

Bat Survey Report

Land at Townhouse Farm
Church Lane
Ardingly
East Sussex
RH17 6UR

9th August 2022



PJC ref: 4569E/21

This report has been prepared by

PJC Consultancy Ltd

on behalf of

Balcombe Estate

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1 INTRODUCTION

1.1 INSTRUCTION

- 1.1.1 PJC Consultancy Ltd was commissioned by Balcombe Estate to undertake a bat emergence survey on buildings B1, B4 and B5 located at Townhouse Farm, Church Lane, Ardingly, East Sussex (hereafter referred to as the 'Site'). The requirement to undertake a further bat emergence survey was detailed within the initial preliminary ecological appraisal (PEA) report (PJC Consultancy, 2021) (Report ref: 4531E/21) which should be read in conjunction with this bat survey report.

1.2 SURVEY OBJECTIVES

- 1.2.1 The aim of the bat emergence survey is to identify potential ecological constraints and opportunities in respect of potential roosting bats associated with the proposed development. The objectives of the bat dusk emergence are to:

- Ascertain presence or likely absence of bat roosts within buildings B1, B4 and B5;
- If present, determine which species are present and the size and nature of the roost, and
- Evaluate the value of buildings B1, B4 and B5 in respect to bats and provide recommendations for further survey, mitigation, compensation and enhancement measures and licensing requirements to satisfy safely legal and planning policy requirements where appropriate.

1.3 SITE DESCRIPTION

- 1.3.1 The Site comprises two separate adjoining plots (plot 1 and plot 2). Plot 1 comprises two semi-detached buildings (B4 and B5) with associated gardens whereas plot 2 comprises multiple farm buildings (B1, B2 and B3). Treelines and woodland parcels border the Site, notably the western aspects of both plot 1 and 2. The Site is located at the southern end of Church Lane, approximately 500m west of the centre of Ardingly village centre (OS central grid reference: TQ 3378 2933). Overall the Site is situated within a heavily rural landscape and forms part of the Balcombe Estate. The immediate and wider landscape comprises both arable and pastoral farmland and woodland parcels, all intersected by a complex network of hedgerows, treelines and woodland belts. Of particular note is Ardingly Reservoir which is located approximately 400m west of the Site.

1.4 PROPOSAL

- 1.4.1 The current proposal is for the demolition of the existing residential buildings (B4 & B5) within plot 1 and farm buildings (B2 & B3) within plot 2, and construction of a single detached residential dwelling in both plot 1 and 2, with associated ancillary buildings, access and gardens. The former dairy building (B1) within plot 3 is anticipated to be retained.

1.5 LEGISLATION AND PLANNING POLICY

- 1.5.1 Bats and their roosts are protected under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and national (Wildlife and Countryside Act 1981 (as amended)) legislation. This means that it is an offence to:
- Deliberately capture, injure or kill a wild bat;
 - Deliberately disturb wild bats; *‘disturbance of animals includes in particular any disturbance which is likely:’*
 - *(a) to impair their ability —*
 - *(i) to survive, to breed or reproduce, or to rear or nurture their young; or*
 - *(ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or*
 - *(b) to affect significantly the local distribution or abundance of the species to which they belong.’* and
 - Damage or destroy a breeding site or resting place used by this species.
- 1.5.2 Certain species of bats including the brown long-eared *Plecotus auritus* and soprano pipistrelle *Pipistrellus pygmaeus* are also listed as a Species of Principal Importance (SPI) under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. This means public bodies, including local planning authorities have a duty to have regard for SPI when carrying out their functions, including determining planning applications.
- 1.5.3 Due to the high level of protection afforded to bats and their habitat, a European Protected Species License (EPSL) must be sought from Natural England before any works directly or indirectly affecting a confirmed bat roost can proceed, this application process takes at least 6 weeks. Licencing is subject to three tests, as defined under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019; the planning authority must also apply these before granting permission for activities affecting bats. For permission to be granted the following criteria must be satisfied:
- The proposal is necessary *‘to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’*;
 - *‘There is no satisfactory alternative’*; and
 - The proposals *‘will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range’*.

2 METHODOLOGY

2.1 BAT EMERGENCE SURVEY

- 2.1.1 The bat emergence survey was undertaken in accordance with good practice guidance (Collins, 2016) and completed by Thomas Knight BSc(Hons) MSc MCIEEM (Natural England class 1 bat licence and nine years survey experience), Nicolle Stevens BSc(Hons) ACIEEM (Natural England class 1 bat licence and four years survey experience) and Jeremy Coleman (six years survey experience). Surveyor locations were utilised to fully cover the potential roosting features across buildings B1, B4 and B5.
- 2.1.2 Buildings B1, B4 and B5 were previously identified as having 'low' suitability to support roosting bats. A single survey visit comprising one dusk emergence survey was therefore undertaken.
- 2.1.3 The dusk emergence survey began at least 15 minutes before sunset and continued for up to 120 minutes after sunset. The details of the survey visit are presented in Table 1 below.
- 2.1.4 The surveyor used an Echo Meter Touch (EMT) bat detector connected to an electronic tablet to listen to and record echolocation calls of bats observed. During the survey, the surveyor mapped the flight-lines used by any bats observed and noted any features used by the bats to access/egress building B1.

Table 1: Bat emergence survey visit details.

Date	Sunset Time	Start Time	End Time	Temp (°C) start–finish	Cloud Cover (%) start–finish	Wind Speed (B'fort Scale) start–finish	Precip. start–finish
28/06/2021	21:18	21:03	23:18	17–16	90–90	B1 – B1	None – None

2.2 SURVEY LIMITATIONS

- 2.2.1 Due to the transient nature of bats and the fact that the habitats present on site and their management are likely to change over time, the findings of the bat emergence/re-entry survey are only considered valid for a period of up to 18 months.
- 2.2.2 This document has been prepared for the stated proposal (1.4) and should not be relied upon or used for any other project without an additional check being carried out by the author as to its suitability in relation to any updated proposals. PJC Consultancy accepts no responsibility or liability for the consequence of this document being used for a purpose other than the purposes for which it was commissioned. PJC Consultancy accepts no responsibility or liability for this document to any party other than the person by whom it was commissioned.

3 RESULTS

3.1 BAT EMERGENCE SURVEY

3.1.1 No bats were observed emerging from buildings B1, B4 and B5 during the survey.

3.1.2 Overall, activity during the surveys was considered to be moderate. In total, three bat species, noctule *Nyctalus noctula*, common pipistrelle *Pipistrellus pipistrellus* and soprano pipistrelle bats were recorded foraging and/or commuting within the Site during the surveys. The majority of bat activity was recorded foraging and commuting primarily along the woodland edge located immediately west of buildings B4 and B5.

4 DISCUSSION AND RECOMMENDATIONS

4.1 BATS

4.1.1 No bats were observed emerging from buildings B1, B4 and B5 during the emergence survey and as such the buildings are considered to be highly likely absent of roosting bats. The proposed development is therefore considered highly unlikely to injure or kill a bat, intentionally or recklessly disturb bats or damage, destroy or intentionally or recklessly obstruct access to a breeding or resting place used by a bat. Buildings B1, B4 and B5 can therefore be demolished without constraint to any known legal or planning policy pertaining to bats.

4.1.2 The woodland edge located immediately west of buildings B4 and B5 was considered to provide suitable commuting and foraging habitat for bats.

4.1.3 This parcel of woodland is anticipated to be retained as part of the proposed development. Therefore the proposed development is considered unlikely to result in the loss or degradation of bat foraging and commuting habitat or sever important commuting routes and obstruct access between potential bat roosts and important foraging habitats, providing the mitigation measures in relation to lighting described below are implemented during the construction and operational phase of the proposed development.

4.1.4 It is recommended that any new artificial lighting associated with the proposed development aims to:

- Maintain a dark corridor along the woodland edge situated along the western boundary of plot 1;
- Use minimum light levels necessary. For example, there should be times throughout the evening (when bats are most active) when all outdoor security lights are unlit to avoid affecting bat activity. Lighting can also be installed using a timer or movement sensor to avoid long periods of an area being lit at night;
- Lighting should be a warm white spectrum and feature peak wavelengths higher than 550nm to lower the range of species affected by lighting. Using LED luminaires where possible and avoid luminaires with UV elements, specifically avoiding metal halide and fluorescent sources (Institute of Lighting Professionals, 2018); and
- Internal luminaries can be recessed where installed in proximity to windows to reduce glare (Institute of Lighting Professionals, 2018) and light spill and use hoods, louvres or other similar design features to avoid light spill and direct light away from areas of mature vegetation.

4.2 ECOLOGICAL ENHANCEMENTS

4.2.1 Under Section 40 of the NERC Act 2006 there is a duty to have regard to biodiversity conservation. In addition, the National Planning Policy Framework (NPPF, 2019), London Plan and London Borough of Bromley Local Plan encourages ecological enhancement to be integrated into development projects in order to achieve an overall net-gain in biodiversity. Consideration should therefore also be given to the following ecological enhancements in respect of bats:

- Inclusion of nectar-rich plant species in soft landscaping areas that are attractive to night-flying insects to enhance foraging opportunities for bats;
- Creation of additional linear habitat (treelines and hedgerows) along the Site boundaries to provide additional commuting opportunities for bats; and
- Installation of artificial bat bricks or bat tubes (i.e. Schwegler 1FR and 2FR bat tubes and Schwegler 1GS bat brick or similar) into any new buildings and installation of bat boxes (i.e. Schwegler 2F or similar) on to suitable trees within the wider ownership boundary to increase the roosting opportunities for bats within the site. Any artificial roosting features should be placed between 3m and 6m above ground in a variety of locations at slightly different heights and preferably positioned facing a southerly or south-easterly direction

5 REFERENCES

Collins, J. (ed.) (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines. 3rd edition. The Bat Conservation Trust, London.

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Date: 9th August 2022

6 APPENDICES

APPENDIX I: LEGISLATION AND PLANNING POLICY

Legislation

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 is the UK transposition of the European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, or the 'Habitats Directive'. The directive provides protection of key habitats and species of European importance. Those key habitats and species are listed in Annexes II and IV of the directive.

Those species protected under the regulations and most likely encountered during development include:

- Plant species listed on Schedule 5 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019;
- Animal species listed on Schedule 2 (i.e. bats, hazel dormouse, great crested newt and European otter) of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

European Protected Species (EPS) of animal are those which are present on Schedule 2 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. They are subject to the provisions of Regulation 41 of those Regulations. All EPS are also protected under The Wildlife and Countryside Act 1981 (as amended) (see below). Taken together, these pieces of legislation make it an offence to:

- a) Intentionally or deliberately capture, injure or kill any wild animal included amongst these species;
- b) Possess or control any live or dead specimens or any part of, or anything derived from these species;
- c) Deliberately disturb wild animals of any such species;
- d) Deliberately take or destroy the eggs of such an animal; or
- e) Intentionally, deliberately or recklessly damage or destroy a breeding site or resting place of such an animal or obstruct access to such a place.

For the purposes of paragraph 'c', disturbance of animals includes in particular any disturbance which is likely to:

- a) Impair their ability
 - I. To survive, to breed or reproduce, or to rear or nurture their young, or
 - II. In the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- b) To affect significantly the local distribution or abundance of the species to which they belong.

Due to the high level of protection afforded to EPS and their habitat, a derogation licence must be sought before any works directly or indirectly affecting a EPS and their habitat can proceed. In England this would be a European Protected Species License (EPSL), the granting of which is determined by Natural England. Licencing is subject to three tests, as

defined under the Habitats Regulations 2010; the planning authority must also apply these before granting permission for activities affecting bats. For permission to be granted the following criteria must be satisfied:

- The proposal is necessary ‘*to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment*’;
- ‘*There is no satisfactory alternative*’; and
- The proposals ‘*will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*’.

The Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the primary legislation for the protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats (the 'Bern Convention') and the European Union Directives on the Conservation of Wild Birds (79/409/EEC) and Natural Habitats and Wild Fauna and Flora (92/43/EEC) are implemented in Great Britain. All breeding birds, their nests, eggs and young are protected under the Act, which makes it illegal to knowingly destroy or disturb the nest site during nesting season. Schedules 1, 5 and 8 afford protection to individual birds, other animals and plants respectively. The Countryside and Rights of Way (CROW) Act 2000 makes it an offence to 'recklessly' disturb a protected animal whilst it is using a place of rest or shelter or breeding/nest site

Those species protected under the act and most likely encountered during development include:

- All bat species
- All nesting birds
- Hazel dormouse
- Great crested newt
- Common otter
- Water vole
- All native reptile species
- White-clawed crayfish

The Natural Environment and Rural Communities Act (NERC) 2006

Section 40 of the Act 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 provides a list of habitats and species, which are of ‘principal importance for the conservation of biodiversity.’ This list aids 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.

Species and Habitat Specific Legislation

Bats

All native UK bat species are fully protected by UK law under Schedule 5 (in respect of section 9(4)(b) and (c) and (5) only) and Schedule 6 of the Wildlife and Countryside Act (1981, as amended), and under Schedule 2 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. It is illegal to deliberately capture, injure or kill

a bat or to intentionally or recklessly disturb bats. It is also illegal to damage, destroy or intentionally or recklessly obstruct access to a breeding or resting place used by a bat.

Any activity that would result in a contravention of the above legislation would likely require an EPS licence from the relevant statutory body (NE, CCW or SNH). Works or mitigation activities involving interference with bats or bat shelters must be carried out by a licensed bat worker.

Biodiversity Policies

National Planning Policy Framework (NPPF) 2019

Published in 2019 the NPPF sets out the Government's planning policies for England and how these are expected to be applied by local authorities. It replaces all the Planning Policy Statements and Guidance (PPSs and PPGs). The NPPF emphasises the need for sustainable development, whilst specifying the need for protection of designated sites and priority habitats and priority species (as listed in section 41 of the Natural Environment and Rural Communities (NERC) Act 2006). Paragraph 170 of The National Planning Policy Framework (NPPF) states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Paragraph 174 states that “to protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁵⁶; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁵⁷; and

- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

Furthermore, paragraph 175 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 176 states:

“The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites⁵⁹; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”

Paragraph 177 states:

“The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.”

The UK Biodiversity Framework (2011–2020).

The UK Biodiversity Framework is an important framework that is owned, governed and implemented by the four UK countries, assisted by Defra and JNCC in their UK co-ordination capacities. Although differing in details and approach, the four UK countries have published strategies which promote the same principles and address the same global targets: joining-up our approach to biodiversity across sectors; and identifying, valuing and protecting our ‘Natural Capital’ to protect national well-being now and in the future. This new framework has been developed to enhance the recovery of priority habitats and species in England (published under section 41 of the NERC Act 2006), thereby contributing to the delivery of the England Biodiversity Strategy. The framework has been developed and

endorsed by the England Biodiversity Group and wider partnership. It is the starting point for a more integrated approach to biodiversity conservation in England, building on the strengths of the former UK Biodiversity Action Plan (BAP) process and improving those areas where insufficient progress was being made.

The London Plan

The London Plan sets out the relevant policies for the control of development with regards to the natural environment and biodiversity.

POLICY 7.19 BIODIVERSITY AND ACCESS TO NATURE

- A. The Mayor will work with all relevant partners to ensure a proactive approach to the protection, enhancement, creation, promotion and management of biodiversity in support of the Mayor's Biodiversity Strategy. This means planning for nature from the beginning of the development process and taking opportunities for positive gains for nature through the layout, design and materials of development proposals and appropriate biodiversity action plans.
- B. Any proposals promoted or brought forward by the London Plan will not adversely affect the integrity of any European site of nature conservation importance (to include special areas of conservation (SACs), special protection areas (SPAs), Ramsar, proposed and candidate sites) either alone or in combination with other plans and projects. Whilst all development proposals must address this policy, it is of particular importance when considering the following policies within the London Plan: 1.1, 2.1–2.17, 3.1, 3.3, 3.7, 5.4A, 5.14, 5.15, 5.17, 5.20, 6.3, 6.9, 7.14, 7.15, 7.25 – 7.27 and 8.1. Whilst all opportunity and intensification areas must address the policy in general, specific locations requiring consideration are referenced in Annex 1.
- C. Development Proposals should:
 - a) wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity
 - b) prioritise assisting in achieving targets in biodiversity action plans (BAPs), set out in Table 7.3, and/or improving access to nature in areas deficient in accessible wildlife sites
 - c) not adversely affect the integrity of European sites and be resisted where they have significant adverse impact on European or nationally designated sites or on the population or conservation status of a protected species or a priority species or habitat identified in a UK, London or appropriate regional BAP or borough BAP.
- D. On Sites of Importance for Nature Conservation development proposals should:
 - a) give the highest protection to sites with existing or proposed international designations (SACs, SPAs, Ramsar sites) and national designations (SSSIs, NNRs) in line with the relevant EU and UK guidance and regulations
 - b) give strong protection to sites of metropolitan importance for nature conservation (SMIs). These are sites jointly identified by the Mayor and boroughs as having strategic nature conservation importance

- c) give sites of borough and local importance for nature conservation the level of protection commensurate with their importance.
- E. When considering proposals that would affect directly, indirectly or cumulatively a site of recognised nature conservation interest, the following hierarchy will apply:
 - 1. avoid adverse impact to the biodiversity interest
 - 2. minimize impact and seek mitigation
 - 3. only in exceptional cases where the benefits of the proposal clearly outweigh the biodiversity impacts, seek appropriate compensation.

London Borough of Bromley Local Plan

The London Borough of Bromley Local Plan sets out the relevant policies for the control of development with regards to the natural environment and biodiversity.

Policy 68: Development and SSSI

A development proposal within or that may have an adverse effect on a Site of Special Scientific Interest will not be permitted unless: It can be demonstrated that there is no alternative solution and the reasons for the development clearly outweigh the nature conservation or scientific interests of the sites, or The value and interests of the site can be protected from damaging impact by mitigating measures secured by the use of conditions or planning obligations.

Policy 69: Development and Nature Conservation Sites

A development proposal that may significantly affect the nature conservation interest or value of a Local Nature Reserve (LNR), Site of Importance for Nature Conservation (SINC) or a Regionally Important Geological Site (RIG) will be permitted only: If it can be shown that the reasons for the development or benefits to the local community from the development outweigh the interest or value of the site, or Any harm can be overcome by mitigating measures, secured through conditions or planning obligations.

Policy 70: Wildlife Features

Where development proposals are otherwise acceptable but cannot avoid damage to and/or loss of wildlife features, the Council will seek through planning obligations or conditions: Inclusion of suitable mitigation measures; and The creation, enhancement, and management of wildlife habitats and landscape features to contribute towards the Bromley Biodiversity Action Plan.

Policy 71: Additional Nature Conservation Sites

If during the course of an application for a development proposal the nature conservation interest of the site becomes evident, the protection and active management of that site will be sought as part of the proposal.

Policy 72: Protected Species

Planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

Policy 73: Development and Trees

Proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. Tree preservation orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will seek suitable replanting.

Policy 74: Conservation and Management of Trees and Woodlands To improve the amenity and conservation value of trees and woodlands, the Council will: Encourage appropriate beneficial management; Encourage appropriate new tree planting in suitable locations; and Promote public interest in and enjoyment of trees and woodlands.

Policy 75: Hedgerows and Development In considering development proposals, the Council will normally expect the retention and beneficial management of any existing hedgerow; where a hedgerow is to be removed, the Council will, where appropriate, require its replacement with native hedgerow species.