

BIODIVERSITY ENHANCEMENT STRATEGY

**SHEPHERDS FOLD, FINWOOD ROAD,
WARWICK, CV35 7DF**

for

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CONTROL SHEET

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Biodiversity Enhancement Strategy

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1. INTRODUCTION

1.1 Scheme Background

Development proposals are for the conversion of the former stable block (B2) into one-bedroom residential accommodation. Permission for the conversion of the barn (B1), and the garage (B3) to contain a bat loft has previously been granted under application W/21/1994. The site is located on Finwood Road, Rowington, in Warwick (centred on Ordnance Survey grid reference SP 196 701). Focus Environmental Consultants has been commissioned by the client, Sarah Armstrong, to produce a Biodiversity Enhancement Strategy following comments received on submission of a planning application (Application Ref: W/22/1937).

'It does not currently appear that sufficient enhancement measures are currently recommended which would result in a Biodiversity Net Gain which is required in line with the latest update to the NPPF. Can further details also be provided to show the enhancement measures including those proposed for the site as identified in sections 4.25 and 4.26 of the Ecological Assessment report' [GS Ecology, 2021].

1.2 Site Description & Location

The site is located in Rowington, a rural area of Warwick. The site is c.0.05ha in size and comprises a former stable block for conversion (B2), within a courtyard setting of the main property (Shepherds Fold). The wider site encompasses the barn and garage (B1 and B3), previously granted permission for conversion as part of application W/21/1994, surrounded largely by hardstanding, the detached property known as Shepherds Fold, and mature gardens associated with the property, including mature trees and hedgerows.

1.3 Ecological Survey Work

The site has previously been subject to an Extended Phase 1 Habitat & Protected Species Scoping Survey by GS Ecology (see GS Ecology, 2021), which identified the presence of a small brown long-eared bat maternity roost, along with common and soprano pipistrelle day roosts within the barn and stables in 2019. A walkover survey undertaken by GS Ecology in 2021 identified that there had been no significant changes at the site, and that the roost status is unlikely to have changed. As part of

the original scoping survey, GS Ecology additionally undertook eDNA sampling of the pond which lies within the curtilage of Shepherds Fold (P1) for great crested newts, as well as an assessment of P2 (outside the curtilage of the site) using the great crested newt Habitat Suitability Index (HSI) (with reference to Oldham *et al.* 2000). Pond 1 tested negative for great crested newt DNA, and as such it was concluded that due to its close proximity with Pond 1, Pond 2 was highly unlikely to support great crested newts. Please refer to the Ecological Assessment (GS Ecology, 2021), for full details of this survey and impact assessment.

An update site walkover and Preliminary Roost Assessment of B1, B2, and B3 was undertaken by Focus Environmental Consultants on 6 June 2022, followed by a suite of update bat surveys undertaken in June and July 2022. The update surveys confirmed the collective presence of day roosts used by a small number of common pipistrelles, as well as a small maternity roost, night roost, and feeding perch used by brown long-eared bats, all within B1 and B2 at the site. Please refer to the Bat Survey Report (Focus Environmental Consultants, 2022) for full details of these surveys.

1.4 Objectives

The objectives of this report are:

- To produce a concise Biodiversity Enhancement Scheme for the site.
- To identify a series of ecological projects to enhance biodiversity within the post-developed site.

1.5 Post-development Monitoring and Maintenance

Following completion of the development, a single site visit will be carried out by an ecologist to check that the enhancement measures laid out within this report have been implemented. Any measures that do not appear to be correctly installed or are insufficient will be brought to the attention of the client and remedial action will be implemented. A letter of conformity will be produced by the ecologist to formally 'sign off' the development and enhancement measures. This letter will be provided to the client which is suitable for submission to the Local Planning Authority.

The biodiversity enhancement measures proposed are designed to be low maintenance. The client will be responsible for the upkeep of the wildlife features

installed / created (e.g. wildlife boxes) to ensure that they are kept in good condition and remain fully functional for the targeted species / faunal group. In the event that there are any problems, the client should contact an ecologist for advice.

2. BATS

2.1 Background Information

The surveys have confirmed the presence of the following roosts within the structures on site:

- **The barn (B1):** day roost used by a small number of common pipistrelle (peak count: 2),
- **The stable (B2):** a small maternity roost of brown long-eared bats (peak count: 3), and a feeding / night roost for brown long-eared bats (peak count: 2).
- **No bats were observed roosting within the garage (B3).**

The conversion of these buildings for residential use will require the prior acquisition of a bat mitigation (development) licence from Natural England. In order to apply for a Natural England licence full planning permission must be in place and all relevant (bat) Conditions discharged.

No works to B1 or B2 will take place until the prior acquisition of a bat mitigation (development) licence from Natural England. Once this licence is in place, the following scheme of mitigation and compensation will be undertaken to ensure that the 'favourable conservation status' of bats at the site as a whole, is maintained.

2.2 Mitigation Strategy

The following scheme of mitigation, compensation and enhancement has been designed and agreed with the client to effectively implement the 'mitigation hierarchy'.

PLEASE NOTE: this scheme supersedes any previously described scheme as it takes into consideration the site as a whole, is based upon the most up-to-date survey information, and is the scheme that will be submitted as part of the Natural England Bat Licence Application. The scheme will include the features listed below.

- Installation of three receptor bat boxes (e.g. Schwegler 2F and Schwegler 2F-DFP Bat Boxes) or similar on mature trees located within the landownership of Shepherds Fold. Boxes are to be installed at least 4m above ground level prior to any works starting on site.

- Species-specific compensation and enhancement to offset conversion impacts via the incorporation of a brown long-eared bat loft within the post-developed scheme. The bat loft is to be located over the existing garage with access facilitated via retrospectively-fitted bat ridge and slope access points. The bat loft is to have a minimum void height (floor to ridge) of at least 2m (preferably exceeding 2.5m) and will utilise the full footprint of the garage (approximately 10m x 5m). The loft is already underlined with bitumastic felt, which is suitable for bats.
- Implementation of a phased scheme of works to allow completion of the compensatory bat loft prior to the commencement of conversion of the barns *i.e.* construction of the bat loft August-September 2023 with conversion work commencing October 2023 (to be agreed and amended accordingly as part of the bat licence submission).
- Pre-start survey (including dusk or dawn inspection subject to weather conditions) preceding start of works to identify any changes in roost status and confirm the location of any roosting bats prior to works commencing.
- Provision of a 'toolbox talk' to relevant development personnel (*e.g.* roofing contractor, demolition contractor, builder *etc.*) to ensure understanding of legal and practical requirements and facilitate smooth delivery of development.
- Direct ecological supervision of licensable development activities. Bats to be relocated by the named ecologist (or accredited agent) by hand to the receptor bat boxes, if required. If a bat is discovered when the Named Ecologist is not on-site, works will cease immediately, and advice sought.
- Post-development monitoring will be undertaken for a period of two years. This will be formed of an annual internal inspection and dusk emergence survey of the bat loft. The bat boxes will also be subject to inspection.

2.3 Lighting

A sensitive lighting scheme will be designed for the post-developed site to minimise impacts on bats and other nocturnal wildlife in general. The lighting scheme will be designed to avoid directional light and light spillage on wildlife habitats, specifically retained mature trees, new bat roosting features (*i.e.* bat loft and bat boxes) and adjacent habitats / boundary features. Lighting must be low-level and of the minimum wattage, as recommended by the Bat Conservation Trust & Institute of Lighting Professionals (2018). PIR motion-sensitive lights are beneficial to ensure that lights do not remain activated when not required and should be considered where external lighting is proposed.

2.4 Landscape Planting

The inclusion of a variety of flowering plants with a range of colours, fragrances, and shapes within new flower beds at the site will attract a diverse assemblage of invertebrates, which in turn will provide a food source for foraging bats as well as other wildlife. Suggested plants include honeysuckle, evening primrose, echinacea, lavender, and jasmine (night-scented). Further information on gardening for bats has been provided by the Bat Conservation Trust (2009).

3. BIRDS

3.1 Mitigation Strategy

The following method of work has been produced to ensure the protection of nesting birds on site.

- Where areas of potential bird nesting habitat require removal, site clearance will be undertaken outside the bird nesting season (March – August, inclusive) wherever feasible.
- If avoiding the bird nesting season is not possible within the development constraints, areas of vegetation will be carefully checked by the Ecological Clerk of Works prior to removal. The Ecological Clerk of Works will be able to identify any nesting birds and advise of appropriate safe working distances to ensure compliance with wildlife legislation.
- Active nests will be left undisturbed until young have fledged, as advised by the Ecological Clerk of Work. An appropriate buffer (e.g. 5m) will be retained around the nest and works within this area will not be permitted until the Ecological Clerk of Works has confirmed that nesting birds are no longer present.
- The above also applies to the existing built structures on-site due to their suitability for nesting birds.

3.2 Bird Boxes

The following bird boxes will be installed within the post-developed site in order to provide new and enhanced opportunities for birds.

- Two tree or wall-mounted bird boxes (e.g. a traditional box with a 32mm entrance hole (e.g. Vivara Pro Seville 32mm WoodStone Nest Box), will be installed within the site to provide new nesting opportunities for a range of bird species. Crevice-dwelling species such as blue tits, great tits, dunnocks, and nuthatches will favour a traditional 32mm nest box.

- Provision should be made to provide new swallow nesting opportunities within the site boundary. Swallows prefer to nest in covered structures, and cups can therefore be positioned in any open-fronted barns, log sheds, car-ports or porches present at the site. Where this is not possible, a purpose made covered nest box structure should be installed at the apex of the northern gable wall of the garage.
- Bird boxes will be positioned in sheltered locations on elevations between north and east, so as to avoid harsh weather conditions. Boxes should be installed as high as possible (1.5 - 5m), and out of the reach of predators (e.g. domestic cats). Boxes installed on the converted barns should be at eaves height, and not directly above windows or doors to avoid any conflict over possible deposition of bird droppings. Locations are to be agreed with the Ecological Clerk of Works.

The bird boxes will be installed during the construction works and will be in position prior to completion of the proposed conversion of the barns. Please see Annex 6.1.1 for a Biodiversity Enhancements Plan showing indicative locations.

4. AMPHIBIANS

4.1 Background Information

Please refer to the original scoping survey, (GS Ecology, 2021), for full details pertaining to this species.

The pond located within the landownership of Shepherds Fold (P1) has been tested for great crested newt eDNA, which has returned a negative result. As such, it is considered highly unlikely that this species occupies this pond. A further pond (P2) is located approximately 10m from P1. As such, it is considered reasonable to assume that as great crested newts are not present in P1, that they are very unlikely to be present within P2. A further two ponds are located within 100m of the site. However, the proposed construction zone includes areas of hardstanding, short, managed modified grassland, and buildings. These habitats are unsuitable or sub-optimal for great crested newts and are likely to act as a barrier to the movement of newts between the ponds inside and outside of the application site. Therefore, provided a precautionary approach to vegetation / site clearance (below) is undertaken the likelihood of amphibians being impacted upon by the development of this site and giving rise to an offence under wildlife legislation is considered to be negligible.

4.2 Mitigation Strategy

The following method statement will be followed to avoid the incidental killing or injuring of amphibians, reptiles or other vulnerable fauna and ensure compliance with wildlife legislation (e.g. Wildlife and Countryside Act 1981, etc.):

Prior to construction and ground-clearance activities, removal of any remnant tall vegetation (e.g. rough grassland) will follow the following programmes outlined below:

- At least one week prior to any vegetation stripping / ground clearance, any tall vegetation to be removed will be cut in phases to progressively reduce the height and encourage any resident wildlife to disperse away from the future construction zone. Clearance will be undertaken by hand-tools only (e.g. strimmer).
 - Day 1: vegetation strimmed / cut to a height of 150-200mm (if required).

- Day 2: vegetation strimmed / cut to a height of 50-100mm.
- Following the completion of the phased vegetation cutting the site will be immediately stripped of vegetation to bare earth and / or made inhospitable for wildlife such as reptiles and amphibians through maintaining the vegetation at a sward height of no more than 50mm until construction is complete. Removal of vegetation will involve the use of a lightweight digger with a flat-edged bucket.
- To avoid the risk of encountering hibernating reptiles, ground-clearance works will be restricted to times of the year when reptiles are fully active (April – September, inclusive). This period will be extended by one month either end (March and October) if suitable weather conditions and daytime temperatures (minimum of 9°C) are present.
- The duration of the groundworks will be kept as short as possible and only undertaken during the daytime when amphibians are unlikely to be active above ground.
- Storage of materials will be kept to a minimum and ideally on areas of hardstanding. Where materials must be stored, they will be restricted to inert objects located on hardstanding and stored on pallets to discourage amphibians from using them as shelter.
- The use of vehicles / heavy machinery outside of the construction zone must be kept to areas of hardstanding / bare ground / short grassland in order to minimise the impact on the grassland.
- Any trenches left overnight will be covered or provided with ramps to prevent vulnerable vertebrate fauna from becoming trapped.
- Any common reptiles or amphibians (excluding great crested newts) or small mammals (e.g. hedgehogs) encountered during the works will be carefully

transferred by hand from the work area to a safe location in similar habitat within the immediate vicinity.

- The Ecological Clerk of Works will be 'on call' to provide advice and / or liaise with statutory authorities (Natural England) if required.
- **Should great crested newts be found during any part of the development, then works will cease immediately. The Ecological Clerk of Works will be consulted, and they will then liaise directly with Natural England to determine any licensing requirements necessary to complete the development.**

4.3 Enhancement Measures

In line with Government policy, the development will aim to deliver on biodiversity enhancement. The following compensation and enhancement measures are to be installed within the site boundaries:

- The retention of deadwood and other suitable debris within the site is encouraged and would provide suitable habitat for saproxylic invertebrates, reptiles and amphibians in particular. Where appropriate, tree limbs or deadwood removed during pruning of any trees within the landownership of the client, as well as debris from ongoing gardening activities may be used to create log / brush piles in undisturbed locations. Habitat (e.g. grassland) surrounding the habitat piles should be left uncut to provide additional protection. Locations of any such features will be agreed with the Ecological Clerk of Works.

The mitigation strategy detailed above is to be fully adhered to throughout the construction period.

5. OTHER WILDLIFE / HABITATS

The following enhancement measures are to provide opportunities for a range of other wildlife that may be present within the local area.

5.1 Hedgehog House

A hedgehog house (such as the HH7 Hoglio Hedgehog / Mammal House) will be installed in a sheltered and undisturbed location at the site. Habitat (e.g. grassland) surrounding the box will be left uncut, but with the entrance kept clear, to provide additional protection and immediate suitable foraging habitat for hedgehogs. It is recommended that two handfuls of short dry grass and leaves are put inside the box initially to encourage nesting. The box will be in position prior to completion of the development. Please see Annex 6.1.1 for a Biodiversity Enhancements Plan showing indicative locations.

5.2 Invertebrate / Pollinator Home

An invertebrate / pollinator home will be installed at the site to provide enhanced habitat for solitary bees and other insects. Suggested towers / boxes include the Bee Brick (Green & Blue), Bee Block (Green & Blue), or Solitary Bee Hotel (by CJ Wildlife). The tower / box will be installed in a suitable location within the garden where there will be suitable immediate vegetation.

5.3 Landscape Planting

As mentioned in section 2.4, new flower beds proposed and further ornamental planting at the site should include a variety of flowering plants with a range of colours, fragrances and shapes to attract a diverse assemblage of invertebrates, which in turn will provide a food source for foraging bats as well as other wildlife. The inclusion of berry / fruit / nut-bearing species (such as *Malus* (e.g. apple), *Prunus* (e.g. cherry, plum)) would also provide foraging habitat for birds and mammals, whilst shrub planting will provide sheltering habitat.

6. ANNEXES

6.1 Plans

6.2 References & Bibliography

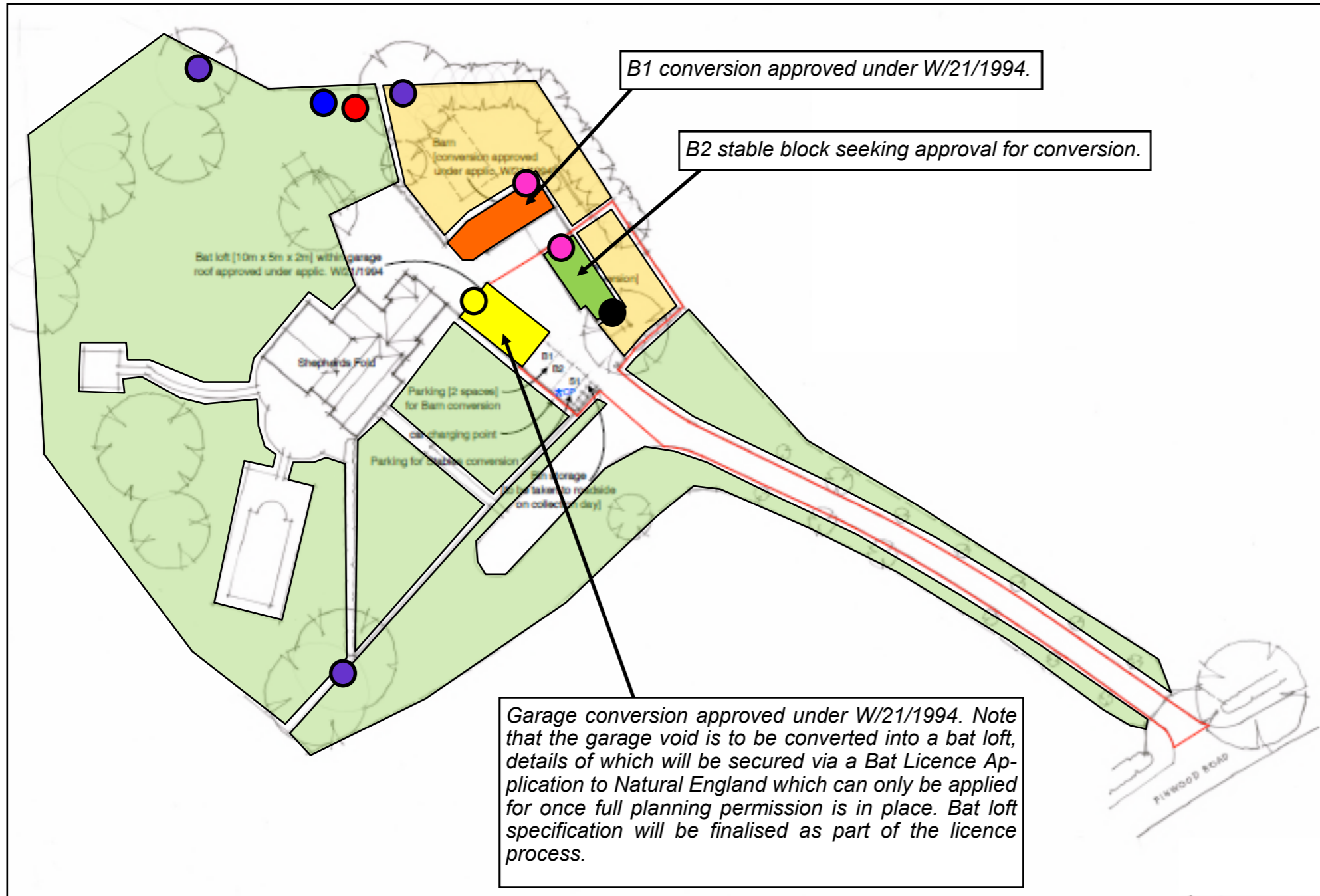
6.3 Legislation & Best Practice

6.1 Plans

Plans:

6.1.1 Biodiversity Enhancements Plan

6.1.1 Biodiversity Enhancements Plan



KEY:

- Existing habitat to be retained and protected as part of the proposals.
- Areas to be subject to new landscaping as per section 5.3.

The following wildlife boxes / features are to be incorporated into the development. Please note that these are indicative locations/models and may be subject to change upon discussion with the Ecological Clerk of Works.

- Bat Box Locations as per Section 2.
- Bird Box Locations as per Section 3.
- Swallow Nest Locations as per Section 3.
- Log / Habitat Pile Location as per Section 4.
- Hedgehog House Location as per Section 5.
- Insect House Location as per Section 5.

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Client: Sarah Armstrong
Site: Shepherds Fold, Finwood Road, Warwick, CV35 7DF
Title: Biodiversity Enhancements Plan
Contract: 2574
Date: April 2023



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6.3 Legislation & Best Practice

6.3.1 The Environment Act 2021

The Environment Act 2021 is a far-reaching Act of parliament, which received Royal Assent on 9th November 2021. It is described by the Chartered Institute of Ecology and Environmental Management as ‘world leading’ legislation and has the primary focus of providing targets, plans and policies for improving the natural environment. In implementing the Act, the Secretary of State is required to set long-term targets for a number of priority areas including: air quality, water, biodiversity, resource efficiency and waste reduction. Schedule 14 of the Act establishes a mandatory requirement for all developments to secure a 10% net gain in biodiversity, with a few exceptions such as ‘permitted development’ and marine and intertidal developments. Schedule 14 of the Act details the required amendment of the Town and Country Planning Act 1990 (inserting a new s.90A and Schedule 7A) with respect to ‘normal’ development. Schedule 15 describes amendments to the Planning Act 2008 with respect to Nationally Significant Infrastructure Projects, inserting a new s.99 and Schedule 2A.

The measurement of baseline and post-development biodiversity figures involves the use of the most up to date version of the state-sponsored ‘biodiversity metric’. A ‘small sites’ metric is available for sites of up to 0.5ha in size supporting 1 - 9 residential units or for other forms of development, with a floorspace of less than 5000m² and in both cases without priority habitats being present (with the exception of hedgerows and arable field margins). The mandatory 10% biodiversity net gain requirement described by the Act will not be mandatory until November 2023, although may still be required by local plan policy in the intervening period. Other matters covered by the Environment Act are the creation of a Biodiversity Gain Site Register, the provision of Biodiversity Credits, the establishment of the Office for Environmental Protection (OEP) and the establishment of Local Nature Recovery Strategies. The Act further strengthens the biodiversity duty enshrined within s.40 of the Natural Environment and Rural Communities Act 2006, requiring not only the conservation of biodiversity but also its ‘enhancement’.

6.3.2 The Conservation of Habitats and Species Regulations 2017 (as amended) & The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

<http://www.legislation.gov.uk/ukxi/2010/490/contents/made>

<https://www.legislation.gov.uk/ukxi/2019/579/contents/made>

These regulations, referred hereafter as “the Habitats Regulations”, represent the primary method by which Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the “Habitats Directive”) is transposed for England and Wales and their territorial seas. The Habitats Directive, in conjunction with the Birds Directive (Council Directive 2009/147/EEC) forms the basis for implementation of Europe’s nature conservation policy through both habitat and species level protection. The Habitats Directive requires the designation of strictly protected European sites known as Special Areas of Conservation (SACs). Together with the Special Protection Areas (SPAs) established by the Birds Directive, these collectively form the Natura 2000 Network of protected sites

(‘National Site Network’ in the UK). The Habitats Directive also requires the strict protection of animals and plants of Community Interest listed under Annex IV. Habitat types requiring strict protection as SACs are listed under Annex I. The conservation of animals and plants listed under Annex II requires the designation of SACs.

The Habitats Regulations require that public bodies must exercise their nature conservation responsibilities to ensure compliance with the Habitats Directive. These regulations also require the conservation of natural habitats and habitats of species through the selection, designation and notification of marine and terrestrial ‘European Sites’. The habitats and species of European Importance are listed under Annexes I and II of the Habitats Directive. The regulations also contain provision for the appropriate management of these European Sites including the control of damaging operations, special nature conservation orders and restoration orders, for example. The Habitats Regulations afford strict protection to European Protected Species of animals under Schedule 2 and plants under Schedule 5. Offences (subject to certain exceptions) include the deliberate capture, killing, disturbance or trade in these animals. Similarly, plants listed under Schedule 5 are protected (subject to exceptions) from picking, collection, cutting, destruction or trade.

6.3.3 The Wildlife and Countryside Act 1981 (as amended)

While the Habitats Regulations provide the basis for nature conservation policy in Europe, the Wildlife and Countryside Act 1981 (as amended) (WCA) is still a major mechanism for the legislative protection of wildlife and countryside/national parks in the UK. The WCA, and its various amendments, draw on from pre-existing legislation and support the Habitats Regulations in implementing the Bern Convention (1979) and Directive 2009/147/EC on the conservation of wild birds. Schedules within the WCA provide a list of protected species and habitats, in addition to prohibited actions. Further details are provided below for specific species relevant to the report. The WCA also contains measures for controlling invasive non-native species and amendments to a number of laws, including in relation to public rights of way.

6.3.4 The Countryside and Rights of Way (CROW) Act 2000

The CROW Act amends existing WCA legislation in accordance with the 1992 Convention on Biological Diversity (Rio Earth Summit). The Act applies to England and Wales only and encompasses public access, rights of way, nature conservation and Areas of Outstanding Natural Beauty (AONBs). Schedule 9 of the Act provides increased powers for the protection and management of SSSIs while Schedule 12 strengthens the legal protection for protected species via arrestable offences and heavier penalties.

6.3.5 The Natural Environment and Rural Communities (NERC) Act 2006

The Natural Environment and Rural Communities Act imposes a *Biodiversity Duty* (S.40) on all public bodies to conserve biodiversity at both species and habitat levels (S40). “*Every public authority must,*

in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

S.41 of the Act requires the publication of a list of “*living organisms and types of habitat which in the Secretary of State’s opinion are of principal importance for the purpose of conserving biodiversity.*” The list generated under S.41 of the Act contains a number of types of habitats and species of animal and plant that have the potential to be affected by development projects of a range of sizes and impacts.

S.47 of the Act establishes special protection for the nest sites of certain birds that are known to re-use their nests and creates an additional Schedule containing these birds, namely golden eagle, white-tailed eagle and osprey. It is an offence to take, damage or destroy the nest of these three birds at any time.

The Act also establishes Natural England as the independent body “to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development”. 943 species and 56 habitats of principal importance are included on the S41 list as guidance for public bodies on decisions that affect biodiversity.

6.3.6 The Hedgerow Regulations 1997

On 1 June 1997, the Hedgerow Regulations came into force under section 97 of the Environment Act 1995 to address the dramatic decline in UK hedgerows. The regulations protect important hedgerows by limiting removal through a system of notification via local planning authorities.

The regulations are aimed at countryside hedgerows in England and Wales “on or adjoining, common land, village greens, Site of Special Scientific Interest (which include National Nature Reserves, Special Protection Areas under the Birds Directive and Special Areas of Conservation under the Habitats Directive), Local Nature Reserves, or land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys” (Section 3.6).

Written permission is required from the local planning authority before the removal of any hedgerow over 20 metres and more than 30 years old. Hedgerows less than 20 metres long may also be considered if they form part of a continuous network of hedges. Garden hedges, however, are not protected. Once the LPA has received a written request they will issue either a Hedgerow Retention or Hedgerow Removal Notice within 42 days depending on whether they define the hedgerow as *important* or not. This is determined by the following;

- “They have been in existence 30 years or more; and”
- “They satisfy at least one of the criteria set out in Part II of Schedule 1 of the Regulations.”

Exemptions to the Regulations fall into three categories:

- “small scale works;”

- “works approved under other procedures which ensure careful assessment and consideration of the impact on the local environment; and”
- “works authorised under other legislation which justify the removal of a hedgerow without first establishing its importance.”

It is an offence to remove a hedgerow subject to a retention notice, or to remove a hedgerow protected under the Hedgerow Regulations without first obtaining the required removal notice.

6.3.7 *The UK Post-2010 Biodiversity Framework*

As of 17 July 2012, the UK Post-2012 Biodiversity Framework replaced the UK level Biodiversity Action Plan to deliver the outcomes of the Government’s Biodiversity 2020 Strategy. This was in response to the 2011 EU Biodiversity Strategy (EUBS) and the 2010 United Nations Convention on Biological Diversity (CBD) whereby five “*Aichi*’ *strategic goals and supporting targets*” have been internationally agreed.

The UK Framework is a collaborative effort between Defra and JNCC on behalf of the Four Countries’ Biodiversity Group to achieve the ‘*Aichi*’ strategic goals through focused supporting targets and follows on from policies contained within the Natural Environment White Paper (2011).

6.3.8 *National Planning Policy Framework*

The National Planning Policy Framework (NPPF) was first published on 27 March 2012 and updated on 24 July 2018 and 19 February 2019. This framework acts as guidance for planning authorities (LPAs) in England to form Local Plan policies in favour of sustainable development as part of the government’s reforms to increase the accessibility of the planning system and promote long term sustainable growth. Along with the Circular 06/205, the NPPF consolidates the Planning Policy Statements and Guidance Notes, many of which are now obsolete, including *Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)*.

The framework states that “*planning policies and decisions should contribute to and enhance the local environment*” (paragraph 170).

Chapter 15 of the framework focusses on habitats and biodiversity. Specifically, paragraph 175 states: “*...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 on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Scientific Interest;*
- *development proposals whose primary objective is to conserve or enhance biodiversity should be supported;*
- *opportunities to incorporate biodiversity improvements in and around developments should be encouraged;*
- *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;*

6.3.9 Circular 06/2005: Biodiversity and Geological Conservation

The Circular 06/2005 complements the NPPF by advising on how the law relates to planning and nature conservation in England, with particular reference to designated sites and protected species;

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision” (Paragraph 99).

However, *“developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.”*

Part IV also reminds LPAs and developers that licences and mitigation measures may be required in addition to planning permissions if protected species are to be affected by the development. *“The breach of protected species legislation can often give rise to a criminal offence” (Paragraph 101).*

6.3.10 BS42020:2013 Biodiversity. Code of Practice for Planning and Development

BS 42020 was developed by BSI with input from a variety of organisations (in all sectors) and experts in the field of biodiversity. It is fundamentally engaged with the incorporation of biodiversity into all stages of the planning process. The standard identifies a suite of recommendations and advice to ensure that decision-making and activities undertaken from inception to fruition of planning applications are adequately informed by appropriate and robust ecological knowledge. BS42020 aims to:

- give decision-makers (and specifically planning authorities and other regulatory bodies) more confidence that the ecological audits and assessment of impact on biodiversity provided in support of development proposals is fit for purpose;
- encourage greater consistency and transparency in the quality, scientific robustness and transparency of ecological reports that are submitted with planning applications and other forms of regulatory approval; and
- foster an approach that is proportionate and retains and positive environmental legacy following development.

6.3.11 Bats

All British bats are “European Protected Species” (EPS) and listed on Annex II and Annex IV of the EC Habitats Directive. The Directive is transposed into UK law through the Conservation of Habitats and Species Regulations 2017. The following actions affecting bats are prohibited under the legislation:

- deliberate capture, injury or killing of a bat;
- deliberate disturbance of a bat and in particular disturbance which is likely to impair their ability:
 - to survive, to breed or reproduce, or to rear or nurture their young, or
 - in the case of animals of a hibernating or migratory species, to hibernate or migrate;
 - or to affect significantly the local distribution or abundance of the species to which they belong.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, any bat or any part of a bat or anything derived from one.

Bats are also afforded protection from intentional or reckless ‘disturbance’ by the Wildlife and Countryside Act 1981 (as amended). The deliberate or reckless obstruction of access to a structure or place used by bats for shelter and protection is also an offence under the Act.

6.3.12 Badgers

Badgers and their setts are protected by the Protection of Badgers Act 1992 (as amended). This makes it an offence to wilfully kill, injure or take a badger or interfere with a badger sett through damaging the sett, destroying the sett, obstructing access to a sett, causing a dog to enter the sett or disturbing a badger occupying a sett.

6.3.13 Birds

All wild birds in the UK are afforded protection under the Wildlife and Countryside Act 1981 (as amended). This protection includes killing, injuring or taking wild birds as well as taking, damaging or destroying bird nests in use or being built, and taking or destroying eggs. Birds listed under Schedule 1 of the Act are afforded additional protection from disturbance during nesting and offences relating to

these birds are subject to special penalties. The nest sites of birds listed under Schedule ZA1 of the act (golden eagle, white-tailed eagle and osprey) are afforded strict, year-round protection even when the nests are not in active use.

A small number of derogated bird species, principally members of the genus *Corvus* (crows), *Larus* (gulls) and *Columba* (pigeons), may be killed by authorised persons (landowner/occupier or otherwise authorised by the landowner or relevant conservation body or fisheries board) under a 'general licence'. The general licence is issued by Natural England (in the case of English usage). The general licence can only be exercised for reasons of preserving public health or public safety and cannot be lawfully used in the case of damage to property or nuisance.

6.3.14 Great Crested Newts

The great crested newt (*Triturus cristatus*) (Laurenti, 1758), is a "European Protected Species" (EPS) and listed on Annex II and Annex IV of the EC Habitats Directive. The Directive is transposed into UK law through the Conservation of Habitats and Species Regulations 2017. The following actions affecting great crested newts are prohibited under the legislation:

- deliberate capture, injury or killing of a great crested newt;
- deliberate disturbance of a great crested newt and in particular disturbance which is likely to impair their ability:
 - to survive, to breed or reproduce, or to rear or nurture their young, or
 - in the case of animals of a hibernating or migratory species, to hibernate or migrate;
 - or to affect significantly the local distribution or abundance of the species to which they belong.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, any great crested newt, any part of a great crested newt or anything derived from one.

Great crested newts are also afforded protection from intentional or reckless 'disturbance' by the Wildlife and Countryside Act 1981 (as amended). The deliberate or reckless obstruction of access to a structure or place used by great crested newts for shelter and protection is also an offence under the Act. This applies to both aquatic and terrestrial habitat.

6.3.15 Reptiles

All common reptile species (grass snake, adder, common lizard and slow-worm) native to Britain are protected by Schedule 5 the Wildlife & Countryside Act, 1981 (as amended). It is illegal to:

- deliberately kill, injure a reptile or
- sale, barter, exchange, transport for sale and advertising to sell or to buy a reptile.
- In Northern Ireland they are fully protected against killing, injuring, capturing, disturbance, possession or trade.

In addition sand lizard and smooth snake are protected under Conservation of Habitats and Species Regulations 2017. The following actions affecting these reptiles are prohibited under the legislation:

- deliberate capture, injury or killing;
- deliberate disturbance and in particular disturbance which is likely to impair their ability:
 - to survive, to breed or reproduce, or to rear or nurture their young, or
 - in the case of animals of a hibernating or migratory species, to hibernate or migrate;
 - or to affect significantly the local distribution or abundance of the species to which they belong.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange, these reptiles or anything derived from them.

Sand lizards and smooth snakes are also afforded protection from intentional or reckless 'disturbance' by the Wildlife and Countryside Act 1981 (as amended). The deliberate or reckless obstruction of access to a structure or place used by these reptiles for shelter and protection is also an offence under the Act.

7. QUALIFICATIONS & EXPERIENCE

Focus Environmental Consultants® has the expertise to provide sure-fire environmental solutions to a wide range of projects. The company ethos forges the highest standards of professional scientific practice with a best value approach for our clients. Our core area of expertise is in the production of specialist environmental reports and advice to support planning applications. Our comprehensive services include Preliminary Ecological Appraisals (PEA), Ecological Impact Assessment (EclA), Habitat Regulations Assessment (HRA) and fulfilling protected species surveys, licensing and mitigation requirements. Focus Environmental Consultants is a CIEEM Registered Practice, with all ecological staff being members of this professional body. Our flexible approach, range of skills and broad project experience from major infrastructure contracts to small private developments allows us to adapt to your individual requirements. As well as offering a full suite of ecological services, Focus Environmental Consultants can provide expert arboricultural advice and reports and is building an enviable reputation for innovative habitat creation and management solutions. Focus Environmental Consultants is situated in Worcestershire, providing a convenient and central UK location.

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Jessica is an Associate Ecologist and has over seven years' professional experience in the field of ecology. She holds a BSc (Hons) degree in Zoology from the University of Roehampton. Jessica is a skilled ornithologist with expertise in conducting breeding and over-wintering bird surveys and assessments for barn owls. Additional ecological experience includes Preliminary Ecological Appraisals, Ecological Impact Assessments (EclA), Habitat Regulations Assessments (HRA), professional consultation responses for planning applications, and surveying for European Protected Species including great crested newts, bats and hazel dormice. Jessica is also an experienced surveyor of badgers and reptiles. Jessica holds Natural England survey licences for bats (Class 2), great crested newts and white-clawed crayfish as well as Natural Resources Wales survey licences for bats and great crested newts. Jessica is an accredited consultant under the Natural England Earned Recognition Pilot Scheme, has been the 'Named Ecologist' on Natural England (development) licences for bats and has considerable experience of developing suitable mitigation strategies and overseeing licensable works. Jessica is a Full member of the Chartered Institute of Ecology and Environmental Management (CIEEM).