



**Monks Lake, Grange Road
Netley Abbey, SO31 5FF**

Ecological Assessment



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1.0 Summary

The proposals are to construct a replacement dwelling on the site. The site consists of a garden with existing house and outbuilding, these both have moderate bat roosting potential and therefore further bat emergence surveys took place and these recorded a single Common Pipistrelle roosting in the house. A European Protected Species licence will be required to demolish the house once planning permission has been granted and the new house will have features incorporated into it to compensate for the loss of the existing roosting features.

A large pond is located to the north of the house, this is unlikely to support Great Crested Newts as it is used for Carp fishing and is also well used by wildfowl. An old Swallow nest was recorded in the outbuilding, this will be demolished under ecological supervision and new features for nesting swallow will be included in the new design. A Construction Environment Management Plan will be in place to protect the pond and other features like the trees nearby.

If external lighting is planned, it will be pointed down to where it is needed and not up onto bat roosting areas or onto the surrounding trees and pond – one downlight will be used on site per building maximum. Features for roosting bats, nesting birds and invertebrates will be incorporated into the design, including incorporating features into the feature wall.

Additional measures have been set out to provide additional Net Gain for wildlife, this includes: A Wildlife pond, a woodland garden, a wildlife garden, a rain garden, a kitchen garden, an orchard and integrated wildlife features.

2.0 Introduction

Background

- 2.1 Peach Ecology was instructed in March 2023 to carry out an Ecological Assessment at Monks Lake, Grange Road, Netley Abbey SO31 5FF (central Grid Reference: SU 45582 09115). Site location is shown in **Appendix A**, with the existing aerial plan shown in **Appendix B**. This report has been produced to support the planning application to Eastleigh Borough Council for permission to construct a replacement dwelling, as shown in **Appendix C**. This report describes the existing ecology based upon the findings of a site visit, a protected species data search, a suite of bat emergence surveys and review of nearby planning applications; and local and national policies.

Description of site and surrounding area

- 2.2 The site is a garden with dwelling and garage. The garden is mostly laid to lawn with some shrubs and it leads down to a pond at the northern side, this is surrounded by trees. The pond is shared with other properties nearby and another pond to the west is connected to this pond – these ponds are used for fishing. The nearby dwellings all have good sized gardens with mature trees. The site is located approximately 0.5km to the east of the shore line of the Solent protected area. Westwood Nature Reserve consisting of large areas of woodland is located 100m north and the main area of Netley is located approximately 200m to the south.

Brief

- 2.3 To carry out an ecological appraisal of the site and inform the clients of any ecological implications associated with the current proposals.

3.0 Methodology

Desk Study

- 3.1 Ecological data relating to European Protected Species licenses from within 2km was gathered using Multi-Agency Geographic Information for the Countryside (MAGIC), a DEFRA-run website. The results of this are shown in **Appendix D**. Ordnance Survey maps and aerial images were assessed to check for other relevant data on notable habitats and species nearby, including wildlife corridors where the site connects into the surrounding area.

Site Assessment

- 3.2 An initial site assessment was conducted on 13th March 2023 by Davog McCloskey BSc (Hons) MCIEEM. Surveys employed techniques based on standard Phase I Habitat Survey methodology (CIEEM, 2016). Habitat types on and adjacent to the site were identified according to standard habitat definitions (UKHabs). The collection of botanical information focused on the dominant and key indicator species for each habitat type. The site survey included an assessment of the habitats immediately adjacent to the site, where possible, to look at its value within the local landscape. Indicative methodologies for the most likely protected and notable species that could occur on site and be impacted by the proposals are set out below.

Bats

- 3.3 The buildings were surveyed externally and internally in accordance with current bat survey guidance (BCT, 2016) for roosting features that could support bats. Externally, the structures were checked for entrance points that would allow access for bats, including gaps under roofing sheets and at the sides, internally the buildings were searched for bats and signs of bats including droppings and urine marks. The search took place from ground level outside the building and inside the building. Trees and shrubs being removed were also checked for holes, rotten sections, flaky bark or crevices where bats could roost.
- 3.4 Three bat emergence surveys took place, these were all dusk surveys. The dusk surveys started at least 15 minutes before sunset and continued until 1.5 hours after sunset. 2 surveyors were present at each of the surveys, positioned to give good coverage of possible access points on each of the buildings. Each surveyor was equipped with a hand-held Elekon Bat Logger M bat detector/recorder and infrared cameras. Details on the environmental conditions were taken at the time of survey. Davog McCloskey (Licence number 2015-11951-CLS-CLS) was present at two of the surveys, along with other experienced bat surveyors.

Birds

- 3.5 Any habitat features, for example, scrub, trees, hedgerows and buildings which could potentially be used by nesting birds, were surveyed and any nesting activity was noted.

Great Crested Newts

- 3.6 Any ponds on site and within the vicinity of the site were noted and the potential of the land to act as a commuting route, shelter or foraging resource for great crested newts (GCN) was assessed. Nearby planning applications¹ were reviewed to determine if GCN are present in the local area.

Otters and Water Voles

- 3.7 The site and nearby waterbody were searched for signs of these species including spraints, droppings, lawns etc and the sites connectivity to more suitable habitat was assessed on site and by a desktop search.

¹ Land adjoining the Hermitage, Grange Road, Netley Abbey, SO31 5FF & Abbey Fruit Farm, Grange Road, Netley Abbey, SO31 5FF

4.0 Results and Discussion

Desk study

Designated sites

- 4.1 There are several statutory protected sites within 2km:
- Westwood Woodland Park Local Nature Reserve (LNR) is located less than 100m to the north of the site. The LNR is a mix of natural habitats including ancient woodlands and rolling grasslands which covers 150 acres next to the Netley Abbey. There are some other areas of ancient woodland within 2km also.
 - Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI) is located less than 1km to the south-west. The site comprises extensive intertidal muds with a littoral fringe of vegetated shingle, saltmarsh, reedbed, marsh grasslands and deciduous woodland on alluvium, valley gravels (Hamble Common), and Bracklesham Beds (Hook Links). The site is an integral part of Southampton Water which is of international importance for over-wintering dark-bellied geese, and of national importance for three species of wildfowl (great-crested grebe, teal and wigeon) and five species of wader (black-tailed godwit, dunlin, grey plover, ringed plover, redshank).
 - Solent and Southampton Water Ramsar, Special Protection Area (SPA), Solent Maritime Special Area of Conservation (SAC) is located to the west. Comprised of estuaries and coastal habitats such as intertidal flats, saline lagoons, shingle beaches, reefs, saltmarsh, woodland, grazing marsh and reedbeds. It supports important numbers of overwintering bird species and has large populations of rare invertebrates and plant species.
- 4.2 The development site is separated from these sites by the existing network of residential properties and land which surround the site on all sides therefore there is unlikely to be a direct impact of the proposals, which are for a replacement dwelling, on these designated sites. It is still important that the proposals follow appropriate pollution prevention and drainage guidelines. The habitats and flora associated with the protected areas are sensitive to changes in water levels and quality cumulatively, from different impacts locally.

Site and Species Assessment

Habitats

- 4.3 Habitats recorded within the site boundary and impacted by the proposals:
- Structures
 - Garden
 - Pond

Structures

- 4.4 There are two structures on site impacted by the proposals, the main dwelling (photo 1) and the outbuilding (Photo 2). The main dwelling is two storey and this has been converted and extended over the years. It has fake slate tiles and bitumen felt on the roof and is brick built. There is bitumen felt beneath the slates. There are dormer windows on the roof and a flat roof balcony section. The outbuilding is brick built with

slates on the roof and some solar panels. It has bitumen felt inside and there is a small attic area with scissor trusses that is open to the rafters.



Photo 1: The main dwelling, southern aspect



Photo 2: The Outbuilding

- 4.5 The buildings will be demolished and the new buildings will have a similar footprint. The new buildings will have features for roosting bats and nesting birds, and other wildlife installed into their fabric, providing an enhancement at the site level.

Garden

- 4.6 The garden (Photo 3) surrounding the house is mostly lawn with occasional ornamental shrubs within the grass and at the borders. The proposals will result in the loss of some shrubs including a holly, some laurel, two apple trees and a cherry. The new proposed house will have a similar footprint and there are new landscaping proposals for the garden which will provide a Biodiversity Enhancement, these include a new pond, an orchard, a wildlife garden, kitchen garden and a rain garden. New trees will be planted to compensate for the loss of the apple and cherry trees.



Photo 3: The garden looking south towards the house from the pond

Pond

- 4.7 A large pond (Photo 4) measuring approximately 0.4 Hectares is located to the north of the house, this is used as a fishing pond and it has been fairly recently stocked with Carp. The pond has shared ownership with other residents surrounding it and some of these have jetties. The pond has trees and shrubs around nearly all of its perimeter and there are very little macrophytes present. Wildfowl were present at the time of survey, these were Mallards. The pond to the west is used for fishing also. The
- 4.8 A HSI Assessment was undertaken of the pond, this is discussed later.



Photo 4: The Pond

Bats

Desk study

- 4.9 One European Protected Species licence has been granted within 2km of the site:
- 2020-45299-EPS-MIT approximately 0.5km to the east for Brown Long-Ear
- 4.10 The local area has importance to bats for foraging and commuting due to the location of the site near to woodland and ponds. The boundaries and the pond especially need to be protected from light spillage associated with any external lighting on buildings or roads as these areas have high value for commuting and foraging bats – a light plan will need to be agreed as a condition of planning.

Buildings

- 4.11 The main dwelling has one access point suitable for bats at the base of the chimney to the front of the house by some lifted lead and the outbuilding has some rotten soffits leading to crevices where bats could roost and/or birds could nest. There were no signs of roosting bats in the building but there were the remains of an old swallow nest.
- 4.12 Both buildings were classed as having low to moderate potential for roosting bats and therefore further survey work will be required to ascertain the status of the building to bats so that appropriate mitigation can be designed in if necessary.

Site foraging and commuting habitat

- 4.13 The site, although small, is likely to make a contribution to bat foraging and commuting habitat locally especially around the mature trees and pond. These features will need to be protected from light spill associated with external lighting.

Phase 2 bat surveys

- 4.14 Table 1 below shows a summary of the conditions, equipment, and personnel present during the bat survey.

Survey Date	Survey type	Surveyors	Equipment used	Duration	Weather	Sunset /sunrise time
10 th May 2023	Dusk	GL, JH	Elekon X 2 + 3 x Infrared cameras and lights	2026 - 2211	5% cloud cover, wind force 0, no rain, 13°C at start of survey and 10°C at end	2041
24 th May 2023	Dusk	GL	Elekon X 2 + 2 x Infrared cameras and lights	2045 - 2230	0% cloud cover, wind force 0, no rain, 18°C at start of survey and 17°C at end	2100
13 th June 2023	Dusk	DM	Elekon X 2 + 3 x Infrared cameras and lights	2045 - 2250	0% cloud cover, wind force 1, no rain, 23°C at start of survey and 18°C at end	2120

Table 1 – Phase 2 bat survey details

- 4.15 During the first survey a common pipistrelle was recorded emerging from the roof of the main house on the southern aspect, the exact location was not confirmed although it appeared to come from where the dormer meets the roof or from under a ridge tile. At the end of the survey some time was spent surveying bats foraging above the pond,

bats recorded included Common and Soprano Pipistrelle, and A Serotine and a likely Daubenton's.

- 4.16 During the second survey a Common Pipistrelle was recorded emerging from the front (southern aspect) of the property from behind the solar panel on the roof at 2122. During the survey higher levels of bat activity were recorded compared to the first survey, regular Serotine activity was recorded for a period and also Soprano and Common Pipistrelle were recorded regularly foraging and commuting, occasional Pipistrelle social calls were recorded. Bats were recorded foraging around the property, around the garden and at the end of the survey bats were recorded foraging over the pond regularly. A single Myotis species was recorded and a Brown long-eared bat was recorded at 2209, both of these were recorded to the north of the property.
- 4.17 During the third survey no bats were confirmed roosting. Common and Soprano Pipistrelle were recorded foraging/commuting along the western boundary of the site, along the tree belt. Serotine were recorded along the woodland edge at this location also.
- 4.18 The dwelling is used as a summer roost by a small number of common species of bats, Common Pipistrelle. This is the only building being impacted with a bat roost present, the garage did not show signs of roosting bats although it has some potential at the gable to the north. A European Protected Species licence will be required to demolish the existing house and new features for crevice dwelling bats will be incorporated into the replacement dwelling.
- 4.19 There are opportunities to enhance bat roosting habitat on site as the existing roosts are in a poor state. There are also opportunities to use landscaping to enhance the site for bats by making the existing flight lines better and by providing additional foraging habitat.

Birds

- 4.20 An old swallow nest was recorded in the outbuilding, this was not recent and was from at least a couple of years before. No birds or evidence of any other birds were recorded in the buildings during the assessment. Birds were recorded nearby and flying over the site and these included: Collared Dove, Wood pigeon, Blackbird, Great tit, Dunnock, Robin and Blue tit, four Mallard were recorded on the pond. The fruit trees and shrubs to be removed have some nesting potential and these are proposed to be removed. This will need to be done under ecological supervision or done outside of the bird nesting season. The loss of any woody vegetation and trees will be mitigated on site with new tree and hedgerow planting. Incorporating nest boxes for birds into the proposals is a simple enhancement in line with local and national planning policy guidance. The swallow box can be installed to the exterior of the new garage as high as possible.

Amphibian

- 4.21 Great Crested Newts (GCN) are not known to be present in the wider area. The pond on site is stocked with Carp for fishing, it has relatively little macrophytes and is well used by Wildfowl so it is unlikely that it is used by GCN. A HSI Assessment was undertaken of the pond (Table 1) and this found the likelihood of GCN being present to be 'Poor'.

HSI Criteria	Pond 1
Location	1
Pond Area	0.8
Permanence	0.9
Water Quality	0.67
Shade	0.4
Waterfowl	0.67
Fish	0.01
Pond Count	0.95
Terrestrial Habitats	0.67
Macrophytes	0.4
HSI Score	0.4
Suitability	Poor

Table 1: HSI Assessment of pond to the west

- 4.22 Two planning applications for sites within 1km along Grange Road also scoped the pond out, with it not requiring any further survey. The project at the Hermitage undertook an eDNA survey of a pond at SU 45784 09396 in 2018 and this was Negative for GCN. This pond is located over 300m to the north-east and was scoped out of further survey for the development at Monk's Lane.

Otter and Water Vole

- 4.23 The pond to the north of the site is unsuitable for Water Voles due to the lack of suitable vegetation at the perimeter and there were no signs of this species. There were no signs of Otter in the areas of the lake surveyed and although the pond is not well connected to any streams or rivers it is impossible to rule the species out. There were no signs of any holts nearby in areas impacted by the proposals.

5.0 Requirements and Recommendations

Birds

- 5.1 Vegetation removal and building demolition will need to take place outside of the bird nesting which runs from 1st March – 1st August inclusive to ensure nesting birds are not harmed. Alternatively this can be done under ecological supervision.
- 5.2 A house sparrow box will be incorporated into the fabric of the garage.
- 5.3 4 swift nest boxes and 2 standard bird boxes will be built into the fabric of the new wall around the courtyard (Appendix E). A swift call speaker will be left on site during summer when house is being constructed as a way of encouraging swifts to use the boxes.
- 5.4 The garage or house will have a feature created for nesting swallows.

Bats

- 5.5 A European Protected Species mitigation license will be required for the proposed demolition of the main dwelling. This can only be granted once planning permission is in place.
- 5.6 4 1f bat boxes or a similar style will be erected on a retained tree or prior to any work on the buildings to act as temporary mitigation.
- 5.7 The removal of any roof features, the dormers, timber, lead flashing or brick on the main dwelling and the garage will need to be carried out by hand, under the supervision of a trained ecologist who will be present to ensure that no bats are disturbed or harmed during the process. The licensed ecologist will oversee the demolition of all the buildings on site and site workers will be instructed on a method statement beforehand.
- 5.8 The new buildings will have bat roost features included in them as shown in Appendix E. This will include four crevice features installed into the fabric of buildings at different aspects.
- 5.9 All buildings will use bitumen 1f style roofing felt under tiles. No breathable membrane will be used in any of the buildings.
- 5.10 The site will be monitored during construction to ensure bat features are installed correctly.
- 5.11 Lighting design will need to be considered to avoid: new roosting features; landscaped and boundary trees; the proposed bat roosting features; and the pond. LED downlighters will be used if external lighting is necessary on site with a maximum of one down light per house.

Invertebrates

- 5.12 Four invertebrate bricks will be located in the fabric of the new wall as high as possible.

Pollution prevention and drainage

- 5.13 It is important that the proposals follow appropriate pollution prevention guidelines (PPG 6) and drainage guidelines (Defra guidelines for Sustainable Urban Drainage) to protect watercourses, ponds, groundwater and other habitats connected hydrologically to the site.
- 5.14 Suitable heras or high visibility fencing will be installed at least 5m from the pond to prevent contractors or builders causing any disturbance or damage.

Landscaping

- 5.15 It is important that new landscaping is diverse and structured to ensure there is no loss in biodiversity – a landscape plan will need to be reviewed by an ecologist – the Landscape Plan will be provided as a condition of planning. This will include a:
- Wildlife pond
 - Woodland Garden
 - Wildlife Garden
 - Rain Garden
 - Kitchen Garden
 - Orchard
- 5.16 At least 10 new trees including native and fruit trees (apple, pear, cherry etc) will be planted on site.
- 5.17 Any new garden or boundary fencing will need to allow the movement of hedgehogs and reptiles at ground level by leaving out barge boards or leaving gaps at least 100mm wide by 100mm high between any neighbouring gardens and between each garden and the outside of the site.
- 5.18 Appropriate tree fencing will need to be erected prior to construction to protect any retained trees and hedgerow during construction. All construction works taking place in the vicinity of retained vegetation, and particularly those close to existing buildings, should conform to British Standards. A construction management plan will need to be set out with these protected areas and features clearly identified.

Construction Environment Management Plan

- 5.19 A Construction Environmental Management Plan (CEMP) will be compiled to mitigate for any construction phase impacts, which can be secured under planning condition. This will cover dust, noise, vibration, lighting and site clearance and ditch protection.

Appendix A: Site Location



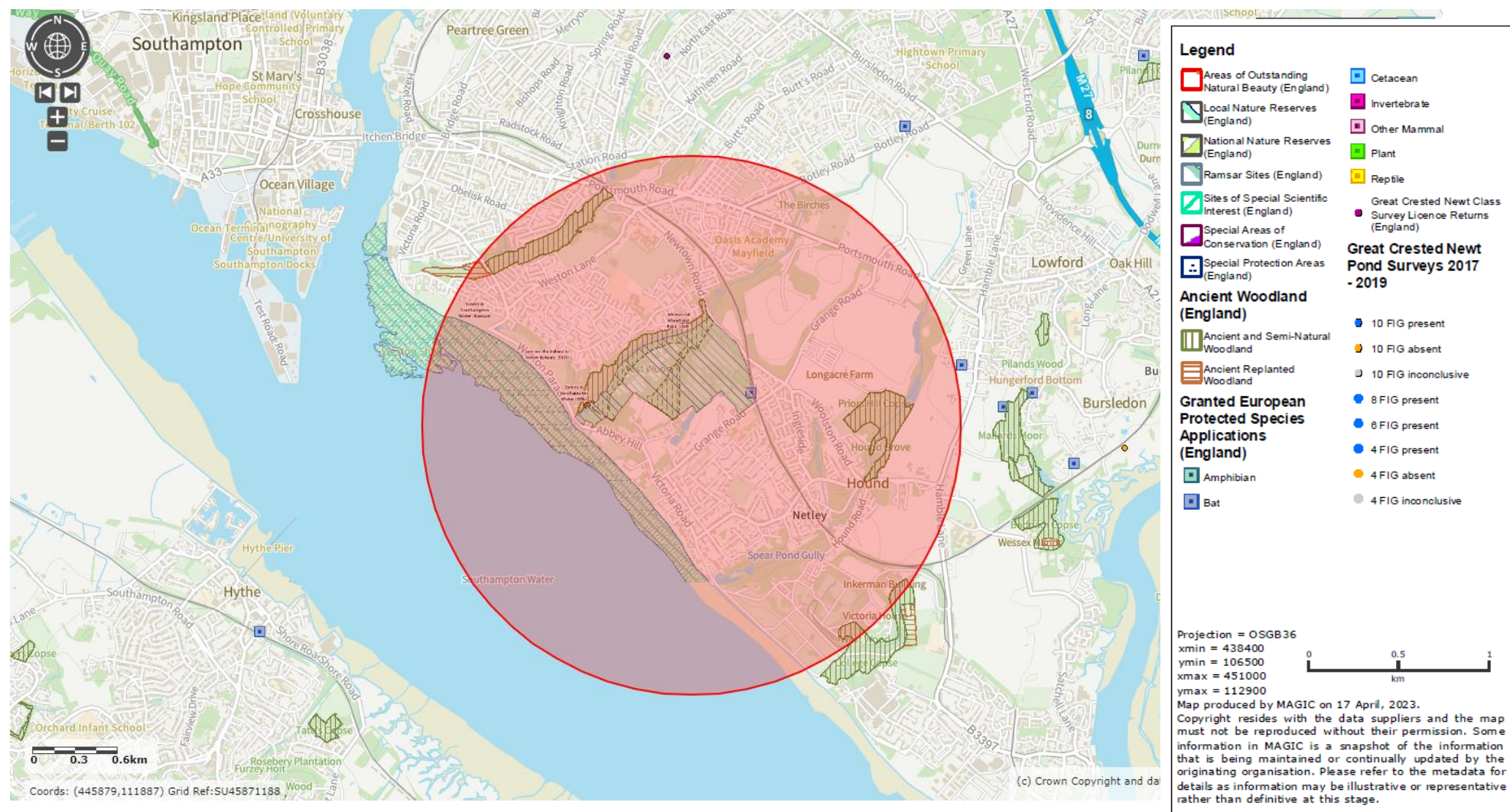
Appendix B: Existing Aerial



Appendix C: Proposed Plans



Appendix D: European Protected Species Licence Data Within 2km



Appendix E: Mitigation and Enhancements

Pond to be protected during construction with an exclusion zone of at least 5m

External lighting will be avoided or if necessary will be directed down, away from boundary trees and pond

Woodland Garden

Wildlife Garden

Rain Garden

Wildlife pond

Kitchen Garden

Orchard

Location of integrated bat roosting features (or similar integrated box). These can be rendered over or can have a brick front as long as access is possible to the cavity.



4 x Swift box



House Sparrow Box



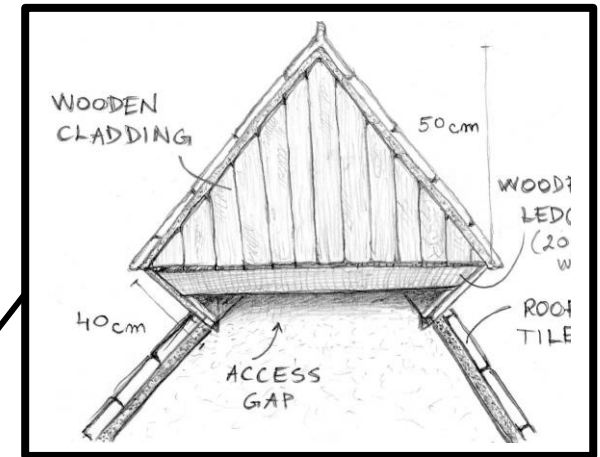
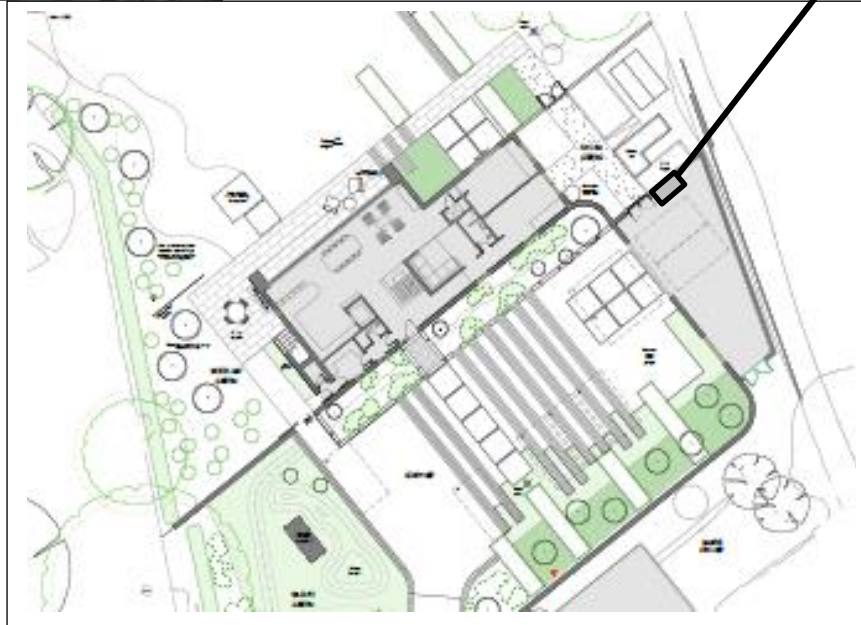
2 x Standard bird box



4 x Invert/Bee Bricks

At least 10 new native trees planted on site, at boundaries or within gardens. These can be apple or other fruit trees

Swallow Mitigation



Appendix F: Protected Species Legislation

Amphibians

Natterjack toad, pool frog and great crested newt are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). They are also afforded additional protection under the Wildlife and Countryside Act 1981 (as amended).

Natterjack toad, common toad, great crested newt and northern pool frog are also Species of Principal Importance (SPIs).

Reptiles

Smooth snake and sand lizard are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). They are afforded additional protection under the Wildlife and Countryside Act 1981 (as amended).

Adder, grass snake, common lizard and slow-worm are all protected from killing and injury under the Wildlife and Countryside Act 1981 (as amended). All UK reptile species are SPIs.

Birds

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). This includes damage and destruction of their nests whilst in use, or construction. Species listed under Schedule 1 of the Act, such as barn owl, are afforded protection from disturbance during the nesting season.

The following 50 bird species are SPIs: lesser redpoll, aquatic warbler, marsh warbler, skylark, white-fronted goose, tree pipit, scaup, bittern, dark-bellied brent goose, stone-curlew, nightjar, hen harrier, northern harrier, hawfinch, corncrake, cuckoo, Bewick's swan, lesser spotted woodpecker, corn bunting, ciril bunting, yellowhammer, reed bunting, red grouse, herring gull, black-tailed godwit, linnet, twite, Savi's warbler, grasshopper warbler, woodlark, common scoter, yellow wagtail, spotted flycatcher, curlew, house sparrow, tree sparrow, grey partridge, wood warbler, willow tit, marsh tit, dunnoek, Balearic shearwater, bullfinch, roseate tern, turtle dove, starling, black grouse, song thrush, ring ouzel and lapwing.

Birds are also categorised according to their level of conservation concern indicated by their population status and stability. These are known as the Birds of Conservation Concern (BoCC4), Red, Amber and Green lists (Eaton et al, 2015). Where red and amber species are present, their conservation status should be considered in determining the likely impacts of proposed projects and plans.

The conservation status of birds recorded during the survey was assessed against the following criteria:

- EC Birds Directive 2009 Annex 1,
- Wildlife and Countryside Act 1981 (As Amended) Schedule 1, (Table 1, WCA1)
- Natural Environment and rural communities (NERC) Act 2006 – Section 41
- Red and Amber lists of Birds of Conservation Concern in England (BoCC4)

Badger

Badger is protected under the Protection of Badgers Act 1992. Under this legislation it is an offence to kill or injure a badger; to damage, destroy or block access to a badger sett; or to disturb badger in its sett. The Act also states the conditions for the Protection of Badgers licence requirements.

Bats

All bat species are protected under the Conservation of Habitats and Species Regulations 2017 (as amended), as detailed above. Bats are further protected under the Wildlife and Countryside Act 1981 (as amended), making it an offence to:

- Deliberately or recklessly damage or destroy any structure or place which bat(s) use for shelter or protection.
- Disturb bat(s) while occupying a structure or place which it uses for shelter or protection.
- Obstruct access to any structure or place which they use for shelter or protection.

Furthermore, seven bat species are SPIs, covered under Section 41 of the NERC Act 2006. These include western barbastelle, Bechstein's, noctule, soprano pipistrelle, brown long-eared, lesser horseshoe and greater horseshoe.

Hazel dormouse

Hazel dormouse is protected under the Conservation of Habitats and Species Regulations 2017 (as amended). It is afforded additional protection under the Wildlife and Countryside Act 1981 (as amended), including obstruction to a place of shelter or rest.

Hazel dormouse is also a SPI.

Hedgerow

Under the Hedgerows Regulations 1997 it is against the law to remove or destroy certain hedgerows without permission from the LPA, which are also the enforcement body for offences created by the Regulations. LPA permission is normally required before removing hedges that are at least 20 m in length, more than 30 years old and contain certain plant species. The authority will assess the importance of the hedgerow using criteria set out in the regulations. The regulations do not apply to hedgerows within the curtilage of, or marking a boundary of the curtilage of, a dwelling house.

Hedgerow is a Habitat of Principal Importance (HPI).

Other mammals

West European hedgehog, brown hare, mountain hare, pine marten, harvest mouse, polecat and red squirrel are all SPIs.

The following mammals are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended): wildcat, brown hare (Schedule 5A), mountain hare (Schedule 5A), pine marten and red squirrel.

Non-native invasive plant species

Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) is a list of non-native plant species for which Section 14 of the Act applies. It is an offence to plant, or otherwise cause to grow in the wild species listed under Schedule 9 of the act. These include, but are not limited to:

- Himalayan balsam
- Cotoneaster sp.
- Japanese knotweed
- Giant hogweed

Habitats of Principal Importance

Section 41 of the NERC Act 2006 details 56 HPis, of which the following could be present in south-east England: Lowland calcareous grassland, Lowland dry acid grassland, Lowland meadows, Lowland Heathland, Open Mosaic Habitats on Previously Developed Land, Lowland fens, Lowland raised bog, Reedbeds, Lowland beech and yew woodland, Lowland mixed deciduous woodland and Wet woodland.

Impacts to HPI are of material planning consideration.

Ancient woodland and veteran trees

The NPPF 2021 states that 'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'. In addition, Natural England's standing advice for ancient woodland indicates that a 15 m buffer is retained between ancient woodland and any works or development. Ancient woodlands, and ancient and veteran trees, may also be protected by Tree Preservation Orders.

National Planning Policy Framework (2021)

Details the Government's planning policies for England and how these should be applied, particularly to contribute to the Government's commitment to halt the decline of biodiversity. When assessing planning applications, LPAs should have regard to conserving and enhancing biodiversity by applying a number of principles, including:

- Avoiding impacts to biodiversity through appropriate site selection.
- Mitigating residual impacts.
- Encouraging the preservation and enhancement of biodiversity.
- Preventing the development of protected sites, such as SSSIs.
- Refusing permission where habitats that cannot be recreated, such as ancient woodland, would be lost.
- Encouraging good design that limits light pollution.
- Relevant paragraphs in the NPPF (2021) are detailed below.

Paragraph Number	Detail
174	"Planning policies and decisions should contribute to and enhance the natural and local environment by...minimising impact on and providing net gains for biodiversity" Protection of sites of biological values Preventing new and existing development from adverse impacts to soil, air, water or noise Development should help improve local conditions
175	Maintenance and enhancement of networks of habitats and green infrastructure; plan for the enhancement of natural capital at a catchment or landscape scale
179	"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."
180	"When determining planning applications, local planning authorities should apply 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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate."
181	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 sites⁶⁴; 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.
185	"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: ... c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

Environment Act (2021)

The Environment Act (2021) achieved Royal Assent in November 2021.

The Environment Act (2021) makes a provision for biodiversity net gain to be a condition of planning permission in England, however, it is not anticipated that a 10% biodiversity net gain will be mandatory until 2023. When it does become mandatory,

planning applications will need to demonstrate a 10% biodiversity net gain can be met. A biodiversity net gain plan must be submitted and must include:

- a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat
- b) the pre-development biodiversity value of the onsite habitat,
- c) the post-development biodiversity value of the onsite habitat,
- d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
- e) any biodiversity credits purchased for the development.

It should be noted however, that the NPPF (2021) as set out below on does require a project to provide a measurable net gain for biodiversity.

Countryside and Right of Way Act 2000

Amends and strengthens the Wildlife and Countryside Act 1981 (as amended). It also details habitats and species for which conservation measures should be promoted.

Natural Environment and Rural Communities Act 2006

Section 40 of the Act places a duty on local planning authorities to conserve and enhance biodiversity in England whilst carrying out their normal functions. Section 41 comprises a list of Habitats of Principal Importance (HPIs) and Species of Principal Importance (SPIs) which should be considered.

The LPA will need to have particular regard to any relevant local nature recovery strategies, and any relevant species conservation strategy or protected site strategy prepared by Natural England.

Hedgerows Regulations 1997

Under these regulations it is an offence to intentionally or recklessly remove, or cause or permits another person to remove, a hedgerow. Important hedgerows are defined in Section 4 of the Regulations. This includes hedgerows that have existed for over 30 years or satisfies at least one criteria listed in Part II of Schedule 1.

Wild Mammals (Protection) Act 1996

Under this act wild mammals are protected from the intentional unnecessary suffering by crushing and asphyxiation.

ODPM Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System (2005)

The Government's Office of the Deputy Prime Minister (ODPM) Circular 06/05 (ODPM 2005) presents the legal requirement for planning authorities with regard to statutory designated sites. Planning approval should not be granted where impacts to statutory designated sites that are not connected to the site maintenance for nature conservation, or will have a significant effect on the site's conservation objectives and/or affect the site's integrity. Permission may be granted if the proposed development overrides public interest.

The presence of a protected species is a material planning consideration. The Circular clearly outlines that 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 planning permission is granted. Otherwise, all relevant considerations may not have been addressed in making the decision.