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Biodiversity Enhancement Strategy Report

The Old Lodge, Brantridge Lane

Balcombe, RH17 6JR

Client

Will Lynch

Date of Issue

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Author

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Report Summary

1. Libby Morris was commissioned by Will Lynch to provide a Biodiversity Enhancement Strategy to be submitted alongside a planning application to Mid Sussex District Council regarding the construction of an outbuilding in close proximity to the main dwelling to be used for agricultural storage.
2. This document outlines targeted enhancement measures and details of management and remedial responsibilities designed to contribute to a net gain in biodiversity in accordance with the NPPF requirements and Policy DP38 of the Mid Sussex District Plan. This report is submitted both in response to this measure, but also to further enhance the site for protected and priority species.
3. Section 3 of this report sets out proposed enhancements of the site which include:
 - Planting of native hedges and enhancement of treelines
 - Enhancement of grassland across the site
 - Retention and creation of dead wood areas for invertebrates
 - Installation of bat roosting features
 - Planting of pollinator-friendly native flowering plant species
4. A methodology for these works is laid out in section 3. A further works schedule is provided in section 4, outlining management responsibilities, with section 5 detailing the specification of works that are to be undertaken, and whether a licenced individual is required for these works. This section also recommends that a site inspection is undertaken by a suitably qualified ecologist after completion of enhancement measures to ensure compliance with this report and that all enhancement measures are correctly implemented.

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About the Author

This report has been prepared by Libby Morris BSc (Hons), an ecologist with seven years experience undertaking bird surveys as well as being a FISC level 3 accredited botanist and a MoRPH licenced surveyor of rivers. She is experienced in habitat and PEA surveys as well as statutory Biodiversity Net Gain and habitat assessing.

This report has been reviewed by Kate Ellis, MSc, an ecologist with ten years' experience as an ecological advisor, as well as experience in undertaking habitat and wildlife surveys and Biodiversity Net Gain assessments.

1. Introduction

1.1 Purpose of the Report

Libby Morris has been commissioned by the client, Will Lynch, to assess the site The Old Lodge, Brantridge Lane with the purpose of designing a Biodiversity Enhancement Strategy in response to the construction of an outbuilding to be used as a sensory room. This document outlines both the proposed enhancement measures and the methodology and implementation requirements for the site and must be implemented in accordance with the instructions set out below. This document will be submitted to Mid Sussex District Council as part of the planning application alongside the Statutory Biodiversity Net Gain Metric Tool¹ and associated Biodiversity Impact Calculation report².

The measures laid out within this document are to be issued to the client and all works contractors to ensure that they are carried out in full and in accordance with the methodologies described. Where applicable, implementation of this will be overseen by a suitably licensed ecologist.

1.2 Site Background

The site is located within a rural location between Staplefield and Balcolme, West Sussex, grid reference TQ 28767 29620. There are residential dwellings to the south of the site, with woodland to the east and north. The western boundary is adjacent to further scattered dwellings and arable fields. The site boundary is shown in Figure 1.

The proposed works comprise a single storey outbuilding in close proximity to the main dwelling to be used for agricultural storage, the plans for which are shown in Figure 2.

¹ Natural England. 2024. Biodiversity Net Gain Calculation Tool. HMRC.

² Libby Morris. 2024. Biodiversity Impact Calculation Report for Old Lodge, Brantridge Lane.

The Old Lodge, Brantridge Lane – Biodiversity Enhancement Strategy



Figure 1. An aerial image showing the location of the application site within the red boundary and the site of the proposed outbuilding in yellow. Images produced courtesy of Google maps (Map data ©2023 Google).

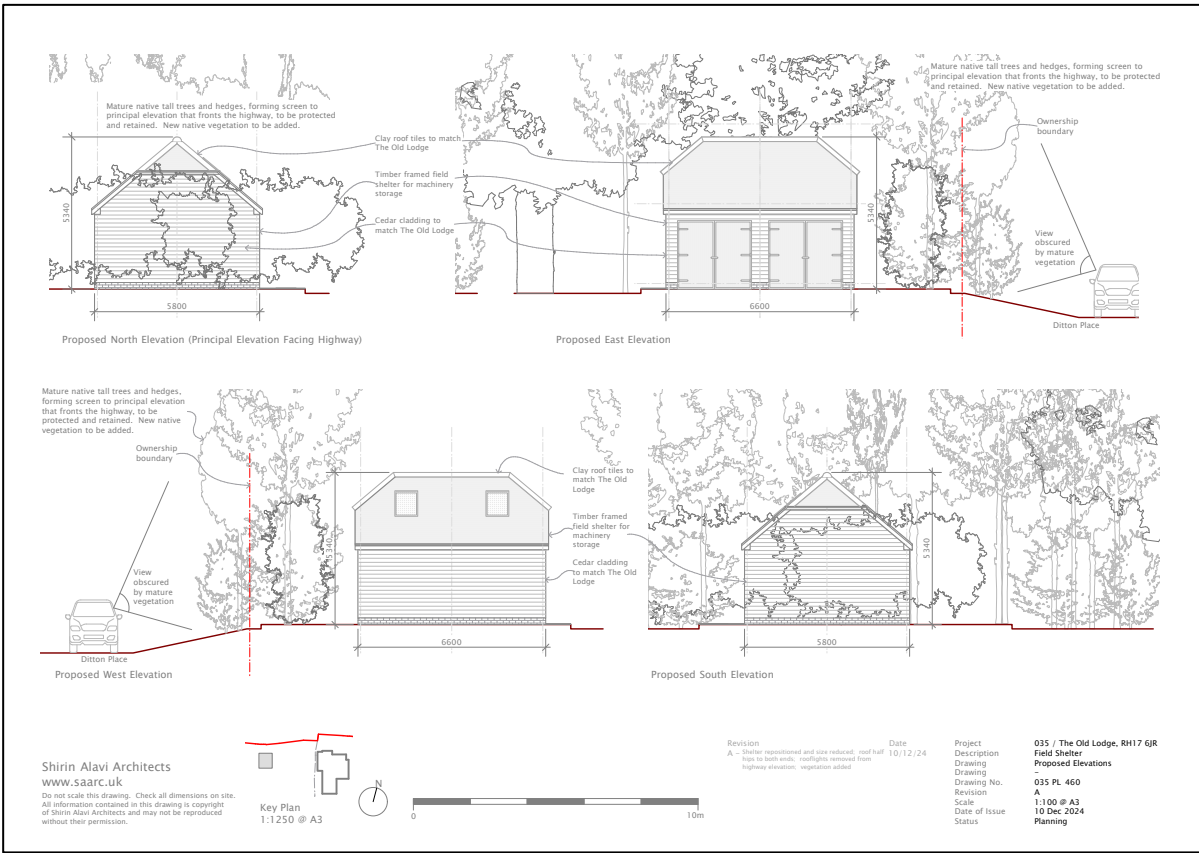


Figure 2. Proposed plans for a field shelter. Courtesy of work by Shirin Alavi Architects, 2024.

Alongside the application to be submitted to Mid-Sussex District Council, the client has agreed to the creation of an enhancement strategy which will uplift the biodiversity of the site in accordance with Statutory Biodiversity Net Gain legislation under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). These enhancement designs and methodologies are also incorporated within NPPF requirements and Policy DP38 of the Mid Sussex District Plan.

1.3 Management Plan

The aims and objectives for the landscape and biodiversity elements of this development project are as follows:

- Enhancement of grassland retention of vegetation around site boundaries to improve vegetation structure and pollinator-friendly planting
- Enhancement of treeline to compensate for loss of Ash (*Fraxinus excelsior*) due to Ash Dieback
- Implementation of native hedgerow within the application site
- Provide targeted and appropriate habitat enhancement features for bats
- Retention of dead wood in areas across the site

2. Proposed Enhancements

2.1 Overview

This enhancement strategy is designed to maximise the ecological value of the retained and created habitats within a given site including the high value site boundaries and linear features. These habitats provide foraging and breeding habitats for a wide range of protected species including bats, hedgehogs, amphibians and reptiles as well as allow opportunities for botanically diverse habitats to establish. Emphasis is also placed on built-up urban habitats to enhance these with opportunities for pollinating invertebrates. The enhancements within this document are in accordance with the National Planning Policy Framework (NPPF)³ which states in section 185:

³ HM Government (December 2023). National Planning Policy Framework. Department for Communities and Local Government. Available [online](#).

“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 biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation;

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.”

2.2 Current Habitats on Site

The site holds a residential dwelling in the north east section (Photograph 1), with an established treeline to the north along the site boundary, comprising native species Hawthorn (*Crataegus monogyna*), Field Maple (*Acer campestre*), Holly (*Ilex aquafolium*), Ash (*Fraxinus excelsior*) and Oak (*Quercus robur*) (Photograph 2). There had been some work undertaken recently on the Ash at the time of the survey and much of it had been removed due to Ash Dieback (*Hymenoscyphus fraxineus*) and placed in piles along the treeline boundary (Photograph 3). The majority of the site comprises close-mown, modified grassland within a garden setting (Photograph 4). The grassland is dominated by Perennial Rye-grass (*Lolium perenne*), White Clover (*Trifolium repens*), Broad-leaved Dock (*Rumex obtusifolius*), Spotted Medick (*Medicago arabica*), Creeping Buttercup (*Ranunculus repens*) and Greater Plantain (*Plantago major*). There is some evidence of grazing by deer within the sward and some areas of bare ground.

To the eastern boundary is a native hedgerow (Photograph 5) comprising Hawthorn, Hazel (*Corylus avellana*), Yew (*Taxus baccata*), Holly and Oak. Further south of this on the same boundary is a treeline comprising established, veteran and sapling Oak, Ash, Beech, Field Maple and Sycamore (*Acer pseudoplatanus*) trees.

The Old Lodge, Brantridge Lane – Biodiversity Enhancement Strategy



Photograph 1 (left). Site of proposed outbuilding in proximity to main residence



Photograph 2 (right). Treeline to north of site boundary



Photograph 3 (left). Site of proposed outbuilding with dead wood pile from Ash Dieback present



Photograph 4 (right). Site comprises mostly short grassland sward



Photograph 5 (left): Native hedgerow on north eastern boundary of property



Photograph 6 (right): Treeline on eastern boundary of property

2.3 Hedgerows and Treelines

The northern and eastern boundaries of the site are bordered by established treelines and hedgerows. Mitigation for any minor impacts of the development will be undertaken through the enhancement of the native treeline along the northern site boundary (Photograph 2; labelled as H1 in Figure 4). The recent felling of Ash trees due to dieback has left this treeline in poor condition, with a minimal shrub canopy and gaps within the treeline. The enhancement will comprise the planting of native tree species within the treeline to replace the lost trees, along with associated care of these individuals to ensure they establish.

To meet the uplift in hedgerow units as per the associated Biodiversity Impact Calculation report a native hedge will be planted adjacent to the westerly and northern boundaries of the proposed outbuilding (labelled H4 in Figure 3). This will add linear corridors within proximity of the existing treeline already present to the north of the building, further enhancing the habitat for breeding birds, foraging bats and pollinating invertebrates as well as mammal species.

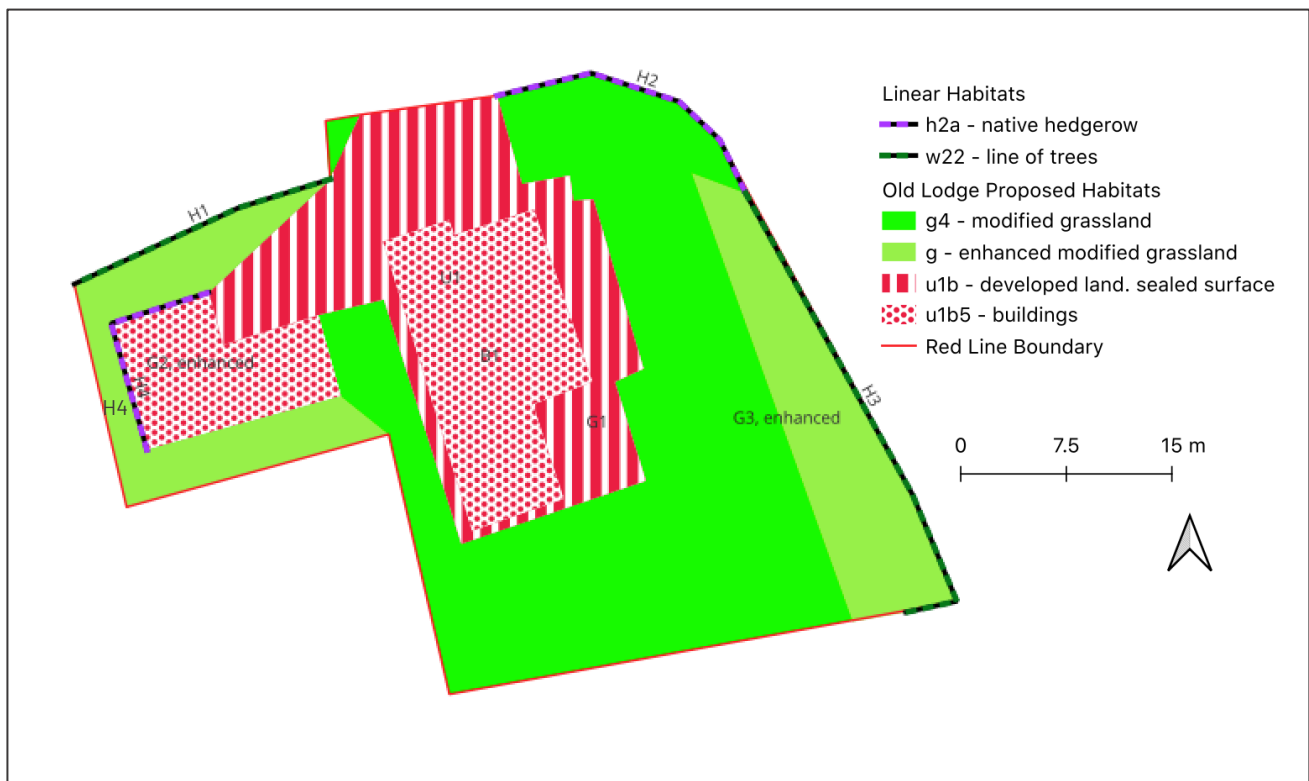


Figure 3: Map of proposed habitats according to UKHAB classification. Produced using QGIS. The northern treeline to be enhanced is labelled as 'H1' on the map; the proposed native hedgerow adjoining the proposed outbuilding is labelled 'H4'.

The enhanced treeline will comprise only native tree species and will not be Ash due to the presence of Ash Dieback. The trees will be planted like-for-like to replace those felled. Also within this treeline, as well as the newly-created hedgerow, will include at least four hedge trees per linear metre and comprise of at least 50% Hawthorn, Hazel, Oak or Holly, all of which are already present across the site. These species provide good hedge structure, maintain consistency with traditional hedges and are also more resistant to grazing animals, making the hedgerow more likely to successfully establish. In addition to the above, a mixture of at least three additional native woody species, selected from the species listed in [Appendix 1](#), will be included, with no single species making up less than 5% of the hedgerow composition.

All native species should be sourced from certified nurseries in the UK and, where possible, from locally-sourced seeds, as plants with localised origins are more likely to establish in soils in which they are already adapted, as well as flower at times synchronised to localised populations of pollinating invertebrates.

The presence of new hedgerows and the enhancement of the existing treeline to the north will aid in retaining current levels of bird activity on the site, as well as maintain the interconnectivity of the site to the wider landscape for species such as Hedgehog (*Erinaceus europaeus*), Badger (*Meles meles*) and bats. Given that the application site is 60 metres west of lowland mixed deciduous ancient woodland; a Biodiversity Action Plan Priority Habitat⁴, improving the connectivity across the application site is a valuable enhancement.

3.4 Grassland Enhancement

There are large open areas of species-poor modified grassland across the site which is mown regularly. To enhance the grassland and compensate for lost habitat, an unmown 'border' of the current sward to the north, south and west of the proposed outbuilding will be kept (Figure 4), starting adjacent to the northern treeline discussed in section 2.3 to continue the linear feature to the rear of the proposed outbuilding. Another area of enhanced modified grassland is to be implemented to the east of the site (Figure 5), with a mowing regime to be kept to

⁴BRIG (ed. Ant Maddock) 2008. UK Biodiversity Action Plan; Priority Habitat Descriptions. Available [online](#).

create transitional habitat between the treeline on the eastern boundary and the short sward used as lawn.



Figure 4 (left): Map of proposed habitats according to UKHAB classification. Produced using QGIS. Enhanced grassland to the rear of the building is shown in pale green.

Figure 5 (right): Map of proposed habitats according to UKHAB classification. Enhanced grassland to the east of the site is shown in pale green.

These areas of enhancement will be scarified with locally sourced seed being sourced, with disturbance being implemented using mowers to prevent competitive grasses dominating the plant community. Tall herbs such as Thistles (*Cirsium* sp.), Willowherbs (*Epilobium* sp.) and Docks (*Rumex* sp.) will be kept to encourage the presence of pollinating invertebrate species. No pesticides will be used on the areas of enhancement.

3.5 Roosting and Foraging Bats

The new dwelling is in close proximity to linear features used by bats for commuting and foraging. To create roosting potential within the proposed outbuilding, two bat roosting features will be implemented into the build during construction. If the roof structure allows for it then two bat access tiles such as the one shown in Figure 6 are to be installed into the southern aspect of the roof. If necessary, the roofing membrane will be cut directly

underneath the access roof tile to ensure accessibility. Alternatively, two bat boxes such as the Low Profile WoodStone Bat Box shown in Figure 7. are to be placed beneath the eaves on the eastern and western elevations. Locations for these are shown in situ in Figure 8.



Figure 6. (Left) Example of bat access tile, available from www.nhbs.com



Figure 7. (Right) Example of bat box, available from www.nhbs.com

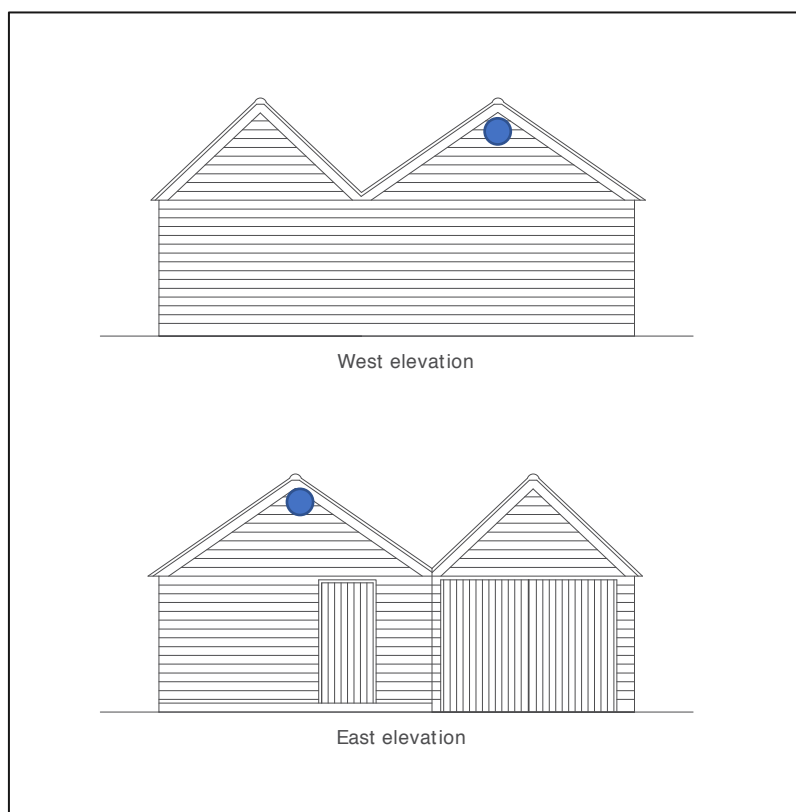


Figure 8. Locations for bat boxes on proposed plans shown with blue circles. Courtesy of Work By Here, 2024.

The habitat surrounding the site comprises primarily woodland which offers good foraging and commuting habitat for bats. Given the close proximity of the development to the ancient woodland habitat, artificial light sources will be kept to a minimum on all aspects of the property which are overlooking the ancient woodland. There will be no flood lighting on these elevations, and any necessary outdoor lights will comply with the artificial lighting guidelines and regulations in [Appendix 3](#).

3.6 Dead Wood

Deadwood invertebrates depend on decaying wood for at least one aspect of their lifecycle, and represent 20% of British fauna. They contribute to the decomposition of plant matter and promote nutrient cycling, increasing overall forest productivity and biodiversity. Dead wood observed over the site walkover on the 22nd of April 2024 from the felled Ash trees (Photograph 3) will be left to remain in areas with at least 50% shade and some areas of damp ground, as is any dead wood from the boundary trees that may occur in the future. The presence of dead wood will also create refuge for invertebrates such as Stag Beetle (*Lucanus*

cervus) which holds notable localised populations in this area, as well as amphibians and reptiles, including Common Toad (*Bufo bufo*).

3. Post Construction Management Plan

3.1 Hedgerows and Treelines

In the first five years the newly-planted trees within the northern treeline and hedgerow will be checked annually for signs of disease. If disease is identified advice will be sought from an arboriculturist regarding the appropriate method of treatment. Tree guards must also be used and inspected yearly for the first five years and then removed if planting is well established. Establishing saplings must be kept well-watered during extended dry periods in the first three years whilst they develop their root structures. Replacement planting, timed in the next planting season, will be required where the hedgerow shrubs fail to establish within the first five years.

Trees and shrubs will be allowed to grow to a height of at least 1.5m where possible within the hedgerow and longer within the treeline to the north. Hedge cutting is best carried out cutting one side of the hedge each year to create a varied structure, however it is appreciated that this management may need to include more regular cutting of trees and shrubs in some circumstances, such as where there is a risk to health and safety, or for maintenance of the ecological feature. Cutting of shrubs and trees must only be timed outside the bird nesting season (avoiding 1st March to 31st August). The hedges will not be cut until the month of February, so that valuable winter food associated with fruiting shrubs/trees is retained for over-wintering birds.

3.2 Grassland Enhancements

No pesticides will be used on the areas of grassland present on the site. These areas will be mown twice yearly with cuttings removed, the first cut between mid-July and September to mimic the pattern of hay meadow management, with 10-20% of the area in randomised locations left uncut to leave some flowering plants for pollinating invertebrates. The second cut will occur between October to December to remove late season growth with the cuttings

removed. By managing the grassland using the above methodology, a mosaic of height and plant structure within the grassland habitat will be created.

Invasive non-native species will be removed by hand if observed within these areas, but no further removal of any native plant species will occur. These areas will be watered during periods of drought where possible.

3.3 Roosting and Foraging Bats

The implementation of linear features as per this strategy will enhance the site for foraging and commuting bats as 'wildlife corridors'. The bat boxes placed on the house will be placed as high as possible on the appropriate elevations of the dwelling as per this strategy, with no further maintenance being required thereafter. The roof membrane will be cut beneath the bat access tile if required to ensure accessibility, with no further maintenance required thereafter.

3.4 Dead Wood

The dead wood already present on the site will be placed in areas which receive at least 50% shade daily to maximise potential for herptiles and invertebrates. Further materials will be added to the piles if and when required, with materials from woodland management utilised to create new ad-hoc log-piles within open space to provide further refuge opportunities.

4. Work Schedule

Table 1 below provides a summary of the timings of works to be undertaken as enhancements across the site on an annual basis.

Table 1. Annual work schedule.

Action	Timing of Works
Planting of hedgerows	Between September – January
Monitoring of hedgerows for signs of disease or invasive species	Monthly
Replacement planting of failed hedgerow planting	Between September – January
Mowing of grassland borders	Bi-annually; once in July-September and once in October-December
Implementation of bat boxes and bat tile	Outside of hibernation season during construction, to be undertaken by suitably qualified ecologist if required
Maintenance of dead wood	New piles and adding of material as required

5. Specifications of Works to be Undertaken

A site inspection must be undertaken by a suitably qualified ecologist following the implementation of prescriptions under this Biodiversity Enhancement Strategy to ensure compliance with this report.

All relevant works must be carried out by someone suitably qualified as follows:

- Installation of all wildlife boxes will be undertaken or overseen by a suitably qualified ecologist;
- initial and monitoring site inspections will be undertaken by a suitably qualified ecologist.

If any protected species are found during the proposed work, work should be stopped immediately, and an ecologist must be contacted immediately for advice.

APPENDIX 1: Landscape and Planting Design

Native hedgerow and tree species

Wayfaring-tree (*Viburnum lantana*)

Wild Privet (*Ligustrum vulgare*)

Purging Buckthorn (*Rhamnus cathartica*)

Guelder Rose (*Viburnum opulus*)

Spindle (*Eunonymus europaeus*)

Dog Rose (*Rosa canina* agg.)

Field Maple (*Acer campestre*)

Oak (*Quercus Robur*)

Hazel (*Corylus avellana*)

Beech (*Fagus sylvatica*)

Holly (*Ilex aquifolium*)

Hawthorn (*Crataegus monogyna*)

Native plant species

Herbs:

Rosemary – (*Rosmarinus officinalis*)

Caraway – (*Carum carvi*)

Hyssop – (*Hyssopus officinalis*)

English lavender – (*Lavandula angustifolia*)

Common sage – (*Salvia officinalis*)

Wild thyme – (*Thymus polytrichus*)

Fennel – (*Foeniculum vulgare*)

Chives – (*Allium schoenoprasum*)

Common mint – (*Mentha spicata*)

Wild marjoram – (*Origanum vulgare*)

Climbing plants:

Honeysuckle – (*Locinera periclymenum*)

Traveller's-joy – (*Clematis alba*)

Dog rose – (*Rosa canina*)

Tufted vetch – (*Vicia cracca*)

Broad-leaved sweet pea – (*Lathyrus latifolius*)

Hop – (*Humulus lupulus*)

APPENDIX 2 – Legislation and Best Practice

- **The Conservation of Habitats and Species Regulations 2017**

These regulations, referred hereafter as “the Habitats Regulations”, represent the primary method by which Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (the “Habitats Directive”) is transposed for England and Wales and their territorial seas. The Habitats Directive, in conjunction with the Birds Directive (Council Directive 2009/147/EEC) forms the basis for implementation of Europe’s nature conservation policy through both habitat and species level protection. The Habitats Directive requires the designation of strictly protected European sites known as Special Areas of Conservation (SACs). Together with the Special Protection Areas (SPAs) established by the Birds Directive, these collectively form the Natura 2000 Network of protected sites. The Habitats Directive also requires the strict protection of animals and plants of Community Interest listed under Annex IV. Habitat types requiring strict protection as SACs are listed under Annex I. The conservation of animals and plants listed under Annex II requires the designation of SACs. The Habitats Regulations require that public bodies must exercise their nature conservation responsibilities to ensure compliance with the Habitats Directive. These regulations also require the conservation of natural habitats and habitats of species through the selection, designation and notification of marine and terrestrial ‘European Sites’ to be afforded protection under the Habitats Directive. The habitats and species of European Importance are listed under Annexes I and II of the Habitats Directive. The regulations also contain provision for the appropriate management of these European Sites including the control of damaging operations, special nature conservation orders and restoration orders, for example. The Habitats Regulations afford strict protection to European Protected Species of animals under Schedule 2 and plants under Schedule 5. Offences (subject to certain exceptions) include the

deliberate capture, killing, disturbance or trade in these animals. Similarly plants listed under Schedule 5 are protected (subject to exceptions) from picking, collection, cutting, destruction or trade.

- **The Wildlife and Countryside Act 1981 (as amended)**

The Wildlife and Countryside Act 1981 (as amended) (WaCA) is still a leading mechanism for the legislative protection of wildlife and national parks across the United Kingdom. The WaCA draws on elements of pre-existing legislation and supports the Habitats Regulations in implementing the Bern Convention (1979) and Directive 2009/147/EC on the conservation of wild birds. Schedules within the WaCA provide a list of protected species and habitats, in addition to prohibited actions. It also contains measures for controlling invasive non-native species and amendments to a number of laws. Most notably within the scope of this report are Schedule 9 of the WaCA which lists non-native species that are already established in the wild and continue to pose a conservation threat to native biodiversity and habitats and stipulates that further releases should be regulated. Schedule 9 also includes some native species (for example, Barn Owl (*Tyto alba*)) in order to provide a level of control to ensure that releases, in particular re-introduction programmes, are carried out in an appropriate manner and biodiversity is properly safeguarded; and Schedule 14, which prohibits the introduction into the wild of any animal of a kind which is not ordinarily resident in, and is not a regular visitor to, Great Britain in a wild state, or any species of animal or plant listed in Schedule 9 of the WaCA.

- **The Natural Environment and Rural Communities (NERC) Act 2006**

The Natural Environment and Rural Communities Act imposes a Biodiversity Duty (S.40) on all public bodies to conserve biodiversity at both species and habitat levels (S40);

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

Section 41 of the Act requires the publication of a list of

“living organisms and types of habitat which in the Secretary of State’s opinion are of principal importance for the purpose of conserving biodiversity.”

The list generated under Section 41 of the Act contains a number of types of habitats and species of animal and plant that have the potential to be affected by development projects of

a range of sizes and impacts including lowland deciduous woodland, floodplains and calcareous grassland habitats.

The Act also establishes Natural England as the independent body to:

“ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development”.

943 species and 56 habitats of principal importance are included on the S41 list as guidance for public bodies on decisions that affect biodiversity.

- **The Hedgerow Regulations 1997**

On 1 June 1997, the Hedgerow Regulations came into force under section 97 of the Environment Act 1995 to address the dramatic decline in UK hedgerows. The regulations protect important hedgerows by limiting removal through a system of notification via local planning authorities. The regulations are aimed at countryside hedgerows in England and Wales;

Section 3.6: *“on or adjoining, common land, village greens, Site of Special Scientific Interest (which include National Nature Reserves, Special Protection Areas under the Birds Directive and Special Areas of Conservation under the Habitats Directive), Local Nature Reserves, or land used for agriculture, forestry or the breeding or keeping of horses, ponies or donkeys”*

Written permission is required from the local planning authority before the removal of any hedgerow over 20 metres and more than 30 years old. Hedgerows less than 20 metres long may also be considered if they form part of a continuous network of hedges.

The LPA will then either issue a Hedgerow Retention or Hedgerow Removal Notice within 42 days depending on whether they define the hedgerow as important or not based on the following criteria:

- “They have been in existence 30 years or more; and”
- “They satisfy at least one of the criteria set out in Part II of Schedule 1 of the Regulations.”

Exemptions to the Regulations fall into three categories:

- “small scale works;”
- “works approved under other procedures which ensure careful assessment and consideration of the impact on the local environment; and”

- “works authorised under other legislation which justify the removal of a hedgerow without first establishing its importance.”

It is an offence to remove a hedgerow subject to a retention notice, or to remove a hedgerow protected under the Hedgerow Regulations without first obtaining the required removal notice.

Updated regulations as part of the Hedgerow Regulations due in 2024 regulations will include a two metre ‘buffer strip’ from the centre of hedgerows with no cultivation or application of pesticides or fertilisers, and a hedge cutting ban between 1 March and 31 August to protect nesting birds. These updates are also to include over 90,000km of hedgerows being managed through 16,000 agreements in the government’s Countryside Stewardship and Sustainable Farming Incentive schemes, and more than 13,000km of hedgerows created or restored using Countryside Stewardship grants.

- **The UK Post-2010 Biodiversity Framework**

The UK Post-2010 Biodiversity Framework was published on 17 July 2012. It was produced by JNCC and Defra, on behalf of the Four Countries' Biodiversity Group (4CBG), through which the environment departments of all four governments in the UK work together. It covers the period from 2011 to 2020, and was developed in response to two main drivers: the Convention on Biological Diversity's (CBD's) Strategic Plan for Biodiversity 2011-2020 and its five strategic goals and 20 'Aichi Targets', published in October 2010; and the EU Biodiversity Strategy (EUBS), released in May 2011. The framework shows how the work of the four UK countries joins up with work at a UK level to achieve the 'Aichi Targets' and the aims of the EU Biodiversity Strategy. It identifies the activities required to complement the country biodiversity strategies, and where work in the country strategies contributes to international obligations. In total, 23 areas of work were identified where all the countries agreed that they wanted to contribute to, and benefit from, a continued UK focus.

The development of the framework reflects a revised direction for nature conservation, towards an approach which aims to consider the management of the environment as a whole,

and to acknowledge and take into account the value of nature in decision-making. The framework sets out the common purpose and shared priorities of the UK and the four countries, and, as such, is a hugely important document, which is to be owned, governed, and implemented by the four countries.

- **National Planning Policy Framework (NPPF)**

This framework acts as guidance for planning authorities (LPAs) in England to form Local Plan policies in favour of sustainable development as part of the government's reforms to increase the accessibility of the planning system and promote long term sustainable growth.

The framework states that "planning policies and decisions should contribute to and enhance the local environment" (paragraph 170).

Chapter 15 of the framework focusses on habitats and biodiversity. Specifically, paragraph 175 states:

"...when determining planning applications, local planning authorities should apply the following principles:

- *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"*
- *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 Scientific Interest (SSSI);*
- *development proposals whose primary objective is to conserve or enhance biodiversity should be supported;*
- *opportunities to incorporate biodiversity improvements in and around developments should be encouraged;*
- *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"*

The NPPF also states section 185 in regard to planning applications:

“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 biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; 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.”

- **Circular 06/2005: Biodiversity and Geological Conservation**

The Circular 06/2005 complements the NPPF by advising on how the law relates to planning and nature conservation in England, with particular reference to designated sites and protected species;

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision” (Paragraph 99).

However;

“developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.”

Part IV also reminds LPAs and developers that licences and mitigation measures may be required in addition to planning permissions if protected species are to be affected by the development

“The breach of protected species legislation can often give rise to a criminal offence”
(Paragraph 101).

- **Bats**

All British bats are “European Protected Species” (EPS) and listed on Annex II and Annex IV of the EC Habitats Directive. The Directive is transposed into UK law through the Conservation of Habitats and Species Regulations 2017. The following actions affecting bats are prohibited under the legislation:

- deliberate capture, injury or killing of a bat;
- deliberate disturbance of a bat and in particular disturbance which is likely to impair their ability:
 - to survive, to breed or reproduce, or to rear or nurture their young, or
 - in the case of animals of a hibernating or migratory species, to hibernate or migrate;
 - or to affect significantly the local distribution or abundance of the species to which they belong.
- damage or destruction of a breeding site or resting place;
- possessing, controlling transporting, selling or exchanging, or offering for sale or exchange any bat or any part of a bat or anything derived from one.
-

Bats are also afforded protection from intentional or reckless ‘disturbance’ by the Wildlife and Countryside Act 1981 (as amended). The deliberate or reckless obstruction of access to a structure or place used by bats for shelter and protection is also an offence under the Act.

- **Birds**

All wild birds in the UK are afforded protection under the Wildlife and Countryside Act 1981 (as amended). This protection includes killing, injuring or taking wild birds as well as taking, damaging or destroying bird nests in use or being built, and taking or destroying eggs. Birds listed under Schedule 1 of the Act are afforded additional protection from disturbance during nesting and offences relating to these birds are subject to special penalties. The nest sites of birds listed under Schedule ZA1 of the act are afforded strict, year-round protection even when the nests are not in active use.

- **Reptiles**

All species of native reptiles are protected against killing or injury under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). The Sand Lizard (*Lacerta agilis*) and Smooth Snake (*Coronella austriaca*) are further protected under The Conservation of Habitats and

Species Regulations 2017 and The Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019 against capture or disturbance and the places they use for breeding, resting, shelter and protection are protected from being damaged or destroyed.

- **Great Crested Newts**

The Great Crested Newt and its habitat are protected under the Wildlife and Countryside Act 1981(as amended) and The Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019. This legislation makes it an offence to deliberately kill, injure or capture a Great Crested Newt; deliberately disturb a Great Crested Newt; damage, destroy or obstruct access to a structure used for shelter or protection by a Great Crested Newt; or possess or transport a Great Crested Newt. Great Crested Newts are also afforded protection from intentional or reckless 'disturbance' by the Wildlife and Countryside Act 1981(as amended). The deliberate or reckless obstruction of access to a structure or place used by great crested newts for shelter and protection is also an offence under the Act. This applies to both aquatic and terrestrial habitat

- **Badgers**

Badgers and their setts are protected under the Protection of Badgers Act 1992 which makes it an offence to kill, injure or possess a badger; interfere with, damage or destroy a Badger sett including obstructing access to a badger sett; cruelly treat or harm a Badger; or disturb a Badger in a sett.

- **Otters**

Otters (*Lutra lutra*) and their resting places are protected under the Wildlife and Countryside Act 1981(as amended) and the The Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019. This legislation makes it an offence to deliberately kill, injure or capture an Otter; deliberately disturb an Otter in their breeding or resting places; damage, destroy or obstruct access to their resting or breeding places.

- **Water Voles**

Water Voles (*Arvicola amphibius*)are protected under the Wildlife and Countryside Act 1981(as

amended) from killing or taking by certain prohibited methods. Their breeding and resting places are fully protected from damage, destruction or obstruction; it is also an offence to disturb them in these places.

- **Common Dormouse**

Common dormice are protected under both The Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019 and the Wildlife and Countryside Act 1981(as amended). Dormice and their breeding sites and resting places are fully protected. Without a licence it is an offence for anyone to deliberately disturb, capture, injure or kill them. It is also an offence to damage or destroy their breeding or resting places, to disturb or obstruct access to any place used by them for shelter. It is also an offence to possess or sell a wild Dormouse.

- **White-clawed crayfish**

White-clawed Crayfish (*Austropotamobius pallipes*) are protected under Schedule 5 of the Wildlife and Countryside Act 1981(as amended) protecting them from harm, disturbance and capture without an appropriate licence. It is illegal to buy or sell White-clawed Crayfish whether alive or dead.

- **Invertebrates**

Three UK invertebrate species are protected under The Conservation of Habitats and Species Regulations 2017 and The Conservation of Habitats and Species (Amendment)(EU Exit) Regulations 2019; the Large Blue butterfly (*Phengaris arion*), Fisher's Estuarine moth (*Gortyna borelii*) and Little Ramshorn Whirlpool snail (*Anisus vorticulus*). It is an offence for anyone to deliberately disturb, capture, injure or kill them. It is also an offence to damage or destroy their breeding or resting places, to disturb or obstruct access to any place used by them for shelter. It is also an offence to possess or sell these species. Approximately 400 further invertebrate species are listed as 'Species of Principle Importance under Section 41 of the NERC Act.

- **Invasive Plant Species**

It is prohibited to plant or otherwise cause to grow in the wild any species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). The Environmental Protection Act 1990 also classifies certain invasive plants as controlled waste which must be disposed of safely at an appropriately licensed landfill site, in particular Japanese Knotweed (*Reynoutria japonica*). Under section 57 of the Anti-social Behaviour, Crime and Policing Act 2014, if an individual or an organisation fails to control an invasive plant species which is having a detrimental effect on the quality of life of those in the locality then a notice can be issued after a mandatory written warning has been served. Breach of this notice, without reasonable excuse, would be a criminal offence, subject to fixed penalty notice (a penalty of £100) or prosecution. On summary conviction an individual could be liable to a level 4 fine and an organisation could be liable to a fine not exceeding £20,000.

- **Definitions of Statutory and Non-Statutory Sites**

Name	Statutory/Non-statutory	Definition
SAC – Special Area of Conservation	Statutory	Strictly protected sites designated under the EC Habitats Directive, that will make a significant contribution to conserving habitats or species identified in Annex I and II of the Directive (as amended).
SPA – Special Protection Area	Statutory	Strictly protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds (as listed on Annex I of the Directive).
SSSI – Site of Special Scientific Interest	Statutory	SSSIs provide statutory protection for the best examples of the UK's flora, fauna, or geological or physiographical features.
NNR – National Nature Reserve	Statutory	NNRs contain examples of some of the most important natural and semi-natural terrestrial and coastal ecosystems in Great Britain. They are managed to conserve their habitats or to provide opportunities for scientific study.
LNR – Local Nature Reserve	Statutory	LNRs are declared and managed for nature conservation, and provide opportunities for research and education, or simply enjoying and having contact with nature.

Ramsar – Ramsar Site	Statutory	Ramsar sites are wetlands of international importance designated under the Ramsar Convention.
LWS – Local Wildlife Site SINC – Site of Importance for Nature Conservation	Non-statutory	Areas of land with significant wildlife value for the local area.
CWS – County Wildlife Site	Non-statutory	Areas of land with significant wildlife value for the county

APPENDIX 3 – Reducing Impacts of Artificial Light

External lighting has been proven to have a negative impact on foraging and commuting bats, as well as impact other nocturnal species such as invertebrates, birds and mammals such as Badger and Hedgehog. The Bat Conservation Trust has guidelines⁵ which should be referred to when designing lighting schemes for proposed developments. In areas where the introduction of lighting will have a significant impact on the surrounding environment such as rural locations it is recommended that an ecologist is consulted prior to a lighting scheme being designed. The key measures recommended by the guidelines are as follows:

- Avoid unnecessary exterior lighting where possible
- Maintain a balance between appropriate lighting levels and the impact that exterior lighting will have on wildlife
- Comply with existing legislative buffers and avoid lighting key habitats and features altogether.
- Avoid lighting key habitats and features altogether
- Comply with guidance on illuminance levels and buffers

⁵ Bat Conservation Trust and Institute for Lighting Professionals (2023) Guidance note 8. Bats and Artificial Lighting. Available [online](#)

It may be necessary to demonstrate that the proposed lighting will comply with any agreed light-limitation or screening measures set as a result of your ecologist's recommendations and evaluation. This is especially likely to be requested if planning permission is required. Baseline, pre-development lighting surveys may be useful where existing on or off-site lighting is suspected to be acting on key habitats and features and so may prevent the agreed or modelled illuminance limits being achieved. As a condition of planning, post-completion lighting surveys by a suitably qualified person should be undertaken and a report produced for the local planning authority to confirm compliance. Any form of non-compliance must be clearly reported, and remedial measures outlined. Ongoing monitoring may be necessary, especially for systems with automated lighting/dimming or physical screening solutions.

The Bat Conservation Trust recommends the following specifications for lighting on developments to prevent disturbance:

- Lighting spectra: peak wavelength >550nm
- Colour temperature: <2700K (warm)
- Reduction in light intensity
- Minimal UV emitted
- Upward light ratio of 0% and good optical control

APPENDIX 4 – Conditions of use

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