



**Land at Winchester Rd, Fair Oak,
Eastleigh, SO50 7HD**
Ecology Assessment

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1.0 Summary

The proposal is for a car lot at the site, the site is currently used commercially so there are only some minor changes, this will include the removal of some of the temporary buildings. There will be no loss of vegetation on site.

A Biodiversity Net Gain assessment is not required as it is below the threshold - *A development that does not impact a priority habitat and impacts less than: 25 square metres (5m by 5m) of on-site habitat and less than 5 metres of on-site linear habitats such as hedgerows.*

The site consists of mixed hard surfaces including concrete, gravel, tarmac and paving. There is a small commercial building, several small associated brick-built buildings and a temporary building as well on site. A small strip of ornamental planting, ornamental hedgerow and amenity grassland is located at the boundary of the site as it slopes down to Winchester Road. The site is surrounded by mature trees to the north, west and east. The boundary trees are connected into the nearby hedgerows and woodland which surround the site within 500m in all directions.

No evidence of roosting bats or nesting birds was noted in any of the buildings on site either being removed or retained, they have negligible potential. The surrounding mature trees, although not on site can potentially be impacted by any resurfacing proposals or by any new lighting. These have: high nesting value; may be used by Dormice; will be used by nesting birds; and will be used by bats to roost, commute and forage along.

The site is within a NatureSpace Red impact zone however the proposals will have no impact on vegetated habitats, ponds or Great Crested Newts (GCN), therefore the scheme can proceed without the need for a Licence for GCN.

There are no major ecological implications associated with the proposals however there are opportunities to provide enhancements in line with local and national policies to ensure there is a Net Gain for Biodiversity in line with local and national policies. Mitigation and enhancement measures include:

- planting at least 5 new trees
- Install a bat and bird box on the building
- ensuring that any external lighting follows an approved lighting plan and avoids the boundary trees. Any necessary external lighting will be: on a timer; be directed to where it is needed and away from the trees; and will be in line with current bats and lighting guidance.
- hedgehog-friendly fencing where any new fencing is proposed
- pollution prevention measures and adherence to sustainable drainage guidelines will be implemented to protect local watercourses and habitats.

2.0 Introduction

Background

- 2.1 Peach Ecology was commissioned in September 2025 to carry out an ecological assessment of the proposed development at Land at Winchester Rd, Fair Oak, Eastleigh, SO50 7HD (Grid Reference: SU 48847 20288), located as shown in **Appendix A** and laid out as shown in **Appendix B**. This report will be submitted to Eastleigh Borough Council for permission to convert the land into a car lot, as shown in **Appendix C**.

Description of site and surrounding area

- 2.2 The site is an area of hard standing used for storage of vehicles and other materials. It has different forms of hard standing, several small commercial buildings and a small ornamental garden area with grass leading down to the main road. It is surrounded by mature trees that connects the site into the wider areas of hedges and woodland on all sides. To the north is a static caravan park; to the west the site leads up to some woodland; to the south is the in-excess shop and garden centre; and to the east is the Winchester Road, and beyond this is woodland, paddocks and arable land.

Brief

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

3.0 Methodology

Desk Study

- 3.1 This involved gathering ecological data relating to statutory nature conservation sites from within 2km as shown in **Appendix D**. Multi-Agency Geographic Information for the Countryside (MAGIC) a DEFRA run website was used along with Ordnance Survey maps, aerial images and street view images to check for relevant data on notable habitats and species nearby, including European Protected Species license data and wildlife corridors where the site connects into the surrounding area. Planning applications for nearby sites were also reviewed to look at the impacts of other proposals and schemes nearby.

Site Assessment

- 3.2 The initial site survey was undertaken on the 1st October 2025. Although this was not the optimal time to undertake a Preliminary Ecological Appraisal aerial images and street view images of the site were reviewed and assessed as far back as 2000 and it does not appear that the site has changed significantly in this time. The land is well used commercially with vehicles moving over it regularly. The survey 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.
- 3.3 Indicative methodologies for the most likely protected and notable species that could occur on site or adjacent to the site and be impacted by the proposals are set out below.

Bats

- 3.4 Buildings and trees within the footprint of the site and any areas potentially impacted by the proposals were inspected in accordance with current survey guidance (BCT, 2023) for potential access points and roosting features which could support bats. Trees were checked for ivy cover, crevices and rotten sections from ground level and using a ladder and binoculars where necessary. Buildings were checked externally for any signs of roosting bats or bat activity including droppings, insect feeding remains, worn entrances, staining and bat access points. The site was assessed in terms of its foraging and commuting potential for bats.

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.

Dormice

- 3.6 The suitability of the habitat was assessed for dormice in terms of trees and hedgerows and the connectivity of the site to other areas of suitable habitat locally. Any small

mammal feeding signs were checked and assessed, these include teeth marks on hazel nuts and other nuts and any evidence of nest building.

Amphibians

- 3.7 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.

Reptiles

- 3.8 Habitat features suitable as hibernacula, foraging or basking areas were noted. Extant refugia were all carefully examined to look for reptiles or for evidence of reptiles, including shed skins.

Hedgehogs and stag beetles

- 3.9 The site was searched for signs of hedgehogs including looking for areas of suitable habitat, searching for mammal tracks and droppings and deep piles of leaves. Habitat for stag beetle larvae was searched for including wood piles or rotting tree stumps.

4.0 Results and Analysis

Desk study

- 4.1 There are no statutory designated sites were identified within 2 km.
- 4.2 The woodland to the northwest of the site, located less than 300m away is called Hill Copse and is classified as Ancient Woodland. This woodland is connected to the site via hedgerows and trees and both of these will need to be protected during:
- The construction phase from vehicle movement, storage, dumping, pollution, dust etc
 - Post construction from landscaping impacts due to non-native species and from lighting
- 4.3 Due to the relatively small scale and extent of the proposals and the degree of separation it is unlikely that the development will impact directly upon protected sites in the wider area. It is important however that the proposals follow appropriate pollution prevention and drainage guidelines. The habitats and flora associated with waterways, ponds, ditches and ground water are sensitive to changes cumulatively from different impacts locally so every development should consider and mitigate for their own impact with regards drainage and pollution.

Site Assessment

Habitats

Developed Land Sealed Surface and Artificial Unvegetated Unsealed Surface

- 4.4 The site (Photos 1, 2, 3) is composed of a mixture of different surfaces from compacted gravel and hardcore, tarmac, paving and gravel. These have some areas at the boundaries, where there are breaks or cracks in the surface, and in less well used areas where some occasional flowers and grasses are growing at a percentage of less than 10% over the site. Species include: Canadian Fleabane, Dandelion, Creeping Cinquefoil, Broadleaf Willowherb, Ribwort Plantain, Purple Toadflax, Saint John's Wort, Herb Robert, Fleabane, Petty Spurge, Yorkshire Fog, Selfheal, Coltsfoot, Groundsel, White Clover, Bristly Oxtongue and Nettles.
- 4.5 The proposals will not result in any change to the site although some additional gravel may be added to level out areas. Care would need to taken at the edges of the site to ensure any regrading works on site do not impact tree roots.



Photo 1: Gravel area used for parking, view looking west



Photo 2: View of the site looking east



Photo 3: Area of concrete slab with some vegetation growing at the edge of the site to the rear

Buildings

- 4.6 There are some brick and stone-built buildings and sheds on site (Photo 4, 5, 6), these have a range of manmade materials on the roof that provide no access to roosting bats or nesting birds there or anywhere else on the building. The buildings and sheds all had negligible bat roosting potential. Several of the smaller buildings and the shed will be removed. In order to achieve a net gain for biodiversity the retained buildings will have external bat and bird roosting and nesting features installed under the eaves.



Photo 4: The main building with a ridged fake tile roof and the conservatory building to the rear



Photo 5: A small extension to the main building



Photo 6: A shed used on site

Ornamental shrubs, Modified Grassland and Ornamental Hedgerow

- 4.7 The small commercial building has an ornamental garden area (Photo 7) with small trees to the front, with a short low in height mixed ornamental and native hedgerow (Photo 8) and amenity grassed (Modified Grassland) area that leads down to the road. The hedgerow contains species including: Firethorn, Hawthorn, Hazel, Ivy and Bramble.



Photo 7: Garden area with trees



Photo 8: Mixed ornamental and native hedgerow

Surrounding Mature Trees

- 4.8 The commercial area is surrounded by mature trees which lie outside the site boundary (Photos 9, 10, 11) these include: Field Maple, Ash, Bramble, Dogrose, Budleia and Hawthorn. At the base of the trees is a 'woodland edge' habitat that includes: Hogweed, Dock, Thistle, Hedge Woundwort, Pea, Dandelion, Mugwort and Wood Avens. These trees are connected into the nearby hedgerows and they connect into the woodland located less than 300m away. As such the site is located centrally with its surrounding habitat connected into a wildlife corridor in the wider area.
- 4.9 The proposals will not result in the loss of any of this boundary habitat however there are potential impacts associated with lighting. No additional outdoor lighting is proposed however if this is the case then any lighting plan will need to be reviewed by an ecologist. Dark corridors are essential for bats, dormice and other animals and therefore it is essential that the tree canopy is maintained dark around the site. If any

external security lighting is required then it must be designed to focus away from boundary vegetation and be on a timer.

- 4.10 New trees will be planted around the site as an enhancement to create new flightlines and corridors for wildlife.



Photo 9: Boundary trees to the north



Photo 10: Boundary trees to the east



Photo 11: Boundary trees to the west

Bats

- 4.11 The buildings are all constructed from unsuitable material and have no gaps or crevices suitable for bats. The loss of the buildings will have a negligible impact on roosting bats. The habitat on site provides negligible value for foraging bats. The surrounding trees are mature and consist of a range of species. They provide suitable habitat for commuting, foraging and roosting bats and therefore will need to be protected from any impacts associated with the proposals including lighting and root compaction associated with new surfacing.
- 4.12 Lighting will need to be taken into account in the site design, none is proposed currently. Creating new tree planting on site will be beneficial to bats creating new flightlines for them to commute and hunt along. The inclusion of bat boxes will be an enhancement to the site giving bats a place to roost.

Birds

- 4.13 Birds recorded at the time of survey included: Magpie, House Sparrow and Blue Tit. The hedgerows on site and trees off site provide nesting potential for common garden and hedgerow bird species such as blackbird (*Turdus merula*), robin (*Erithacus rubecula*), and blue tit (*Cyanistes caeruleus*). Vegetation clearance should therefore be undertaken outside the bird breeding season (March–August inclusive), this includes any cutting back of overhanging vegetation.
- 4.14 New features for nesting birds will be installed onto retained buildings.

Dormice

- 4.15 The site is connected into woodland, hedgerows and trees and all sides by the surrounding trees. these trees are all off-site however there is the potential to impact trees from lighting or when cutting back any overhanging vegetation. The surrounding trees and woodland have high value for Dormice. No loss of vegetation is proposed on site and therefore it is unlikely that there will be an impact on this species.
- 4.16 New planting of trees on site will have a small positive enhancement.

Reptiles

- 4.17 There is no habitat on site suitable for reptiles.

Amphibians

- 4.18 No ponds or standing water occur on-site. Three ponds were noted within 500m, the closest of which is pond in a private garden just over 100m away. One mitigation licence is located nearly 2km to the north, 2017-31242-EPS-MIT, and there are some other records from 2014 and 2016, Great Crested Newt Class Survey Licence Returns, showing presence in the same area to the mitigation licence. The site lies in a Red Impact Risk Zone for GCN and therefore the scheme can proceed under a District Level Licence for Great Crested Newts (GCN) to ensure compliance with relevant legislation. Red areas are classed as highly suitable habitat – the most important areas for great crested newts. The habitat on site however is sub-optimal for Great Crested Newts and is well used commercially with no vegetated pathways through it. The proposals will not impact the species, their ponds and they will not result in habitat loss or a loss in habitat connectivity therefore work can proceed without further mitigation for GCN.

Badgers and Hedgehogs

- 4.19 No evidence of badger (*Meles meles*) activity (such as setts or foraging signs) was recorded, but the site offers potential movement corridors. The site provides limited suitable foraging habitat for hedgehog (*Erinaceus europaeus*), a Species of Principal Importance (SPI) under Section 41 of the NERC Act 2006. Access across and through the site will be maintained for hedgehogs by having suitable boundary fencing that does not exclude it and other animals from commuting and passing through.

Ecological Value and Constraints

- 4.20 The site supports habitats of low ecological value in a local context. The primary ecological features of importance are the surrounding trees and the dark open nature of the site.
- 4.21 No significant ecological constraints were identified that would preclude development, provided that:
- External lighting is designed to be bat sensitive
 - Boundary trees are protected during construction
 - Opportunities for biodiversity enhancement are integrated into the scheme.
- 4.22 The proposal will not result in the loss of vegetation therefore it will be exempt from the mandatory biodiversity net gain (BNG) requirements.

5.0 Requirements and Recommendations

Landscaping

- 5.1 An indicative mitigation plan is set out in Appendix E.
- 5.2 Five new native or orchard trees planted. All new trees planted will be native or wildlife beneficial species, including fruit bearing (apple, plum and cherry). A Landscape Ecological Management Plan (LEMP) will be reviewed by an ecologist.
- 5.3 Any new garden or boundary fencing will need to allow the movement of amphibians and hedgehogs at ground level by leaving out barge boards or leaving gaps at least 100mm wide by 100mm high.
- 5.4 A Construction Environment Management Plan (CEMP) will be produced prior to works commencing on site, this will cover issues such as those listed below required to ensure impacts are adequately avoided/mitigated:
 - covering of trenches
 - protection of surrounding trees

Bats and birds

- 5.5 A lighting plan will be produced in accordance with the Bat Conservation Trust *Guidance Note 08/23: Bats and Artificial Lighting at Night*. External lighting will be strictly directed away from the boundary vegetation and will be kept to below 1 lux within at least 2m from the boundary or avoided completely.
- 5.6 If any signs of Dormice or Great Crested Newts are recorded then work will stop and Natural England will be contacted for further advice.
- 5.7 A bat and sparrow box will be attached to the exterior of the retained building.

Pollution prevention and drainage

- 5.8 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.
- 5.9 Any future resurfacing or regrading will need to take into account tree roots from the surrounding trees.

Location Plan showing the site boundary in red. The site is labeled 'THT Plumbing, Heating & Home'. Surrounding features include 'Clock House', 'Crowdhill Farm', 'In-Excess Garden Centre', 'Beech Bungalow', 'The Barn', 'Pear Tree Farm House', 'Waratah', 'Hill Terrace', 'Pond', and 'Track'. Roads shown are 'Winchester Road' and 'Track'. A scale bar at the bottom indicates 0 to 100m. A north arrow is in the top left corner.

Appendix B: Existing Site Plan, Aerial Image and UKHabs Plan





Ornamental shrubs

Trees

Modified Grassland

Ornamental Hedgerow

Buildings

Developed Land Sealed Surface and Artificial Unvegetated

Unsealed Surface



Appendix C: Proposals

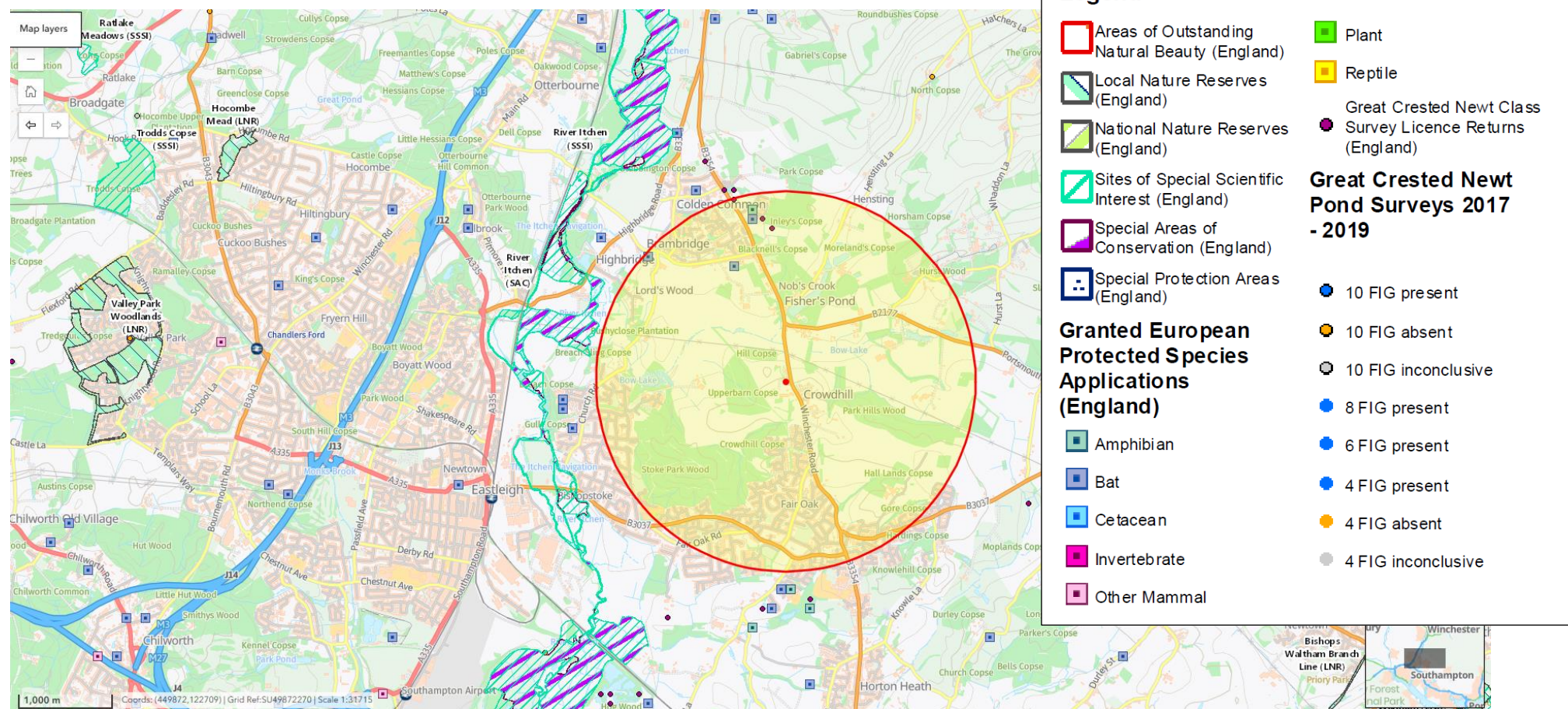


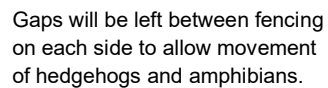
ATRAM ARCHITECTURE

25.06 03 A

PRELIMINARY DRAWING

Appendix D: Protected sites, habitats and species data from MAGiC database





One sparrow and one bat box attached to the exterior of retained building.



5 native trees planted around the boundary. Native bulbs planted at the base of the hedgerow.

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.