



**Land to the rear of 82 St Johns Road,
Hedge End, Southampton,
Hampshire, SO30 4DU**

Ecological Assessment

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1.0 Summary

The proposals are to construct a Self-Build property on the plot. The site currently consists of the footings of the scheme and some ruderals which have grown since the site was previously cleared. Some trees are also located at the boundary. The site was originally surveyed ecologically in 2019 and this assessment follows on from that.

The site has relatively low ecological value and the proposals represent an opportunity to enhance the ecological value of the site by providing new landscaping (boundary hedgerow planting) and features for wildlife including bat roosting and bird nesting features, and invertebrate bricks. One tree is proposed to be lost, a leylandii, with low ecological value, the remaining offsite trees and hedges will be retained and protected during construction.

The site is within 2.5km of the Solent and Southampton Water SPA and Solent Maritime SAC and close to the New Forest SPA. This small-scale development will not directly affect the SACs and SPAs however there is an associated impact with new housing and therefore further consultation is required with the council with regards a monetary contribution to mitigate the impacts.

2.0 Introduction

Background

- 2.1 Peach Ecology was commissioned in February 2024 to carry out an Ecological Assessment of the proposed development at Land to the rear of 82 St Johns Road, Hedge End, Southampton, Hampshire, SO30 4DU (central Grid Reference: SU485122) (Appendix A), laid out as shown in Appendix B. This report will be submitted to Eastleigh Borough Council for permission to construct a self-build property (Appendix C).
- 2.2 This report describes the existing ecology on site based on the findings of an initial site visit, protected species and habitats data searches, review of the previous ecological assessment¹ and a review of local and national policies.

Description of site and surrounding area

- 2.3 The site is located in Hedge End and is surrounded by residential properties and roads on all sides, these all have well maintained gardens. The site slopes slightly from north-east to south-west. The site was previously covered in rough grassland up until 2021 after which the vegetation was cut back so that the footings could be dug for the new house. Since 2021 some ruderals have grown over the site along with some patches of grassland. An area of woodland and the M27 are located less than 0.5km to the west.

Brief

- 2.4 To carry out an Ecological Assessment of the site and inform the clients of any ecological implications associated with the current proposals.

¹ Ecological Appraisal Report November 2019 Hampshire Ecological Services Ltd

3.0 Methodology

Desk Study

- 3.1 This involved gathering ecological data relating to statutory nature conservation sites from within 2km, the results of which are shown in Appendix D. A search was undertaken using Multi-Agency Geographic Information for the Countryside (MAGIC), a DEFRA run website, to check for European Protected Species licences nearby. Ordnance Survey maps and aerial images were assessed to check for other relevant data on notable habitats and species nearby including ponds and wildlife corridors where the site connects into the surrounding area.

Site Assessment

- 3.2 The site was originally assessed on the 18th March 2024. The initial survey employed techniques based on standard Phase I Habitat Survey (JNCC) methodology and the CIEEM Guidelines for Ecological Impact Assessment (ECIA: 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 the value of the site within the local landscape and to see whether these sites supported protected species. 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 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, 2016) 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 internally and externally for any signs of roosting bats or bat activity including droppings, insect feeding remains, worn entrances and staining. Ladders were used to check on top of gable and dividing walls along with an endoscope.

Birds

- 3.4 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

- 3.5 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.

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 hazelnuts and other nuts and any evidence of nest building.

Reptiles

- 3.7 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.

Badgers, Hedgehogs and Stag beetles

- 3.8 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. Signs of badgers were checked for included hairs, setts, latrines and tracks on site and in areas adjacent to the site.

4.0 Results and Discussion

Desk study

4.1 There are three statutory designated sites within 2km:

- **Netley Common LNR** - It is the city's last remaining piece of open heathland including grassland with islands of scrub and gorse, surrounded by a mixed woodland fringe. Heathland is particularly rare and remnant fragments of heathland are of national biodiversity importance and are host to a variety of wildlife.
- **Manor Farm LNR** - Abundant wildlife from roe deer in the woods to curlews along the river and skylarks in the fields, plus an amazing array of wildflowers, insects and reptiles.
- **Wildern LNR** - The 10 Hectare site is essentially a Wetland habitat featuring a mosaic of ponds, two flooded meadows, woodlands and a valley mire all linked by the streams which flow through the site.

4.2 Five protected species licences have been granted within 2km:

- EPSM2013-5805 to the north for Common Pipistrelle
- 2015-9288-EPS-MIT to the south for Common Pipistrelle
- 2019-40805-EPS-MIT to the south for Brown Long-ear, Common and Soprano Pipistrelle
- 2014-1952-EPS-MIT to the south-west for Common Pipistrelle
- EPSM2012-4209 to the north for Dormice

4.3 Due to the relatively small scale and extent of the proposals it is unlikely that the development will impact upon any site of importance to nature conservation in the wider area. Post development the impact is likely to be positive, improving the hedgerow and adding features for wildlife. A detailed CEMP will be submitted as a condition of planning to ensure all negative impacts during the construction phase are assessed and avoided, including impacts on trees and other wildlife.

4.4 The site is located within 5.6km of the Solent Coastline. It is recognised that there is the potential for a likely significant effect on the protected Solent sites from additional residential development within 5.6km especially when looked at in combination with other proposals, where new residents may contribute to increased recreational disturbance. The Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues and to demonstrate that it as a competent authority under the provisions of the Habitats Regulations has had regard for any potential impacts that the project may have. With respect to the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). The Definitive SRMP mitigation strategy has now been adopted and the revised costs are being charged by local planning authorities for permissions. A contribution will be required to mitigate the impacts associated with residential development on European sites. Contributions for off-site mitigation associated with residential development proposals will be required in the form of a payment per net dwelling (<https://solent.birdaware.org/article/28101/Developer-contributions>).

4.5 It is important the proposals follow appropriate pollution prevention and drainage guidelines, especially because there is a nearby waterway. The habitats and flora associated with waterways 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

4.6 Habitats recorded within the site boundary comprised of:

- Bare earth with patches of ruderals and modified grassland
- Hedge
- Tree

Bare earth with patches of ruderals and modified grassland

4.7 The foundations of the proposed building have been commenced on site (Photo 1) and the surrounding land has been partly cleared of vegetation. There are bare patches of soil and piles of earth (Photo 2) and some of these have become vegetated. Species present include Yorkshire Fog, Perennial Rye, Annual Meadow Grass, False Oat Grass, Scarlet Pimpernell, Ivy, Creeping Buttercup, Broadleaf Dock, Nettles, Bramble, Ribwort Plantain, Field Sorrel, White Clover and Evening Primrose.



Photo 1: The footings of the new building



Photo 2: Piles of vegetated earth

- 4.8 UKHabs category definitions don't fit this area of habitat particularly well and it is best identified by the secondary code 17 - Ephemeral / short perennial or the Phase 1 code J13. As the sward contains a large number of grass species, the primary code g4 represents the current habitat most closely.
- 4.9 This habitat will be lost in the development, but this would be mitigated by the creation of the new garden. It is recommended that this is sown with a suitable wildflower mix and managed accordingly to ensure its continued value to local wildlife. The area lost to the development is allocated to garden space which also has an important role to play in increasing local biodiversity.

Hedge

- 4.10 A hedge is located along the south-west boundary of the property, this straddles the site and adjacent land in the neighbours garden. The hedge is composed of Privet, Holly, Laurel, Ivy, Blackthorn, Holly and Darwin's Barberry. The hedge is to be retained and will be protected during construction. New hedgerow planting is proposed to take place around the boundary of the site to provide a net gain in this habitat.

Tree

- 4.11 A single Leyland Cypress is located in the western corner of the site. This is proposed to be removed. The tree is not native however it has some bird nesting potential and will need to be removed outside of the bird nesting season and/or under ecological supervision. Compensatory tree planting is proposed for the loss of the tree.

Species

Bats

- 4.12 The site has no buildings or trees with roosting value to bats.
- 4.13 The site has minimal foraging value to bats however the presence of the hedgerow adds a linear feature with some interest to commuting bats therefore and therefore this

must be retained and protected during construction. New hedgerow planting will add to the value of the site for bats.

- 4.14 Providing new, suitable roosting opportunities will have a positive effect for the local bat population.
- 4.15 It is important that light spillage from the new development is avoided, particularly on the trees and pond to the north and west. The development must submit a detailed lighting plan in line with the guidance note *Bats and Artificial Lighting at Night* (GN08/23) <https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>.

Birds

- 4.16 No evidence of birds' usage of the site was recorded during the survey, in the forms of nests, eggs or droppings. It is important that the Cypress is removed outside of bird nesting season (unless it is first checked and overseen by an ecologist).
- 4.17 The inclusion of integrated nest boxes will increase the value of the site for different birds that nest in buildings.

Amphibian

- 4.18 According to aerial photographs and online OS maps there is only one pond visible within 500m of the site, this is approximately 400m to the south-west, separated by woodland, residential gardens and a recent housing development. The site is isolated from suitable waterbodies, although the presence of small garden ponds in the nearby gardens cannot be ruled out. The habitat on site has limited value to Great Crested Newts and therefore the proposals are unlikely to impact amphibians or their habitats.

Hedgehogs

- 4.19 Hedgehogs hibernate and build their nests in areas of denser scrub and vegetation, at the bases of hedgerows and amongst piles of composting vegetation. A new hedgehog shelter will benefit hedgehogs locally. Hedgehog movement into the site and gardens will not be restricted – appropriate spaces under garden fences will be used.

Badgers

- 4.20 There were no signs of badgers on site or nearby at the time of survey and it is unlikely they will be impacted by the proposals.

Dormice

- 4.21 The site is not well connected into the nearby woodland to the west, adjacent to the M27, which is known to have a population of dormice. The development site has a hedgerow which is proposed to be retained and new hedgerow will provide habitat for wildlife. The proposals are unlikely to impact Dormice.

Reptiles

- 4.22 The habitat on site is sub-optimal for reptiles and there is an absence of more optimal habitat in the immediate area, the neighbouring gardens are all well maintained. The proposals will result in an enhanced habitat for reptiles through the creation of more hedgerow.

5.0 Requirements and Recommendations

New Forest

- 5.1 In relation to the impact on the New Forest the Council is creating a suitable alternative natural green space with ongoing monitoring and providing funding for a New Forest Ranger. These measures would offset the impact of new dwellings on the New Forest and as such the Council requires a set financial contribution per dwelling. Following the approval of the interim strategy, the Council has further investigated the suitability of the proposed SANG site and reviewed the costs to deliver the strategy. In December 2022 Cabinet approved a revised interim charge of £2,220 per dwelling for the mitigation of recreation impacts on the New Forest using projects on Council-owned land. Work is now ongoing to implement the proposals in the interim strategy.

Solent Maritime SPA

- 5.2 A contribution will be required to mitigate the impacts associated with residential development on European sites. Contributions for off-site mitigation associated with residential development proposals will be required in the form of a payment per net dwelling (<https://solent.birdaware.org/article/28101/Developer-contributions>). Further consultation will take place with the Council on this matter.

Bats

- 5.3 One integrated Bat box will be included into the fabric of the new dwelling.
- 5.4 A lighting plan will be submitted and reviewed by an ecologist. The lighting plan will follow the guidance provided by the bat conservation in *Bats and Artificial Lighting at Night* (GN08/23). A single downlight will be used at most per house and these will not be located on the pond/SINC side.

Birds and bees

- 5.5 One integrated Swift box will be added to the new dwelling.
- 5.6 The property will have at least 2 integrated bee bricks.
- 5.7 The removal of any vegetation with the potential to support nesting birds should be undertaken outside of the bird breeding season (which is late February to August inclusive). If this is not possible, and vegetation has to be removed during the nesting season, then it should be inspected (by an ecologist) for nests immediately prior to removal of the vegetation.

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 habitats connected hydrologically.

Construction Environment Management Plan

- 5.9 A Construction Environmental Management Plan is required to address how potentially adverse impacts associated with development and construction sites will be managed. This will include the use of mammal ladders during construction, pollution, lighting, vegetation removal etc.

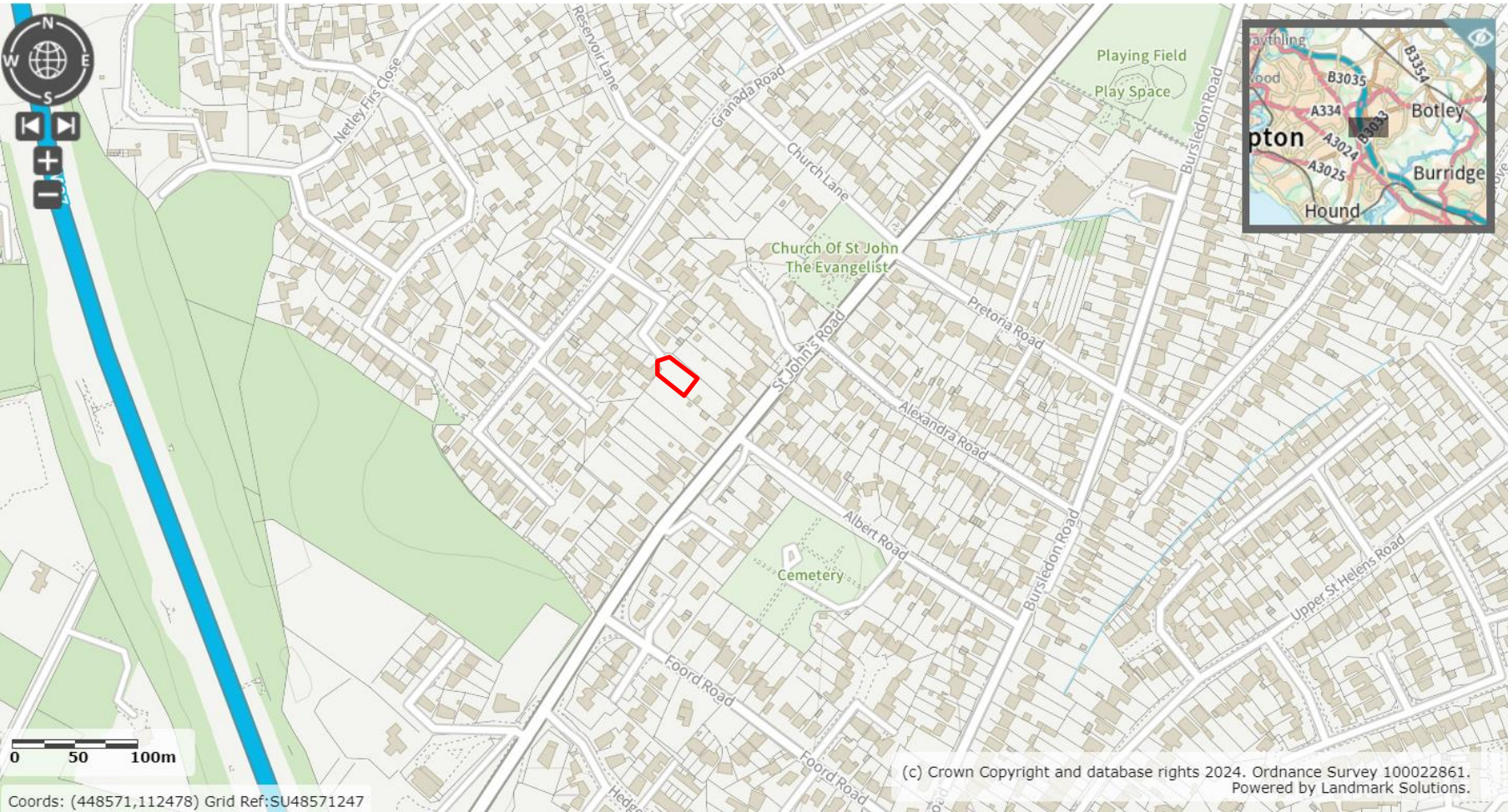
Landscaping

- 5.10 A Landscape Enhancement and Management Plan (LEMP) will be provided for the creation and management of the wild grassland areas at the edge of the proposed site.
- 5.11 The lawn area will be prepared so that a neutral grassland seedmix can be sown. This will then be managed accordingly.
- 5.12 A new native hedgerow will be planted around the boundary containing a variety of native species.
- 5.13 At least 2 new native trees will be planted on site.

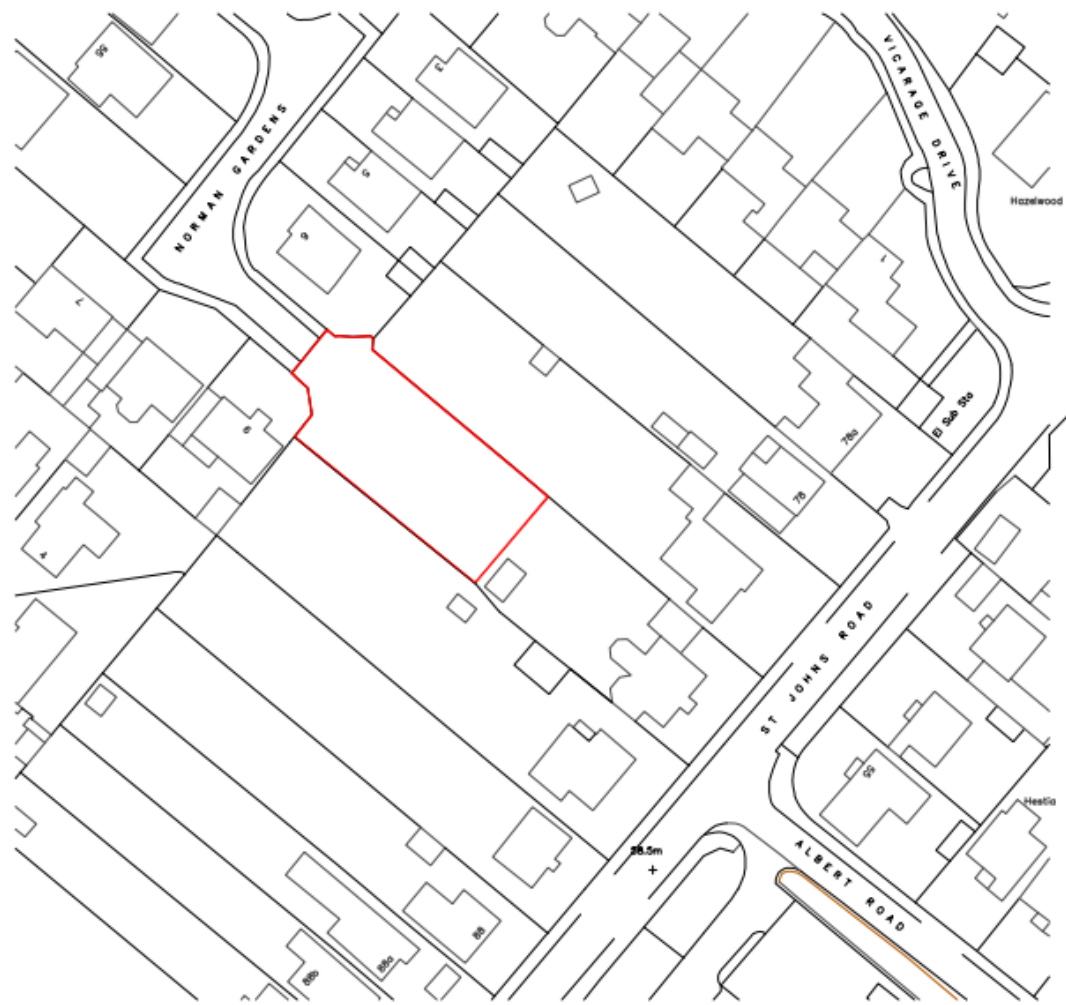
Hedgehog

- 5.14 At least one access point for hedgehogs will be provided into the site under a fence or gate. This will be at least 130mm tall and 130mm wide.

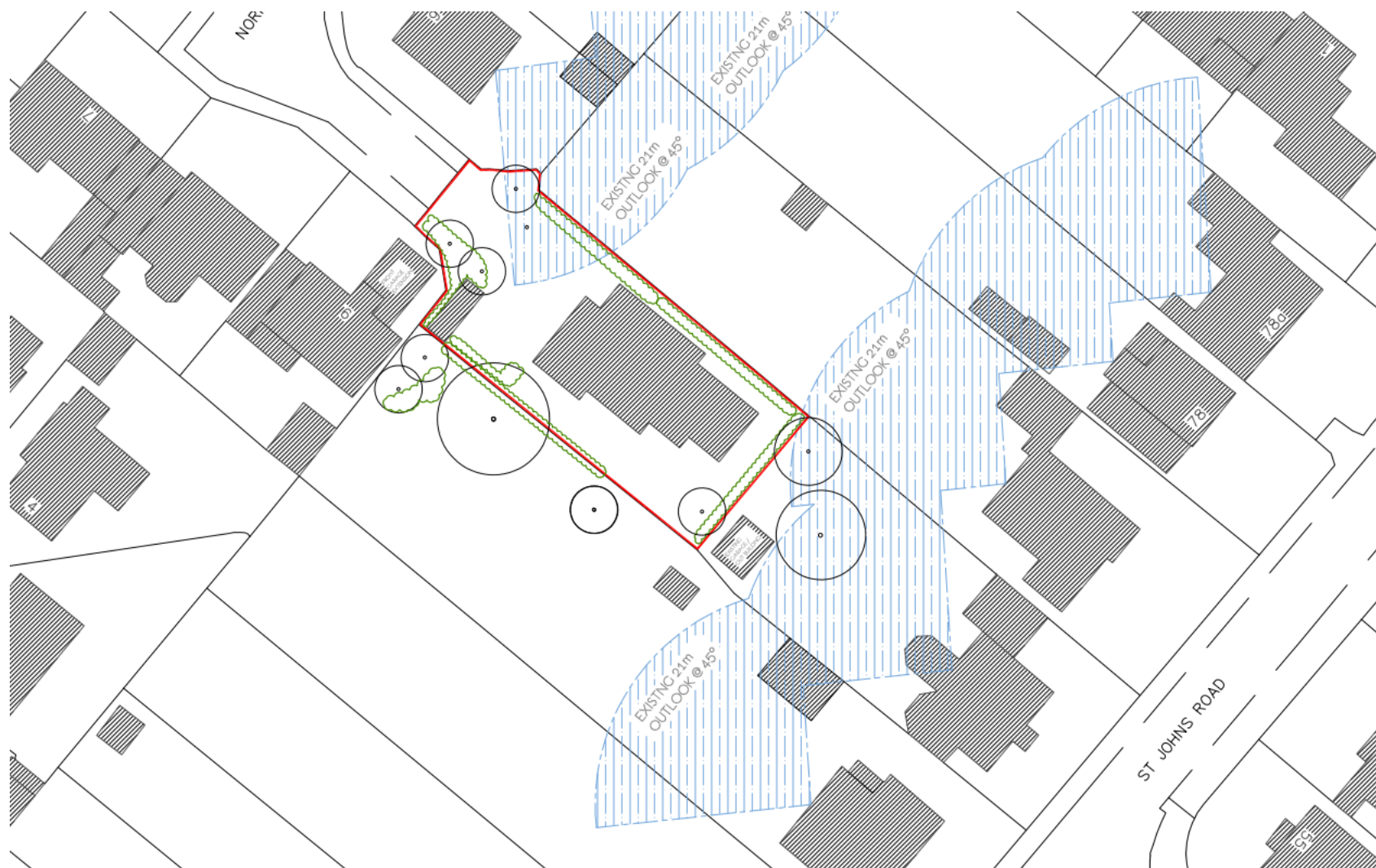
Appendix A: Site location



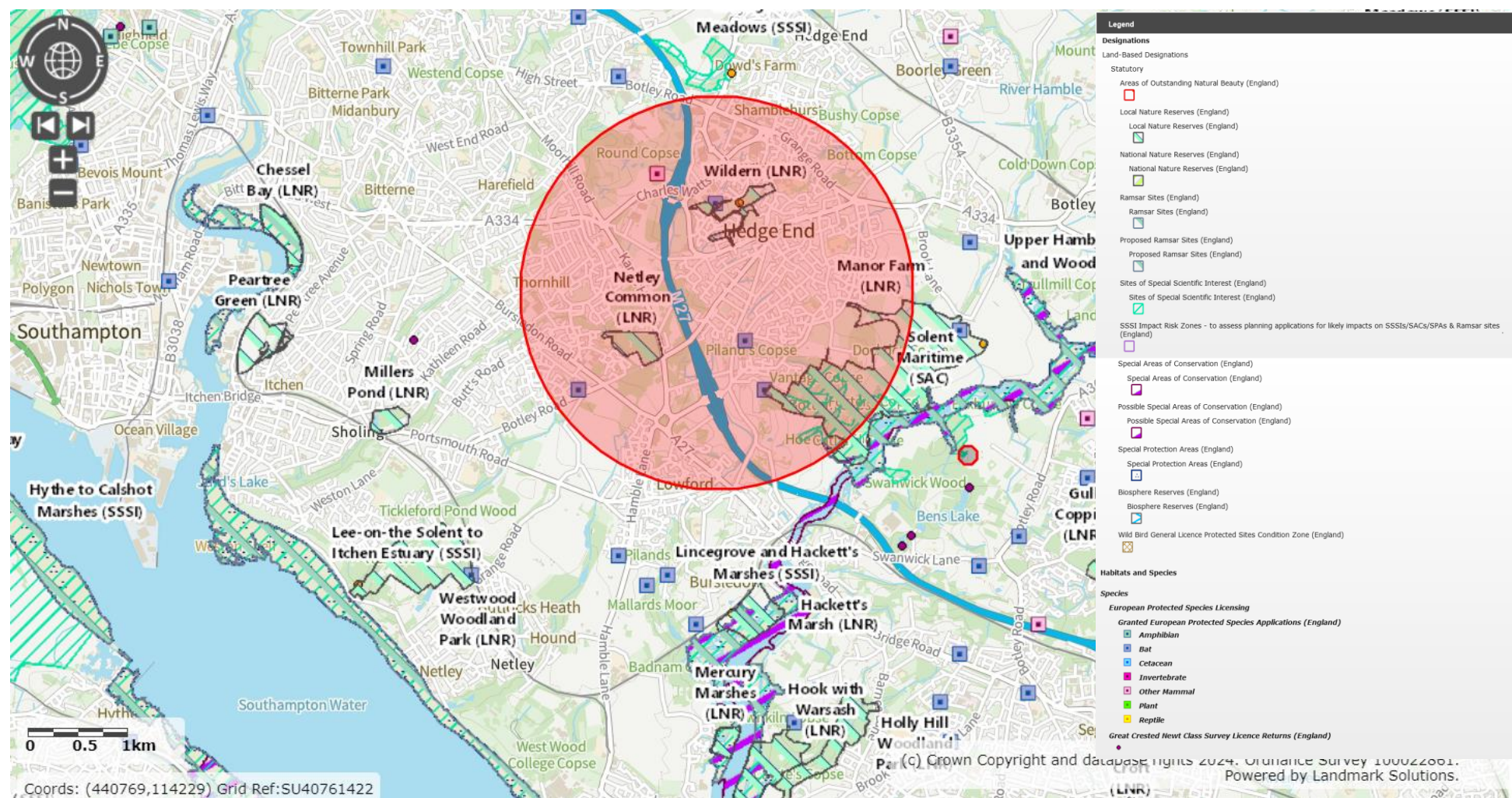
Appendix B: Existing site plan



Appendix C: Proposals



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



Appendix E: Mitigation and Enhancements



Integrated bat bricks



Species Rich Native Hedge planted with suitably sized native trees to provide immediate screening.



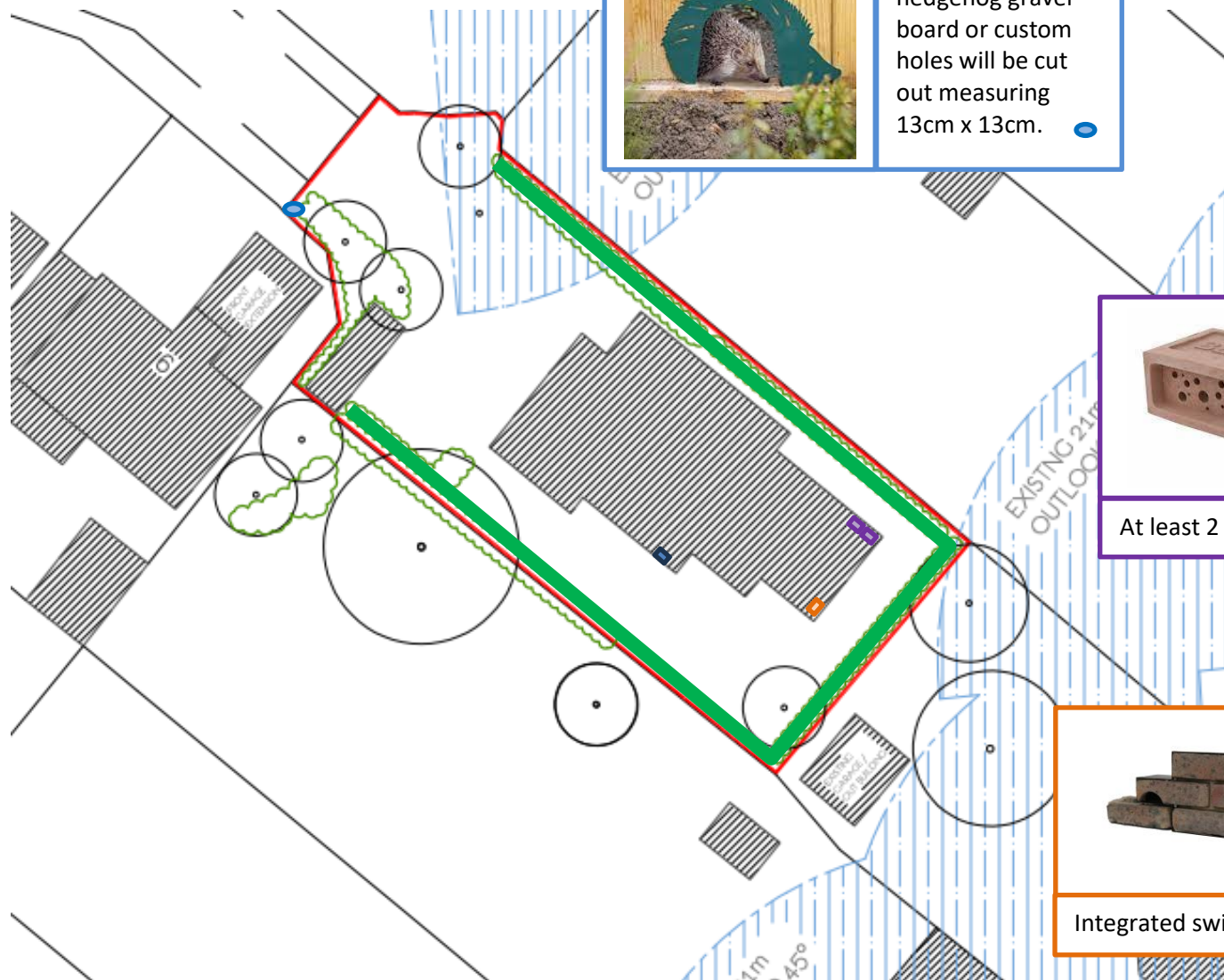
All fencing will contain specialised hedgehog gravel board or custom holes will be cut out measuring 13cm x 13cm.



At least 2 bee bricks



Integrated swift boxes



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, circl 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.