

Preliminary Ecological Appraisal

Croasdale Farm

Langho

September 2021

Prepared for: Mr and Mrs Turner

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EXECUTIVE SUMMARY

- This document represents an updated Ecological Appraisal of land at Croasdale Farm, Whinny Lane, Langho. An initial survey was undertaken on 3rd December 2019.
- Since the initial survey works have taken place on site, including installation access track, four camping pods and washhouse.
- Ecological constraints identified in the initial survey related to protection of the brook and a low risk of great crested newt and hedgehog.

The Brook

- Works undertaken include installation of a fence along the existing brook. It is evident upon inspection that the brook has been adequately protected during works and will be protected long term due to the presence of the substantial fence.

Great Crested Newts

- The installation of the access track, camping pods and wash room is unlikely to significantly impact the movement of great crested newt, if present in the area. The loss of a small area of improved grassland is also considered unlikely to have any negative impact upon this species.

Hedgehog

- The installation of the access track, camping pods and wash room is very unlikely to impact hedgehog in the locality.

Impact on overall Biodiversity

- The works undertaken to date to the rear of Croasdale Farm are not considered likely to have any significant impact upon biodiversity. The surrounding habitat (within the field supporting the camping pods) is being sensitively managed and provides habitat not significantly different to that present in 2019. The ecological functionality of the site has been retained.

Biodiversity Enhancement

- Enhancement of the site is proposed to attain biodiversity net gain.

Verity Webster

Ecology and Protected Species Consultancy



1 Introduction

1.1 Application Site

- 1.1.1. This report details an updated Preliminary Ecological Appraisal of land at Croasdale Farm, Whinny Lane, Langho. Ordnance Survey grid reference (centre of site): SD 7081 3437.
- 1.1.2. Mr and Mrs Turner commissioned Verity Webster Ltd to undertake an updated Ecological Appraisal to inform the planning application.

1.2 Background

- 1.2.1 A Preliminary Ecological Appraisal was undertaken on land to the rear of Croasdale Farm on 3rd December 2019. At this time the site comprised grazed pasture with a hedgerow along the northern and southern boundary of the site and a brook along the western boundary.
- 1.2.2 Works have since taken place to install an access track, four camping pods and a washroom.

1.3 Objectives

- 1.3.1 The objectives of the updated Ecological Appraisal are to determine:
 - The potential for protected species and/or habitats of importance within and surrounding the site.
 - The presence of any designated sites within the surrounding area, or if the site is designated.
 - How the works undertaken may have impacted protected species and/or habitats of importance.
 - How the proposed works may have impacted designated sites within the surrounding area.
 - How any impacts might be mitigated and/or ameliorated, including recommendations for further survey work if required.
 - Potential for enhancement of the site for protected species, habitats of conservation interest and overall biodiversity.

1.4 Ecologist

- 1.4.1 The Ecological Assessment was undertaken by Verity Webster. Verity is a Chartered Ecologist and a full member of the Chartered Institute of Ecology and Environmental Management.
- 1.4.2 Verity has worked as an ecological consultant for over 14 years. She has undertaken Ecological Assessments and protected species surveys for a large variety of projects and schemes, producing the required impact assessment and subsequent mitigation schemes and method statements when necessary.

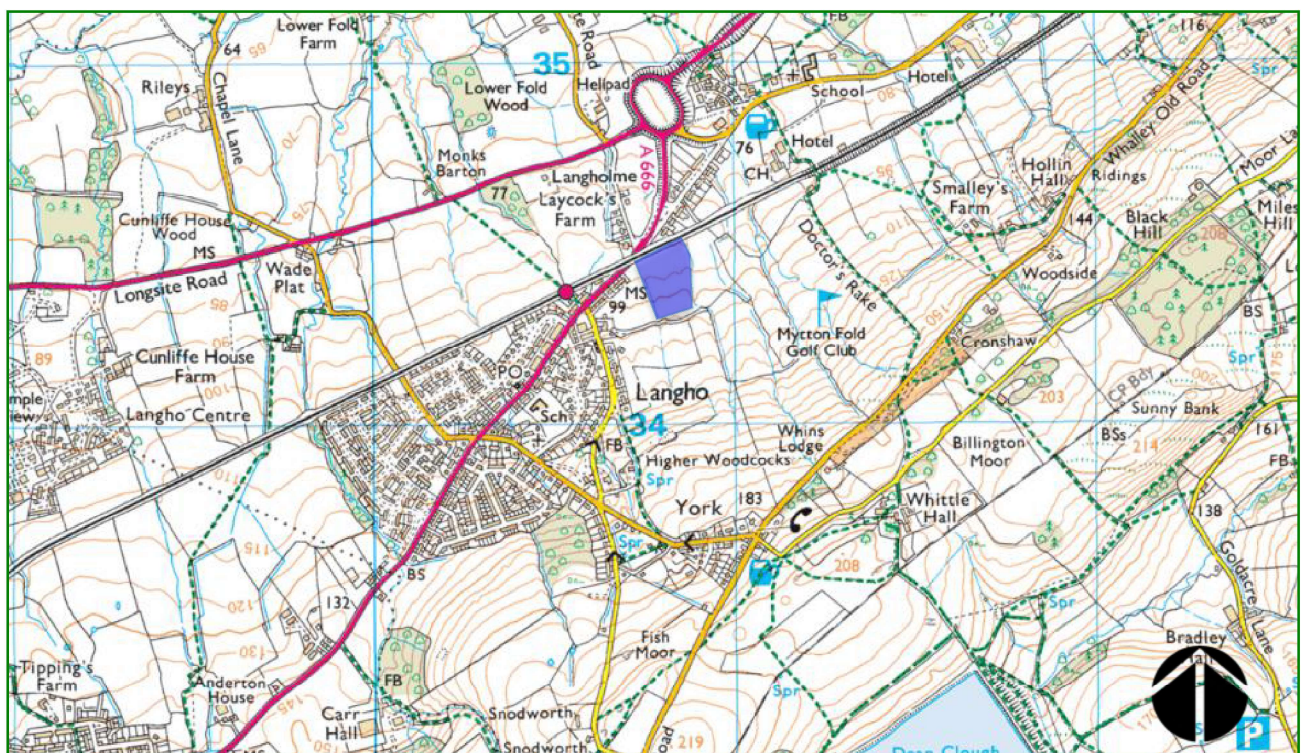


2 Site Location and Description

2.1 Site Location

- 2.1.1 The survey site is located to the southeast of Whalley Old Road, and south of the railway line that runs southwest to northeast to the north of Langho Village. The site lies to the northeast of the farm buildings associated with Croasdale Farm.
- 2.1.2 The built-up residential area of Langho lies to the west. To the east and south there is open countryside comprising grazed grassland, managed grassland (golf course), tree lines, hedgerows and waterbodies. See Figure 1.

Figure 1: Ordnance survey map showing the location of the proposed development site.



Ordnance survey 1:25000

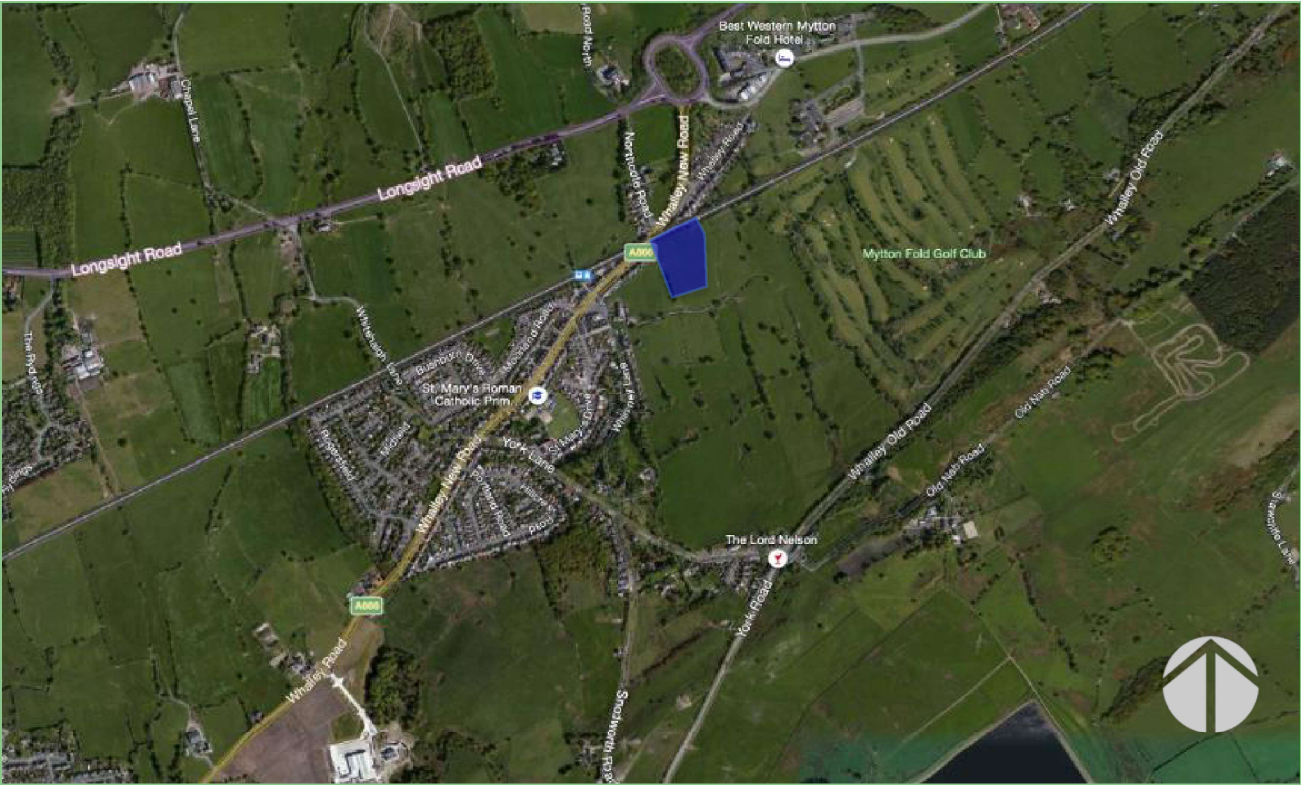
Key

Survey site





Figure 2: Aerial image showing the proposed development site and immediate surroundings



From BING Maps

100m

Key

Survey site





2.2 Site Description

2019

- 2.2.1 In 2019 the survey site comprised a large, field (approximately 2.3ha) bordered by a hedgerow to the south and east, and to the north by a railway embankment supporting ruderal vegetation. A steep-sided brook marks the west boundary.
- 2.2.2 Camping pods are proposed for installation on the southernmost half of the site.
- 2.2.3 The hedgerow is composed of hawthorn (*Crataegus mongyna*) with holly (*Ilex aquifolium*), bramble (*Rubus fruticosus* agg) and ivy (*Hedera helix*), and with common nettle (*Urtica dioica*) and creeping thistle (*Cirsium arvense*) at the base.
- 2.2.4 Hedgerows are a Habitat of Principle Importance under the NERC Act, 2006. The hedgerow will be retained and the existing access will be utilised to facilitate vehicular access to the camping pod site.
- 2.2.5 The grassland is improved (mesotrophic) and grazed by cattle. The grassland is species poor, with rye-grass (*Lolium perenne*) and cock's-foot (*Dactylus glomerata*) the dominant species, and Yorkshire fog (*Holcus lanatus*) less frequent. Ribwort plantain (*Plantago lanceolata*) and creeping buttercup (*Ranunculus repens*) are occasional.
- 2.2.6 Mature ash (*Fraxinus excelsior*), sycamore (*Acer pseudoplatanus*), holly (*Ilex aquifolium*) and elm (*Ulmus* spp.) are present along the brook. The steep sides of the brook support harts-tongue fern (*Asplenium scolopendrium*) and dog's mercury (*Mercurialis perennis*).



Looking northwest



The steep-sided brook along the west boundary



The adjacent field through which a new track to provide access to Site A will be installed from the farm to the existing track

**2021**

- 2.2.7 A gravel track has been installed that extends from the Croasdale Farm entrance to the camping site. An area for car parking has also been installed.
- 2.2.8 Four camping pods are present with associated foot access and a washroom.
- 2.2.9 New fencing has been installed along the brook.
- 2.2.10 The grassland present is typical of mesotrophic grassland supporting species including Yorkshire fog (*Holcus lanatus*), rye grass (*Lolium perenne*), cock's-foot grass (*Dactylus glomerata*), white clover (*Trifolium pratense*), broad-leaved dock (*Rumex obtusifolius*), common nettle (*Urtica dioica*), ribwort plantain (*Plantago lanceolata*) and creeping buttercup (*Ranunculus repens*). Along the side of the track, species associated with disturbed ground are present including pineapple weed (*Matricaria discoidea*) and shepherds purse (*Capsella bursa-pastoris*). The habitat has not significantly changed since 2019.



The new access track



Showing the camping pods and footpath with the fenced brook to the left



Showing the camping pods in the field



Showing the footpath to the washroom



3 Legislation

Relevant legislation is listed here. For full details, refer to Appendix A.

3.1 Bats

3.1.1 All UK bats receive full protection under the Wildlife and Countryside Act 1981 and are also protected under The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 (the Habitats Regs).

3.1.2 This makes it an offence to:

- Capture, injure or kill any bat,
- Disturb a bat of any species,
- Damage or destroy a breeding site or resting place of a bat (ie. The roost)
- Possess any bat, or part of a bat
- Offer for sale or trade any bat, or part of a bat

3.2 Badger

3.2.1 Under the Badger Act 1992, it is an offence to:

- Take, injure or kill a badger, or attempt to do so
- Cruelly ill-treat a badger
- Interfere with a badger sett including:
 - Damaging a badger sett or any part of it
 - Destroying a sett
 - Obstructing access to, or entry to a sett
 - Causing a dog to enter a sett; or
 - Disturbing a badger whilst it is occupying a sett.

3.3 Reptiles

3.3.1 Smooth snake and sand lizard receive full protection under the Wildlife and Countryside Act 1981 and are also protected under The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 (the Habitats Regs).

3.3.2 This makes it an offence to:

- Capture, injure or kill one of these species,
- Disturb these species,
- Damage or destroy a breeding site or resting place of these species.
- Possess one of these species, or part of one
- Offer for sale or trade one of these species, or part of one

3.3.3 Common lizard, adder, grass snake and slow-worm are partially protected under the Wildlife and Countryside Act 1981. This makes it an offence to:

- Kill or injure one of these species.
- Offer for sale or trade one of these species, or part of these animals.

3.4 Amphibians

3.4.1 Great crested newts receive full protection under the Wildlife and Countryside Act 1981 and are also protected under The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 (the Habitats Regs).



3.4.2 This makes it an offence to:

- Capture, injure or kill one of these species,
- Disturb these species,
- Damage or destroy a breeding site or resting place of these species.
- Possess a great crested newt, or part of this animal
- Offer for sale or trade a great crested newt, or part of this animal.

3.4.3 Common lizard, adder, grass snake and slow-worm are partially protected under the Wildlife and Countryside Act 1981. This makes it an offence to:

- Kill or injure one of these species.
- Offer for sale or trade one of these species, or part of these animals.

3.4.4 Common toad, common frog, palmate newt and smooth newt are protected from sale or trade only.

3.5 Section 41 Habitats and Species of Principal Importance

3.5.1 Section 41 Habitats and Species of Principal Importance (NERC Act 2006) are a material consideration for planners. The list is derived from the UK Biodiversity Action Plan list and supports species and habitats of conservation concern.

3.5.2 Species relevant to this report include hedgehog and common toad.

3.6 Designated Sites

3.6.1 Sites of conservation interest can be designated on a statutory or non-statutory basis.

3.6.2 Statutory sites can be designated under UK legislation (the Wildlife and Countryside Act 1981), European Law (the Habitats Regulations 2017) or International law (Ramsar Convention).

3.6.3 Non-statutory sites can be designated by the Local Planning Authority, and different counties have different ways of designating local wildlife sites. Examples are Local Wildlife Sites and Biological Heritage Sites.

3.7 Planning Policy and Legislation

3.7.1 Under the NERC Act 2006, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site before they make a decision on the planning permission.

3.7.2 The National Planning Policy Framework (NPPF) encourages Local Planning Authorities to conserve and enhance biodiversity.

Chapter 15, Para 170 of NPPF states: *"The planning system should contribute to and enhance the natural and local environment by:*

- a) ***protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils....***
- d) ***minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".***

Para 171 states: *"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."*



Para 174 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:

- 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 peruse opportunities for securing measurable net gains for biodiversity."***

3.7.3 Para 175 states that "when determining planning applications, local authorities should apply the following principles:

- a) ***if significant harm to biodiversity from a development cannot be avoided...,adequately mitigated, or, as a last resort compensated for, then planning permission should be refused"***

3.7.4 The local planning authority has a responsibility, therefore, to obtain all information regarding the potential for protected species on a site prior to making a decision about a proposal.

4 Survey Methodology

4.1 Desk Study

4.1.1 The following data sources used to establish background information about protected species and their likely presence in the locality:

- Magic Map, Natural England (2018)
- Bing Maps (2019)
- Data from Lancashire Environment Records Network (LERN) (2019)

4.1.2 Online mapping facilities, including MAGIC (Defra 2015), Google earth (for aerial mapping) and Ordnance Survey maps for the area were consulted to assess the site in relation to the surrounding landscape and any statutory and non-statutory designated sites.

4.1.3 Data from LERN include records of protected species and species and habitats of conservation interest within 2km radius of the survey site.

4.2 Site Survey

4.2.1 The survey site was walked in daylight on 3rd September 2021, and during the visits the habitat was assessed for potential for protected species. The surveyor searched for signs of the presence of protected species where appropriate, including pathways, burrows / nests / resting places, scratch markings, footprints and droppings etc. The presence of all animals and birds, if seen or heard, was recorded.

4.2.2 Habitats on site were assessed and described.

4.2.3 Where appropriate, notes were made of potential management and enhancement recommendations.



5 Findings: Surrounding Designated Sites

Desk Study

- 5.1.1 Sites of conservation interest can be designated on a statutory or non-statutory basis.

Statutory Sites

- 5.1.2 The protection over UK statutory sites (Sites of Special Scientific Interest) requires that any potential direct and indirect impacts from a development are assessed within at least a 2km radius of the survey site, whilst the protection over European designated sites (or Natura 2000) sites and Ramsar sites require any potential direct and indirect impacts are assessed within at least a 5km radius of the survey site.
- 5.1.3 There are no UK designated sites within 2km of the survey sites and no EU designated sites within 5km of the survey sites.

Non-Statutory Sites

- 5.1.4 Non-statutory sites are considered within a 1km radius of the survey site. Any non-statutory sites over 1km away are unlikely to be significantly impacted, unless they are directly connected, for example by a waterway. There are three non-statutory designated sites within 1km of the survey site;
- **Cronshaw Chair BHS:** This site lies approximately 600m southeast of the survey site. The site comprises birch-oak woodland and heathland with heather, bilberry, gorse and willow scrub. The site extends to 2.37ha. The BHS land closest to Site B is composed of birch-oak woodland. The site is notable for the presence of invertebrates including green hairstreak butterfly and birch sawfly.
 - **Smalley's Farm BHS:** This site is located approximately 800m east of the survey site. The farm comprises 3.65ha of species-rich pasture (neutral grassland) with hedgerows, streams and wooded cloughs. The fields are of particular interest for fungi, including waxcaps (*Hygrocybe* species).
 - **Dean Clough Reservoir BHS:** This site comprises two adjacent reservoirs and surrounding grazed moorland habitat.
- 5.1.5 Smalley's Farm and Dean Clough Reservoir are both sufficiently distanced from the survey site to render any direct or indirect impacts unlikely. There is possibility that the floristic interests associated with Smalley's Farm are present on the survey sites and this is taken into consideration during the site survey.
- 5.1.6 During the operational phase, there will likely be a small increase in the number of visitors to Cronshaw Chair. There are, however, well-used footpaths within the woodland, which extend to the countryside beyond. Any increase in visitor pressure will likely be accommodated by the existing footpath network and is unlikely to have a significant negative impact upon the BHS. See Figure 1 to see the footpath network.



Wildlife Site Definitions

*BHS: Biological Heritage Sites are 'Local Wildlife Sites' in Lancashire. They are identified within the county using a set of published guidelines. Their selection is based on the most important, distinctive and threatened species and habitats within a national, regional and local context. Local Wildlife Sites are locally valuable areas and are often corridors for wildlife forming key components of ecological networks. They are non-statutory designations, but are a material consideration within the planning process.

6 Findings: Habitat Survey

6.1 Habitat Assessment

Survey Site

- 6.1.2 No plant species or habitats of conservation interest were recorded, nor were they expected.
- 6.1.3 It is considered that in general, the habitats on site are not of conservation value. However, the mature trees associated with the brook and the hedgerow to the south and north of the site have intrinsic value for wildlife. It is understood that these trees and the hedgerow will be retained long-term.
- 6.1.4 The works undertaken thus far have resulted in the loss of a small area of amenity grassland. The loss of this habitat is not considered to be of significance to botanical interest in the locality.
- 6.1.5 No further survey work or compensation for the loss of the grassland is recommended.

Invasive Species

- 6.1.6 No invasive species, including Japanese knotweed (*Fallopia japonica*), giant hogweed (*Heracleum mantegazzianum*) or Himalayan balsam (*Impatiens grandulifera*) were recorded during the survey.
- 6.1.7 There is therefore no requirement to mitigate or manage invasive species.



7 Findings: Protected Species

Mammals

7.1 Bats

Potential For Bats

- 7.1.1 At a landscape level, the area surrounding the survey site is very good for bats. Refer to Figure 2.
- 7.1.2 Countryside extends in all directions. The landscape is mainly open, with grassland the predominant habitat type, but there are scattered plots of woodland and waterbodies within 2km of the survey site. The habitat will support a variety of bat species including widespread species such as common and soprano pipistrelle bat (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* respectively) and brown long-eared bat (*Plecotus auritus*). Species that favour open habitats such as Leisler's (*Nyctalus leisleri*) and noctule bat (*Nyctalus noctula*) would also be expected. Species that favour wooded habitat, such as Natterer's bat (*Myotis nattereri*), whiskered bat (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*) may also be present in the area, but are likely to be less abundant.
- 7.1.3 The linear features (hedgerows, tree lines, railway) provide good habitat links that are likely utilised by commuting bats and will facilitate the movement of bats through the landscape.

Data Search

- 7.1.4 Records data from Lancashire Environment Records Network (LERN) includes three records of common pipistrelle within 2km of the survey site. The lack of records is likely to reflect the lack of recorders in the locality rather than an absence of the species.



The Conservation Status of Bats in the Area

7.1.5 The conservation status of bats in the area is shown in Table 1.

Table 1: The Conservation Status of Bats in the area at a Local, County and Regional Level

Species	Local	County	Regional
<i>Common pipistrelle</i>	<i>Likely to be common in the area. There are records of this species in the area (10km).</i>	<i>Common and widespread Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest</i>
<i>Soprano pipistrelle</i>	<i>Likely to be present due to the presence of riparian habitat.</i>	<i>Widespread. Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest</i>
<i>Nathusius's pipistrelle</i>	<i>Likely to be rare in the area.</i>	<i>Infrequently recorded, but this may be due to low survey effort. Not yet recorded breeding in the county.</i>	<i>Rare across the northwest. A migratory species.</i>
<i>Brown long-eared bat</i>	<i>Likely to be in the area. There is a recent record of this species within 10km of the site.</i>	<i>Common and widespread Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest.</i>
<i>Natterer's bat</i>	<i>Likely to be in the area, although this species favours woodland habitat, which is infrequent in the landscape.</i>	<i>Scattered distribution in the county.</i>	<i>Widespread and scattered across the Northwest.</i>
<i>Noctule</i>	<i>Present</i>	<i>Widespread and frequently recorded.</i>	<i>Common and widespread. Frequently recorded in the Northwest.</i>
<i>Whiskered bat</i>	<i>Present but likely rare</i>	<i>Present</i>	<i>Widespread.</i>
<i>Brandt's bat</i>	<i>Rare / absent</i>	<i>Present</i>	<i>Widespread.</i>
<i>Alcathoe's bat</i>	<i>Unknown</i>	<i>Unknown</i>	<i>Widespread. Likely under-recorded.</i>
<i>Daubenton's</i>	<i>Presence is likely due to the riparian habitat present.</i>	<i>Widespread, frequently recorded near water.</i>	<i>Widespread</i>
<i>Serotine</i>	<i>Rare / absent</i>	<i>Unknown</i>	<i>Restricted to south and southwest Britain, rarely recorded in the northwest.</i>
<i>Leislars</i>	<i>Rare</i>	<i>Unknown</i>	<i>Rare, but widespread in Britain. Present in the northwest.</i>
<i>Barbastelle</i>	<i>Unlikely to be present in the area. This species is a woodland-specialist</i>	<i>Unknown</i>	<i>Present south of a line from North Wales to the Wash.</i>



and there is a lack of this habitat present.

Survey and Assessment

Habitat

- 7.1.6 The habitats present within the survey site, including grassland and hedgerows are likely to provide suitable foraging habitat for bats. However, these habitats have not been significantly impacted by the proposals.
- 7.1.7 The loss of a small area of amenity grassland is not considered likely to be of significance to foraging bats.
- 7.1.8 The hedgerows and tree lines are to be retained long-term and the works undertaken thus far show no impact to these habitats.
- 7.1.9 The nature of the camping pod site renders any impact to bats very low-negligible. However, recommendations to minimise the impact of lighting on commuting and foraging bats have been made.

7.2 Badger

Data Search

- 7.2.1 Data from LERN include a single record of badger (*Meles meles*) within 1km of the survey site.

Survey and Assessment

- 7.2.2 The habitat within the survey site and immediate surroundings (grassland with tree lines and hedgerow) has suitability for badger, which are likely to be present in the area.
- 7.2.3 However, no sign of badgers (setts, pathways, latrines, hairs etc) were found during the survey.
- 7.2.4 The current use of the site for camping pods is considered very unlikely to be of significance to badger and no further survey work or mitigation is recommended.



7.3 Hedgehog

Data Search

- 7.3.1 Data from LERN include two records of hedgehog (*Erinaceus europaeus*) within 2km of the survey site.

Survey and Assessment

- 7.3.2 Hedgehog are a Species of Principal Importance under the NERC Act, 2006.
- 7.3.3 The survey site supports habitat (grassland and hedgerows), which is suitable for this species in which to forage and find shelter.
- 7.3.4 In 2019 recommendations were made for precautionary measures during the work to avoid unnecessary harm to Hedgehog. However, hedgehog are unlikely to have been impacted by the works as during the day they will find shelter in dense vegetation, and the grazed grassland was unsuitable for this.
- 7.3.5 The existing grassland, which has been left to grow somewhat longer without the pressure of grazing, is more favourable for hedgehog and so the site is considered to be improved for this species.

7.4 Brown hare

Data Search

- 7.4.1 Data from LERN include nine records for brown hare (*Lepus europaeus*) within 2km of the survey site.

Survey and Assessment

- 7.4.2 Brown hare are a Species of Principal Importance under the NERC Act, 2006.
- 7.4.3 The habitat within the survey sites and immediate surroundings has some suitability for this species, which may be present in the area. The short, managed nature of the grassland within the survey site makes it unfavourable for this species, which requires cover in order to rest.
- 7.4.4 For this reason, the ongoing use of the site for camping is considered unlikely to be of significance to brown hare and no further survey work or mitigation is considered necessary.



7.5 Water Vole

Data Search

- 7.5.1 Data from LERN include records of water vole (*Arvicola terrestris*) within 1km of the survey site.

Survey and Assessment

- 7.5.2 The stream along the western boundary of the site is considered generally unfavourable for water-vole as it is well-vegetated with grasses and rushes, and there was little water present in the stream at the time of survey. For this reason, the stream is unlikely to provide suitable habitat for breeding water vole.
- 7.5.3 The small brook on the west boundary of Site A has potential to provide a corridor for the movement of water vole, but is considered unlikely to be suitable to sustain a population. This is because the stream is shallow and narrow, with few grasses and rushes along the bank.
- 7.5.4 At the time of survey, upon inspection, there was no evidence of the presence of water vole in the stream.
- 7.5.5 The works undertaken thus far have not impacted the stream directly or indirectly. No further survey work or mitigation for this species is considered necessary. The installation of the fencing will prevent damage to the watercourse in the long-term.

7.6 Otter

Data Search

- 7.6.1 Data from LERN do not contain any records of otter (*Lutra lutra*) within 2km of the survey site.

Survey and Assessment

- 7.6.2 The small brook on the western boundary has potential to provide a corridor for the movement of otter, if present in the area, but the brook is unlikely to be suitable to sustain a population. This is because the stream is shallow and narrow.
- 7.6.3 The works undertaken thus far have not impacted the stream directly or indirectly. No further survey work or mitigation for this species is considered necessary. The installation of the fencing will prevent damage to the watercourse in the long-term.



7.7 Reptiles

Data Search

- 7.7.1 The data from LERN do not include any records of reptiles within 2km of the survey site.

Survey and Assessment

- 7.7.2 The records for reptiles in the northwest are generally low. Reptiles are of very low distribution and found at low density even in ideal habitats such as rough grassland with scrub.
- 7.7.3 The records for reptiles in the northwest are generally low. In Lancashire reptiles are of low distribution and found at low density even in ideal habitats.
- 7.7.4 The habitat recorded within the survey site in 2019, comprising grazed grassland has low suitability for reptiles, which favour long, rough grassland with cover. The works undertaken are unlikely to have had any negative impact upon reptiles in the area.
- 7.7.5 However, the land as it is managed at present, with longer grassland, provides more favourable habitat for reptiles and the potential presence of this species group should be considered in light of any future proposals.

7.8 Amphibians

Great crested newt

Data Search

- 7.8.1 The data from LERN do not include any records of great crested newt within 2km of the survey site.

Survey and Assessment

- 7.8.2 Great crested newt (*Triturus cristatus*), which have the highest protection of all amphibians under UK and EU law, favour still water bodies, such as ponds with good vegetation. They breed in ponds, but spend much of the year terrestrially, within habitat such as rough grassland and woodland, which provides good foraging and hibernacula. Great crested newts are known to travel, usually, within a 250m radius of breeding ponds, but can travel up to 500m.
- 7.8.3 According to the Ordnance Survey map there are 13 waterbodies within 500m of the eastern boundary of the survey site, all located in the Golf Course. The closest waterbody is 250m to the east of the eastern boundary.
- 7.8.4 The works to construct the access track and camping pod area lie 250-400m from the nearest waterbody.



- 7.8.5 Although the risk of great crested newts was very low – unlikely, precautionary mitigation measures were proposed in 2019 to prevent harm to individual animals during the works. These precautions would have minimised any potential risk of harm to great crested newts.
- 7.8.6 The works completed thus far will not result in any potential restriction to the movement of great crested newts and the loss of the grassland is considered very unlikely to be of significance to this species group.
- 7.8.7 No compensation for this species group is therefore considered necessary.

7.1 Nesting Birds

Data Search

- 7.8.8 Data from LERN include records for 65 bird species within a 2km radius of the survey site. The data include records for fifteen species on Schedule 1 of the Wildlife and Countryside Act, 1981; fieldfare (*Turdus pilaris*), redwing (*Turdus iliacus*), green sandpiper (*Tringa nebularia*), greenshank (*Tringa nebularia*), wood sandpiper (*Tringa glareola*), spotted crane (*Porzana porzana*), osprey (*Pandion haliaetus*), black-tailed godwit (*Limosa limosa*), merlin (*Falco columbarius*), whooper swan (*Cygnus cygnus*), goldeneye (*Bucephala clangula*), scaup (*Aythya marila*), garganey (*Anas querquedula*), pintail (*Anas acuta*) and kingfisher (*Alcedo atthis*).

Survey and Assessment

- 7.8.9 Birds recorded on site during the surveys comprise wood pigeon (*Columba palumbus*), collared dove (*Streptopelia decaocto*), blackbird (*Turdus merula*) and great tit (*Cyanistes caeruleus*). No birds on the red or amber list of Birds of Conservation Concern (BoCC) were recorded, but such species may nest on site, for example house sparrow (*Passer domesticus*) is on the red list of BoCC, whilst dunnoek (*Prunella modularis*) is on the amber list. House Sparrow is also a UK BAP species, which are encompassed under the list of Species of Principal Importance as part of the NERC Act, 2006.
- 7.8.10 Birds listed on Schedule 1 of the Wildlife and Countryside Act, 1981 may visit site, for example fieldfare and redwing may forage over winter. However, birds on Schedule 1 are considered unlikely to nest on site as the habitat is not suitable; the majority of species previously recorded are waterbirds. Kingfisher is unlikely to be present as the brook is small, shallow and narrow.
- 7.8.11 Although birds of particular conservation importance (on Schedule 1) are unlikely to nest on site, passerine birds are likely to nest within trees and hedgerows on site in the spring and summer months.
- 7.8.12 Avoidance mitigation was recommended in 2019 to minimise disturbance to nesting birds. However, it is considered unlikely that the works undertaken have resulted in a negative impact upon breeding birds in the locality because the works included the loss of grazed mesotrophic grassland only.
- 7.8.13 The proposals provide the opportunity to enhance the site for nesting birds through planting of additional hedgerow.



Birds of Conservation Concern (BoCC): These lists indicate the population status of birds in the UK, Channel Islands and the Isle of Man.

- **BoCC Red list:** Includes species globally threatened, a historical population decline in the UK, a severe (at least 50%) decline in the UK breeding population over the last 25 years or long-term period. A severe (at least 50%) contraction of the UK breeding range over the last 25 years or the longer term.
- **Amber list:** Includes species with unfavourable conservation status in Europe, a historical population decline, moderate (25-50%) decline in the UK breeding population over the last 25 years, moderate (25-50%) contraction in UK breeding or non-breeding range, rare breeders (1-300 breeding pairs in UK), rare non breeders, localised rare breeders or non-breeders, internationally important breeders or non-breeders.

7.2 Invertebrates

Survey and Assessment

- 7.2.1 The survey supports common and widespread habitat types and for this reason, is likely to support only common and widespread invertebrates.
- 7.2.2 The hedgerow, brook and mature trees have been retained. The loss of a small area of improved grassland as a result of the works on site is considered unlikely to have a negative impact upon the populations of invertebrates in the locality.
- 7.2.3 **No compensation for this species group is recommended.**

7.3 Other protected species and habitats.

- 7.3.1 Other protected species, including those associated with riparian habitats, such as red squirrel (*Sciurus vulgaris*) are not expected on or near the site as populations of this species are not known in the area.



8 Appraisal

- 8.0.1 In 2019 survey site at Croasdale farm comprised an area of grazed mesotrophic (improved) grassland with boundary hedgerows and trees, and a brook.
- 8.0.2 The works undertaken have included the installation of an access track, car park area, four camping pods and a washroom.
- 8.0.3 The works undertaken are not likely to have had a negative impact upon protected species or habitats of conservation interest in the area.
- 8.0.4 Indeed, the installation of a fence along the brook will ensure the protection of this habitat long-term.
- 8.0.5 However, recommendations to avoid disturbance to foraging and commuting bats is recommended.
- 8.0.6 Overall, the works undertaken to date to the rear of Croasdale Farm are not considered likely to have any significant impact upon biodiversity. The surrounding habitat (within the field supporting the camping pods) is being sensitively managed and provides habitat not significantly different to that present in 2019. The ecological functionality of the site has been retained.
- 8.0.7 The proposals provide the opportunity for biodiversity net gain.



9 Recommendations

9.1 Bats and lighting

9.1.1 Bats are likely to utilise the hedgerows and tree lines for foraging and commuting purposes. To avoid any negative impacts, it is proposed that:

- Any lighting is directed with the use of baffels to prevent spread of light to the hedgerows and tree lines. If possible, any necessary lighting should be on a timer to avoid light pollution.

9.1.2 Lighting installed should be of low or high-pressure sodium or LED, to minimise UV output and attraction of insects.

9.2 Biodiversity Enhancement

9.2.1 In order to ensure biodiversity net gain on site, it is proposed that:

- A native species hedgerow is planted along the west boundary, or in another suitable area on site (for example reinforcing the northern boundary. This hedgerow can be planted with predominantly hawthorn and a lower percentage of holly. Honeysuckle and dog rose could be planted to provide some diversity.
- It is proposed that four bat boxes and four bird boxes are installed on trees on site. A variety of bird boxes are available from NHBS (www.nhbs.com). Schwegler woodcrete boxes such as the 1MR Nest box are beneficial as they are durable.
- Bat boxes can be bought or made by hand from untreated rough-sawn wood. The Kent Bat Box (See Appendix B) has been proven effective in Lancashire.



Schwegler 1MR Bird Nest Box



10 References

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• APPENDIX A: Wildlife Legislation and Planning Policy

1.0 UK AND EU LEGISLATION

KEY LEGISLATION

In the UK, the following legislation relates to wildlife and habitats:

- o Wildlife and Countryside Act 1981 (as amended)
- o The Countryside and Rights of Way Act (CROW), 2000
- o The Badger Act 1992
- o The Natural Environment and Rural Communities Act (NERC, 2006)
- o Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations (2018)
- o The Hedgerow Regulations (1997)

1.1 WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

1.1.1 The Wildlife and Countryside Act 1981 consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the conservation of wild birds (Birds Directive) in Great Britain (NB Council Directive 79/409/EEC has now been replaced by Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version)).

BIRDS

1.1.2 The Act makes it an offence (with exception to species listed in Schedule 2) to intentionally:

- o kill, injure, or take any wild bird,
- o take, damage or destroy the nest of any wild bird while that nest is in use or being built (also [take, damage or destroy the nest of a wild bird included in Schedule ZA1] under the Natural Environment and Rural Communities Act 2006), or
- o take or destroy an egg of any wild bird.

Schedule 1 birds

1.1.3 Special penalties are available for offences related to birds listed on Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young, for example Barn Owl and Red Kite.

Areas of Special Protection for Birds

1.1.4 The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds.

Other offences

1.1.5 The Act also prohibits certain methods of killing, injuring, or taking birds, restricts the sale and possession of captive bred birds, and sets standards for keeping birds in captivity.

OTHER ANIMALS

1.1.6 The Act makes it an offence (subject to exceptions) to intentionally ([or recklessly] - only under the Nature Conservation (Scotland) Act 2004) kill, injure or take any wild animal listed on Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places. The Act also prohibits certain methods of killing, injuring, or taking wild animals.

1.1.7 For animals listed in Schedule 5 of the act, it is an offence under:

- Section 9(1) to kill, injure or take the animal by any method
- Section 9(2) to possess or control a dead or live animal (or part of derivative).
- Section 9(4)(a) to cause damage to, destruction of, obstruction of access to any structure or place used by a scheduled animal for shelter or protection.
- Section 9(4)(b) to disturb any animal on the schedule occupying such as structure or place.
- Section 9(4)(c) to obstruct access to any structure or place which any such animal uses for shelter or protection.



- Section 9(5)(a) to sell, offer or expose for sale, possess or transport for the purpose of sale, any live or dead wild animal, or part or derivative of an animal included in Schedule 5.
- Section 9(5)(b) to publish or cause to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things.

Species that receive FULL PROTECTION under the act:

- All UK bats
- Otter
- Water vole
- Dormouse
- Red squirrel
- Wildcat
- Reptiles – Smooth snake and sand lizard
- Amphibians – Great crested newt, Natterjack toad, Pool frog
- Invertebrates – some including, but not restricted to Swallowtail butterfly, Marsh fritillary butterfly, Large copper butterfly, Heath fritillary butterfly, Large blue butterfly, Barberry carpet moth, Rainbow leaf beetle, Violet click beetle, Medicinal leech.

Species that protected from intentional KILLING, INJURY and SALE only:

- Reptiles – widespread species; Common lizard, Slow-worm, Grass snake and Adder.

Species protected from TAKING and SALE only:

- Atlantic stream (white-clawed) crayfish

Species protected from SALE only:

- Common toad
- Common frog
- Palmate newt
- Smooth newt
- Invertebrates – Some including 18 butterflies such as Chalk hill blue butterfly, Adonis blue butterfly, Large tortoiseshell butterfly.

Vascular Plants, Bryophytes, Lichens and Fungi (PLANTS)

1.1.8 For any vascular plant, bryophyte, lichen or fungi listed in Schedule 8 of the Act, it makes it an offence under:

- Section 13(1)(a) to Intentionally pick, uproot or destroy plants in Schedule 8.
- Section 13(1)(b) to undertake unauthorised intentional uprooting of any wild plant not included in Schedule 8.
- Section 13(2)(a) to sell, offer for sale, possess or transport for the purpose of sale any plant (live or dead, part or derivatives) on Schedule 8.
- Section 13(2)(b) to publish or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things.

1.1.9 Species with protection under Schedule 8 include, but are not restricted to:

1.1.10 Bluebell, Wood calamint, Rock cinquefoil, Early spider orchid, Spring gentian, Stinking goosefoot, Small hare's-ear, Alpine copper moss (*Mielichhoferia mielichhoferi*), Goblin lights lichen (*Catolechia wahlenbergii*).

Non-Native Species

1.1.11 Species listed in Schedule 9 of the Act are non-native species, which the establishment of in the wild may be detrimental to native wildlife. Species listed in Schedule 9 include Japanese knotweed, Himalayan Balsam and Giant hogweed.

1.1.12 For species listed in Schedule 9 of the act it is an offence:

- Under Section 14(1) if any person releases or allows to escape into the wild any animal which—
 - (a) is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or
 - (b) is included in Part I of Schedule 9,
- Under Section 14ZA (1) to sell, offers or exposes for sale, or has in his possession or transports for the purposes of sale an animal or plant to which this section 14 applies, or anything from which such an animal or plant can be reproduced or propagated.



- Under Section 14ZA (2) to publish or cause to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell an animal or plant to which this section applies, or anything from which such an animal or plant can be reproduced or propagated.

1.1.13 Section 14ZB gives the Secretary of State the power to issue codes of practice, or approve a code of practice issued by others, relating to non-native animal and plant species. It is intended that the codes will be used to provide recommendations, advice and information on how to stop the damage caused by non-native animals and plants.

1.2 SITES OF SPECIAL SCIENTIFIC INTEREST (SSSIs) AND OTHER PROTECTED AREAS

1.2.1 Sections 28 to 33 of Part 2 of the Wildlife and Countryside Act detail the law regarding SSSIs.. Sections 34 to 53 deal with other protected areas within Great Britain.

- The Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) – these sites are identified for their flora, fauna, geological or physiographical features – by the country conservation bodies in England (Natural England) and Wales (Natural Resources Wales).
- The Act also contains measures for the protection and management of SSSIs.
- The Act provides for the making of Limestone Pavement Orders, which prohibit the disturbance and removal of limestone from such designated areas
- The Act provides means for the designation of Marine Nature Reserves.
- The Act prohibits the undertaking of agricultural or forestry operations on land within National Parks which has been either moor or heath for 20 years, without consent from the relevant planning authority.

1.3 THE COUNTRYSIDE AND RIGHTS OF WAY (CROW) ACT 2000

1.3.1 The Countryside and Rights of Way Act 2000 strengthened the Wildlife and Countryside Act 1981 in the following ways:

Schedule 12

1.3.2 Schedule 12 of the Act amends the species provisions of the Wildlife and Countryside Act 1981 and strengthens the legal protection of species by:

- Providing provisions to make certain offences 'arrestable'
- Changing the term 'intentional' to 'reckless' with regard to disturbance offences, such that ignorance of the law is no longer a defence.
- Conferring greater powers to police and wildlife inspectors for entering premises and obtaining wildlife tissue samples for DNA analysis, and;
- Enabling heavier penalties on conviction of wildlife offences.

Schedule 9

1.3.3 Schedule 9 of the Act amends SSSI provisions of the Wildlife and Countryside Act 1981, including provision to change SSSIs and providing increased powers for their protection and management, placement of a duty on public bodies to further the conservation and enhancement of SSSIs and increases in penalties on convictions where the provisions are breached.

1.4 THE BADGER ACT 1992

1.4.1 Under the Badger Act 1992, it is an offence to:

- Section 1 – Take, injure or kill a badger, or attempt to do so
- Section 2 – Cruelly ill-treat a badger, inclusive of digging for a badger
- Section 3 – Interfere with a badger sett. A person is guilty of an offence if, except as permitted by or under this Act, he interferes with a badger sett by doing any of the following things—
 - (a)damaging a badger sett or any part of it;
 - (b)destroying a badger sett;
 - (c)obstructing access to, or any entrance of, a badger sett;
 - (d)causing a dog to enter a badger sett; or



(e)disturbing a badger when it is occupying a badger sett,

- o Section 4 – To sell or possess a live badger.
- o Section 5 – To mark or ring a badger unless under licence to do so.

1.5 THE HEDGEROWS REGULATIONS, 1997

1.5.1 The Hedgerows Regulations, 1997 ensure the protection from damage or destruction of 'important' hedgerows. Criteria within the regulations determine the importance.

1.6 THE CONSERVATION OF HABITATS AND SPECIES AND PLANNING (VARIOUS AMENDMENTS) (ENGLAND AND WALES) REGULATIONS 2018

1.6.1 In addition to the Wildlife and Countryside Act 1984, certain species have additional protection under European Law.

1.6.2 The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 (the Habitats Regs) consolidate the amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994 in England and Wales. The Regulations transpose the Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora (EC Habitats Directive) into UK law.

1.6.3 The Habitats Regulations 2010 provide protection for 'European Protected Species' and protection and designation for 'European Protected Sites'.

Schedule 2: European Protected Species of Animals

- All UK bats
- Dormice
- Otter
- Large blue butterfly
- Wild cat
- Sand lizard
- Smooth snake
- Great crested newt
- Natterjack toad
- Fishers estuarine moth
- Lesser whirlpool ram's horn snail
- Sturgeon
- Marine turtles
- All dolphins, porpoises and whales.

1.6.4 For species listed in Schedule 2, Under Part 3 Regulation 41(1) it is an offence to

- (a) deliberately capture, injure or kill any wild animal of a European protected species,
- (b) deliberately disturb a wild animal of any such species,
- (c) deliberately take or destroy the eggs of such an animal, or
- (d) damage or destroy a breeding site or resting place of such an animal,

1.6.5 Under Part 3 Regulation 41 (2) For the purposes of paragraph (1)(b), disturbance of animals includes in particular any disturbance which is likely—

- (a) to impair their ability—
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- (b) to affect significantly the local distribution or abundance of the species to which they belong.

Under Part 3 Regulation 41.(3) It is an offence for any person—

- (a) to be in possession of, or to control,
- (b) to transport,
- (c) to sell or exchange, or
- (d) to offer for sale or exchange any animal in Schedule 2.

Schedule 5: European Protected Species of Plants

- Shore dock
- Killamey Fern
- Early Gentian
- Lady's-slipper



- Creeping marshwort
- Slender naiad
- Fen orchid
- Floating-leaved water plantain
- Yellow-marsh saxifrage.

1.6.6 For species listed in Schedule 2, Under Part 3 Regulation 45(1) It is an offence deliberately to pick, collect, cut, uproot or destroy a wild plant of a European protected species.

1.6.7 Under Part 3 Regulation 45(1) (2) It is an offence for any person

- (a) to be in possession of, or to control,
- (b) to transport,
- (c) to sell or exchange, or
- (d) to offer for sale or exchange any plant in Schedule 5

European Designated Sites

1.6.8 These include:

- Special Protection Areas – SPAs are classified in accordance with Article 4 of the EC Birds Directive for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species
- Special Areas of Conservation – SACs are classified in accordance with Article 3 of the EC Habitats Directive. SACs are designated to establish a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive (as amended).

1.6.9 Natura 2000 is the name of the European Union-wide network of nature conservation sites established under the EC Habitats and Birds Directives. This network will comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Marine Natura 2000 sites contribute to our ecologically coherent network of marine protected areas.

1.7 NATURAL ENVIRONMENT AND RURAL COMMUNITIES (NERC) ACT 2006

Planning Authorities: A Duty to Conserve Biodiversity

1.7.1 Under this legislation, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site *before* they make a decision on the planning permission.

1.7.2 Part 2, Section 40 confers on the planning authorities a duty to conserve biodiversity and states:

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

Species of Principal Importance

1.7.3 Part 3, Section 41 requires the Secretary of State to "*publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of **principle importance** for the purpose of conserving biodiversity*".

1.7.4 This requirement lead to production of a list of species and habitats of Principal Importance, which should be a material consideration during the planning process.

1.8 DESIGNATED SITES OF CONSERVATION INTEREST

1.8.1 Sites of conservation interest can be designated on a statutory or non-statutory basis.

Statutory Sites

1.8.2 Statutory sites can be designated under UK legislation (the Wildlife and Countryside Act 1981), European Law (the Habitats Regulations 2010) or International law (Ramsar Convention).

1.8.3 The designated sites are referred to under the relevant legislation above.

1.8.4 UK designated sites include Sites of Special Scientific Interest (SSSIs).

1.8.5 European designated sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

1.8.6 Ramsar sites are wetlands of international importance designated under the Convention on Wetlands of International Importance, agreed in



Ramsar, Iran, in 1971.

1.8.7 Local Nature Reserves (LNRs): Under the National Parks and Access to the Countryside Act 1949 LNRs may be declared by local authorities after consultation with the relevant statutory nature conservation agency. LNRs are declared and managed for nature conservation, and provide opportunities for research and education, or simply enjoying and having contact with nature.

1.8.8 National Nature Reserves (NNRs): are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981.

Non-Statutory Sites

1.8.9 Local authorities for any given area may designate certain areas as being of local conservation interest. The criteria for inclusion, and the level of protection provided, if any, may vary between areas. Most individual counties have a similar scheme, although they do vary.

1.8.10 These sites, which may be given various titles such as 'Listed Wildlife Sites' (LWS), 'Local Nature Conservation Sites' (LNCS), 'Sites of Importance for Nature Conservation' (SINCs), 'Biological Heritage Sites' (BHS) or 'Sites of Nature Conservation Importance' (SNCIs), together with statutory designations, are defined in local and structure plans under the Town and Country Planning system and are a material consideration when planning applications are being determined.

2.0 Plans and Policies

In the UK, the following plans and policies relate to wildlife and habitats:

- o National Planning Policy Framework (NPPF, 2018)
- o The Natural Environment White Paper 'The Natural Choice: Securing the Value of Nature'
- o Biodiversity – The UK Action Plan (1994, and subsequent revisions)
- o Local Biodiversity Action Plans where applicable
- o Neighbourhood plans where applicable

NATIONAL PLANNING POLICY FRAMEWORK

2.1.1 In March 2012 the Government introduced the National Planning Policy Framework (NPPF). This was revised in 2018.

Chapter 15: Conserving and Enhancing the Natural Environment

Chapter 15, Para 170 of NPPF states: "The planning system should contribute to and enhance the natural and local environment by:

- b) **protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils....**
- e) **minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".**

Para 171 states: "Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."

Para 174 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:

- c) **"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**
- d) **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."**

Para 175 states that "when determining planning applications, local authorities should apply the following principles:

- b) **if significant harm to biodiversity from a development cannot be avoided...,adequately mitigated, or, as a last resort compensated for, then planning permission should be refused"**
- c) **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;

- d) ***Development result in the loss of deterioration of irreplaceable habitats (such as ancient woodland or ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensatory strategy exists; and***
- e) ***Development whos primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.***

Para 177 states "the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined."

2.2 ODPM CIRCULAR 06/2005: BIODIVERSITY AND GEOLOGICAL CONSERVATION

- 2.2.1 This document, to be read in conjunction with NPPF provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It makes it clear that it is the intention of the government that local authorities and developers consider protected species at the earliest possible stage in the planning process. Any planning application that is likely to affect protected species should come with details of the surveys which have been undertaken and should include, if necessary, recommendations for mitigation. Applications which do not include sufficient data should be rejected.

2.3 The Natural Environment White paper

- 2.3.1 The Natural Environment White Paper 'The Natural Choice: Securing the Value of Nature' states that 'We want to create a resilient and coherent ecological network at national and local levels across England... To make this happen the government will put in place a clear institutional framework to support nature restoration. This means: establishing Local Nature Partnerships... Creating new Nature Improvement Areas (NIAs) and strengthening support through the planning system.'

Biodiversity Offsetting

- 2.3.2 Biodiversity offsetting is described in the Natural Environment White Paper as 'conservation activities designed to deliver biodiversity benefits in compensation for losses in a measurable way. Good developments incorporate biodiversity considerations in their design but are still likely to result in some biodiversity loss. One way to compensate for this loss is by offsetting: the developer secures compensatory habitats elsewhere.'
- 2.3.3 The level of biodiversity offsetting required could be determine by means of assessments undertaken in accordance with the Department for Environment, Food and Rural Affairs (DEFRA) metric contained in Biodiversity Offsetting Pilots published in March 2012 as applied in the Defra offsetting pilot projects. Biodiversity offsetting could be delivered by developers in partnership with various partners including conservation organisations, local landowners and the borough council.

2.4 Biodiversity Action Plan (Local or UK)

UK Biodiversity Action Plan

- 2.4.1 Biodiversity: The UK Action Plan outlines how the UK plans to address biodiversity conservation in response to the Rio Convention on Biological Diversity (1992). In 2004 a UK Biodiversity Steering Group was formed and discussions resulted in the publication of 'Biodiversity: the UK Steering Group Report – meeting the Rio challenge', which established a framework and criteria for identifying species and habitats of conservation concern. From this list, action plans for 391 species and 45 broad habitat types were prepared. In 2007, the UK List of Priority Species and Habitats was reviewed and the revised list identifies 1149 species and 65 habitats requiring conservation action.
- 2.4.2 These species are now listed in Section 41 of the NERC Act, 2006 and referred to as Habitats and Species of Principal Importance



(HPI or SPI).

- 2.4.3 Outcome 3 of the Government's Biodiversity 2020 strategy (DEFRA, 2011) contains an ambition to ensure that *"By 2020, we will see an overall improvement in the status of our wildlife and will have prevented further human-induced extinctions of known threatened species"*. Protecting and enhancing England's Species and Habitats of Principal Importance is key to delivering this outcome.

Local Biodiversity Action Plans

- 2.4.4 Local Biodiversity Action Plans (LBAPs) are a means for delivering UK Biodiversity Action Plan targets at a local level. LBAPs were launched in 1997 by a partnership of conservation groups, government agencies and local authorities. They set out a framework for nature conservation in the specified area. This framework includes priority species and habitats and sets targets to maintain and enhance their conservation status.

2.5 Other Species Lists of Species of Conservation Concern

- 2.5.1 Species lists of Species of Conservation Concern also considered within this assessment are as follows:

- Birds of Conservation Concern: Based on an assessment of the conservation status of British birds. Following an assessment of data on population and trends against established criteria, there are red, amber and green lists of BoCC. The latest review was BOCC 4 (Eaton et al, 2015)

Red Data Book Species: In 1999 the Species Status Assessment project (JNCC) assigned conservation status to the UK flora and fauna using the internationally approved IUCN Red Data Book criteria and categories. The reviews were published in a series of data sheets and assigned a conservation status to each species.



• APPENDIX B: Kent Bat Box

The Kent bat box

Simple to construct, self-cleaning and low maintenance.

The only critical measurement is the width of the crevices—these should be no larger than suggested. Other measurements are approximate.

Materials and construction

Box to be made from untreated rough-sawn timbers
Timber should be c.20mm thick

The box should be rainproof and draught-free

Crevices can be between 15 and 25 mm wide

Fixing may be by use of brackets, durable bands or wires

Location

Boxes are best fixed as high as possible in a sheltered wind-free position, exposed to the sun for part of the day.

They can be fitted to walls, other flat surfaces or trees

A clear flight line to the entrance is important

