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter hedgehogs from the working area. Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which hedgehogs could use. Any chemicals or pollutants used or created by the</p>	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for hedgehogs: Planting fruit bearing trees and species-rich grassland to increase foraging opportunities. Creation of brush piles or installation of hedgehog houses in shady areas.</p>
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			<p>development should be stored and disposed of correctly according to COSHH regulations.</p> <p>If any hedgehogs are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance.</p>	
Otter	No suitable habitat for otters.	No impacts are anticipated on otters as a result of the proposed development.	None.	None.
Water vole	No suitable habitat for water voles.	No impacts are anticipated on water voles as a result of the proposed development.	None.	None.
Birds	All buildings provide gaps under roof tiles that could be utilised by birds. Furthermore, shrubs and trees provide nesting potential for birds.	<p>The roof of B1 provides gaps which could provide access into the roof-subspace. However, the gaps may have provided access to the interior of the building previously. The loss of such habitats is likely to be inconsequential to local bird populations owing to the presence of more extensive habitat locally.</p> <p>However, the proposed development could have resulted in the destruction or the disturbance and subsequent abandonment of active bird nests.</p> <p>Additionally, B2 provides gaps that could be utilised by birds. Adjacent works could cause disturbance and abandonment of active birds nests.</p>	Works adjacent to B2 should be undertaken outside the period March to 31st August. If this timeframe cannot be avoided, a close inspection of the buildings should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young fledged.	The installation of a minimum five bird boxes on retained buildings will provide additional nesting habitat for birds e.g. Schwegler No 17 Swift Nest Boxes (buildings) Schwegler 1SP Sparrow Terrace (buildings) Or a similar alternative brand. 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.

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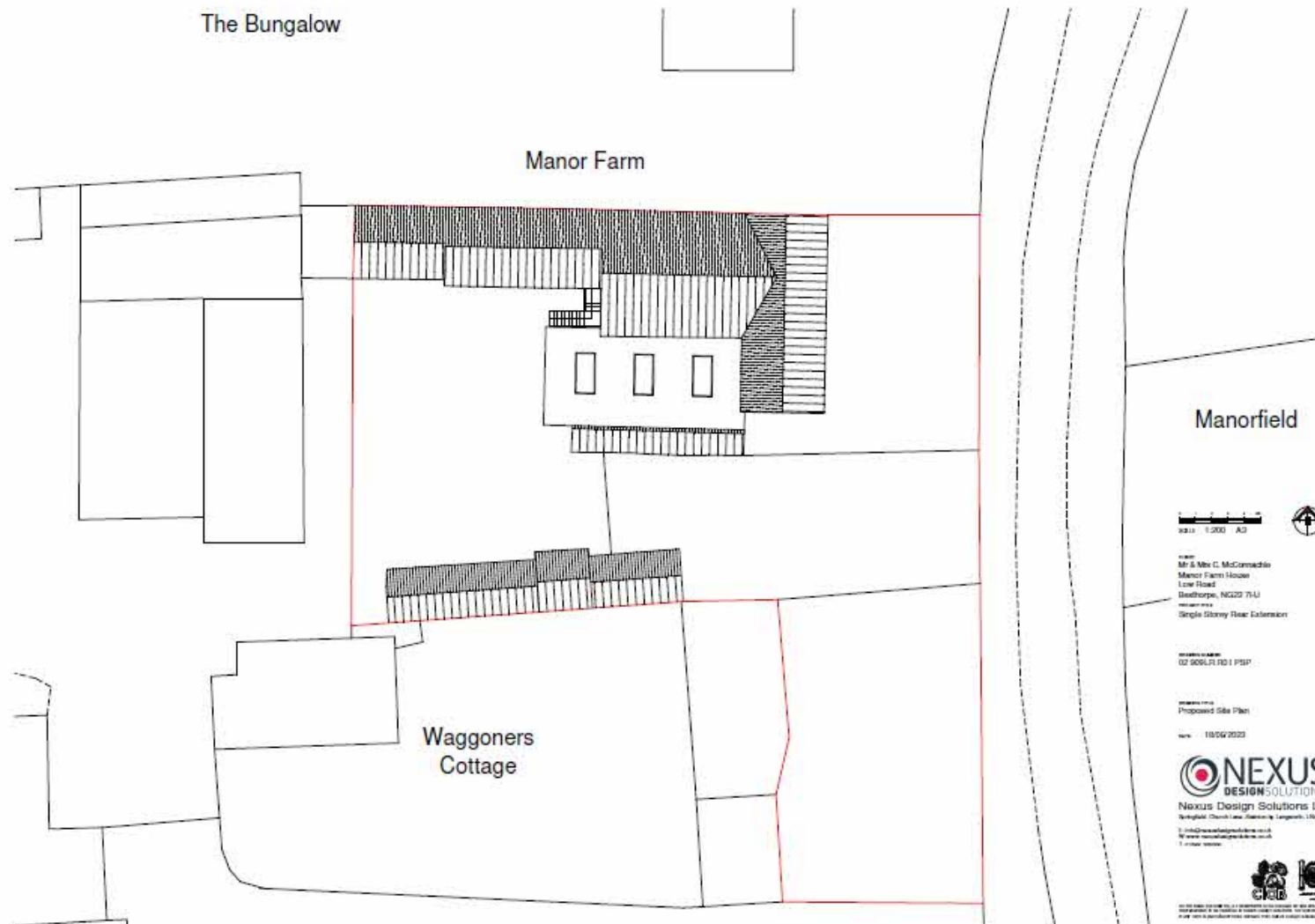
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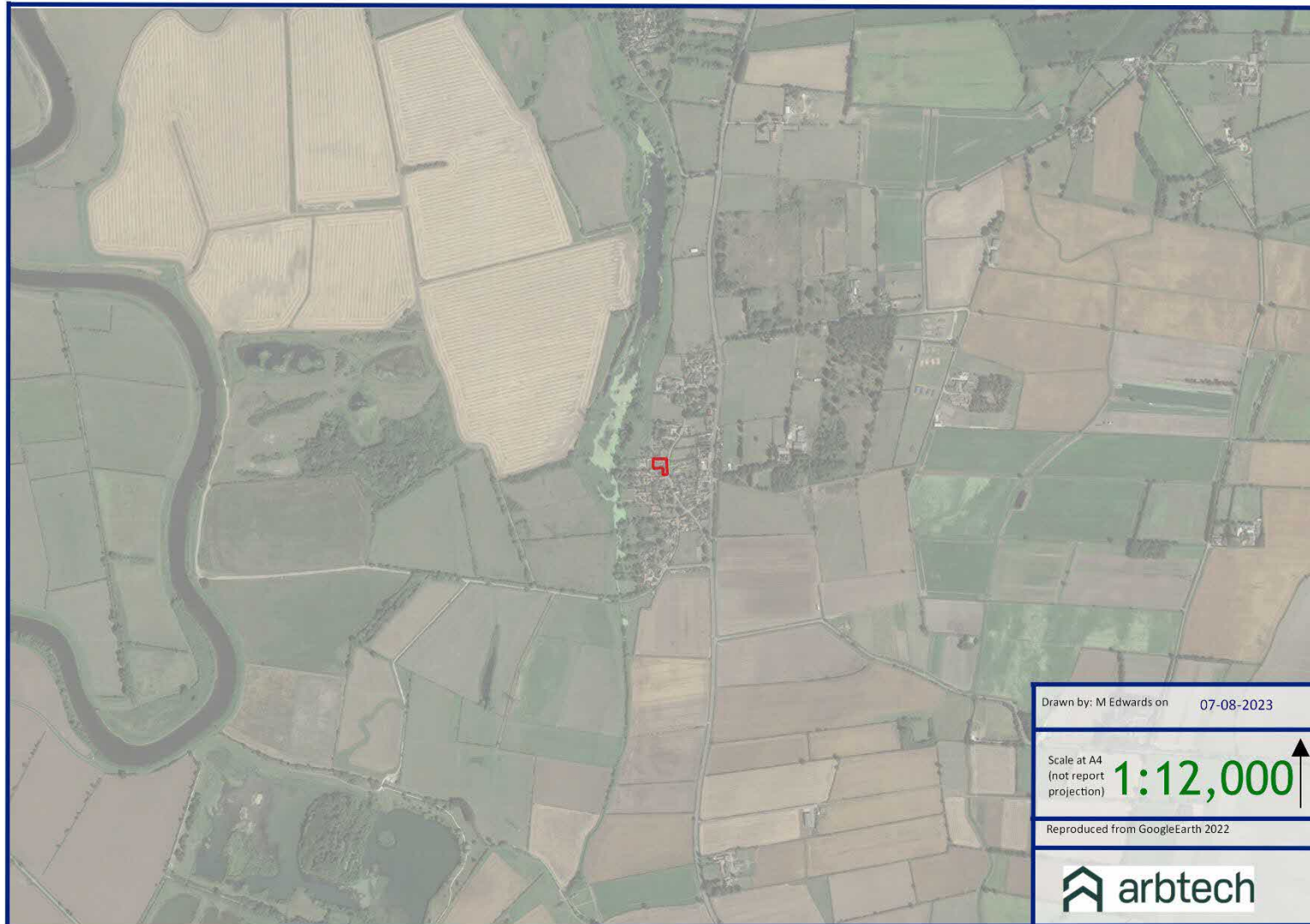
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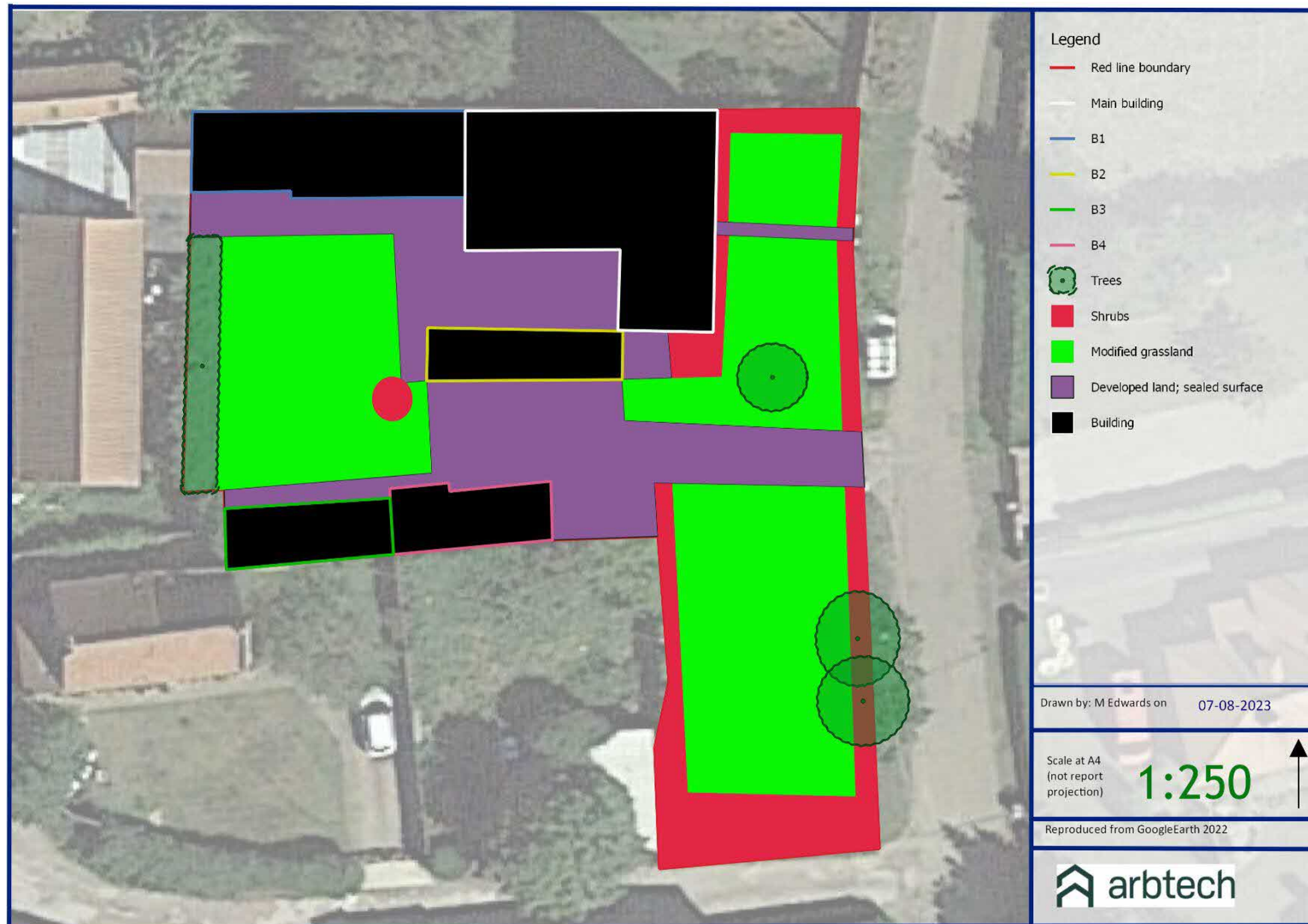
Appendix 1: Proposed Development Plan



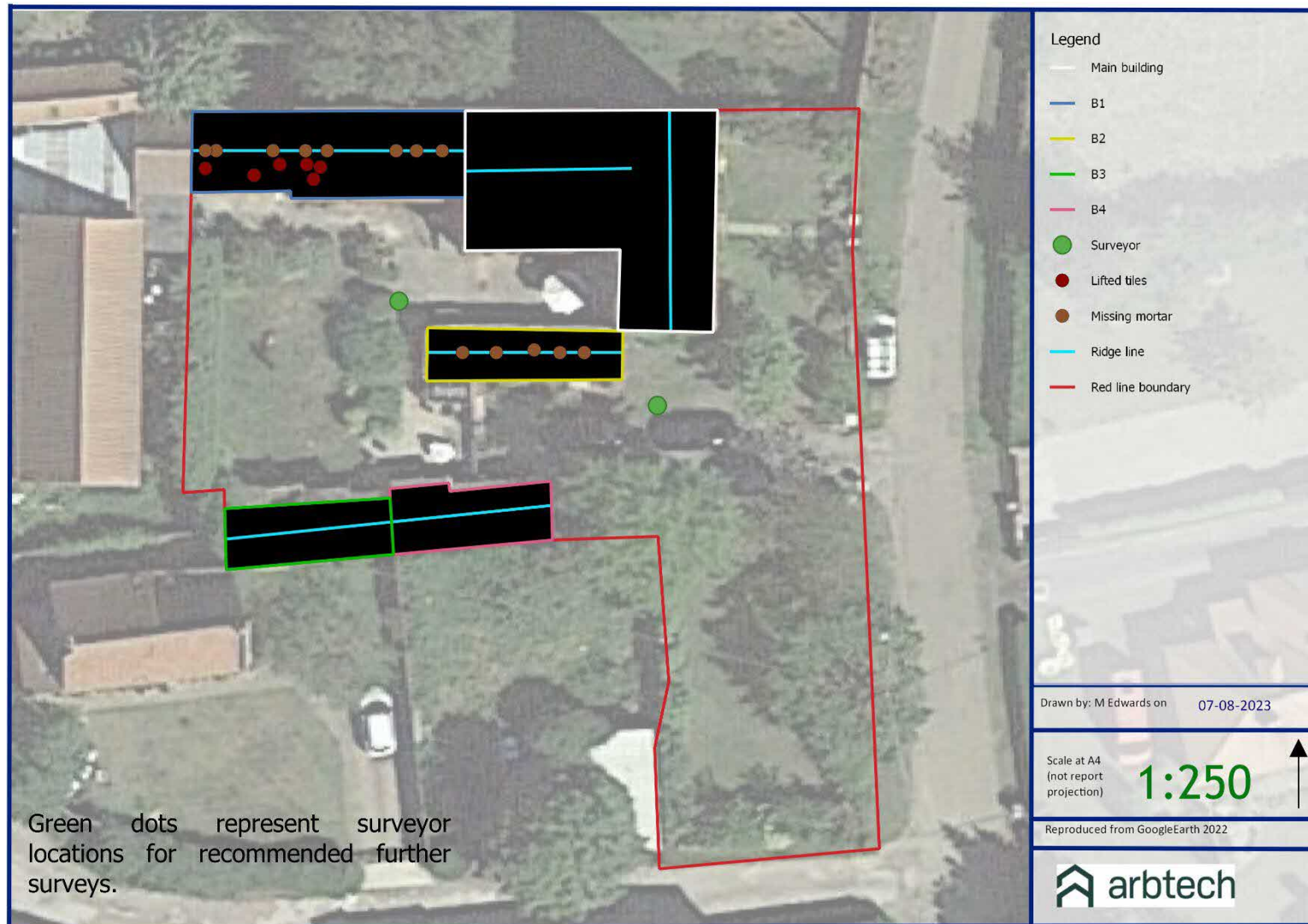
Appendix 2: Site Location Plan



Appendix 3a: Habitat Survey Plan



Appendix 3b: PRA Plan



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

Annex V species (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”. However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CRoW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

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

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

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

Deer Act 1991

Natural Environment & Rural Communities (NERC) Act 2006

Protection of Badgers Act 1992

Wild Mammals (Protection) Act 1996

Badgers

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

Wilfully kill, injure, take, or attempt to kill, injure or take a badger

Cruelly ill-treat a badger, including use of tongs and digging

Possess or control a dead badger or any part thereof

Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof

Intentionally or recklessly disturb a badger when it is occupying a badger sett

Intentionally or recklessly cause a dog to enter a badger sett

Sell or offers for sale, possesses or has under his control, a live badger

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

Birds

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

Intentionally kill, injure or take any wild bird

Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built

Intentionally take or destroy an egg of any wild bird

Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and are commonly referred to as “Schedule 1” birds.

This affords them protection against:

Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young

Intentional or reckless disturbance of dependent young of such a bird

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

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

Amphibians and Reptiles

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

Deliberate killing, injuring or capturing of Schedule 2 species

Deliberate disturbance of species in such a way as:

To impair their ability to survive, breed, or reproduce, or to rear or nurture young;

To impair their ability to hibernate or migrate

To affect significantly the local distribution or abundance of the species

Damage or destruction of a breeding site or resting place

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

Intentional or reckless disturbance (at any level)

Intentional or reckless obstruction of access to any place of shelter or protection

Selling, offering or exposing for sale, possession or transporting for purpose of sale.

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

Intentionally or recklessly kill or injure these species.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

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

Water Voles

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

- Intentionally kill, injure or take (capture) water voles

- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection

- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

Otters

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

- Deliberate killing, injuring or capturing of Schedule 2 species

- Deliberate disturbance of species in such a way as:

 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;

 - To impair their ability to hibernate or migrate

 - To affect significantly the local distribution or abundance of the species

 - Damage or destruction of a breeding site or resting place

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

Intentional or reckless disturbance (at any level)

Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

Bats

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

Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)

Deliberate disturbance of bat species in such a way as:

To impair their ability to survive, breed, or reproduce, or to rear or nurture young;

To impair their ability to hibernate or migrate

To affect significantly the local distribution or abundance of the species

Damage or destruction of a breeding site or resting place

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

Intentional or reckless disturbance (at any level)

Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

Hazel Dormice

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

Deliberate killing, injuring or capturing of Schedule 2 species

Deliberate disturbance of species in such a way as:

To impair their ability to survive, breed, or reproduce, or to rear or nurture young;

To impair their ability to hibernate or migrate

To affect significantly the local distribution or abundance of the species

Damage or destruction of a breeding site or resting place

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

Intentional or reckless disturbance (at any level)

Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

White Clawed Crayfish

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

Protected against intentional or reckless taking

Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

The relevant countryside agency (i.e. Natural England) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and

executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

Wild Mammals (Protection Act) 1996

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

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

Legislation Afforded to Plants

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

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

- Intentionally picking, uprooting or destruction of any wild Schedule 8 species

- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof

In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:

- Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species

- Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

Invasive Species

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

Japanese knotweed *Fallopia japonica*

Giant hogweed *Heracleum mantegazzianum*

Himalayan balsam *Impatiens glandulifera*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

Injurious weeds

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

Spear thistle *Cirsium vulgare*

Creeping thistle *Cirsium arvense*

Curled dock *Rumex crispus*

Broad-leaved dock *Rumex obtusifolius*

Common ragwort *Senecio jacobaea*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

NATIONAL PLANNING POLICY

Environment Act 2021

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

National Planning Policy Framework 2021

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

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

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

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

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

EUROPEAN PROTECTED SPECIES POLICIES

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

Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;

Policy 2; provides greater flexibility in the location of compensatory habitat;

Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,

Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

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