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Ecological Mitigation, Enhancement and Management Plan

Survey site: Unity Arts, Field of Os, Claridge Road, Chorlton, M21 9QD

Client: Corstorphine and Wright

Date: 10/02/2026

Project:

This report is prepared to inform a planning application with Manchester City Council**.** The proposal is described as:

City Council Development - Erection of modular-building, including associated landscaping and parking to provide a flexible space for youth and community activities (Class F.2)

Planning Application Number:

142986/VO/2025

The survey results and recommendation contained within this report are valid for 18 months. An updated site visit may be required if the report is to be used any longer than 18 months after completion.

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Guidelines

This assessment has been designed to meet:

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

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.
>
> This approach is enshrined in Government planning guidance, for example, paragraph 174 of the National Planning Policy Framework for England.
>
> 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)

In consequence of the scale and intensity of the proposed development, this plan-led report is considered adequate and proportionate. It communicates all relevant information necessary to determine a planning application or support the recommendations for further surveys.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited were commissioned by Corstorphine and Wright to produce an Ecological Mitigation, Enhancement and Management Plan (EMEMP) for the proposed development at Units Arts, Field of Os, Claridge Road, Chorlton, M21 9QD (hereafter referred to as the site).

The site has previously been subject to the following ecological and arboricultural surveys and reports:

- Preliminary Ecological Appraisal (Ascerta, October 2024)
- Arboricultural Impact Assessment (Ascerta, October 2024)
- Biodiversity Impact Assessment (Ascerta, April 2025)
- Biodiversity Net Gain (BNG) Assessment (Arbtech Consulting Ltd, 2026)

1.2 Project Description

The planning application pertaining to the site (Manchester City Council Reference: 142986/VO/2025) describes the proposed development as: "*Erection of modular-building, including associated landscaping and parking to provide a flexible space for youth and community activities (Class F.2)".* The approved development plan is provided in **Appendix 1.**

1.3 Site Location

The site is centred at National Grid Reference SJ 81547 94400 and has an area of approximately 0.17ha. The site is characterised by an area of open amenity grassland with scattered trees along the borders. The site is surrounded by residential dwelling and urban infrastructure in all directions with a small amenity grassland area and scattered trees to the west. The wider landscape is largely urban comprising dwellings and associated gardens, to the south of Manchester City centre. A site location plan is provided in **Appendix 2**.

1.4 Scope of This Report

Following the submission of planning application 142986/VO/2025, planning permission was conditionally granted. The decision notice details pre-commencement planning conditions that relate to ecology. Specifically, Planning Conditions 11, 12 and 13, which state:

11) "*No demolition works or vegetation clearance shall take place during the optimum period for bird nesting (March - September inclusive) unless nesting birds have been shown to be absent, or, a method statement for the demolition including for the protection of any nesting birds is agreed in writing by the City Council, Local Planning Authority. Any method statement shall then be implemented for the duration of the demolition works.*

Reason - In order to protect wildlife from works that may impact on their habitats pursuant to policy EN15 of the Manchester Core Strategy."

12) "Prior to any site clearance or earthworks a reasonable avoidance measures method statement for hedgehog and other mammals shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

Reason - To ensure the protection of habitat of species that are protected under the Wildlife and Countryside Act 1981 or as subsequently amended and to comply with policy EN15 of the Manchester Core Strategy."

13) "*Prior to first occupation of the development hereby approved and in addition to biodiversity net gain requirements, a scheme for the enhancement of the site for ecological purposes shall be submitted to and agreed in writing by the City Council as Local Planning Authority. Details should include bat and bird boxes. The agreed scheme shall be implemented in accordance with a timescale to be agreed and retained and maintained thereafter.*

Reason -To mitigate the loss of vegetation and to promote biodiversity, pursuant to policy EN15 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF)."

2.0 Ecological Baseline Conditions Relevant to This Report

The baseline ecological conditions of relevance to this report were determined as a result of the previous ecological assessments undertaken at the site including the Preliminary Ecological Appraisal and Roost Assessment (Ascerta, 2024), and the Biodiversity Net Gain Assessment (Arbtech Consulting Ltd, 2026).

2.1 Value to Protected and/ or Notable Species and Anticipated Impacts

The site is characterised by an amenity grassland and series of trees bordering the site.

Given the type and extent of habitats recorded and the assessed connectivity between the site and the wider landscape, the site was assessed to provide opportunities for the following protected and/ or notable species and habitats:

- Bats; foraging only
- Common species of nesting birds;
- Hedgehogs and other small mammals

The site is not considered suitable to support any other protected and/ notable species.

Bats

The trees on site offer no potential to support bat roosts. The amenity grassland introduced shrub and scattered trees within the site provide good suitability for commuting and foraging bats, with connectivity to the surrounding land use.

Common Species of Nesting birds

The site supports opportunities for nesting birds within the grassland and individual trees on site. No bird nests were located on the site, however works within close proximity to retained features could disturb nesting birds.

Hedgehogs

Amenity grassland and introduced shrub within the site provide limited foraging and shelter habitat for small mammal species such as hedgehog.

2.2 Scope for Mitigation and Enhancement

Habitats on site are assessed to provide foraging and commuting opportunities for bats, hedgehogs and nesting birds. Although the site is not assessed to represent a significant resource for these species / faunal groups in the context of the wider landscape, there is suitable connectivity to other habitats for these species and their future presence during construction activity cannot be discounted. It is therefore assessed that mitigation appropriate to the scale of the development targeting these species groups will prevent any significant impacts occurring during construction.

2.3 Habitats recorded on Site

Habitats recorded on and directly adjacent to the site comprise:

Habitats on site:

- Modified Grassland (g4) – 0.1687ha (poor condition)
- Scattered Trees (32) – 1 large, 0.0366ha (moderate condition), 2 small, 0.0081ha (moderate condition), 1 small, 0.0041ha (good condition), 1 small, 0.0041ha (poor condition), 3 medium, 0.0489ha (moderate condition) and 3 medium, 0.0489ha (poor condition) – 0.1507ha total
- Introduced Shrub (847) – 0.0081ha (condition N/A)

2.4 BNG and Proposed Habitat Creation

Proposals for the site comprise the retention of the grassland and scattered trees, creation of a building with parking spaces and walkways, planting of 10no. native trees and enhancement of grassland parcels within the site. Proposed habitats can be seen on the plans at **Appendix 3**. Proposed compensatory habitat enhancement and target conditions to be achieved during the 30-year management term are detailed below:

<u>Onsite</u>

Retained

- **Modified Grassland -** 0.0728ha (poor condition)
- **Scattered Trees -** 1 large, 0.0366ha (moderate condition), 2 small, 0.0081ha (moderate condition), 1 small, 0.0041ha (good condition), 3 medium, 0.0489ha (moderate condition) and 2 medium, 0.0326ha (poor condition) – 0.1303ha total
- **Introduced Shrub** – 0.0081ha (condition N/A)

Created

- **Scattered Trees** – 0.0407ha (moderate condition)

Enhanced

- **Modified Grassland** – 0.05ha (poor condition) enhanced to;
    - **Other neutral grassland** (moderate condition)

2.5 Scope for Enhancement and Management

Through the proposed delivery of habitats detailed above, the development will generate 1.52 area-based habitat units onsite which will result in a 11.85% net gain overall.

Section 3 of this report details specific creation / installation and management measures to ensure that the retained and proposed new landscaping is appropriately retained / created / maintained and are secured for the 30-year management term. Where conditions are applicable to proposed habitats, details on compliance with BNG condition criteria are provided.

3.0 Habitat Management and Monitoring Plan

Persons responsible, lines of communication, and remediation implementation detail is provided below in **Table 1**.

Table 1: Persons responsible, lines of communication, and remediation

Mitigation	Specification
Persons Responsible and Lines of Communication	A Development Biodiversity Champion will be selected for the construction phase of the development covering the site. The Development Biodiversity Champion will be someone with significant influence during construction/habitat creation, such as the contract/project manager or landowner. The Development Biodiversity Champion will be responsible for ensuring all actions outlined in this document are implemented. Any queries with regards to the mitigation and enhancement prescriptions will be addressed to the project ecologist and communication will be retained between the Development Biodiversity Champion and project ecologist throughout the project. The project ecologist's contact details are located on the title page of this report. The Development Biodiversity Champion will inform the project ecologist of the commencement of enhancement installation works and provide updates where necessary. Once the ecological enhancements have been installed/created, a Post-Development Biodiversity Champion will be allocated who has influence on site once the development is complete, such as a long-term maintenance contractor or landowner. The Post-Development Biodiversity Champion will be responsible for ensuring all recommended management is undertaken within the site and offsite land and that any associated remedial measures are completed where necessary. **Biodiversity Champion Details:**
Post-Development Site Visits	A post-development site visit by a Suitably Qualified Ecologist (SQE) will be undertaken to confirm the successful installation/creation of the biodiversity enhancements no more than one year following installation/creation. A report will be produced by the SQE detailing the results of the site visit and any remediation requirements. Where remediation is necessary, i.e. if the biodiversity enhancements have not been installed to a satisfactory standard, further evidence will need to be provided proving implementation. Depending on the scale of the remediation requirements, this will require an additional site visit by an SQE or photographic evidence to be provided by the Post-Development Biodiversity Champion. This requirement will be defined based on the results of the first site visit by the SQE.

	Ongoing assessment of the habitat creation and management measures will be undertaken, whereby the site and offsite will both be subject to an inspection by a SQE at years 2, 5, 10, 20, 25 and 30. The inspections should be undertaken during the optimal botanical survey window (May - August) to provide the best assessment of habitat types and conditions. A report will be produced by the SQE after every inspection, detailing the results of the survey and any remediation requirements necessary. Each report will be submitted to the responsible body for monitoring BNG deliverance, which will likely be the LPA. The Post-Development Biodiversity Champion will be responsible for ensuring that the site is inspected by a SQE at the appropriate timings set out above and will also be responsible for implementing any remediation measures identified by the SQE.
Legal Responsibility	It is expected that compliance with this EMEMP will be legally enforced through a planning condition. As part of this condition, habitat creation and management detailed within this EMEMP will need to be retained and appropriately managed for the entire 30-year term to meet legislative objectives outlined in the Environment Act (2021). Should any future development at the site be proposed that will impact habitats that deliver the required gain as part of the planning condition, this will need to be considered and suitably compensated for in accordance with any future plans.

Best practice habitat creation and management within the site and offsite land over a 30-year term to ensure a BNG consistent with that reported within the BNG Assessment is provided in **Table 2** below.

Table 2: Habitat Creation and Management Prescriptions

Ecological receptor	Specification
Waste Disposal and Materials Storage	A secure area for waste storage should be proposed on site within areas of unsealed surface, away from tree roots and surrounding habitats. Storage of waste in such areas will not impact any retained or newly created habitats during the operational phase. All future materials storage will be contained within the designated waste facilities on the site. No materials will be stored over areas of soft landscaping at any time.
Neutral Grassland Enhancement	***Overview:*** Retained areas of modified grassland (0.05ha) on the site will be enhanced to achieve moderate condition neutral grassland. The proposed location of grassland enhancement and creation is shown on the plan in **Appendix 3.** ***Objectives:***

- To create a successful and diverse neutral grassland that will provide habitat for pollinating invertebrate species, that will in turn, provide foraging opportunities for notable species groups including amphibians, bats, birds, badgers, hedgehogs, and reptiles.
- Ensure a healthy sward is maintained;
- Ensure that a natural appearance is retained by utilising a seed mix alongside allowing native species of local prevenance to recolonise from the seedbank;
- Employ techniques that minimise the use of chemicals wherever possible.

Creation Method:

- **Ground preparation**

  It is recommended that the existing grassland undergoes a light raking to loosen the soils, remove any undesirable species and for sowing a wildflower seed mix.
- **Seeding**

  To be undertaken in spring or autumn. The following seed rates are recommended:

  40kg/ha or 4g/m^2 of a wildflower and grass seed mix.

  Inclusion of yellow rattle in the seed mix will help suppress vigorous grass growth that may suppress the success of wildflowers within the sward.
- **Bedding in of seed:**

  After sowing, seeds will be 'bedded' in by trampling or light rolling.
- **Recommended seed mix:**

  It is recommended that Emorsgate's EM5 Meadow Mixture for Loamy Soils is used at the site. This seed mix includes 21no. wildflower species suitable for loamy soils. Notably, the species mix includes yellow rattle which is known to suppress dominant grass species which will allow existing grasses within the seed bank to colonise whilst preventing dominance and thus increasing species and structural diversity. For exact specifications, please refer to: https://wildseed.co.uk/about-us/.

Management prescriptions covering a 30-year term:

Table 2.1: Other Neutral Grassland Management Prescriptions.

Management	When	Rationale	BNG Condition Criteria Compliance (Medium Distinctiveness Grassland)
Cut meadow once first year after sowing	First August after sowing	The seeds will germinate and left to grow freely over the year until late summer, when a cut will be undertaken once initial seeds have established.	A
Any areas of bare ground will be reseeded	Between April and October, as necessary	To ensure no large areas of bare ground exist within the habitat.	A, C, F
Grassland will be checked for presence of non-native invasive species which will be removed/treated as necessary	Annually during growing season (April – October)	To ensure no non-native species exist within the habitat.	D, E
Do not allow vehicular usage or storage of any materials/machinery within the grassland.	At all times.	To avoid potential damage of grassland habitat.	C
Cut meadow twice annually to provide a heterogeneous habitat structure aiming to maintain at least 20% of grass	Annually (>1 year after sowing) Late March / early April and late August/ early Sept	This ensures the meadow does not grow excessively long and become rank but allows wildflowers to set seed and invertebrates to breed.	A, B, C, D, E, F

	<7cm and 20% >7cm. As such, each cutting phase must cut 20% of the area to ground level, 60% of the area to 15cm, and the remainder to 30cm. These areas must be rotated each year to maintain a diverse sward.		This will also allow a diverse sward of varying lengths to naturally occur in accordance with growth characteristics of each species. Cutting twice annually will also prevent encroachment of scrub and bracken. To retain a diverse sward whilst limiting impacts to protected species potentially present at ground level and ensuring the natural germination of seeds.	
	Arisings will be removed from the site	Post cut	Removing the arisings is essential to prevent the grass decaying into the soil homogenising nutrient availability.	A
	Do not apply chemical fertilisers	At all times.	The use of chemical fertilisers will encourage vigorous grasses and weeds to grow or cause large areas of bare ground due to inhospitable growing conditions	A, E, F
Tree Planting x 10	***Overview:*** A total of 10no. trees will be planted within the grassland across the site. Tree species are yet to be decided, however native species, such as Silver Birch, Rowan and Hazel are recommended as low maintenance options for the site. The tree planting locations are shown in **Appendix 3**.			

Objectives:

- To create trees of moderate condition, or above, in accordance with the BNG Assessment.
- To plant trees that will provide pollinating, foraging, and refuge opportunities for protected and/ or notable species groups including amphibians, bats, birds, hedgehogs, invertebrates, and reptiles.
- Ensure that good horticultural practice is employed to encourage long-term health and vitality of all trees.
- Ensure well-balanced crowns and/ or natural shape by preventing over competition.

Creation Method:

- **Ground preparation and planting**

  Each tree should be planted within a hole three times as wide of the supplied pot and of a similar depth. Root balls should be soaked thoroughly in water before planting and root balls should be loosened to expose restricted roots before planting. The planted trees should then be backfilled ensuring there are no air pockets around roots or any roosts protruding out of the ground.
- **Timing**

  It is best to prepare the land during the summer ready for planting between November and March. Planting trees before the new year helps ensure better rooting and subsequent establishment including faster growth during the first growing season.

Recommended management prescriptions over a minimum 30-year term:

Table 2.2: New tree planting management prescriptions.

Management	When	Rationale	BNG Condition Criteria Compliance
At the end of each growing season	When required; checked annually in	To maintain amenity and	A

	all plant failures are to be 100% replaced	Autumn.	wildlife value.	
	If required, provision of stakes and guards. Guards to be left on for a minimum of 5 years	During planting.	Protect from damage	C
	Stakes should be checked and any broken or damaged stakes during this time would be removed (as above) and replaced with ties re-fixed	When required; checked annually in Autumn.	Maintain protection	C
	Remove weeds	When required; checked twice annually in early spring and in Autumn.	Reduce competition for resources nutrients etc. by weeds	n/a
	Application of bark mulch at a depth of 50 mm	Immediately after planting and then when required; checked annually in Autumn.	Reduce competition for resources nutrients etc. by weeds	n/a
	Do not apply chemical fertilisers	At all times.	The use of chemical fertilisers will encourage vigorous grasses and weeds to grow	D
	Apply a light dressing of well-rotted manure	Annually in the winter	Note the overuse of manure fertilisers will encourage vigorous grasses and weeds to grow.	F
	Watering should be undertaken	When required; provide more water	Ensures plants do not dry out	n/a

	before and after planting out and as necessary for the continued thriving of all planting.	during periods of draught and less water during times of prolonged rain.	and subsequently fail.
Retained habitats and Habitats with N/A Conditions	Habitats to be retained onsite in accordance with the proposed development are as follows: • **Scattered Trees** – 0.1303ha (mixed condition) • **Introduced Shrub** – 0.0081ha (condition N/A) The baseline condition of the individual trees on site is a combination of poor, moderate and good moderate and no improvements or expected pruning works are expected to take place on any retained trees. This can be maintained by ensuring the surrounding habitats (woodland, grassland, scrub) are not destroyed, no pruning regime is employed, and the trees do not become damaged. Additionally, limiting the use of pesticides and controlling the spread of disease in adjacent trees will maintain tree health and availability within the landscape. Retained habitat coverage as detailed above and within the BNG assessment must be maintained in full for the required 30-year term. Habitats with a condition of N/A do not require long term management and monitoring as they contain no or very little biodiversity value.		

4.0 Construction Environmental Management Plan

4.1. Mitigation

Mitigation prescriptions to reduce adverse impacts to ecological receptors identified through the previous ecological assessment are detailed in **Table 3** below.

Table 3: Mitigation

Mitigation	Specification
Protection of Birds – Nesting Bird Check	***Overview:*** The grassland, introduced shrub and individual trees on site have been identified to provide potential for nesting birds. No bird nests were located within the working area, however birds may be present within proximity to the works or within the adjacent woodland parcel at the time of works. Site clearance could destroy or disturb any active bird nests if present. ***Mitigation:*** Any works to the vegetation on site must avoid the active bird season (March – August inclusive). If this timeframe cannot be avoided, a nesting bird check within 24 hours prior to works will be required. This inspection will include a check for presence of nesting birds within 10m of the proposed vegetation or building works. All active nests will be retained until it has been confirmed by a suitably qualified ecologist that the young have fledged, no construction works will be undertaken within 5m of any active nest.
Protection of Terrestrial Mammals (Badgers, Hedgehogs and Small Mammals)	***Overview:*** Although the site provides limited potential to support badgers, hedgehogs and other transient small mammals, there is effective access to the site for these species from the wider landscape. As a result, mitigation will therefore be required to ensure no harm to these species occurs during destructive and construction activities. ***Mitigation:*** The following precautionary method will be adhered to during development activity:

	• Excavations will be required during construction activity. Deep excavations could trap terrestrial mammals and cause injury or death. It is therefore recommended that all excavations will either be covered overnight, or a ramp will be installed to enable any trapped animals to escape such as a piece of rough timber. Should any trapped terrestrial mammals be found the project ecologist should be contacted for further advice. • The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which terrestrial mammals could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations to prevent ingestion by species potentially present during development works. In the event that any potential badger setts are identified within 30m of the construction works, all works within 30m will cease and advice will be sought from a suitably qualified ecologist before resuming, which in some circumstances may require a Natural England licence to be obtained.
Protection of Retained Trees	The root protection areas of retained trees will be protected during construction and will be fenced accordingly in order to prevent encroachment by machinery/vehicles that could potentially damage root systems. Detailed mitigation pertaining to the protection of retained trees can be found within the Arboricultural Impact Assessment (Ascerta, 2024). Any mitigation measures detailed within the Arboricultural Assessment will be adhered to in full.

5.0 Wildlife Enhancement Plan

Table 4: Species-specific enhancements

Ecological Enhancement	Specification
Provision of bat boxes	Two bat boxes will be erected on the site and be placed on retained trees around the site boundary. The boxes will be suitable for crevice dwelling bat species likely present in the area. The approximate bat box installation locations are shown on the plan in **Appendix 3.** Details of the bat boxes to be installed are as follows: • 2no. crevice dwelling boxes (as shown in **Figure 1**) will be installed. The recommended bat box will be constructed of woodcrete/ woodstone. A box of this construction is known to require minimal maintenance and have a lifespan of 25 years plus. The Valencia Double Crevice Bat Box is recommend: https://www.wildcare.co.uk/valencia-double-crevice-woodstone-bat-box.html The bat box will be positioned 3-5m above ground level facing in south/south western direction with a clear flight path to and from the entrance, away from artificial light and facing vegetated habitats.  ***Figure 1:*** *The double crevice bat box (image credit: https://www.wildcare.co.uk/)*

	Recommended management: The proposed bat boxes are designed to require no management or maintenance. Furthermore, preventing physical disturbance to the bat boxes will increase the chances of occupation by roosting bats. However, it is recommended that the bat boxes are inspected annually for the first five years outside of the typical active season for bats (May to September inclusive) following installation. The bat boxes must be replaced if they are damaged, removed, or have fallen from their recommended location.
Provision of bird boxes	A total of 2no. bird boxes will be erected within the retained trees around the site boundaries. The approximate bird box installation locations are shown on the plan in **Appendix 3.** Details of the bird boxes to be installed are as follows:. • 2No. Woodstone Nest Boxes (as shown in **Figure 2**) will be installed on retained woodland trees. These bird box types are suitable to support a wide range of species likely to be present in the local area and may represent Species of Principal Importance as listed on Schedule 41 of the NERC Act (see **Appendix 4**). The bird boxes will be positioned approximately 3-5m above ground level facing a northern/eastern direction where they will be sheltered from strong sunlight.  ***Figure 2:*** *The Vivara Pro Seville 32mm Woodstone Nest Box https://www.nhbs.com/).*

	Recommended Management: It is recommended that the bird boxes are inspected annually between December-January for at least the first five years following completion of the development. Any old nesting material will be removed and the boxes interiors should be cleaned using boiling water, avoiding the use of chemical disinfectants. The boxes will be visually inspected by the Post-Development Biodiversity Champion for signs of damage. The boxes will be replaced if they appear damaged, have been removed, or have fallen from their proposed location. Any maintenance or replacement works required will take place outside of the typical breeding bird season when birds a most likely to use the boxes for nesting, which is between March and September inclusive, i.e. remediation works must take place between October and February where necessary.
Provision of Hedgehog House	To provide continued access across the site for small mammals and hedgehogs, new fencing to be installed surrounding the proposed building will incorporate small gaps at the base. 2no. access gaps will be incorporated into the fencing to function as hedgehog highways, facilitating movement of hedgehogs and other small mammals through the site. Each opening will measure 13cm x 13cm, in line with recognised conservation guidance. These gaps will be positioned at ground level to ensure unobstructed passage. Where appropriate, prefabricated hedgehog highway frames may be installed to protect the edges of the openings and provide a smooth, durable entry point; however, this is not essential, and the created fence gaps alone will adequately provide the required access. The proposed location for the hedgehog highways/fencing gaps are shown on the plan in **Appendix 3**.  ***Figure 3**: Hedgehog highway example (image credit https://www.nhbs.com)*

	***Management**:* The proposed hedgehog highways are designed to require no management or maintenance. However, it is recommended that the hedgehog highway is inspected and cleaned annually following installation. Should the hedgehog highway be significantly damaged, it will be replaced with a like-for-like model or similar suitable alternative brand.

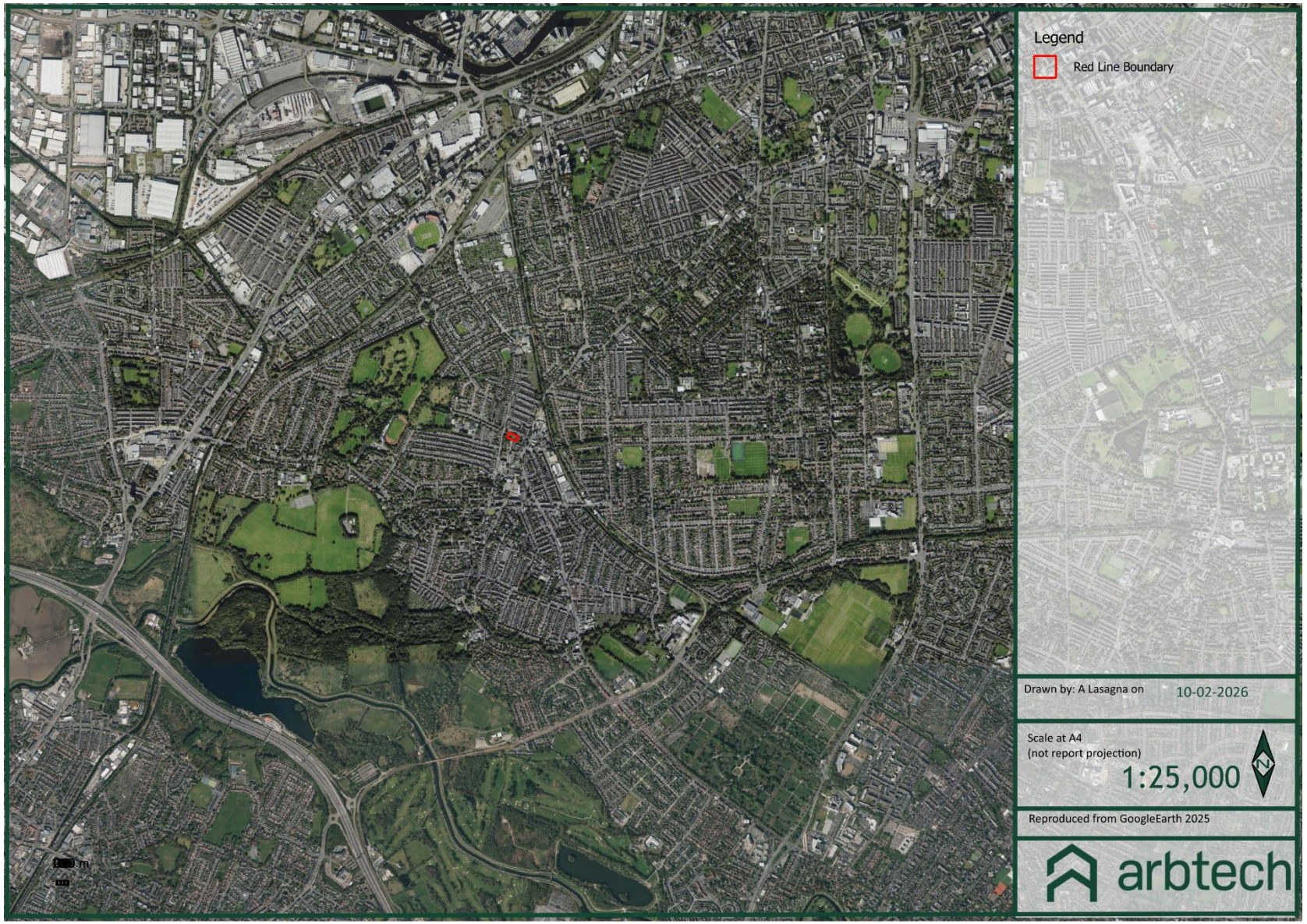
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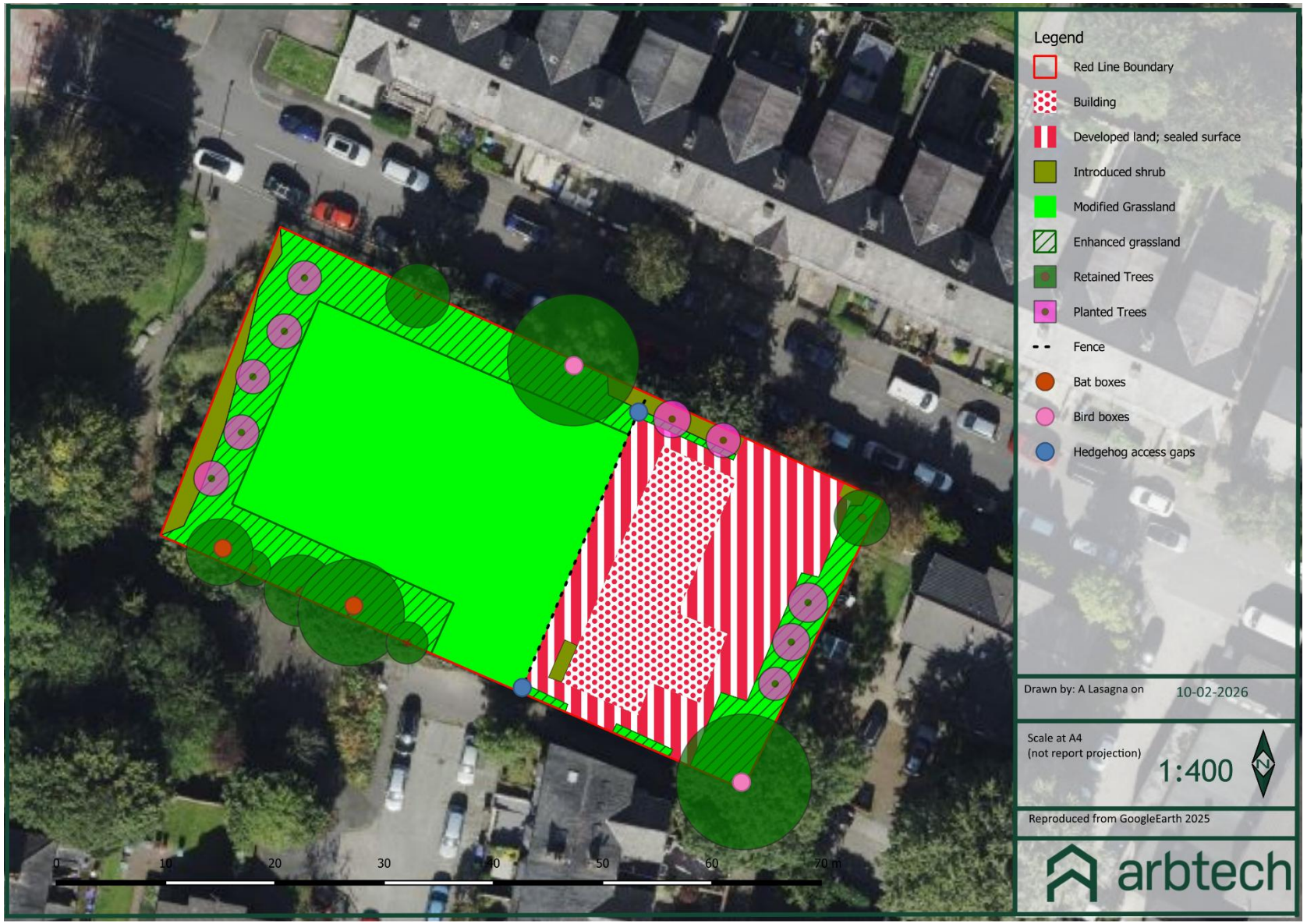
Appendix 1: Proposed Development Plans



Appendix 2: Site Location Plan



Appendix 3: Proposed Landscaping and Enhancement 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 respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive the, Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe in order to conserve the 189 habitats and 788 species (non- bird) identified in Annexes I and II of the Directive (as amended).

SPAs are classified under Article 2 of the EC Birds Directive both for rare bird species (as listed on Annex I) and for important migratory species.
SACs and SPAs up to 12 nautical miles (nm) from the coast are afforded protection in the UK under the Conservation of Habitats and Species Regulations 2010 which consolidate all amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994. In Scotland, the requirements of Habitats Directive are implemented through a combination of the 1994 and the 2010 (reserved matters) Regulations. The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a means for designating and protecting SACs in UK offshore waters (from 12-200 nm).

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) 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).

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. Further provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales) and the Nature Conservation (Scotland) Act 2004.

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 Habitats Directive

The EC Habitats Directive aims to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those species of European importance. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). The following notes are relevant for all species protected under the EC Habitats Directive:

In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

The Habitats Regulations do not define the act of 'migration' and, therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.

In order to obtain a European Protected Species Mitigation (EPSM) licence, the application must demonstrate that it meets all of the following three 'tests':

the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment;

- There is no satisfactory alternative; and
- The action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.
-

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) 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) and Nature Conservation (Scotland) Act 2004.

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 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

<u>Effects on development works:</u>

A development licence will be required from the relevant countryside agency for any development works liable to affect an active badge sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agency's to define what would constitute a licensable activity. It is no possible to obtain a licence to translocate badgers.

Birds

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

- Intentionally (or recklessly in Scotland) kill, injure or take any wild bird
- Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) 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.
- Intentionally or recklessly obstruct or prevent any wild bird from using its nest (Scotland only)

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC) 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
- In Scotland only, intentional or reckless disturbance whilst lekking
- In Scotland only, intentional or reckless harassment

Effects 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.

Herpetofauna (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 herpetofauna 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.

Effects on development works:

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable 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

Effects on development works:

If development works are liable to affect habitats known to support water voles, the relevant countryside agency 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 (e.g. Natural England) 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

<u>Effects on development works:</u>

An EPSM Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable 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
-

Effects on development works:

Works which are liable 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 EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Dormice

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

Effects 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 an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White clawed crayfish

The white clawed crayfish Austropotamobius pallipes receives partial protection under Schedule 5 of the WCA in respect of Sections 9(1) and 9(5). This makes it an offence to:

- Intentionally take (capture) white-clawed crayfish.

Effects on development works:

The relevant countryside agency 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 (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only)
- 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.

Effects on development works:

An EPSM licence will be required from the relevant countryside agency for works which are liable to affect species of planted listed on Schedule 5 of the Conservation or Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

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

Effects 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 land owner 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

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 (ENGLAND)

National Planning Policy Framework

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 UK Biodiversity Action Plan priority species) 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; opportunities to incorporate biodiversity in and around developments are encouraged; 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 (Section 42 in Wales) 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.

Local Planning Policy

Elmbridge Core Strategy 2011

The Elmbridge Core Strategy is the key document outlining the long-term spatial vision for district and applies to the location of the site. The Core Strtagey includes policies which relate to biodiversity and nature conservation which are relevant to this report. Such policies are detailed below:

Policy CS15: Biodiversity states:

"The Council will seek to avoid loss and contribute to a net gain in biodiversity across the region and the objectives of the Surrey Biodiversity Action Plan (BAP), by:

1. *Protecting and seeking to improve all sites designated for their biodiversity importance, as identified on the proposals map, in accordance with PPS9: Biodiversity and Geological Conservation and CS13-Thames Basin Heaths Special Protection Area (SPA), including those sites considered as being relevant to the integrity of the South West London Waterbodies SPA and Ramsar site. Criteria based policies against which proposals will be judged for any development on, or affecting, sites of regional or local significance will be brought forward through future DPDs that address Development Management and Site Allocations;*
2. *Support the implementation of the Regional Forestry and Woodland Framework by:*
    a. *Protecting all woodland, including ancient woodland, as shown on the proposals map, from damaging development and land uses;*
    b. *Promoting the effective management, and where appropriate, extension and creation of new woodland areas including, in association with areas of major development, where this helps to restore and enhance degraded landscapes, screen noise and pollution, provide recreational opportunities, helps mitigate climate change, and contributes to floodplain management;*
    c. *Replacing woodland unavoidably lost through development with new woodland on at least the same scale;*
    d. *Promoting and encouraging the economic use of woodlands and wood resources, including wood fuel as a renewable energy source;*
    e. *Promoting the growth and procurement of sustainable timber products.*
3. *Protecting and enhancing BAP priority habitats and species and seeking to expand their coverage by supporting the development of the Biodiversity Opportunity Areas; as shown on the proposals map;*
4. *Managing and maintaining a mosaic of habitats and rich variety of wildlife across the Council's landholdings in accordance with the Elmbridge Countryside Strategy;*
5. *Working in partnership to re-store and enhance:*
    a. *the Thames Basin Heath SPA, in accordance with CS13-Thames Basin Heaths SPA, which is an area of strategic opportunity for biodiversity improvement.*
    b. *Brooklands Community Park and Esher Commons Site of Special Scientific Interest (SSSI) in accordance with the Council's most up-to-date mitigation strategy for the Thames Basin Heath SPA and the Esher Commons SSSI Restoration and Management Plan.*
6. *Maximising the contribution of other green spaces and features, where appropriate, to the area's biodiversity resources including identifying and developing wildlife corridors to provide ecological 'stepping stones' and form a coherent local and regional biodiversity network in accordance with CS12-The River Thames and its tributaries and CS14-Green Infrastructure;*
7. *Directing development to previously developed land in accordance with CS1-Spatial Strategy, taking account of its existing biodiversity value;*
8. *Ensuring new development does not result in a net loss of biodiversity and where feasible contributes to a net gain through the incorporation of biodiversity features."*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by Natural England will be required for works likely to affect a bat roost 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, rear young and hibernate). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficiency/success to be monitored. The legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded *de facto* protection, for example, where it can be proven that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost (Garland & Markham, 2008).

There are 17 species of bat breeding in England and Natural England issues licences under Regulation 55 of the Habitats Regulations to allow you to work within the law.

Licences are issued for specific purposes stated in the Regulations, if the following three tests are met:

- The purpose of the work meets one of those listed in the Habitats Regulations (see below);
- That there is no satisfactory alternative;
- That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range

The Habitats Regulations permits licences to be issued for a specific set of purposes including:

1. ***include preserving public health or public safety or other imperative reasons of over-riding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;***
2. scientific and educational purposes,
3. ringing or marking
4. conserving wild animals

Development works fall under the first purpose and Natural England issues bat mitigation licences for developments.

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.

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