



Preliminary Ecological Appraisal

Land to the Back of Wells Street, Bury, BL9 0TU

Lorraine Howarth

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed by Lorraine Howarth to undertake a Preliminary Ecological Appraisal (PEA) at the Land to the Back of Wells Street, Bury, BL9 0TU (hereafter referred to as “the site”). The survey was required to inform a planning application for an outline planning application – full details were unavailable at the time of writing this report, however it is thought that the development will comprise the construction of 3no. residential dwellings (hereafter referred to as “the proposed development”).

The following is work you will need to commission to obtain planning permission and to comply with legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 5 of this report.

Feature	Foreseen impacts	Recommendations <i>Measures required to adhere to guidance, legislation and planning policies.</i>
Habitats and flora	Clearance of the site will result in a net loss in biodiversity, though this may be partially offset by the inclusion of landscaping within the proposed development. Due to the proximity of the site to deciduous woodland, indirect effects such as pollution or tree damage could occur during construction.	The Local Planning Authority (LPA) may request a Biodiversity Net Gain (BNG) Assessment. Best practice measures to minimise the possibility of pollution and tree damage must be implemented during construction.
Reptiles	Bramble scrub, rubber mats and piles of bricks are likely to be removed during potential construction. The loss of such habitats is likely to be inconsequential to local reptile populations owing to their low value and the presence of more extensive habitat locally.	Subject to the site proposals, this should be reviewed once finalised site plans are provided.
Roosting bats	Bats are very unlikely to be roosting within the shed onsite and as such, there are not anticipated to be any impacts on bats in this location as a result of the proposed development. The proposed development will likely result in the clearance of this site. This could result in destruction of any bat roosts present within trees that have not been accessed and could cause disturbance, death or injury to bats.	In the unlikely event that a bat or evidence of bats is discovered within the building during the development all work must stop and a bat licensed ecologist contacted for further advice. Best practice guidelines state that trees with low suitability for roosting bats do not require further surveys. Instead, prior to any pruning or felling, a close-up inspection of any features that could be used by roosting bats will be undertaken to determine the presence or likely absence of roosting bats.

	As the offsite building is likely to not be affected during construction, the roost features will not be under direct effects from the assumed proposal. However, it is likely to be subject to indirect effects such as noise, vibrations and lighting disturbance during construction, as well as the possible modification of established flight paths due to the construction of new buildings.	A low impact lighting strategy will be implemented. Similarly, the connectivity between the onsite hedgerow and the building should be strengthened through landscaping operations.
Foraging and commuting bats	Impacts regarding habitat losses to be confirmed upon provision of site plan. The proposed development could include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	Boundary tree lines and hedges that could be utilized by foraging and commuting bats should be retained where possible. A low impact lighting strategy will be adopted for the site during and post-development.
Badger	Bramble scrub will be removed during construction. The loss of such habitats is likely to be inconsequential to local badger populations owing to their low value and the presence of more extensive habitat locally.	A pre-commencement inspection of the site will be undertaken for any badger activity. This will require a staged approach to vegetation clearance to allow access and visibility for the inspection.
Hedgehogs	Bramble scrub and buildings could be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their low value and the presence of more extensive habitat locally.	A precautionary working method will be implemented during construction.
Birds	Bramble scrub and scattered trees could be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Works should be undertaken outside the period 1st March to 31st August.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Lorraine Howarth to undertake a Preliminary Ecological Appraisal (PEA) at the Land to the Back of Wells Street, Bury, BL9 0TU (hereafter referred to as “the site”). The survey was required to inform a planning application for an outline planning application - full details were unavailable at the time of writing this report, however it is thought that the development will comprise the construction of 3no. residential dwellings (hereafter referred to as “the proposed development”). A plan showing the proposed development will be provided in Appendix 1 when available.

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 by Arbtech Consulting Ltd or, to the author’s knowledge, by any other consultancy.

1.2 Site Context

The site is located at National Grid Reference SD 80031 10074 and has an area of approximately 0.12ha comprising of bramble scrub, scattered trees, and offsite lines of trees. It is located to the south of the centre of Bury and is between Wells Street and an active railway.

A site location plan is provided in Appendix 2.

1.3 Scope of the Report

This report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

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.
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.
- Potential impacts on features of value, as a result of the proposed development, have been identified.
- Recommendations for further surveys and mitigation have been made.
- Opportunities for the enhancement of the site for biodiversity have been set out.

2.0 Methodology

2.1 Desk Study

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

2.2 Field Survey

The survey was undertaken by Charlie Moore on 2-2-23.

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

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species.

2.3 Limitations

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

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

A large portion of the site to the south west was unable to be accessed due to dense growth of bramble scrub, this section was observed from over the adjacent fence and from the neighbouring property.

Due to the nature of an outline planning application, an accurate assessment of impacts to the site is not possible. Therefore, any impacts to site are based off the thought that the proposal will include the clearance of site and the construction of 3no. urban dwelling areas.

The survey was completed outside of the optimal survey period (April to October) limiting the identification of ground flora species.

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

3.0 Results and Evaluation

3.1 Designated Sites

No statutory designated sites were identified within 2km of the site.

3.2 Field Survey Results

The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 1.

Table 1: Weather conditions during the survey

Date: 3-2-2023	
Temperature	10°C
Humidity	84%
Cloud Cover	80%
Wind	14mph
Rain	None

Habitats and Flora

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

- Bramble scrub (h3d)
- Hedge (h2b-77)
- Line of trees (w1g6)
- Building (u1b5)
- Scattered trees (u1-11)
- Sparsely vegetated ground (u1-17)

A description and photograph of each habitat is provided in Table 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 2: Description and photographs of habitats within and adjacent to the site

Habitat type	Habitat description	Photograph
Bramble scrub (h3d)	A large portion of the site was historically managed as allotments, and have been unmanaged for the last 3 years, according to the client. Species include bramble (d), willow herb (a), dock (o), nettles (f), goat willow (r), meadow grass (a), hogweed (o), goosegrass (r) and creeping buttercup (r). Sward length / height is between 1.5m and 10mm. The area to the southwest of the site (below) was inaccessible due to the dense vegetation.	

Hedge (h2b-77)

An onsite, unmanaged boundary hedge comprised solely of Lawson cypress. A break in the hedge approximately 1-2m long is observed on the north western boundary. This hedge is located adjacent to a chain link fence, which is in fair condition, although has gaps underneath the fence.



Line of trees (w1g6)	Located on the southern end of the site is a large linear group of trees. Species include ash (o), willow (o) and laurel (f), according to the aerial image, and from what was visible onsite, a large group of offsite trees appear to be located along the western boundary.	
Building (u1b5)	Located within the site is a double garage constructed from wood. The garage is in poor condition, with several areas of sagged roof trusses, and many holes in the walls from missing or rotten areas of wood. Access to the interior was restricted due to a broken door, however most of the interior was viewable from a gap in the wall below the window (circled opposite).	

Scattered trees (u1-11), and sparsely vegetated ground (u1-17)	Several small, self-seeded and historically planted scattered trees are located onsite. Species include apple, purple plum, ash and willow. The diameter at breast height of the trees is approximately between 120mm and 330mm, and they are approximately between 4m and 8m tall. On the northern edge of site is an area of sparsely vegetated ground within which scattered trees are located. Species include creeping buttercup (f), meadow grass (o), bramble (o) and ivy (o).	
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Fauna

An assessment of the suitability of the site for protected or notable species is provided in Table 3.

Table 3: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability
Amphibians	There is a single body of water, located approximately 490m (from the closest edge) northeast of site. The intervening area between the pond and site is comprised of several urban dwelling areas and supporting access roads with drop kerbs, which can be considered a barrier to access for amphibians, including great crested newts. However, approximately 100m west of the edge of this pond is a railway, which runs directly adjacent to the northwestern boundary of site. Due to the chain link fence on that boundary, access by amphibians (including great crested newts) to site would not be restricted. However, due to the distance between the pond and the lack of supporting habitat onsite as well as higher quality habitats along the railway and in closer proximity to the pond, it is unlikely that any amphibians, including great crested newts, would be utilising the site. There is a single EPSL class licence returned, approximately 900m west of site. Great crested newts exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; great crested newts are typically found within terrestrial habitats up to 500m from breeding ponds (Langton et al. 2001). As such, the great crested newt metapopulation known to be present 900m west is not suitably connected to the site.
Reptiles	The site has several areas of suitable refugia and sheltered basking spots for reptiles, including piles of discarded bricks, dense bramble scrub and a large area of discarded rubber matting. Similarly, the northern boundary is lined with a chain link fence, which would not pose any accessibility issues for reptiles, and due to the railway (railways, especially the edges, are known to support large numbers of reptiles) it is likely that any reptiles using the area could easily access and utilise site.
Badgers	No evidence of badgers was observed within the accessible areas of site, or 30m outside, and due to the fence around the boundary of the site it is unlikely that any badgers in the area could access the site. The eastern boundary of the site is open, due to the fence on this boundary edge being in disrepair, although to the east of site is a large urban dwelling area - this is not considered conducive to badgers.
Bats	The building onsite is not suitable for roosting bats, due to its dilapidated nature, lack of weatherproofing, and construction materials. Similarly, many of the trees onsite can be considered to have negligible suitability for roosting bats, due to their age and likely-absence of roosting features (old pruning wounds, cavities, included unions). An offsite building, sharing the north eastern corner of the boundary of site has a wall which is clad in slate tiles, which are in poor condition. This cladding has several tiles missing, along with gaps and the appearance of a cavity between the cladding and the wall, which is suitable for crevice dwelling species, such as common pipistrelles. There are 4 individual EPSLs returned within 2km of site, located approximately between 600m and 1300m from site. The licences cover the destruction of 3 resting places, and a breeding site pertaining to common pipistrelles.
Hazel Dormouse	There is no supporting habitat to support the complex lifecycles of hazel dormice onsite. There are no EPSLs within 2km pertaining to hazel dormice.

Hedgehog	The bramble scrub, hedge and building are suitable for hedgehogs, due to the site's low disturbance, and abundance of cover available. The gaps in the building onsite could give access to hedgehogs, and due to its disuse can be considered a potential hibernation area, however the scrub would provide adequate cover from predation for commuting populations of hedgehogs.
Riparian Mammals	There are 2 main watercourses within 2km of site, the River Irwell, and River Roch, both to the west and east respectively. The River Irwell is approximately 500m from site, and the River Roch is approximately 1400m to the east of site. Both watercourses could support riparian mammals, including otters and water voles due to the flowing nature, and likely presence of soft verges and layup areas. However, it is unlikely that any populations using these rivers could access site, due to the active railway between the Irwell and site, and the dense urban dwelling areas between the Roch and site. These both would be significant potential barriers to the site. There are no EPSLs within 2km pertaining to otters.
Birds	The trees onsite are unlikely to support nesting birds, due to their age and size. Similarly, the high brambles and abundance thereof, common bird species such as wrens, robins and blackbirds are likely to be nesting within the site. The trees onsite are unsuitable for Schedule 1 birds such as barn owls due to a lack of supporting habitat, such as large cavities within trees.
Invertebrates	The habitats on site are common, widespread and of low ecological value. it is unlikely that any notable invertebrate assemblages are using the site.

4.0 Conclusions, Impacts and Recommendations

4.1 Informative Guidelines

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

Likelihood of the Presence of Protected Species

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

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

4.2 Evaluation

Taking the desk study and field survey results into account, Table 4 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise a planning application for an outline planning application - full details were unavailable at the time of writing this report, however it is thought that the development will comprise the construction of 3no. residential dwellings (hereafter referred to as “the proposed development”).

Table 4: Evaluation of the site and any ecological constraints

Ref	Summary of Survey Findings	Foreseen Impacts	Recommendations <i>Measures required to adhere to guidance, legislation and planning policies.</i>	Biodiversity Enhancements <i>The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021)</i>
Designated sites	The site is not subject to any statutory or non-statutory designation, and is not located within the impact risk zone for any Site of Special Scientific Interest (SSSI's). There are no	No impacts to designated sites are anticipated due to the small scale and distance of the proposed development from such sites (where known) as well as the urban location of the site with surrounding physical barriers.	None.	None.

	statutory designated sites within 2km.			
Habitats and flora	There are no notable habitats within the site but 5 habitats are present within 2km of the site, the closest being deciduous woodland located approximately 10m south of the site. The habitats onsite comprise of hedges, bramble scrub, lines of and scattered trees.	Clearance of the site will result in a net loss in biodiversity, though this may be partially offset by the inclusion of landscaping within the proposed development. A detailed impact assessment cannot be undertaken without the provision of proposed development plans. Due to the proximity of the site to deciduous woodland, indirect effects such as pollution or tree damage could occur during construction.	The Local Planning Authority (LPA) may request a Biodiversity Net Gain (BNG) Assessment. Best practice measures to minimise the possibility of pollution and tree damage must be implemented during construction.	The proposed development could include planting of native tree and shrub species in suitable locations onsite and the creation of wildflower grassland.
Amphibians	There is one pond within 500m, located 490m away. Due to the isolated nature of this pond from other suitable waterbodies it is unlikely that GCN are present. Furthermore, due to the distance and limited connectivity of this pond to the site it is unlikely that GCN would occur on site.	No impacts are anticipated on amphibians, including great crested newt, as a result of the proposed development.	The precautionary working method recommended for hedgehogs will benefit amphibians as well. In the unlikely event that a great crested newt is identified, works must cease and advice must be sought from a suitably qualified ecologist.	None.
Reptiles	Reptiles could be using the site due to several supporting features	Bramble scrub, rubber mats and piles of bricks are likely to be removed during potential construction. The loss of such habitats is likely to be inconsequential to local	Subject to the site proposals, reptile surveys may be necessary, and this should be reviewed once finalised site plans are provided.	None.

	such as piles of bricks, rubber matting and various other sites of refugia around the site. Similarly, the fence around the site would not constitute a barrier for access.	reptile populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles, if present.		
Roosting bats (site)	The building onsite is unlikely to support roosting bats due to its lack of weatherproofing and open nature. The scattered trees surveyed onsite are unlikely to support any populations of roosting bats due to their age and associated structural condition. However, due to lack of access it is not possible to rule negligible value for roosting bats for other trees located onsite that were not able to be surveyed due to a lack of access. The offsite building directly adjacent to the northern	Bats are very unlikely to be roosting within the shed onsite and as such, there are not anticipated to be any impacts on bats in this location as a result of the proposed development. The proposed development will likely result in the clearance of this site. This could result in destruction of any bat roosts present within trees that have not been accessed and could cause disturbance, death or injury to bats. As the offsite building is likely to not be affected during construction, the roost features will not be under direct effects from the assumed proposal. However, it is likely to be subject to indirect effects such as noise, vibrations and lighting disturbance during construction, as well as the possible modification of established flight paths due to the construction of new buildings.	In the unlikely event that a bat or evidence of bats is discovered within the building during the development all work must stop and a bat licensed ecologist contacted for further advice. Best practice guidelines state that trees with low suitability for roosting bats do not require further surveys. Instead, prior to any pruning or felling, a close-up inspection of any features that could be used by roosting bats will be undertaken to determine the presence or likely absence of roosting bats. This may require a qualified climbing team or a Mobile Elevated Work Platform (MEWP) to access the features. In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice. A low impact lighting strategy will be implemented, as detailed below. Similarly, the connectivity between the onsite hedgerow and the building should be strengthened through landscaping operations.	To be confirmed on receipt of finalised proposal plans.

	boundary contains suitable roosting features that bats could use.			
Foraging and commuting bats	Lines of trees and hedgerow could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	Impacts regarding habitat losses to be confirmed upon provision of site plan. The proposed development could include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	Boundary tree lines and hedges that could be utilized by foraging and commuting bats should be retained where possible. A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures: • Use narrow spectrum light sources to lower the range of species affected by lighting. • Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. • Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only. • External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. • Wall lights and security lights will be 'dimmable' and set to the lowest light intensity	Habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging and commuting bats, Such as the enhancement of existing hedgerow and tree lines by gap planting and establishing a vegetation buffer alongside.

			settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available.	
Badger	Badgers are unlikely to be using site due to the lack of connective habitat and barriers to accessing the site. However, due to the lack of access to the south of the site, negligible suitability of the site for badgers cannot be confirmed.	Bramble scrub will be removed during construction. The loss of such habitats is likely to be inconsequential to local badger populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of badgers, if present.	A pre-commencement inspection of the site will be undertaken for any badger activity. This will require a staged approach to vegetation clearance to allow access and visibility for the inspection.	None.
Hazel dormouse	Hazel dormice are unlikely to be using site due to a lack of supporting habitat.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.
Hedgehog	Hedgehogs could be using the site due to the bramble scrub, and suitable access points to the site including the gaps below the fence and missing areas of fence. Similarly, it is likely that hedgehogs could access the shed onsite and utilise this for hibernation.	Bramble scrub and buildings could be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of hedgehogs, if present.	A precautionary working method will be implemented during construction, including the following measures: • Site clearance will be undertaken outside of the hedgehog hibernation season (November to March) insofar as is possible. • A pre-commencement inspection of the site will be undertaken for hedgehogs. • A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 30cm and left overnight to allow any hedgehogs to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter hedgehogs from the working area.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for hedgehogs: • Creation of gaps underneath installed fences to allow access/egress • Retention or planting of native

			- Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. - The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which hedgehogs could use. - Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. - If any hedgehogs are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance.	shrub areas for shelter - Retention of brash piles in suitable areas onsite - Construction of hedgehog boxes
Riparian mammals	It is unlikely that any riparian mammals could access site, due to the natural barriers, such as main roads and dwelling areas between the two watercourses noted within 2km of site.	No impacts are anticipated on otters as a result of the proposed development.	None.	None.
Birds	It is unlikely that any of the trees onsite are suitable for nesting birds, however due to the lack of access negligible suitability for trees onsite cannot be confirmed. Similarly, it is likely that ground nesting birds could be using the site due to the	Bramble scrub and scattered trees could be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Works should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of trees and vegetation should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.	The installation of 2 bird boxes at the site will provide additional nesting habitat for birds. The bird boxes will be installed on retained trees and new buildings onsite. General purpose bird boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear

	dense coverage of bramble scrub. The site is unlikely to support any schedule 1 birds such as barn owls.			flight path to and from the entrance, away from artificial light. Species-specific bird boxes should be installed in line with manufacturers specifications.
Invertebrates	The species of flora onsite are common, and so are unlikely to support any noteworthy assemblages of invertebrates	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for invertebrates: • The planting of native species of grasses into wildflower meadows • Pollinator friendly planting • Construction of insect boxes

5.0 Bibliography

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Appendix 1: Proposed Development Plan

Not available at the time of writing this report.

Appendix 2: Site Location Plan



Appendix 3: Habitat Survey Plan



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

Annex V species (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”. However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CROW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act 1992 which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

Effects on development works:

A development licence will be required from the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) 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 (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 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.

Amphibians and Reptiles

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

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

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

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

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

- Intentionally or recklessly kill or injure these species.

Effects on development works:

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

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

Water Voles

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

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

- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

Effects on development works:

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

Otters

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

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

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

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

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) 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

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) 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 EPSM licence. 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

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 a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales (NB: Hazel Dormouse are entirely absent from Scotland)). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White Clawed Crayfish

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

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

It is also classified as Endangered in the IUCN Red List of Endangered Species. As a result of this and other relevant crayfish legislation such as the Prohibition of Keeping of Live Fish (Crayfish) Order 1996, a series of licences are needed for working with White-clawed and non-native crayfish. These are:

- A licence to handle crayfish (therefore survey work) in England
- A licence for the keeping of crayfish in England and Wales with an exemption for Signal crayfish (England).
- People in the post-code areas listed with crayfish present prior to 1996 do not need to apply for consent for crayfish already established. It does not, however, allow any new stocking of non-native crayfish into waterbodies. Consent for trapping of non-native crayfish for control or consumption is most likely to be granted in Thames and Anglian regions in the areas with "go area" postcodes.
- Harvesting of crayfish is prohibited in much of England and in any part of Scotland and Wales.

Effects on development works:

The relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) 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:

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

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England 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 landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

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

Effects on development works:

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

NATIONAL PLANNING POLICY (ENGLAND)***Environment Act 2021***

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

National Planning Policy Framework 2021

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

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

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

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

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

EUROPEAN PROTECTED SPECIES POLICIES

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

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

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