



Preliminary Ecological Appraisal and Preliminary Roost Assessment

Land at The Blue Bell Inn, 39 High Street and No's 37 High Street and 2A Main Street,
Desford, Leicester, LE9 9JF

Central England Co-operative and Everards Brewery Ltd

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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 Central England Co-operative and Everards Brewery Ltd to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Land at The Blue Bell Inn, 39 High Street and No's 37 High Street and 2A Main Street, Desford, Leicester, LE9 9JF (hereafter referred to as "the site"). The survey was required to inform a planning application for change of use from café (Class E) and residential (Class C3) to convenience foodstore (Class E), alongside demolition of existing single-storey element to rear of 37 High Street/2A Main Street and store to rear of public house, erection of two-storey side extension to 37 High Street/2A Main Street, alongside two-storey rear and single-storey rear extensions and improvements to existing car park and associated landscaping (hereafter referred to as "the proposed development").

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

Feature	Survey Results Summary	Impact Assessment	Recommendations
Habitats and flora	Habitats within the site are common and widespread and have low ecological value.	The proposed development will result in conversion and extension of B1 into a food store and the demolition of B2. The car park will be altered, and the beer garden will be relocated further south of its current position. Existing grassland will be removed as well as the area of ornamental shrubs to the east of B1. The majority of the ornamental planting along the north site boundary will likely be retained (through some pruning will be necessary) or removed and replaced. Some new tree and shrub planting is also proposed. The overall impact of the proposed development on habitats and flora is concluded to be minimal and it is anticipated that there will be scope to compensate for any losses through replacement landscaping.	Best practice measures to minimise the possibility of pollution must be implemented during construction. Offsite trees in adjacent gardens 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). New tree and shrub planting should comprise native species insofar as possible to maximise their value for wildlife.
Roosting bats (B1)	B1 has low value for roosting bats due to the presence of a small number of roost features in the roof structure.	At the time of writing this report it was unconfirmed whether the existing roof structure will be affected.	If no impacts to the roof or loft spaces are to occur then no further surveys will be necessary, though works may need to follow a precautionary working method to prevent any indirect disturbance to bats. The requirement for further bat surveys or

		If reroofing, roof repairs or alterations to the roof structure of loft spaces are required, this could result in the removal of the roost features and potentially the destruction of bat roosts and disturbance or injury of bats, if present. The remainder of the building has negligible value for bats and therefore no impacts on roosts are anticipated as a result of works in these areas.	working methods must be clarified once full details of the proposed development are available. Should works to the roof or loft spaces be necessary, one bat emergence or re-entry survey will be required during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely-absence of a bat roost in the building.
Foraging and commuting bats	There are no habitats on the site which could be used by bats for foraging or commuting.	The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat adjacent to the site and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development.
Birds	Birds could use the ornamental shrubs for nesting.	The proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Shrub clearance or pruning should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the 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 Central England Co-operative and Everards Brewery Ltd to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Land at The Blue Bell Inn, 39 High Street and No's 37 High Street and 2A Main Street, Desford, Leicester, LE9 9JF (hereafter referred to as "the site"). The survey was required to inform a planning application for change of use from café (Class E) and residential (Class C3) to convenience foodstore (Class E), alongside demolition of existing single-storey element to rear of 37 High Street/2A Main Street and store to rear of public house, erection of two-storey side extension to 37 High Street/2A Main Street, alongside two-storey rear and single-storey rear extensions and improvements to existing car park and associated landscaping (hereafter referred to as "the proposed development"). Plans showing the existing site layout and the proposed development are provided in Appendix 1.

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

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

1.2 Site Location and Landscape Context

The site is located at National Grid Reference SK 47891 03376 and has an area of approximately 0.2ha comprising the grounds of the Blue Bell Inn and a separate building containing a café and a residential dwelling. The site lies to the north of High Street in central Desford, surrounded by urban development. Green space in the immediate vicinity is limited to gardens and street trees but this gives way to arable land with boundary trees, ditches and hedgerows approximately 180m north. The wider landscape surrounding Desford is overwhelmingly agricultural with scattered settlements and occasional small pockets of woodland and ponds. A site location plan is provided in Appendix 2.

1.3 Scope of the Report

The PEA element of this report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and

summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

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

To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species, including roosting bats.
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.
- Potential impacts on features of value, as a result of the proposed development, have been identified.
- Recommendations for further surveys and mitigation have been made.
- Opportunities for the enhancement of the site for biodiversity have been set out.

2.0 Methodology

2.1 Desk Study

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

2.2 Field Survey

The survey was undertaken by Principal Ecologist Lizi Pimlott BSc (Hons) MSc MCIEEM MRSB on 5th June 2023. Lizi holds Natural England survey licences for bats (class 2 ref: 2016-22843-CLS-CLS), great crested newts (class 2 ref: 2015-17400-CLS-CLS), hazel dormice (class 1 ref: 2016-21377-CLS-CLS) and barn owl (ref: CL29/00560).

Preliminary Ecological Appraisal

An extended habitat survey was undertaken, following the methodology set out in *UK Habitat Classification User Manual* (UK Habitat Classification Working Group, 2018). All land parcels are described and mapped and, where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

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 three built structures which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

For any surveyed buildings:

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the buildings for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. An internal inspection of the

buildings was also made, including the living areas and any accessible roof spaces, using a torch and ladders. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows, and carried out a detailed search of numerous features within the roof space.

Suitability Assessment

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

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

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.

2.3 Limitations

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape, the ecology and biology of species as currently understood, and the known distribution of species as recovered during the searches of historical biological records.

A biological records data search has not been undertaken. However, given the location of the site, the nature of the habitats present and the assessed suitability of the site for protected or notable species, it is not anticipated that the purchase of biological records data will add any significant weight or alter the conclusions and recommendations outlined in this report.

There were three separate loft spaces in B1. The first (loft void 1) (loft space 3) and third were unboarded and could only be surveyed from the access hatch. The access hatch of the second (loft void 2) was nailed shut. Therefore, it is possible that roost features or evidence of bats may have been missed. This is not considered to be a significant constraint when considering the roost features that were identified externally on B1 and the subsequent recommendations that have been made (see Table 6).

No internal access was possible to B2. However, the interior could be viewed through the windows and based on the overall assessed suitability of the building it is considered unlikely that any roost features or evidence of bats was missed.

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

3.0 Results and Evaluation

3.1 Designated Sites

Details of any statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 2 below. The presence of non-statutory designated sites within 2km cannot be established without biological records data. However, it is considered unlikely that such sites would be present in the immediate vicinity due to the lack of greenspace and built-up nature of the land surrounding the site.

Table 2: Statutory designated sites within 2km radius of the site

Designated site name	Distance from site	Reasons for notification from Natural England
Botcheston Bog Site of Special Scientific Interest (SSSI)	1.35km northeast	This SSSI contains one of the best remaining areas of marshy grassland in Leicestershire and is representative of grazed marsh communities on peaty soils. The site lies within the impact risk zone for this SSSI. However, the proposed development does not qualify under any of the categories listed as a possible high risk with regard to this designation.

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:	05/06/2023
Temperature	13°C
Humidity	63%
Cloud Cover	100%
Wind	10mph
Rain	None

Habitats and Flora

The site contains the following habitats:

- u1b5 buildings
- u1 89 310 730 1140 1160 commercial premises open space with a car park, grassland, ground level planters and introduced shrub
- u1e 68 69 mortared wall and fencing

There are two buildings (u1b5) on the site comprising a residential dwelling and café (B1) and a small outbuilding (B2). These are discussed in further detail in the “Bats” section below. There is a small private yard to the north of B1.

To the east of B1 is a pub car park and beer garden with areas of landscaping including grassland and ornamental shrubs.

The grassland is mown to a uniform sward length of 5-10cm throughout the site with no areas of bare ground or evidence of physical damage or disturbance. The grassland in the beer garden in the northeast corner of the site is dry in patches as a result of no recent rainfall and has picnic tables present. This area contains less than nine species per square metre sampled and therefore is considered to be species poor. By comparison the other areas of grassland along the east side of B1 contained more than nine species per square metre sampled and were considered to be relatively species rich. In total, grassland species included perennial ryegrass (D), tormentil (A), lesser trefoil (A), daisy (F), yarrow (F), meadow grass species (O), Yorkshire fog (O), ribwort plantain (O), field buttercup (O), oxeye daisy (O), dove's-foot cranesbill (R), sow thistle species (R), red clover (R) and common mouse-ear (R).

Along the north side of the car park and beer garden is ornamental shrub planting with an additional patch to the east of B1. Non-native species were dominant including barberry and cotoneaster species (none of which are listed as invasive under Schedule 9 of the Wildlife and Countryside Act 1981). However, occasional native species were present including flowering currant, hazel, cherry, hawthorn, rowan and silver birch. An interwoven understorey of bramble, ivy and honeysuckle was present as well as a ground layer of cleavers (A), poppy (R), red campion (R), field forget-me-not (R), great forget-me-not (R), nipplewort (R), false oat grass (R), fox glove (R), spear thistle (R), creeping thistle (R), rosebay willowherb (R), herb Robert (R) and wood avens (R).

The north and east elevations of the site are bordered by timber panel fencing and part of the west boundary comprises a mortared wall. The south site boundary is bordered by ground level planters with no plant species present. There is a fenced bin store between the beer garden and B2 and a fenced seating area adjacent to the Blue Bell Inn.

None of the habitats on the site qualify as protected or notable and no such habitats were identified on or connecting to the site from a review of the Magic database. 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.



Figure 1: View of the car park from the southwest corner looking northeast towards the beer garden



Figure 2: View of the car park from the southwest corner looking west towards the Blue Bell Inn



Figure 3: View of the car park looking south towards High Street



Figure 4: Beer garden in northeast corner of the site



Figure 5: Ornamental shrub planting along north site boundary



Figure 6: Grass and shrub planting along west site boundary

FaunaBats

The results of the PRA are provided in Table 4.

Table 4: Assessment of the suitability of the site for bats

Feature	Description	Photographs
Historical records	There is one bat EPSL record within 2km of the site, located 1.27km to the northeast. This is EPSM2010-1623, valid between 2010 and 2011, for the destruction of a breeding site and resting place of brown long-eared bats.	N/A
Bat foraging and commuting habitat	The site is in an urban location with the only foraging and commuting habitat connecting to the site or in the immediate vicinity comprising gardens and street trees. These may provide opportunities for small numbers of urban tolerant species such as pipistrelles. The wider landscape within 2km of the site is predominantly agricultural with boundary hedgerows, trees, ditches, ponds and small parcels of woodland which could support a wider diversity of bat species.	See Site Location Plan in Appendix 2 for an aerial overview of the site and surroundings.
B1 - overview	B1 comprises a small café on the ground floor in the northern section of the building. The remainder of the ground floor and the entirety of the first floor forms a single dwelling. B1 is located in the west of the site.	 <i>Figure 7: West elevation of B1</i>

		 Figure 8: South elevation of B1  Figure 9: North elevation of B1
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		 Figure 10: East elevation of B1
B1 - exterior	The rendered walls appear in good condition without any cracks observed. The building has a pitched tile roof. A small number of raised roof tiles and ridgeline gaps were noted on the east and west facing slopes. The roof verges on the north and south gables are largely well sealed though a few exposed roof tiles with gaps underneath were visible. These features could be used by crevice dwelling species such as pipistrelles. There are three well pointed brick chimneys clad with lead flashing at the base which is flat and without gaps. The window and door frames are wooden and are tightly fitted to the brickwork. The eaves are exposed but the join between the roof and the walls seems to be well sealed. There is a flat roofed single storey extension on the west elevation and a single storey pitched tile roof extension on the north elevation. No roost features were noted on these structures. No evidence of roosting bats was identified externally.	 Figure 11: Close up of east facing roof slope with gaps in ridgeline and under raised tiles circled in red No close up photos of west facing roof slope and roof verges included due to poor quality of the photos.

B1 – interior	There are three loft voids in the dwelling, separated by brick retaining walls. The loft floor is insulated with mineral wool. The underside of the roof is formed of timber beams with a bitumen felt lining underneath the roof tiles. Loft void 1 is located in the southern part of the building. This was viewed from a loft hatch. The void appeared fairly clean with limited debris and cobwebs. No daylight was visible indicating that it is well sealed. The height of the loft from floor to ridge was less than 2m which is suboptimal for void dwelling species such as brown long-eared bats. Loft void 2 is located in the centre of the building and was not accessible as the hatch was nailed shut. Loft void 3 is located in the northern part of the building and was viewed from the loft hatch. The void was similar to loft void 1 in terms of condition. No evidence of roosting bats was identified internally nor were any potential access points leading to the loft void either internally or externally.	 <i>Figure 12: Loft void 1</i>  <i>Figure 13: Loft void 1</i> <i>No close up photos of loft void 3 included due to poor quality of the photos.</i>
B1 – suitability assessment	B1 is concluded to have low roost value for bats, specifically due to the presence of a small number of gaps on the roof which could be utilised by crevice dwelling species. Due to the urban location of the site with limited connecting green space, this is likely to be restricted to	N/A

	occasional or transient use by small numbers of urban tolerant species such as pipistrelles. The building is unsuitable for void dwelling species due to a lack of accessible voids.	
B2 - overview	B2 comprises a small garage used as storage for the Blue Bell Inn, located in the east of the site.	 Figure 14: North and west elevations of B2  Figure 15: South elevation of B2
B2 – exterior and interior	B2 is formed of single skin wooden board walls and a pitched corrugated metal roof. There is a wooden door on the west elevation and two wooden framed windows on the south elevation.	N/A

	The east and west gable ends had wooden barge boards at the eaves. There is a large gap between these and the wall which was heavily cobwebbed (possibly indicating a lack of recent disturbance) and draughty. The interior is cluttered due to the storage of equipment and well-lit by the windows. The building presents no opportunities for crevice dwelling species due to a lack of suitable roost features. Gaps under the corrugated metal roof and under the barge boards on the able ends may provide internal access to the building. However the interior is unsuitable for void dwelling species owing to the clutter and high levels of daylight.	
B2 – suitability assessment	B2 has negligible roost value for bats.	N/A
Trees	There are no trees on the site.	N/A

Other Species

An assessment of the suitability of the site for protected or notable species is provided in Table 5.

Table 5: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability	Biological records data
Birds	The buildings on the site do not present any opportunities for nesting birds. The ornamental shrub planting on the north site boundary could be used by common garden bird species for nesting and foraging.	No biological records data obtained.
Other species	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). A review of aerial imagery indicates the presence of three ponds within 500m of the site, all located to the northeast with the closest being 110m away (see Appendix 4). There is no connectivity between these ponds and the site due to the presence of intervening buildings, gardens and boundary walls and fencing including along the north and east site boundaries which would prevent amphibian movement from these ponds towards the site.	No EPSLs within 2km of the site (excluding the one for bats identified in Table 4). No class licence returns or pond survey data for great crested newts within 2km of the site. No biological records data obtained.

	The site has negligible value for any other protected or notable species based on the low quality of the habitats present, the site's usage and regular disturbance, boundary walls and fencing which will restrict terrestrial animal movement, and its isolated position in an urban landscape.	
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4.0 Conclusions, Impacts and Recommendations

4.1 Informative Guidelines

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

Likelihood of the Presence of Protected Species

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

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

4.2 Evaluation

Taking the desk study and field survey results into account, Table 6 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development.

Table 6: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities ¹
Designated sites	Botcheston Bog SSSI lies 1.35km from the site. This is the only statutory designated site within 2km. The presence of non-statutory designated sites within 2km of the site cannot be established without biological records data. However, the presence of	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.

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

	such sites within the immediate vicinity is considered unlikely based on the urban location of the site.			
Habitats and flora	There are no notable habitats within or connecting to the site. Habitats within the site are common and widespread and have low ecological value. No protected or notable plant species were recorded during the survey.	No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats as well as the urban location of the site with surrounding physical barriers. The proposed development will result in conversion and extension of B1 into a food store and the demolition of B2. The car park will be altered, and the beer garden will be relocated further south of its current position. Existing grassland will be removed as well as the area of ornamental shrubs to the east of B1. The majority of the ornamental planting along the north site boundary will likely be retained (through some pruning will be necessary) or removed and replaced. Some new tree and shrub planting is also proposed. The overall impact of the proposed development on habitats and flora is concluded to be minimal and it is anticipated that there will be scope to compensate for any losses through replacement landscaping.	Best practice measures to minimise the possibility of pollution must be implemented during construction. Offsite trees in adjacent gardens 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). New tree and shrub planting should comprise native species insofar as possible to maximise their value for wildlife.	None.
Roosting bats (B1)	B1 has low value for roosting bats due to the presence of a small number of roost features in the roof structure.	At the time of writing this report it was unconfirmed whether the existing roof structure will be affected. If reroofing, roof repairs or alterations to the roof structure of loft spaces are required, this could result in the removal of the roost features and potentially the destruction of	If no impacts to the roof or loft spaces are to occur then no further surveys will be necessary, though works may need to follow a precautionary working method to prevent any indirect disturbance to bats. The requirement for further bat surveys or working methods must be clarified once full details of the proposed development are available.	To be confirmed upon completion of the surveys or receipt of further information.

		bat roosts and disturbance or injury of bats, if present. The remainder of the building has negligible value for bats and therefore no impacts on roosts are anticipated as a result of works in these areas.	Should works to the roof or loft spaces be necessary, one bat emergence or re-entry survey will be required during the active bat season (optimal May to August, suboptimal September) to confirm presence or likely-absence of a bat roost in the building. Infra-red cameras should be used as an aid. Two surveyors are required to provide full coverage of the building. If the absence of a bat roost cannot be determined during the first visit, then further surveys will be required. If bat roosts are confirmed in the building two additional surveys may be required to characterise the roost and to inform an EPSL application to Natural England. Surveys should be a minimum of two weeks apart. The EPSL application requires that surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.	
Roosting bats (B2)	B2 has negligible value for roosting bats due to a lack of potential roost features.	Bats are very unlikely to be roosting within this building and as such, there are not anticipated to be any impacts on roosting bats as a result of the demolition of this building.	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.	As above.
Foraging and commuting bats	There are no habitats on the site which could be used by bats for foraging or commuting.	The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats. The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat adjacent to the site and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures: • Use narrow spectrum light sources to lower the range of species affected by lighting. • Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are	None.

			required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. • Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only. • External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. • Wall lights and security lights will be 'dimnable' and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available.	
Birds	Birds could use the ornamental shrubs for nesting.	Ornamental shrubs will be removed and/or pruned 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	Shrub clearance or pruning should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the 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 two bird boxes at the site will provide additional nesting habitat for birds. The bird boxes should be installed on the new food store or the pub.

		and subsequent abandonment of active bird nests.		The bird boxes should be positioned on an external wall 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. A specification suitable for common bird species such as blue tits or robins should be chosen.
Other species	No other protected or notable species are anticipated to be present on the site.	None anticipated.	None.	The incorporation of fruiting, nectar rich or pollinator friendly plant species within the landscaped areas will be beneficial for invertebrates and in turn this will provide foraging opportunities for species such as birds and bats. Gaps in the base of fences and boundary features should be incorporated to promote the free movement of species such as hedgehogs through the local area.

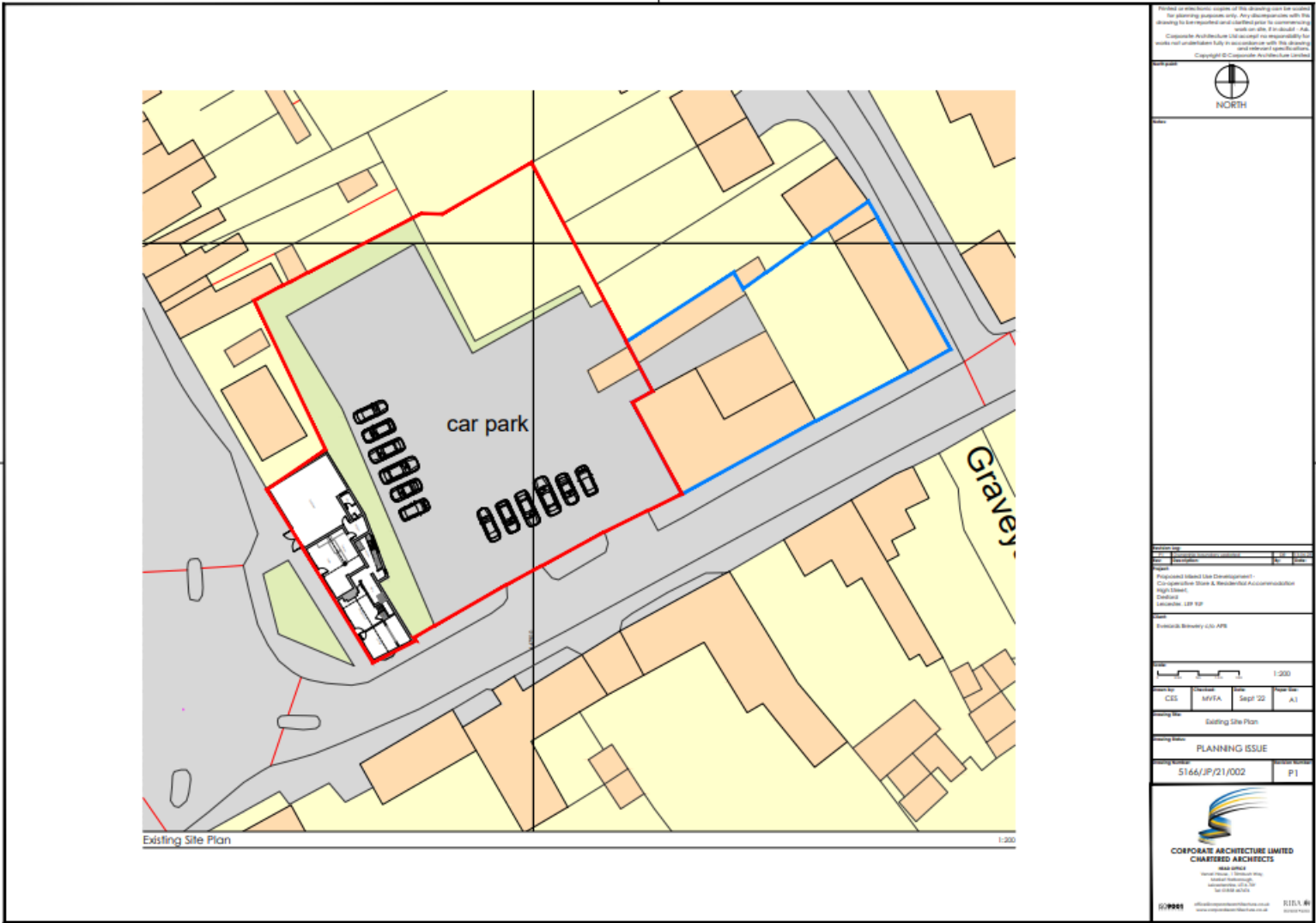
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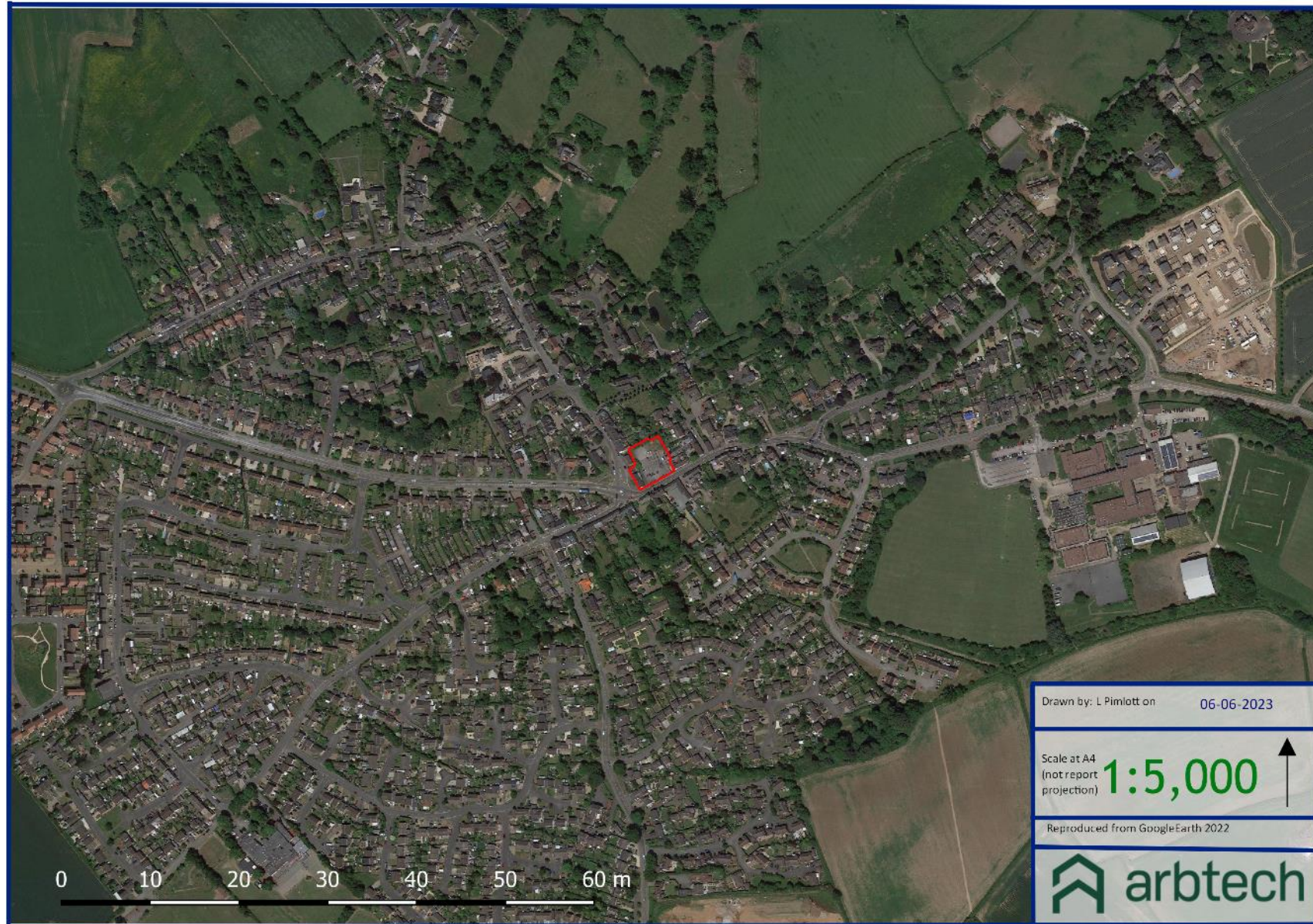
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Appendix 1a: Existing Site Plan



[illegible]

Appendix 2: Site Location Plan



Appendix 3a: Habitat Survey Plan



Appendix 3b: PRA Plan



Appendix 3c: Proposed BERS Plan



Appendix 3d: 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 not possible to obtain a licence to translocate badgers.

Birds

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

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

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

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

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

Amphibians and Reptiles

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

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

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

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

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

- Intentionally or recklessly kill or injure these species.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

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

Water Voles

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

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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

Otters

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

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

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

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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

Bats

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

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

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

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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

Hazel Dormice

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

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

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

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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

White Clawed Crayfish

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

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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

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

Wild Mammals (Protection Act) 1996

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

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

Legislation Afforded to Plants

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

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

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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

Invasive Species

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

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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

Injurious weeds

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

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

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

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

NATIONAL PLANNING POLICY***Environment Act 2021***

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

National Planning Policy Framework 2021

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

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

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

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

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

EUROPEAN PROTECTED SPECIES POLICIES

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

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

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