



Preliminary Ecological Appraisal and Preliminary Roost Assessment

Midcounties Co-Operative, Market Square, Newent, Gloucestershire, GL18 1PS

Midcounties Co-op

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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 Midcounties Co-op to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Midcounties Co-Operative, Market Square, Newent, Gloucestershire, GL18 1PS (hereafter referred to as “the site”). The survey was required to inform a planning application for the construction of an extension to the existing stores’ (B1) northern elevation to accommodate sales and stock, and alterations to the car parking areas and bays with the removal of an area of modified grass and small trees to enable to increase parking availability (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 7 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Habitats and flora	There are no notable habitats within the site, but four habitats are present within 2km of the site, the closest being deciduous woodland located 220m from the site.	No direct impacts to any notable habitats will occur as a result of the proposed development. However, due to the proximity of the site to scattered trees, indirect effects such as tree damage could occur during construction.	Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).
Hedgehog	Hedgehogs could be present in the wider landscape and commute through the site.	Scattered trees, hard standing and grass will be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of commuting hedgehogs if present.	A precautionary working method will be implemented during construction, detailed in Table 7.
Birds	There are old birds’ nests present in trees and the building eaves.	Scattered trees will be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building and vegetation should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Midcounties Co-op to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Midcounties Co-Operative, Market Square, Newent, Gloucestershire, GL18 1PS (hereafter referred to as “the site”). The survey was required to inform a planning application for the construction of an extension to the existing stores’ (B1) northern elevation to accommodate sales and stock, and alterations to the car parking areas and bays with the removal of an area of modified grass and small trees to enable to increase parking availability (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.

An Ecological Appraisal of the site was completed by GUMA Ltd in September 2018 (PEA, GUMA, 2018). The survey concluded that the five trees on site for removal have no roosting features present, the building has negligible value and that nesting birds could be impacted.

1.2 Site Location and Landscape Context

The site is located at National Grid Reference SO 72220 25750 and has an area of approximately 0.6ha comprising the commercial building, B1, hard standing for parking and access, small scattered urban trees, and an area of modified grass with introduced shrubs around the site. It is surrounded by residential properties in all directions, situated within the town of Newent. There are vegetated gardens and some street trees offering some connectivity in the landscape. Newent lake is present to the north-east of the town and the town is surrounded by arable and pastoral fields, with a vast, covered plant centre to the north. 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.

Existing biological records including notable species and non-statutory designated sites within a 2km radius were not obtained as these are present in the original PEA (GUMA, 2018).

2.2 Field Survey

The survey was undertaken by Katy Perry BSc (Hons) MCIEEM, Senior Consultant (Natural England Level 2 Bat License Number: 2022-10404-CL18-BAT, GCN Level 1 NE (2018-35157-CLS-CLS) and Dormouse NE (2020-49929-CLS-CLS)) on 9th December 2023.

Preliminary Ecological Appraisal

An extended habitat survey was undertaken, following the methodology set out in The UK Habitat Classification Habitat Definitions Version 2.0 (The UK Habitat Classification Working Group, July 2023). 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. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

For ease of reading, scientific names are omitted from this report for widespread, ubiquitous, and well-known species. Scientific names are only included where deemed necessary in conveying correct information to the reader, for example where common names differ regionally or in specialised, notable, unusual, or challenging taxa, or if there is any ambiguity in identification (e.g. where a species can only be identified to genus level).

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 the single built structure on site, the commercial building and the scattered urban trees 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 building for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows.

For any surveyed trees:

A visual inspection was undertaken from ground level using binoculars to identify any possible roost features and, where accessible and safe to do so, a close-up inspection of the features was completed using an endoscope, torch, and ladders.

Suitability Assessment

Built structures and trees 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 and Table 2 below. Roost suitability is classified as high, moderate, low, and negligible and dictates any further surveys required before works can proceed.

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

Classification	Feature of building and its context
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.

Table 2: Features of a tree that are correlated with use by bats.

Classification	Feature of tree and its context
Moderate to high (Difficult to separate moderate or high value trees from ground level without a close-up inspection)	A tree with one or more potential roost sites that are obviously suitable for use by bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions, and surrounding habitat. Trees with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Low	A tree of sufficient size and age to contain potential roosting features but with none seen from the ground or features seen with only very limited roosting potential to be used sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities, or upwards orientation with exposure to inclement weather or predators.
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.

The rear, southern elevation, of the building was not fully visible due to the proximity of the site to adjacent buildings. The internal roof space of the building was not accessible as the site has a suspended ceiling over the active shop floor.

The PEA survey was completed outside of the optimal survey period (April to October) limiting the identification of ground flora species, however, there was an initial survey by GUMA undertaken in 2018 in September and the species likely to be present on site are introduced or managed.

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

No statutory designated sites were identified within 2km of the site. The original PEA (GUMA, 2018) identified three non-statutory designated sites within 2km, the closest of which was Newent Lake Park Key Wildlife Site (KWS), 280m north-east.

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:	09/12/2023
Temperature	10°C
Humidity	69%
Cloud Cover	80%
Wind	31 kmph
Rain	Dry

Habitats and Flora

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



- Buildings – u1b5 815
- Hard standing – u1b
- Modified grass – g4
- Bramble scrub – h3d
- Scattered trees – u1 32
- Fences and walls – u1e

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
<p>Buildings – u1b5 815 Hard standing – u1b Modified grass – g4 Bramble scrub – h3d Scattered trees – u1 32 Fences and walls – u1e</p>	<p>To the east of the site, there is a sloped area of short, mown, modified grassland. This comprises perennial rye grass, yarrow, creeping buttercup, common daisy, dandelion and herb robert. The perimeter of the grass has scattered trees which includes field maple, hazel, and cherry. This area will be modified in order to create further car parking spaces. This area of grass has low ecological value.</p>	
<p>Buildings – u1b5 815 Hard standing – u1b Modified grass – g4 Bramble scrub – h3d Scattered trees – u1 32 Fences and walls – u1e</p>	<p>Around the car park, there are small areas of raised beds which have gravel present supressing ground flora around scattered trees. These trees are a mixture of birch, rowan, and field maple. These trees were assessed for their suitability for supporting roosting bats in the table below. In these small sections demarcating the car park, some do not contain trees. A large area of the site is hard standing which has negligible ecological value.</p>	


<p>Buildings – u1b5 815 Hard standing – u1b Modified grass – g4 Bramble scrub – h3d Scattered trees – u1 32 Fences and walls – u1e</p>	<p>The site is comprised of the large commercial building which is assessed for its suitability for supporting roosting bats in the Table below. With the building and hard standing covering a very large area of the site, the ecological value of the site is low.</p>	
<p>Buildings – u1b5 815 Hard standing – u1b Modified grass – g4 Bramble scrub – h3d Scattered trees – u1 32 Fences and walls – u1e</p>	<p>Within the surrounding vegetation around the site, there are small areas of shrubs present in the grass which include this small yew hedge and buddleia, hazel, and holly along the perimeter with the scattered trees.</p>	



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
Historical records	There are nine EPSLs within 2km of the site for bats. These were for species including common and soprano pipistrelles, brown long-eared bats, Natterers and Whiskered bats and lesser horseshoes. These licences include the destruction of resting places and damage to breeding sites. This is likely to displace bats within the landscape.	
Bat foraging and commuting habitat	<p>The vast majority of the site is unsuitable for supporting foraging and commuting bats with large areas of hard standing and lighting present around the entire site and car park with the lighting remaining on 24 hours on site.</p> <p>The site is surrounded by residential properties with some vegetated gardens but areas of hard standing too. In the wider landscape the lake and arable and pastoral fields offer suitability for supporting foraging and commuting bats.</p>	

<p>B1 - overview</p>	<p>B1 is a single storey, detached, brick built commercial building. There is a central flat roof in the middle of the building and a tiled perimeter with slate tiles present. There are metal pillars present as the roof overhangs with a shelter wrap around. There is a wooden soffit around the building. Internally the shop floor has a suspending tile ceiling and therefore no accessible loft space.</p>	
<p>B1 – eastern elevation</p>	<p>The brickwork around the perimeter of the building is in very good condition with no gaps, cracks or means of ingress. There is no missing mortar between the bricks around the entire property. The roof overhangs around the property as a shelter. This has wooden boarding present underneath which is in very good condition. It is flush to the brick walls and the edging of the roof and wooden fascia.</p>	

<p>B1 – north-eastern elevation</p>	<p>At the entrance to the building on the north-eastern corner, the overhang is lined with timber cladding rather than boards. These are secure and interlock with no gaps present. The brickwork is in very good condition. The windows and doors around the building are secure in metal and UPVC frames with no gaps or means of ingress.</p>	
<p>B1 – north-eastern elevation</p>	<p>Under the shelter to the north-east of the building, there is a bunch of sticks present in the metal beams which resembles an old or an attempted pigeon nest.</p>	


The majority of the building is in very good condition, as shown in the images below. The slate tiles lie flat to one another. The ridge tiles are all present. The wooden soffit and fascia are secure, and the brickwork has no missing mortar. There was no elevation in which the flat roof was visible.



B1 – south-eastern elevation

Around the south-eastern elevation, there are some small gaps present under a small number of tiles, as shown in the image opposite. The gap is not lifted and due to the presence of the other flat lying tiles the gap between the tiles looks to be too shallow for allowing ingress for bats. In addition, the features present on the south-east of the building are not due to be impacted as the works to the building are proposed on the northern elevation.



<p>B1 - interior</p>	<p>Within the building, there is a suspended tile ceiling with no access to any internal loft space.</p>	
<p>B1 – suitability assessment</p>	<p>The building has no gaps in the brickwork, around windows or doors or in the soffit and fascia. There are roughly three gaps under the slate tiles which appear to have a very shallow gap, unlikely to allow ingress for roosting bats, in particular as the site is illuminated 24 hours a day reducing its suitability for supporting roosting bats. With the loft space inaccessible and the lack of suitable habitat for supporting bats in the immediate landscape the suitability for supporting bats is concluded to be negligible.</p>	
<p>T1 – suitability assessment</p>	<p>There are several scattered trees around the site, comprising silver birch, rowan, and field maple. There will be a small number of trees impacts by the proposed works requiring removal to facilitate the extension and the car park construction. Each tree on site was assessed individually for its suitability for supporting roosting bats. The trees lack any suitable features for supporting roosting bats but could support nesting birds.</p>	





Other Species

An assessment of the suitability of the site for protected or notable species is provided in Table 6.

Table 6: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability	Biological records data
Amphibians	<p>There are a small cluster of ponds to the south-east of the site over 300m away. These ponds are separated from the working area by hard standing roads, residential properties, fencing and walls. There is very limited suitable habitat on site for supporting amphibians.</p> <p>Great crested newts exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; great crested newts are typically found within terrestrial habitats up to 500m from breeding ponds (Langton <i>et al.</i> 2001). Due to the absence of ponds on site or within 300m of the site and an absence of suitable habitats on site, it is unlikely amphibians are to be impacted by the proposed works.</p>	<p>There is one EPSL within 2km of the site for GCN, which is situated 830m north-west.</p> <p>There were records of GCN, smooth newt, frog, and toad within 2km of the site.</p>
Reptiles	<p>The site lacks suitable habitats for supporting reptiles, with the site comprising hard standing, buildings and is isolated in the landscape from suitable habitats.</p>	<p>There are records of grass snake and slow worm within 2km of the site.</p>
Badgers	<p>There is no evidence of badgers on site and a lack of suitable habitat to support badgers from sett creation or foraging.</p>	<p>There are records of badgers within 2km of the site but not present on site.</p>
Hazel Dormouse	<p>The site is outside the geographic range for dormice and the site and surrounding landscape lacks the suitable complex woodland vegetation for supporting dormice.</p>	<p>There are no EPSLs or records of dormice within 2km of the site.</p>

Hedgehog	There is very limited suitability on site for supporting hedgehogs. There is some scrub around the eastern boundary mainly present on the land adjacent to the site. Hedgehogs are present in urban landscape, but there is a lot of fencing and walls around the perimeter, reducing the suitability.	There are records of hedgehogs within 2km of the site.
Otter and water vole	There are no water courses on or adjacent to site that could support otter or water vole. There are no connective riparian habitats present either.	There are no EPSLs for otters within 2km but there are records. There are no records for water vole.
Birds	There is a patch of bramble present to the west of the building which had nests visible, and a robin was observed. The building has old birds' nests present within a pigeon nest seen under the eaves of the building. The scattered trees around site could support nesting birds of widespread urban species.	There were over 60 species of birds identified within 2km of the site noted within the original PEA, Guma 2018.
Invertebrates	The trees around the site perimeter offer some suitability for supporting invertebrates. However, the site is predominantly hard standing and building, of negligible value.	There were a few species of notable invertebrate species identified within 2km of the site.

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 7 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise the construction of an extension to the existing stores' (B1) northern elevation to accommodate sales and stock, and alterations to the car parking areas and bays with the removal of an area of modified grass and small trees to enable to increase parking availability.

Table 7: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Opportunities ¹	Enhancement
Designated sites	There are no statutory designated sites within 2km of the site. However, there are three non-statutory sites, the closest being Newent Lake Park Key Wildlife Site (KWS), 280m north-east.	No impacts to designated sites are anticipated due to the small scale and distance of the proposed development from such sites (where known) as well as the urban location of the site with surrounding physical barriers.	None.	None.	
Habitats and flora	There are no notable habitats within the site, but four habitats are present within	No direct impacts to any notable habitats will occur as a result of the proposed development. However, due to the	Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to	The following habitat creation and	enhancement opportunities could be

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

	2km of the site, the closest being deciduous woodland located 220m from the site.	proximity of the site to scattered trees, indirect effects such as tree damage could occur during construction.	Construction - Recommendations" (BS 5837) (2012).	incorporated into the proposed development: <ul style="list-style-type: none"> Any trees removed should be replaced at a 2:1 ratio comprising native species, ideally fruiting or flowering. Species-specific enhancement opportunities are detailed later in this table.
Amphibians	Though there is an EPSL for GCN within 2km, and ponds within 500m of the site which could support amphibians, the site comprises largely unsuitable habitats. The habitats being directly impacted are hard standing, buildings and short grass which is managed in a way to be unsuitable for amphibians.	No impacts are anticipated on great crested newt, as a result of the proposed development as this species is considered to be absent from the site. The site is unlikely to support common amphibians.	None.	None.
Reptiles	The site lacks suitable habitats for supporting reptiles.	No impacts are anticipated on reptiles as a result of the proposed development.	None.	None.
Roosting bats (B1 and scattered trees)	Building 1 has negligible value for roosting bats due to a lack of potential roost features. There are small holes under the tiles to the south-east of the building which are unlikely to allow ingress of bats and the site lacks suitability due to the 24-hour security lighting present on site.	Bats are very unlikely to be roosting within this building or trees and as such, there are not anticipated to be any impacts on roosting bats as a result of the extension of the building or removal of scattered trees.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.	The installation of two bat boxes at the site will provide additional roosting habitat for bats. The bat boxes will be installed on mature trees around the site away from site lighting. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light. The bat boxes will be a specification suitable for crevice dwelling bats such as NHBS crevice bat boxes or a similar alternative brand.

Foraging and commuting bats	Scattered trees could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will result in the loss of small areas of small, scattered trees, but given the presence of more extensive areas of foraging and commuting habitat in the locality, this is likely to be inconsequential for bats.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats: <ul style="list-style-type: none"> Planting of native tree, shrub, and hedgerows to increase foraging opportunities.
Badger	There was no evidence of badgers on site and the site lacks suitability for supporting badgers.	No impacts are anticipated on badgers as a result of the proposed development.	None.	None.
Hazel dormouse	The site lacks suitable habitats for supporting dormice.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.
Hedgehog	Hedgehogs could be present in the wider landscape and commute through the site.	Scattered trees, hard standing and grass will be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of commuting hedgehogs if present.	A precautionary working method will be implemented during construction, including the following measures: <ul style="list-style-type: none"> Site clearance will be undertaken outside of the hedgehog hibernation season (November to March) insofar as is possible. 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. 	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for hedgehogs: <ul style="list-style-type: none"> Gaps could be installed in fencing and walls for commuting animals

			<ul style="list-style-type: none"> Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. 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. 	
Otter and water vole	There are no watercourses on or adjacent to site and no connectivity to site.	No impacts are anticipated on otters or water vole as a result of the proposed development.	None.	None.
Birds	There are old birds' nests present in trees and the building eaves.	Scattered trees will be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building and vegetation should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.	The installation of three bird boxes at the site will provide additional nesting habitat for birds. The bird boxes will be installed on mature trees and the existing building. General purpose bird boxes should be positioned 3m above ground level where they will be sheltered from prevailing wind, rain, and strong sunlight. Species-specific bird boxes should be installed in line with manufacturers specifications. At least one box should be a sparrow terrace installed on the building.
Invertebrates	The trees on site have some suitability for supporting invertebrates.	Scattered trees, modified grass and hard standing will be removed during construction. The loss of such habitats is likely to be inconsequential to local invertebrate populations owing to their low value and the presence of more extensive habitat locally.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for invertebrates: <ul style="list-style-type: none"> Native fruiting and flowering tree species to be installed around the site.

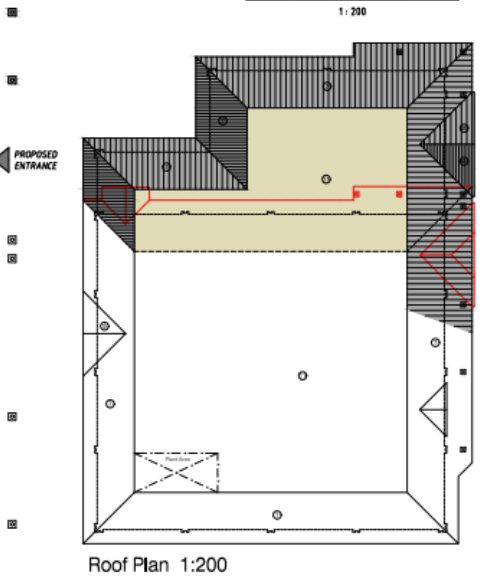
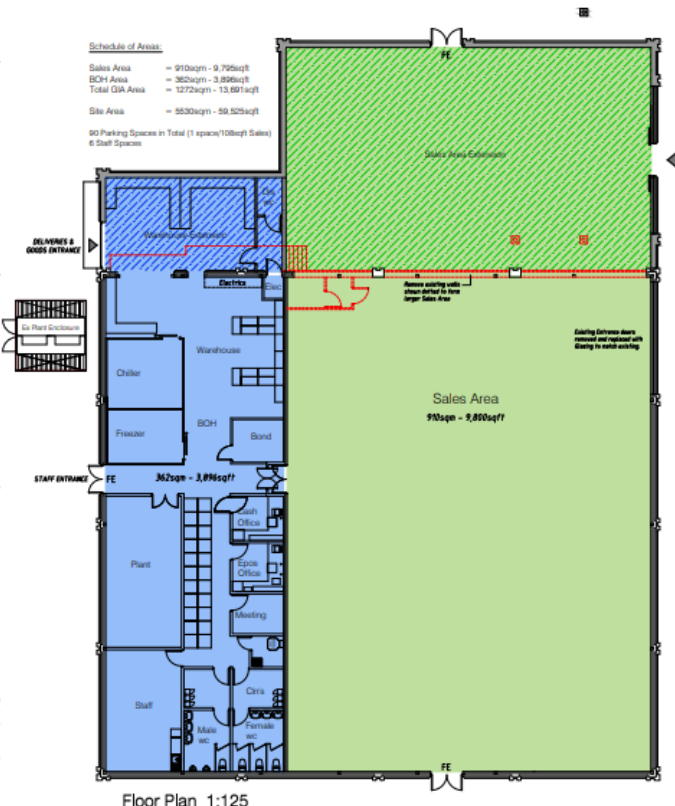
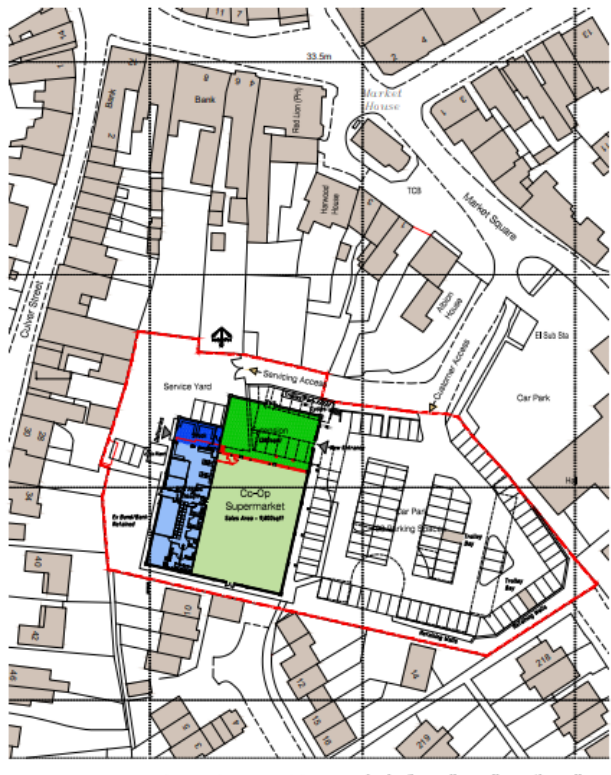
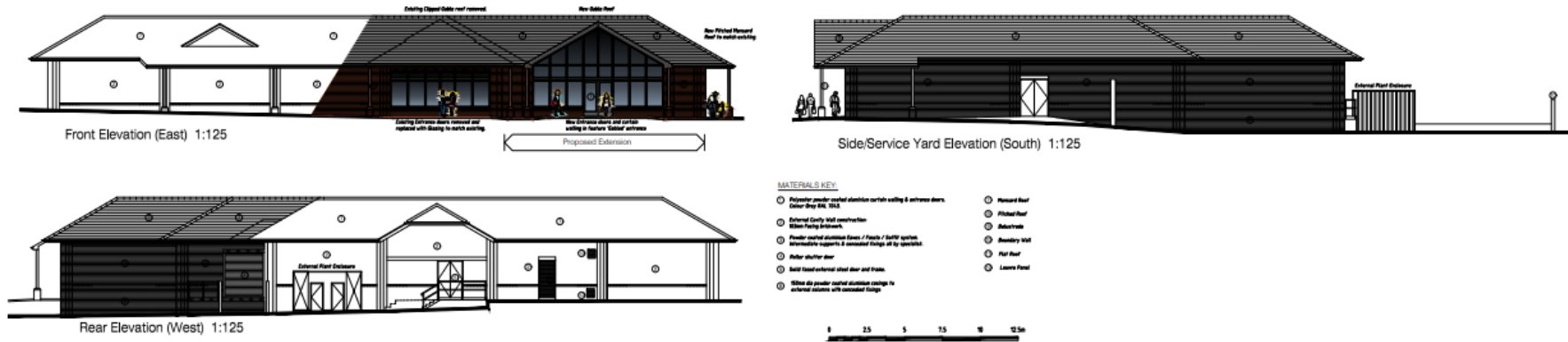
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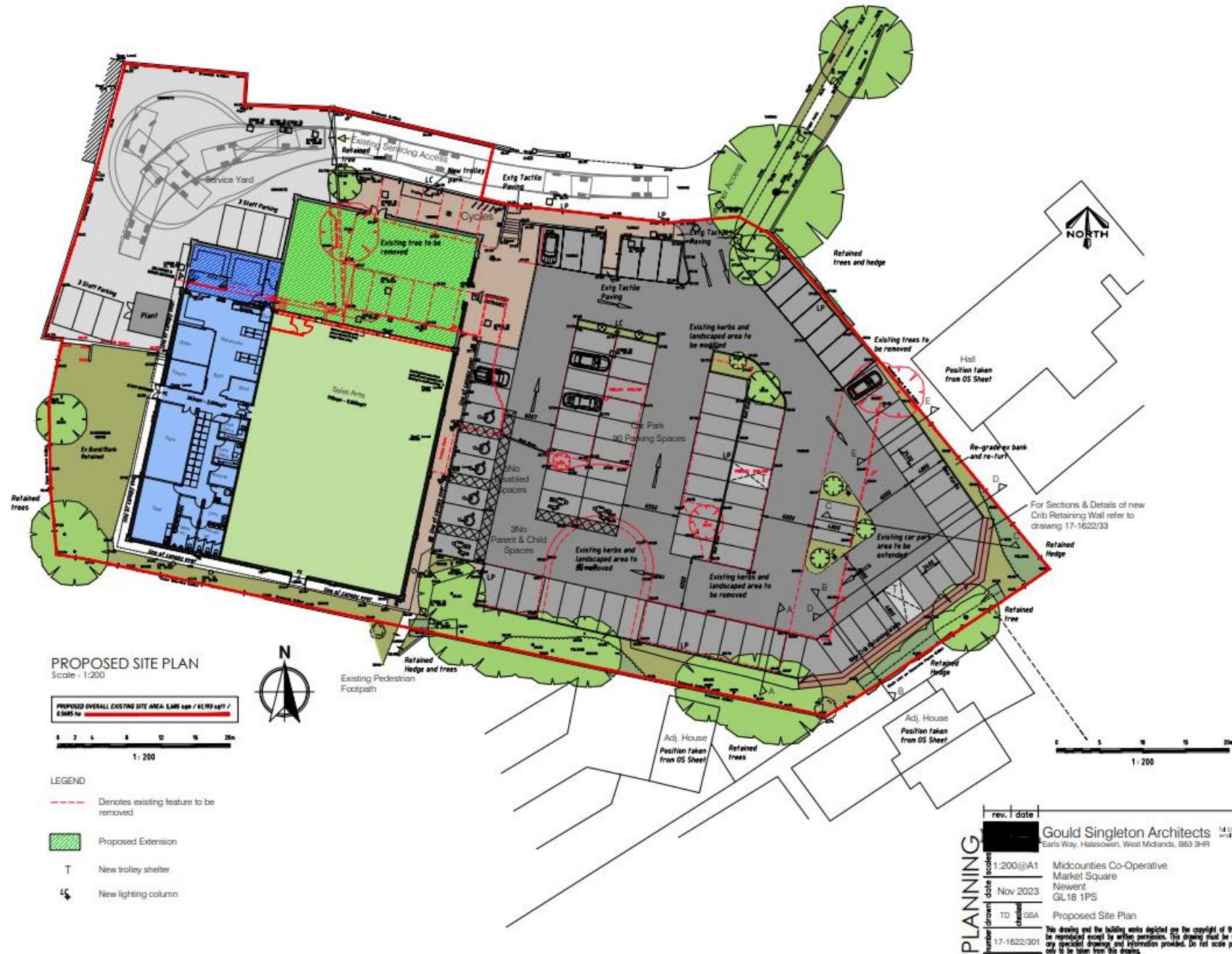
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Appendix 1: Proposed Development Plan



rev. | date | Gould Singleton Architects | 18 020 500 000 | Fax: 01753 320 000
 17-1622/300 | as shown | Midcounties Co-Operative | Market Square | Newent | GL18 1PS |
 date received | Nov 2023 | Proposed Plans & Elevations
 number drawn | 08 | GSA
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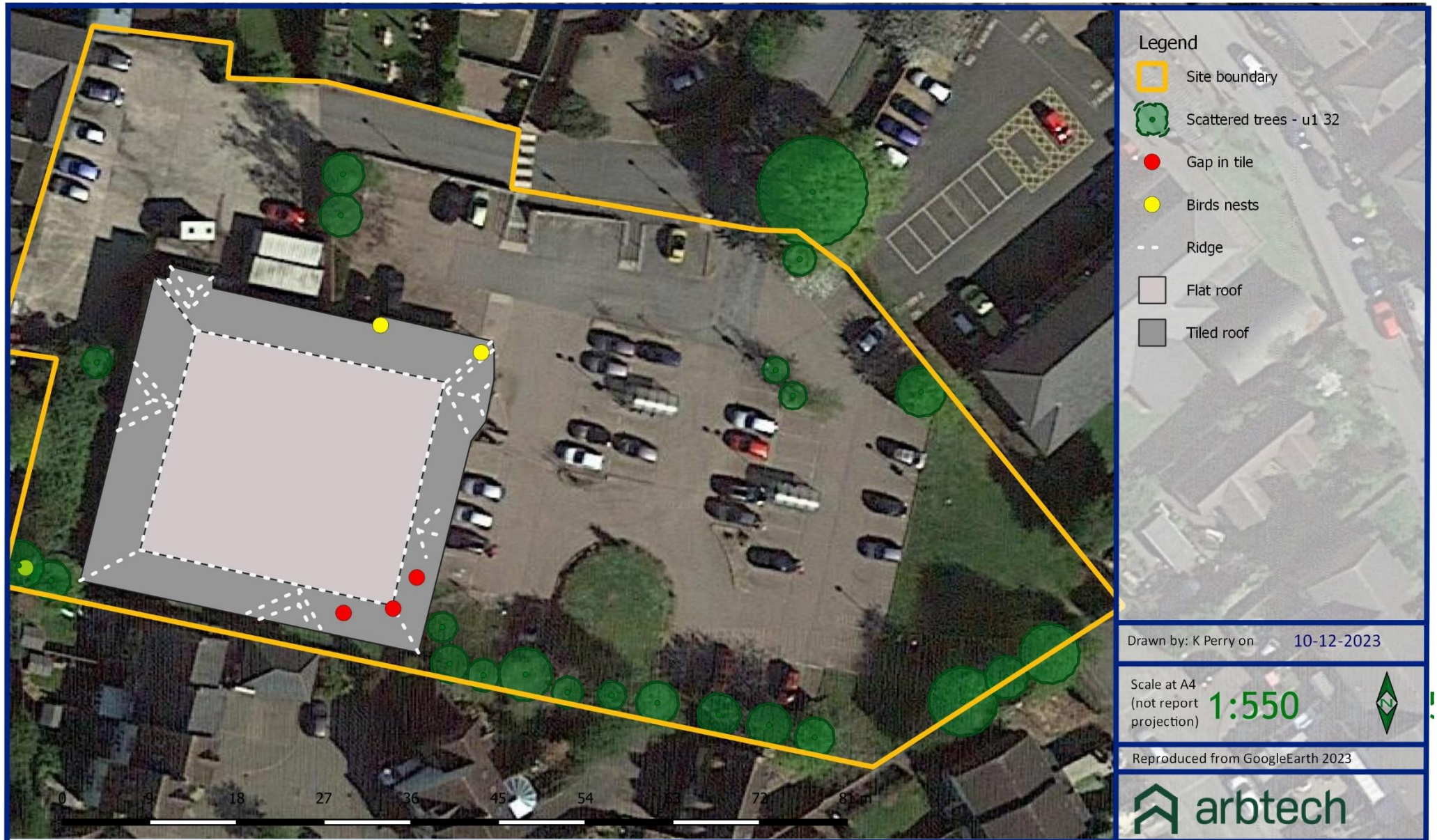
Appendix 2: Site Location Plan



Appendix 3a: Habitat Survey Plan



Appendix 3b: PRA Plan



Appendix 3c: Pond Location 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 planted listed on Schedule 5 of the Conservation or Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England 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.