

Biodiversity Net Gain Design Stage Report

Langdale Mews

Prepared by Wildnatured on Behalf of Grolar Developments
Ltd.



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1.1	Final	08/08/24	Henry Gunning	
1.2	Final	30/09/24	Henry Gunning	Small changes to the proposed plan: Smaller footprint for extension building Amended Proposed Habitats Plan and small changes to overall score.

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Due to the temporal nature of ecology, the findings of this report should not be relied upon if a significant amount of time has passed, as defined by the Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines.

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 decisionmaker 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.

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Executive Summary

Wild Natured were instructed to undertake a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) assessment at Langdale Mews, Levenshulme, M19 3NT (hereafter referred to as “the site”). The survey was required to inform a planning application for the extension of the existing apartment block (hereafter referred to as “the proposed development”).

Table 1 - Constraints and / or further survey work needed to comply with planning policy and legislation

Feature	Survey Results Summary	Impact Assessment	Recommendations
Designated sites	There is one statutory site within 1km of the site, Highfield Country Park LNR, 0.6km east of the site.	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. It is considered unlikely that non statutory sites would be present in the immediate vicinity due to the lack of greenspace and built-up nature of the land surrounding the site. No direct impacts to any designated sites are anticipated to occur as a result of the proposed development.	None.
Roosting bats	B1 is considered to be of negligible value for roosting bats due to a lack of potential roost features and the built-up nature of the surrounding landscape.	B1 is likely to be temporarily impacted by the proposals but will ultimately be retained.	It is considered that further surveys are not applicable as part of this planning application.

Based on the Statutory Biodiversity Metric calculations, the proposed development alone would result in an overall gain of 0.09 habitat units (+107.8% net gain). Additionally, the scheme provides 80m of new native hedgerow resulting in an uplift of 0.15 hedgerow units.

1. Introduction

1.1. Background

A Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) assessment was requested at Langdale Mews, Levenshulme, M19 3NT (hereafter referred to as “the site”). The survey was required to inform a planning application for the extension of the existing apartment block (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.

No previous ecology reports have been produced for this site to the author’s knowledge.

1.2. Site Location and Landscape Context

The site is located at National Grid Reference SJ 87536 93935 and has an area of approximately 0.13ha comprising predominately buildings, hardstanding, modified grassland, bramble scrub and a single tree. The site is situated in the heart of Levenshulme, thus is surrounded by built up residential and commercial properties. Despite the built-up surrounding area, Highfield Country Park and Cringle Park are situated c. 600m east and south from the site, respectively. A site location plan is provided in Appendix 1.

1.3. Scope

This report describes the baseline ecological conditions at the site, evaluates habitats within the survey area and also in the context of the wider environment. It also 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. A baseline and post-development BNG calculation have also been undertaken.

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.
- A Biodiversity Net Gain assessment has been carried out to provide baseline data to classify the type, distinctiveness, condition and strategic significance of habitats prior to and post development.
- 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. Methodology

2.1. Desk Study

The desk study included a review of the magic.gov.uk database for statutory designated sites within a 1km 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 Henry Gunning (2017-28633-CLS-CLS, 2022-10860-CL17-BAT & FISC Level 3) on 23/07/2024.

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 habitats 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.

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 one built structures which will be retained as part of the development but will be extended at its northern end. The PRA also provides an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

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 built structure was 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
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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. Biodiversity Net Gain

Condition Assessment

Habitat condition was assigned following guidance from the Statutory Biodiversity Metric User Guide (DEFRA, 2024) which accompanies the Statutory Biodiversity Metric Assessment criteria.

Calculation of Biodiversity Units

The Statutory Biodiversity Metric (February 2024) was used to calculate the change in biodiversity units and the overall percentage of gain / loss achieved.

Metric calculations have been undertaken by Henry Gunning, (2017-28633-CLS-CLS, 2022-10860-CL17-BAT & FISC Level 3).

Pre-development baseline habitat areas were calculated using measurements taken from measuring the baseline habitats illustrated on the Habitats Plan in Appendix 2. Post-development habitats were calculated based on Proposed Development Plan shown in Appendix 1. Appendix 3 illustrates the Proposed Habitats in the context of BNG.

Habitat condition for created habitats was assigned taking a precautionary approach and with consideration of biotic and operational phase conditions (i.e. those which may limit the extent to which 'good' condition is likely to be reached).

The Statutory Biodiversity Metric calculator should be read in conjunction with this report.

Strategic Significance

The criteria within the Statutory Biodiversity Metric were assessed by determining if habitat areas within the site occur within any strategic locations for biodiversity, form part of a designated site for nature conservation or are identified within local plans such as Ecological Networks (MAGIC).

Trading Summary

'Trading Up' is a concept which requires 'conserving through offset components of biodiversity that are of a higher conservation priority (for example, because they are more irreplaceable and vulnerable) than those affected by the development project for which the offset is envisaged'. For example, should non-irreplaceable habitats be lost / impacted as a result of proposed development, offsets should be achieved through the creation / enhancement of habitat of the same or higher distinctiveness, where environmental conditions are appropriate and where it generates the greatest benefits for biodiversity.

2.4. Limitations

The protected species assessment provides a preliminary assessment of the likelihood of protected species occurring on the site. This is based on the suitability of the habitat, known distribution of the species in the local area (provided by data searches and historic survey information) and any direct evidence within the survey area. It should not be taken as providing a full and definitive survey of any protected species group. It is only representative of the time the survey was carried out. Additional surveys may be recommended if, on the basis of the preliminary assessment or during subsequent surveys, it is considered reasonably likely that protected species may be present.

No Biological Record Data (BRD) from Greater Manchester Local Record Centre (GMLRC) was available at the time of writing this report. It is considered that due to the nature / size of the development, the BRD was not required.

3. Ecological Baseline

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 1km cannot be established without biological records data from GMLRC. 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 1km radius of the site

Designated Site Name	Distance from site (km)	Feature of building and its context
Highfield Country Park Local Nature Reserve (LNR)	0.6 E	Highfield Park comprises of different types of grassland, marshy grassland, scrub, wet woodland, ponds, relict hedges and plantation woodland. Fallowfield Brook also runs through the site.

3.2. Field Survey Results

The results of the field survey are illustrated in the Habitats Plan in Appendix 2. The weather conditions recorded at the time of the survey are shown in Table 3.

Table 3: Weather conditions during the survey

Date	23/07/2024
Temperature	22°C
Humidity	55%
Cloud Cover	0%
Wind	11 mph
Rain	Clear

Habitats and Flora

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

- u1b Developed land; sealed surface
- u1b5 Buildings
- g4 Modified grassland; 32 Scattered tree; 108 frequently mown
- h3d Bramble scrub

Langdale Mews

A description and photographs of each habitat are provided in Table 4 and the Baseline Habitats Plan is provided in Appendix 2.

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
u1b Developed land; sealed surface	Hard standing habitat surrounding the existing building	
u1b5 Buildings	B1 is referred to in Section 3.4.1 below.	

Langdale Mews

g4
Grassland

Modified

Scattered patches and a larger area of regularly mown modified grassland. Overall species comprised Yorkshire-fog, Rough Meadow-grass, Sweet Vernal, Cock's-foot, Perennial Rye-grass. Some forbs were recorded but in low numbers including Red Clover, White Clover, Creeping Buttercup, Herb Robert, Black Medick, Self-heal and Wood Avens.

A Leyland Cypress tree in a very poor condition was recorded in the north east corner of the larger grassland area.



h3d Bramble scrub

A small, raised area dominated with Bramble scrub and Hedge Bindweed.



3.3. Fauna

B1 will be retained as part of the development. However, the building was subject to a Preliminary Roost Assessment (PRA) due to the extension on the northern extent of the building. The results of the PRA are provided in Table 5 below. 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	No EPSL for bats were identified within 1km of the site.	
Foraging and commuting habitat	The wider country parks to the east and south provides some good foraging and commuting habitat for bats. However, the lack of green corridors and the built-up urban area immediately surrounding the site is considered sub-optimal for commuting and foraging bats..	
B1	B1 was a residential apartment building. The building is in very good repair and is assumed to have been updated in recent years. The building was brick built with a pitched slate roof all in very good condition. The roof has been converted into flats and it appears as though there is no roof/loft space. PVC doors and windows were recorded throughout the building. No evidence of bat was recorded, and it was clear that the building did not have any potential roost features.	

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	A review of aerial imagery and OS maps identified no ponds within 500m of the site. Furthermore, the habitats within the site are surrounded by walls and roads and are considered isolated from the wider area.	The desk study returned no EPSLs, or class licence returns for great crested newt within 1km of the site.
Reptiles	No reptiles were recorded during the site visit and the hardstanding habitats and short modified grassland within and adjacent to the site were unsuitable for reptiles.	No rare reptile EPSLs were identified within 1km of the site during the desk study.
Badgers	No evidence of badgers was recorded within the site and surrounding 30m. The hardstanding habitats and built-up areas around the site were unsuitable for commuting and foraging badgers.	
Hazel Dormouse	The site and the surrounding habitats are unsuitable for dormice	No EPSLs for hazel dormice were identified within 1km of the site
Hedgehog	The site and its immediate surrounding habitats are sub-optimal for hedgehog.	
Otter	There are immediate barriers in the form of residential housing and a built-up urban area surrounding the site and are therefore no opportunities for otters to access the site.	No EPSLs or local records for otter were identified during the desk study.
Water vole	The site has no adjacent watercourses and therefore it is considered that water vole do not utilise the site.	
Birds	No suitable trees or hedgerows were recorded on site. Only a small area of bramble scrub on site could potentially be used by birds.	
Invertebrates	The site and its surrounding habitats are sub-optimal for invertebrates.	

4. Biodiversity Net Gain

4.1. Existing Habitats and Condition Assessment

All existing baseline habitats are of low ecological value.

The baseline assessment of the habitats and their condition are described in Table 7 below and illustrated in Appendix 2:

Table 7 Baseline Habitats and Condition Assessment

Habitat	Condition	Area (ha) / Length (km)	Description
Developed land; sealed surface	N/A – other	0.0668	Driveway and hardstanding paved areas of the site. All hardstanding is to be retained.
Buildings	N/A – other	0.0271	B1 is the existing buildings on the site.
Modified grassland	Poor	0.0317	G1 and G2 are areas on amenity grassland adjacent to the existing building. Less than 6-8 species per m ² and therefore fails condition criteria A. Moderate or good condition cannot be achieved and therefore a poor condition was assigned. All grassland is lost to development
Bramble scrub	Condition Assessment N/A	0.001	S1 - Small area of bramble scrub. Condition pre-defined in the metric. The area of Bramble is lost to development
Urban Tree	Poor	0.0081	T1 - Leylan Cypress tree in the north east corner of the site. Only passes one condition criteria F and is therefore assigned a poor condition. This tree will be lost to development.

4.2. On-site Post-intervention Habitat Creation and Enhancement

Post-intervention habitat creation and enhancement which will be delivered alongside development (as illustrated in Appendix 3) is provided in Table 8 below:

While there are losses of grassland habitat, the proposals include hedgerow and tree planting along the southern boundary and a small section in the north east corner of the site. Ground level planters have also been included in this area.

Table 8: On-site Post-intervention Habitat Creation and Enhancement

Habitat	Condition	Area (ha) / Length (km)	Description
Habitat Creation			
Developed land; sealed surface	N/A – Other	0.0369	Hard standing
Building	N/A – Other	0.0065	Extension on the northern extent of the existing building
Modified grassland	Poor	0.007	Small areas of grassland proposed at the building frontage
Ground level planters	Condition Assessment N/A	0.0005	Planters proposed in the small recreation area in the north east corner of the site.
Urban tree	Poor	0.0570	14 small urban trees are proposed as part of the development. Area was calculated using the Tree helper within the metric tool.

Native hedgerow	Poor	0.08	Three native hedges / planting are proposed along the southern boundary and around a recreation area in the north east corner of the site.
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4.3. Biodiversity Unit Calculations

Biodiversity Metric calculations have been based on the above assumptions in terms of habitat creation and enhancement.

Based on the Statutory Biodiversity Metric calculations, the proposed development alone would result in an overall gain of 0.09 habitat units (+107.8% net gain). A summary of changes in habitat areas is provided in Table 9 below.

Additionally, a gain of 0.15 hedgerow units have been achieved as part of the proposals. A percentage calculation cannot be ascertained as there is no existing hedgerow (baseline) on site.

Table 9: Quantitative Assessment of Biodiversity Impact

Factor	Habitats (ha)
Total on site area / length (baseline)	0.13
Total site units (baseline)	0.08
Area / length retained	0.08
Units retained	0.00
Area / length enhanced	0.00
Baseline units enhanced	0.00
Area / length lost	0.05

Units lost	0.08
Post-intervention Units On-site	0.17
Net Project Units	0.09
Total project % change	107.8%

4.4. Trading Summary

The losses of 'low' distinctiveness habitats can be offset by the provision of habitats of the same or higher distinctiveness. Thus, the loss of modified grassland has been offset by creating the same or greater distinctiveness habitats including tree planting. A target of poor condition has been set for the majority of newly created habitats which is considered to be an achievable objective within the context of the new development. Due to the loss of a small area of bramble, the proposals do not currently satisfy the trading rules. However, it is deemed that the loss of this small area of bramble is inconsequential to the overall gain in biodiversity value through tree planting and the addition of 80m of new hedgerow within the scheme.

5. Conclusions, impacts and Recommendations

5.1. Informative Guidelines

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

5.2. 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.

5.3. Evaluation

Taking the desk study and field survey results into account, Table 10 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 involve the extension on the northern extent of B1.

Based on the limited extent of the habitats on site, the isolated site and/or suboptimal nature of the habitats present; notable flora, amphibians, reptiles, badger, dormouse, otter, water vole and invertebrates were scoped out of further assessment.

Table 10: Evaluation of the site and any ecological constraints

Feature	Survey Summary	results	Impact Assessment	Recommendations	Enhancement Opportunities
Designated sites	There is one statutory site within 1km of the site, Highfield Country Park LNR, 0.6km east of the site.		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. It is considered unlikely that non-statutory sites would be present in the immediate vicinity due to the lack of greenspace and built-up nature of the land surrounding the site. No direct impacts to any designated sites are anticipated to occur as a result of the proposed development.	None.	None.

Feature	Survey Summary results	Impact Assessment	Recommendations	Enhancement Opportunities
Roosting bats	B1 is considered to be of negligible value for roosting bats due to a lack of potential roost features and the sub-optimal surrounding landscape.	B1 is likely to be temporarily impacted by the proposals but will ultimately be retained.	It is considered that further surveys are not necessary as part of this planning application.	Inbuilt bat boxes are recommended to be included as part of the development. These bricks should be located where it will receive the maximum amount of sunlight. Position min. 2m above ground level, preferably 5 to 7m. Avoiding over windows, doors, and wall climbing plants to reduce likelihood of predation by cats. Position near the eaves or gable apex of the property is preferable. The bat boxes should be a specification suitable for pipistrelle bats.

4.4. Biodiversity Net Gain

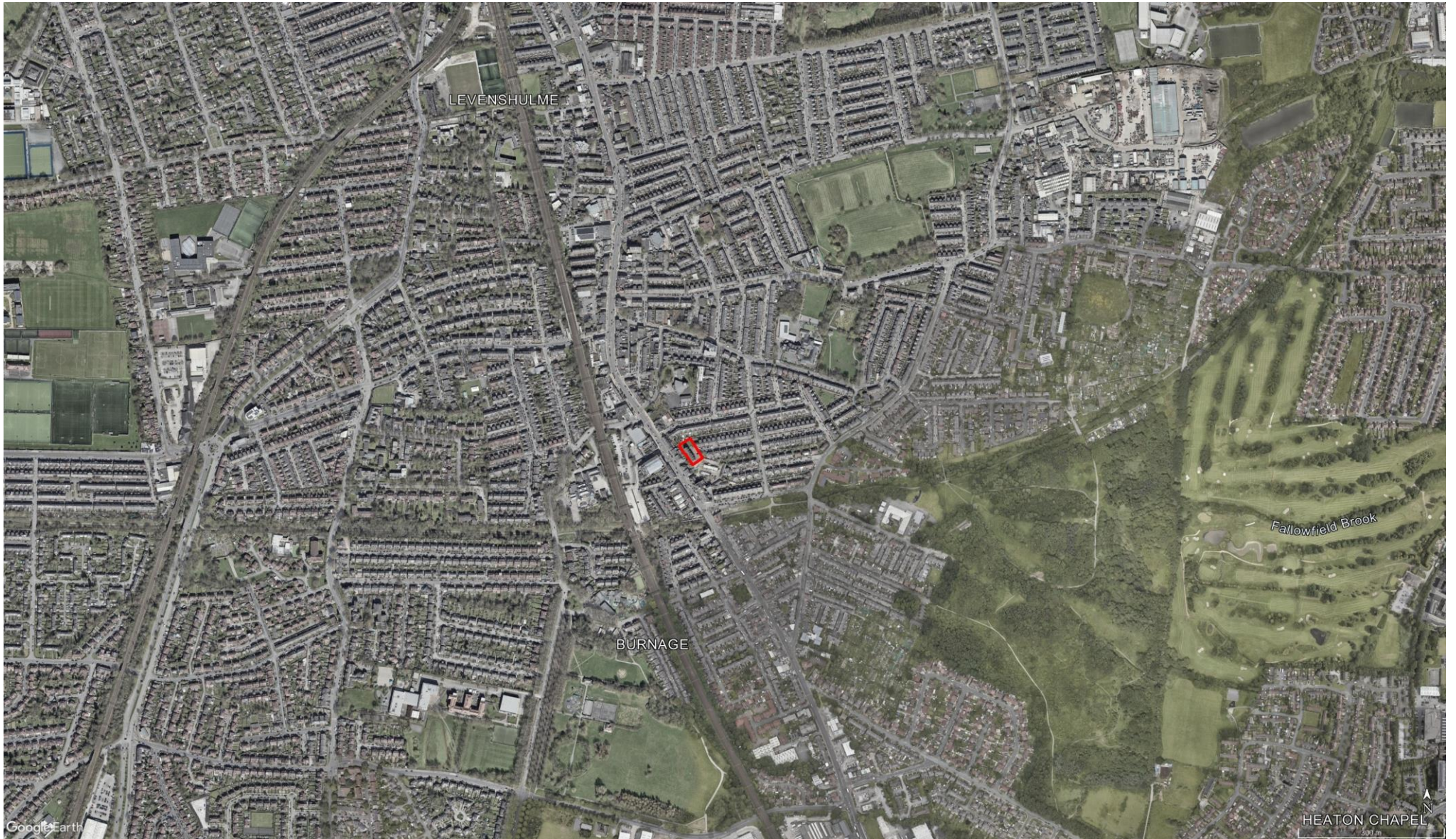
At present, the proposals demonstrate a measurable 10% biodiversity net gain in line with Chapter 15, paragraph 180 of the NPPF and the Environment Act, 2021.

5. REFERENCES

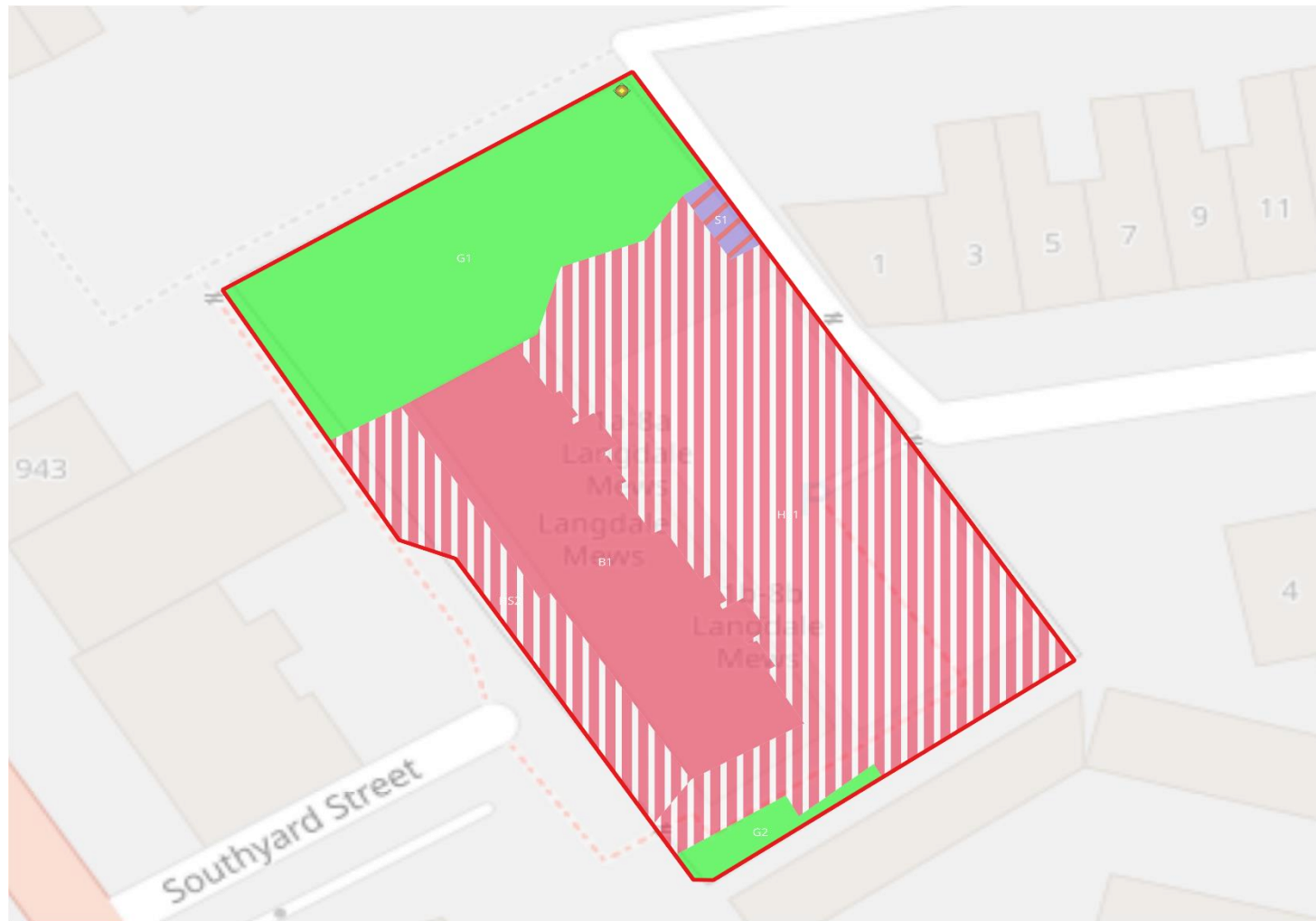
1. British Standards Institution, 2012. BS 5837:2012 Trees in relation to design, demolition and construction: Recommendations. London: BSI.
2. CIEEM (2017a). Guidelines for Preliminary Ecological Appraisal. Chartered Institute for Ecology and Environmental Management, Winchester.
3. CIEEM (2017b). Guidelines for Ecological Report Writing. Chartered Institute for Ecology and Environmental Management, Winchester.
4. UKHab Ltd (2023). *UK Habitat Classification Version 2.0* (at <https://www.ukhab.org>)

APPENDIX 1 – Proposed Development and Site Location Plan





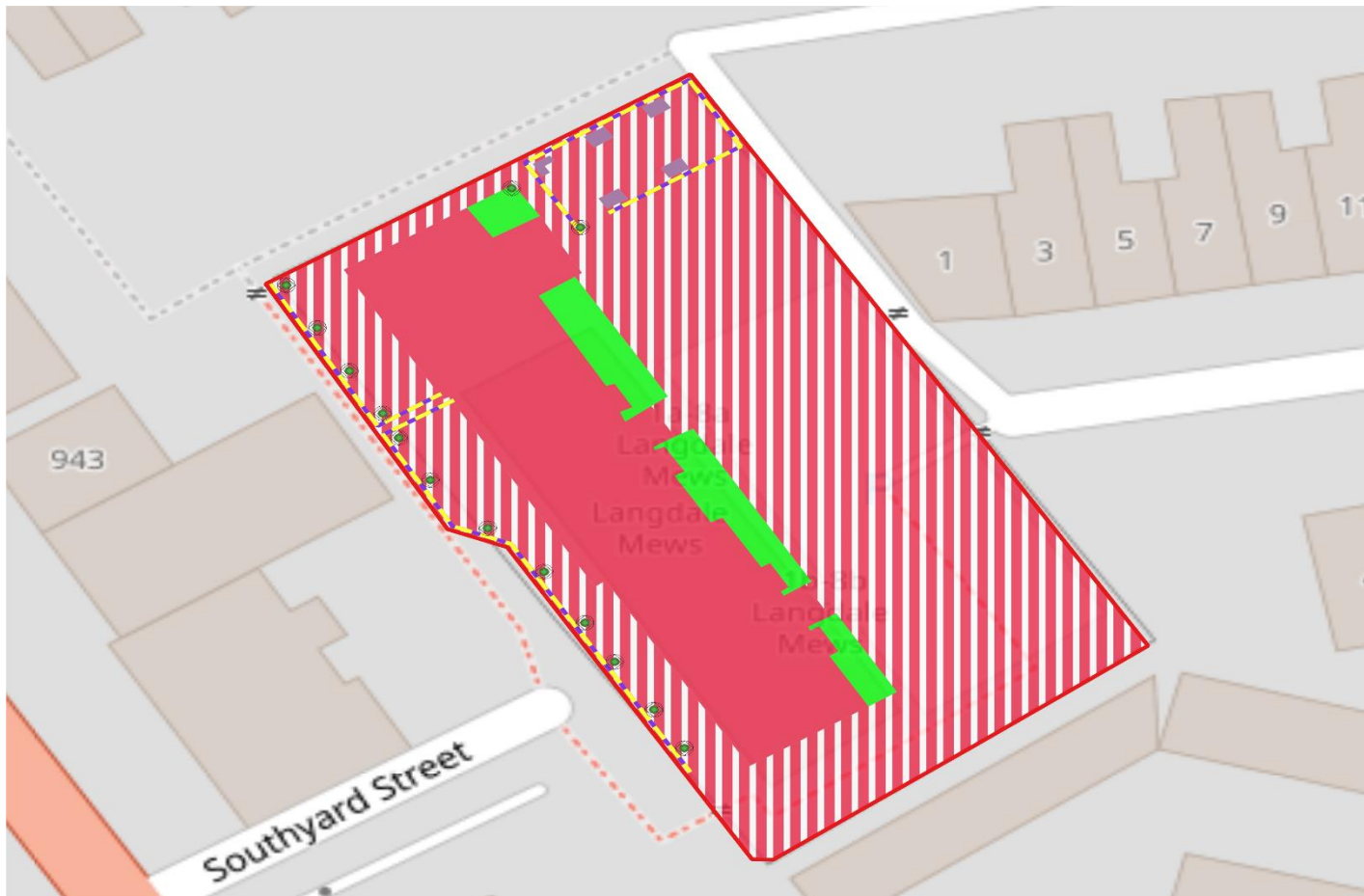
APPENDIX 2 – Habitat Plan



-  Red Line Boundary
-  Bramble Scrub
-  Developed land; sealed surface
-  Modified grassland
-  Building
-  Existing Small Urban Tree

Project	Langdale Mews, Levenshulme	Date	30/07/2024	Drawing No	LML-EVE-DR-01
Drawing Title	Baseline Habitat Plan	Scale	As shown	Revision	01
Client	Wild Natures	Drawn	HG	Checked	HG

APPENDIX 3 – Proposed Habitats Plan



Legend



-  Red Line Boundary
-  Allotments
-  Ground Level Planters
-  Modified grassland
-  Native hedgerow
-  Proposed Small Urban Tree



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Project	Langdale Mews, Levenshulme	Date	30/07/2024	Drawing No	LML-EVE-DR-02
Drawing Title	Proposed Habitat Plan	Scale	As shown	Revision	01
Client	Wild Natures	Drawn	HG	Checked	HG

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

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.

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

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.