ACP

Balancing Growth with Green

Preliminary Ecological Appraisal and Roost Assessment

Charlie Griffiths
51 Winifred Road, Waterlooville PO7 7TD

October 2025

Project Information

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Disclaimer

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1 Introduction

1.1 Overview

Charlie Griffiths ('the client') is seeking consent for a proposed development at 51 Winifred Road, Waterlooville PO7 7TD (hereafter referred to as the 'proposed development site'), which is within Havant Borough Council (HBC).

The proposal is for the upward extension/loft conversion of the existing property (Appendix B).

ACP Consultants Ltd. was instructed by the client to produce a Preliminary Ecology Appraisal and Preliminary Roost Assessment to accompany the planning application to the HBC for consent to undertake the proposed works. Relevant planning policy and legislation can be found in Appendix C.

A Preliminary Ecology Appraisal and a Preliminary Roost Assessment has been prepared to assess the site's feasibility for this proposed development and identify need for any further consideration.

Local Authorities are tasked with determining new development and local planning applications against a wide range of social, economic, and environmental criteria. The purpose of this report is to assess whether the development proposal is compliant with the relevant local policies in terms of ecological impact as a result of the proposed commercial development.

This assessment has been carried out in accordance with good practice guidelines, including the National Planning Policy Framework (2024) and applicable local supplementary guidance.

The remainder of this report is presented in the following order:

- Section 2: Methodology;
- Section 3: Baseline Ecological Conditions;
- Section 4: Results and Evaluation;
- Section 5: Discussion and Recommendations;
- Section 6: Conclusions.

1.2 Objectives

- To survey and determine the ecological value of the site according to the UKHab Ltd (2023). UK Habitat Classification Version 2.0 (at https://www/ukhab.org)
- To identify how protected species are / may be using the site in order to assess its functionality to the local populations, including a detailed Preliminary Roost Assessment for bat presence / absence;
- To consider impacts to all habitats immediately adjacent to the site;
- To consider potential impacts to local statutory and non-statutory site either within 2km or for European level designations, a buffer deemed as appropriate by the relevant Planning Authority; and
- To assess the suitability of the proposed development site in terms of existing ecological factors.

2 Methodology

To achieve the objectives outlined in Section 1.2, a desktop study was completed followed by a site visit undertaken by Ayan Chakravartty (Level 2 Bat Licence number - 2024-12540-CL18-BAT). This site visit assessed the sites dominant habitat types and made note of any field signs of protected species.

During the inspection of the site a Preliminary Roost Assessment was also undertaken to determine the potential for bat roosting and establish whether bats are using, or have used, the site for roosting. The assessment was conducted in accordance with the latest published best practice guidelines (Collins, 2023). All accessible parts of the relevant structures were inspected for signs of bat presence (droppings, feeding remains, straining from oils and urine, and scratch marks).

Table 1: Guidelines for assessing the proposed development site for bats (from Collins, 2023).

Suitability	Roosting habitats in structures	Potential flightpaths and foraging habitats	Number of activity survey visits required
None	*No habitat features on site likely to be used by any roosting bats at any time of year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels).*	*No habitat features on site likely to be used by any commuting or foraging bats at any time of year (i.e. no habitats that provide continuous lines of shade/protection for flight-lines or generate/shelter insect populations available to foraging bats).*	None
Negligible	*No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.*	*No obvious habitat features on site likely to be used as flight-paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.*	None
Low	*A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by a larger number of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site but could be used by individual hibernating bats).*	*Habitat that could be used by small numbers of bats as flight-paths such as gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat.* *Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.*	One
Moderate	*A structure with one or more potential roost sites that could*	*Continuous habitat connected to the wider landscape that could be*	Two

Suitability	Roosting habitats in structures	Potential flightpaths and foraging habitats	Number of activity survey visits required
	be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).	*used by bats for flight-paths such as lines of trees and scrub or linked back gardens* *Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.*	
High	*A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.*	*Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge.* *High quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland.* *Site is close to and connected to known roosts.*	Three

2.1 Desktop Study

The desk study was undertaken by referring to the following data sources:

- Defra (2025). Multi-Agency Geographic Information for the Countryside (MAGIC)

2.2 UKHab Site Survey

On the 19th of September 2025, the field survey was completed at the site in order to obtain detailed baseline information regarding the habitats and possibility of protected species present.

The assessment identifies sites, habitats, species and other ecological features that are of value based on factors such as legal protection, statutory or local site designations such as Sites of Special Scientific Interest (SSSI). Based upon this, recommendations for further, more detailed surveys are made as appropriate to confirm presence / absence of a protected species.

A UKHab Survey involved identifying and mapping the dominant habitat types within the site boundary. The survey and identification of habitats was undertaken in accordance with the UKHab Ltd (2023) methodology. UK Habitat Classification Version 2.0 (https://www.ukhab.org).

During the survey, a note was made of any field signs indicating the presence of protected species and the location of these signs was mapped. A record was also made of any other animal species identified within the site or adjacent areas during the survey. The results of the habitat survey are shown on UKHab Map, Appendix A.

2.3 Limitations

The results of the survey and assessment work undertaken by ACP Consultants Ltd. are representative at the time of surveying.

This document does not contain a comprehensive list of botanical species on site. Only plant species characteristics of each habitat and incidental observations of notable plant species were recorded. In addition, many plant species are only evident at certain times of year and so some plant species may have gone undetected.

Any third party and external data sources used may vary due to the quality and scale, the supporting information used to define locations/boundaries and sensitivity of the data itself. ACP Consultants Ltd. cannot take responsibility for the accuracy of external data sources and as such discrepancies and inaccuracies may occur.

3 Existing Baseline

3.1 Overview

The following section sets out the existing conditions in relation to ecology for the proposed development. Relevant ecological information is available from several sources including local, regional, and national ecological reports and websites. Additionally, these sources were used to evaluate the surrounding habitat for bat suitability. This included any potential important habitat corridors (linear habitat features), feeding grounds or potential roost opportunities, such as large expanses of woodland. For the purpose of this assessment, some data has been obtained from Defra provided geographical sources[1].

3.2 Site Location

In Figure 3.1, data obtained from Defra shows the proposed development is not located on any type of protected land. There are five Sites of Special Scientific Interest (SSSI) within 5km of the proposed development; 3.4km West (Lye Heath Marsh), 4km Southwest (Portsdown), 4km West (Hook Heath Meadows), 4.2km North (Catherington Down), and 4.7km Langstone Harbour). There is one Special Protection Area (SPA) and Ramsar site located 4.5km South (Chichester and Langstone Harbours). Lastly one Special Area of Conservation (SAC) exist within 5km of the site, located 4.6km South (Solent Maritime). These sites are not expected to be impacted by the development.

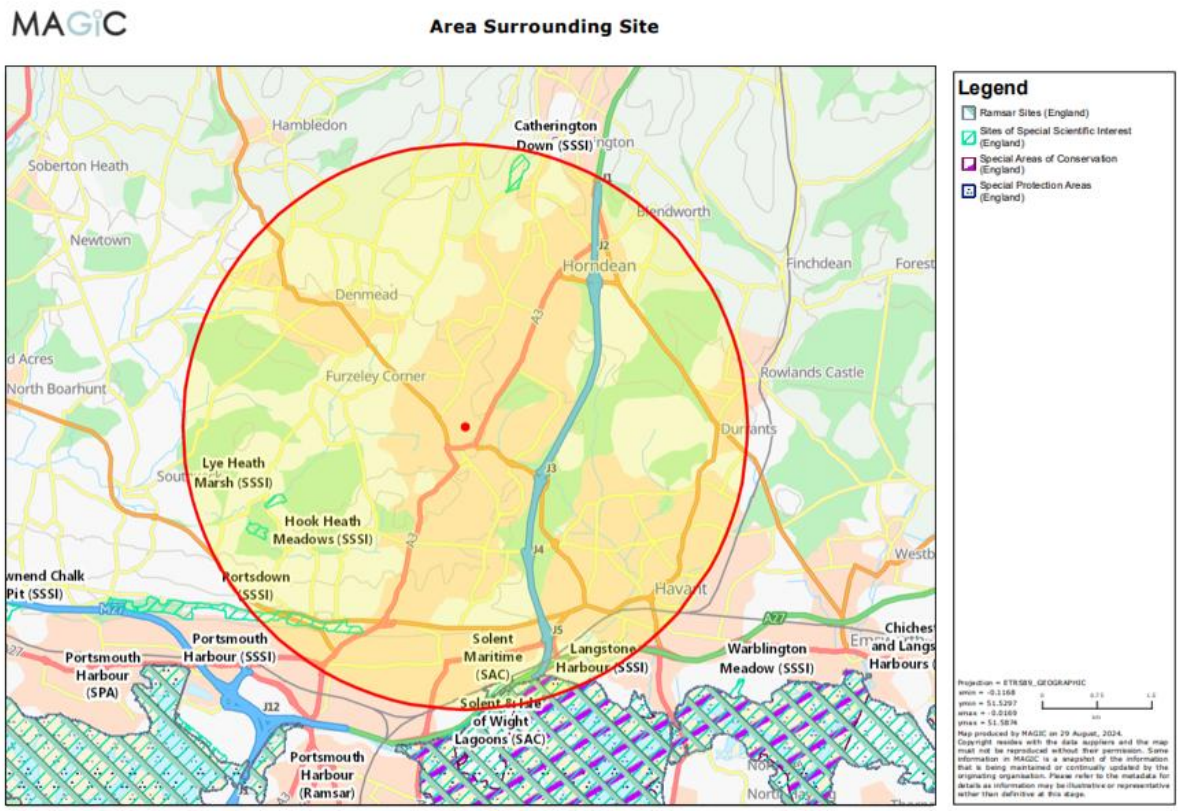


Figure 3.1 – Designations surrounding potential development site (highlighted in red) *(Source: Defra).*

[1] Defra (2025). Multi-Agency Geographic Information for the Countryside (MAGIC)

3.3 Existing Baseline Conditions from Desktop Study

In Figure 3.2, the development site, highlighted in red, is situated on Winifred Road, Waterlooville. The site is situation within a highly residential area. There are 49 land parcels of woodland within 2km of the site. There are 37 parcels of Broadleaved woodland with the closest being 0.5km Northeast of the site. There are four parcels of Mixed Mainly Conifer woodland with the closest being 1km Southeast. One parcel of Mixed Mainly Broadleaved woodland exists with the closest being 1.4km Southeast of the site. Six parcels of Coniferous woodland exist 1.5km Southeast of the site. Finally, one parcel of Shrub woodland is present 1.5km Southeast of the site.

17 parcels of ancient woodland are present within 2km of the site location. The closest of these being 0.56km Northeast of the site.

Three watercourses exist within 2km of the site including several balancing ponds 0.5km West the Hermitage Stream 0.6km East.

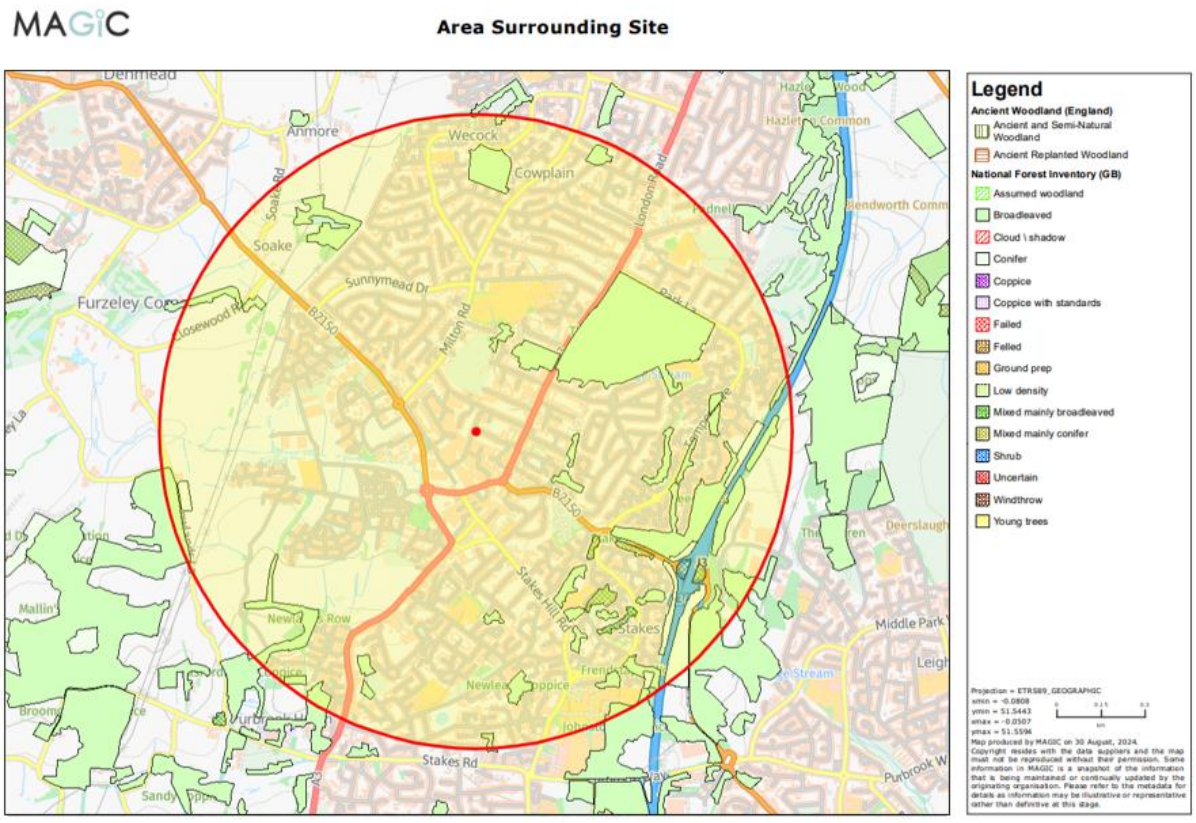


Figure 3.2 – Area surrounding potential development site (highlighted in red) *(Source: Defra).*

3.3.1 Protected Species

Figure 3.3 shows that there have been recordings of protected species present within 2km of the potential development site. Two Great Crested Newt Class Survey Licence Returns can be found 1.7km and 1.75km Southwest of the proposed site. There were four Granted European Protected Applications for bats within 2km. These are located 0.5km East, 1.1km and 1.3km, and 2km West from the proposed site. Lastly, there are five Granted European Protected Species Applications for Dormice located 1.4km South, 1.7km and 1.9km Southwest, and 1.8km and 1.9km Southeast.

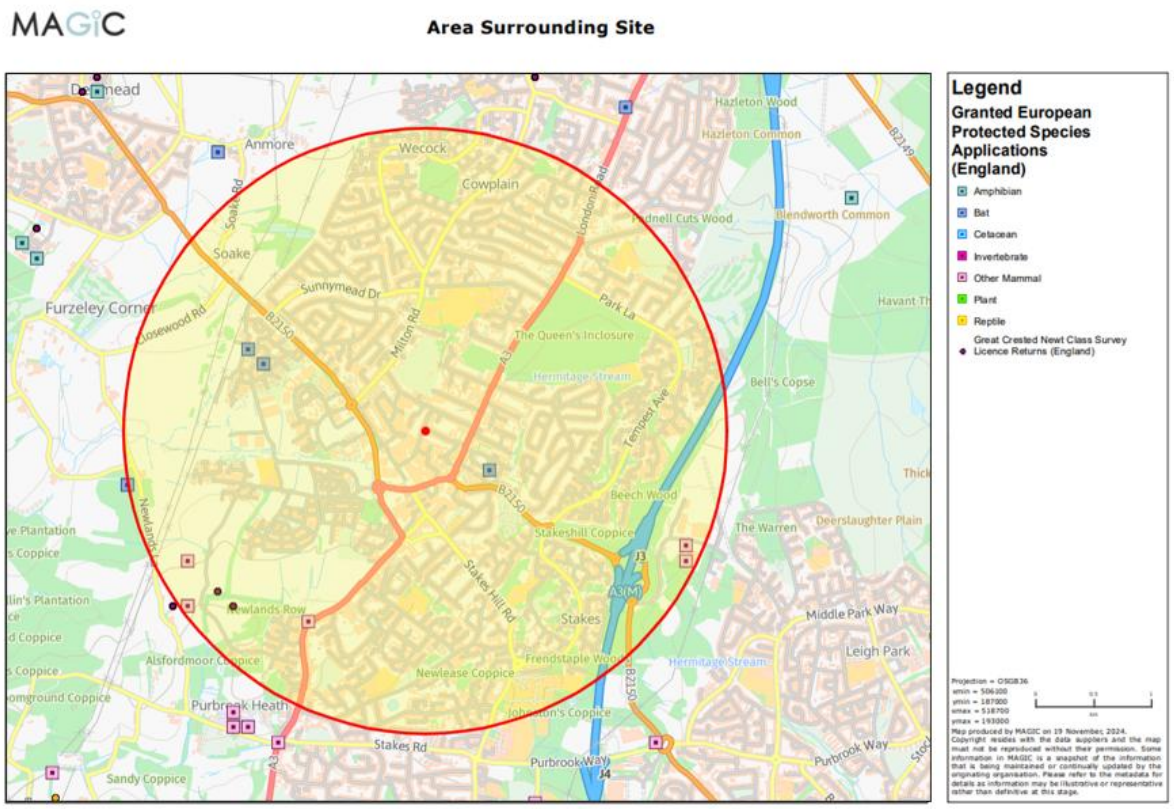


Figure. 3.3. Protected Species within 2km of the potential development site *(Source: Defra)*

Table 2: Bat records within a 2km buffer

Bat Record	Distance from Site	Start and End Date	Bat Species Present
Granted European Protected Species Application	0.5km East	21/03/2013 – 30/09/2016	*Pipistrellus pipistrellus* *Plecotus auritus*
Granted European Protected Species Application	1.1km West	04/06/2010 – 30/09/2010	*Pipistrellus pipistrellus* *Pipistrellus pygmaeus*
Granted European Protected Species Application	1.3km West	19/10/2012 – 30/09/2014	*Pipistrellus pipistrellus* *Pipistrellus pygmaeus*
Granted European Protected Species Application	2km West	11/05/2015 – 04/05/2020 25/09/2015 – 04/05/2020 16/03/2017 – 04/05/2020	*Plecotus auritus*

3.4 Habitats on site

The habitats on site should be read alongside the UKHab Map (Figure 1, Appendix A). Habitats within the red-line application boundary comprise of Developed land; Sealed Surface (u1b), Building (u1b5), Bare Ground (510), Vegetated Garden (828), and Native Hedgerow (h2a).

3.5 Protected Species

No presence or evidence of protected species were recorded during the survey. However, due to the features present (for example, buildings), other protected species may potentially be present on-site, as explored further in Section 4.3.

3.6 Baseline Summary

Based on the data obtained from Defra and the UKHab survey, the proposed development does not appear to be negatively affecting any Special Sites of Scientific Interest. Protected species potentially could be present on site.

4 Results and Evaluation

4.1 Survey Conditions

Table 3: Summary of conditions during survey

Abiotic Factor	Survey 1
Survey type	PEA & PRA
Date completed	19/09/2025
Temperature	19 degrees Celsius
Precipitation	0mm
Weather Conditions	Partial Cloud

4.2 UKHab Survey

The site comprises of Developed land; Sealed Surface (u1b), Building (u1b5), Bare Ground (510), Vegetated Garden (828), and Native Hedgerow (h2a).

Habitat types detailed below are listed in order of the UKHab Ltd (2023). *UK Habitat Classification Version 2.0 (*https://www.ukhab.org*).* The species list provided in this report reflect only those taxa observed during the survey.

4.2.1 Developed Land; Sealed Surface (u1b) and Building (u1b5)

Figures 4.1-4.8 show the existing residential dwelling on site. The building may provide potential roosting opportunities for bats. Any roosting features shown in the figures below are further explored in Section 4.4. There are also areas of hardstanding ground (patios/car parking) associated with the present dwelling (Figures 4.1 and 4.2), which was well maintained and did not hold any ecological value.

Figures 4.1 and 4.2 – u1b5, u1b (ACP, 2025)


Figures 4.3 and 4.4- u1b5 (ACP, 2025)

Figure 4.5 - u1b5 (ACP, 2025)


Figures 4.6 and 4.7- Interior (ACP, 2025)

Figure 4.8- Interior (ACP, 2025)

4.2.2 Bare Ground (510)

The Southern area of the site consists of bare ground comprising of soil and construction material (Figures 4.9 and 4.10). Overall, this area of the site holds very little botanical value.

Figure 4.9 and 4.10 - 829 (ACP, 2025)

4.2.3 Vegetated Garden (828) and Native Hedgerow (h2a)

To the front of the residential property, a vegetated garden exists which comprises of majority mown lawn. Native hedgerow extends on the northern and northwestern stretch of the site (Figures 4.11 and 4.12)

Figures, 4.11 and 4.12 – 828 and h2a (ACP, 2025)

4.3 Protected Species

Defra (2025) was used to provide Protected Species records for within 2km of the site. This was primarily due to the nature of the proposed development. Results of bat records within a 2km buffer can be seen below in Table 4.

Table 4: Table showing Protected Species Records within 2km of the Site

Species/Group	Desk Study Record	Potential Habitat	Other Relevant Factors	Potential Constraint?
Bats	There are four Granted European Protected Species Applications for Bats within 2km of the site.	Existing building could provide roosting habitat.	No signs of bats were found on site.	Possible
Badger	None within search parameters.	No suitable habitat on site.	No signs of badger were found on site.	No
Reptiles	None within search parameters.	Shrubs/hedgerows are not to be impacted by proposals. Limited surrounding connectivity.	No signs of reptiles were found on site.	No
Great Crested Newt (GCN) and Amphibians	Two Great Crested Newt Class Survey Licence Returns are present within 2km of the site.	No ponds or suitable habitat for GCN populations exist near to the site. Limited surrounding connectivity.	No signs of Great Crested newts were found on site.	No
Water Vole	None within search parameters.	No suitable habitat on site.	No signs of water vole were found on site.	No
Otter	None within search parameters.	No suitable habitat on site.	No signs of otter were found on site.	No
Birds	None within search parameters.	Shrubs/hedgerows are not to be impacted by proposals.	No signs of nesting birds were found on site.	No

4.4 Preliminary Bat Roost Assessment Results

There is one building present on the site. This building was inspected during a Preliminary Roost Assessment for potential roosting features. These roosting features have been summarised in Table 5 below. The building reference column related to photographic figures shown in section 4.2.

Table 5: Site features and descriptions linking to photos.

Building Reference	Internal or external	Description (if applicable)	Use by birds	Bat Signs, Access Points and Features
Figures 4.3 and 4.4	External	Rear exterior	None recorded	Missing grout between bricks could support crevice dwelling bats.
Figure 4.5	External	Front exterior	None recorded	Holes within the bargeboards may provide access points or features for crevice dwelling and roosting bats.
Figures 4.6 and 4.7	Internal	Internal loft space	None recorded	Internal voids could provide habitats for roosting bats.
Figure 4.8	Internal	Internal loft space	None recorded	Light ingress may indicate gaps providing access points for roosting bats.

4.4.1 Exterior of Building

The exterior of the main residential dwelling comprised a pitched roof covered in interlocking tiles and brick exterior walls. Three mono-pitched roofs and bay tilling is present. (Figures 4.3-4.5). Overall, the roof was in good condition, with no evidence of raised tiles. Missing grout between bricks forming cracks and crevices within the brickwork (Figure 4.3 and 4.4) may provide roosting opportunities. In addition, holes in the bargeboards (Figure 4.5) may act as features for crevice dwelling bats, and, if connected to the loft interior, access points for roosting bats.

4.4.2 Interior of Building

The internal areas that are to be impacted by proposals were also surveyed (Figures 4.6 - 4.8). Such areas comprised timber truss frames. Whilst no internal evidence of bat presence was observed (bat droppings/feeding remains), it is possible that inaccessible voids, between the ceiling and roof tiles, may house roosting bats. Light ingress into the loft space could indicate potential access points. However, these gaps are believed to be filled with mortar and therefore bat access may be unlikely.

4.4.3 Results

Based on the external and internal inspection of the buildings on site, the overall suitability to support bat roosts is assessed as low. The building exhibits potential access points and features suitable for crevice-dwelling and roosting bats (Figures 4.3 – 4.5). In addition, internal voids prevented full inspection of the internal loft space which could house bats (Figures 4.6 and 4.7). Good condition of the external roof, and lack of potential access point prevents a higher suitability to support bats.

5 Discussions and Recommendations

5.1 Potential Constraints

The following habitats and species have been identified as possible constraints to the proposed development:

- Bats

5.2 Further Surveys and Mitigation

5.2.1 Further Surveys

No evidence of nesting birds was found on the building that is to be impacted by proposals. It is also understood that vegetated areas to the front of the building will not be altered. Therefore, nesting bird surveys, reptile surveys and amphibian surveys are not deemed necessary.

Due to the presence of potential roosting features that could provide roosting opportunities for bats (Section 4.4), as well as historic bat records and priority habitats within 2km (Figure 3.2 and 3.3), the nature of proposals (roof alterations), the suitability of the site and risk of proposals harming bat roosts is thought to be low. Therefore, in line with guidance laid out in Table 1, one further emergence survey is required in order to determine whether there are bats present on-site.

The emergence survey should be led by a licensed surveyor within the optimal survey season (May-August), with particular attention paid to potential roosting features shown in Figure 4.3 and 4.4.

Further information regarding protective laws around bats can be found in Appendix D.

It is worth noting that results and further recommendations made are based on what was present on-site at the time of survey only.

5.2.2 Habitat Protection

It should be noted that external lighting could affect nocturnal species such as bats, therefore, a sensitive lighting scheme is recommended.

During construction and operation of the site, all relevant waste components should be stored securely with a waste management strategy in place to prevent spills and leaks into the wider environment.

In order to minimise the risk of harm to animals using the site it is recommended that preventative measures are in place during construction. These precautions are:

- Keep all fuel and other harmful substances in a locked area;
- Ensure any spillages are treated;
- Mammal ladders (such as a plank) or earth ramps to be placed in any open excavations at the end of each day;
- Cap off any open pipes at the end of each day; and
- Cover any open holes or install mammal ladders or earth ramps in any open excavations at the end of each day to prevent animals from becoming trapped.

6 Conclusions

This report provides an assessment of the following potential key impacts associated with the construction and operational phases of the proposed development at 51 Winifred Road, Waterlooville PO7 7TD. The aims were:

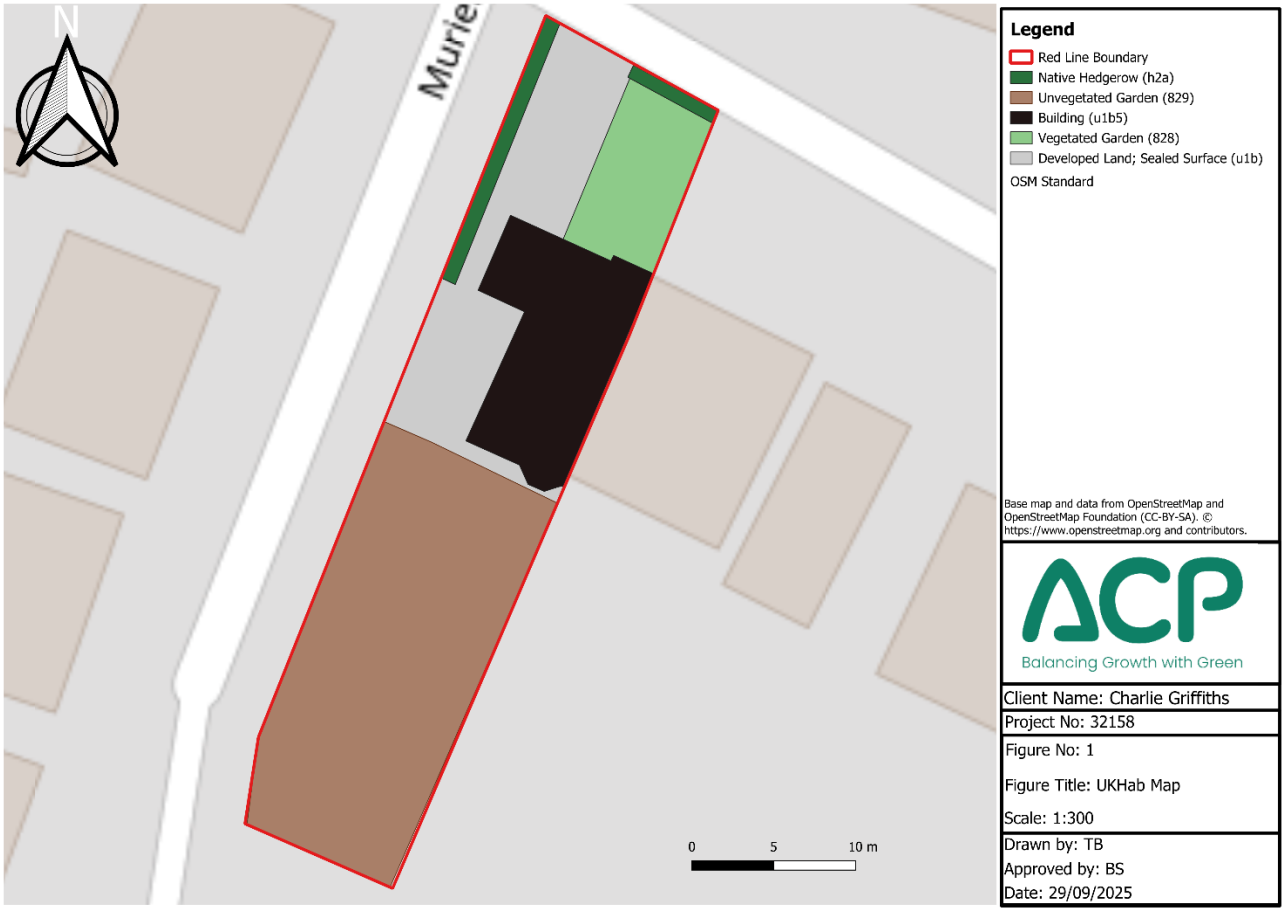
- To survey and determine the ecological value of the site according to the UKHab Ltd (2023). *UK Habitat Classification Version 2.0 (*https://www.ukhab.org*)*;
- To consider impacts to all habitats immediately adjacent to the site;
- To identify how protected species are / may be using the site in order to assess its functionality to the local populations, including a detailed Preliminary Roost Assessment for bat presence / absence;
- To consider potential impacts to local statutory and non-statutory site either within 2km or for European level designations, a buffer deemed as appropriate by the relevant Planning Authority; and
- To assess the suitability of the proposed development site in terms of existing ecological factors.

A Preliminary Ecological Appraisal including a UKHab survey of possible ecological affects and Preliminary Roost Assessment has been undertaken for the proposed development. Further surveys involving bats should be carried out due to the presence of historic bat records within 2km and the presence of multiple potential roosting features (Section 4.4). One further emergence survey has been recommended in line with guidance outlined in Table 1.

It can, therefore, be concluded that the proposed development is not considered to conflict with any national, regional or local planning policies and will not have any significant or adverse impacts on protected species and their habitats, providing that no site work takes place without the surveys detailed in Section 5 being completed and if necessary, mitigation measures being implemented before construction.

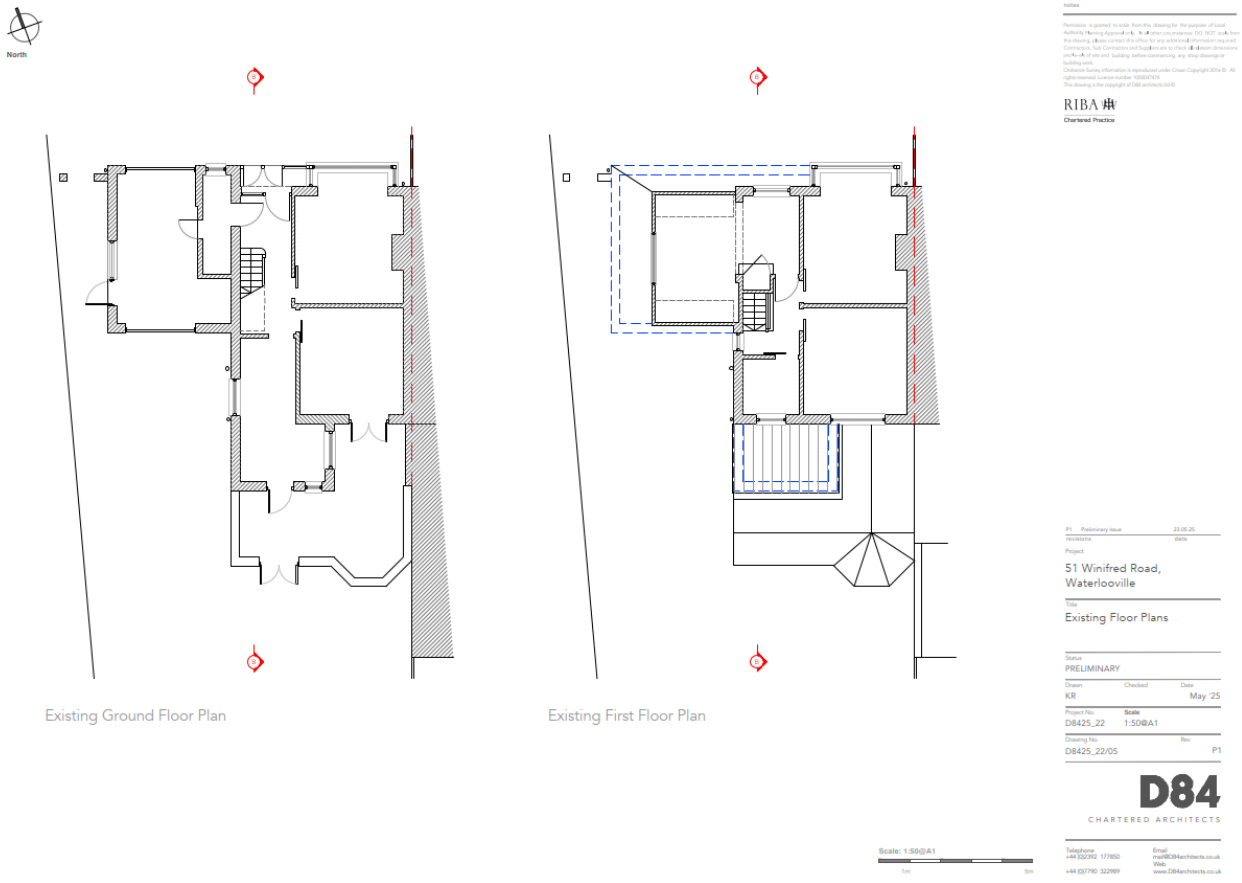
Appendices

Appendix A: UKHab Map

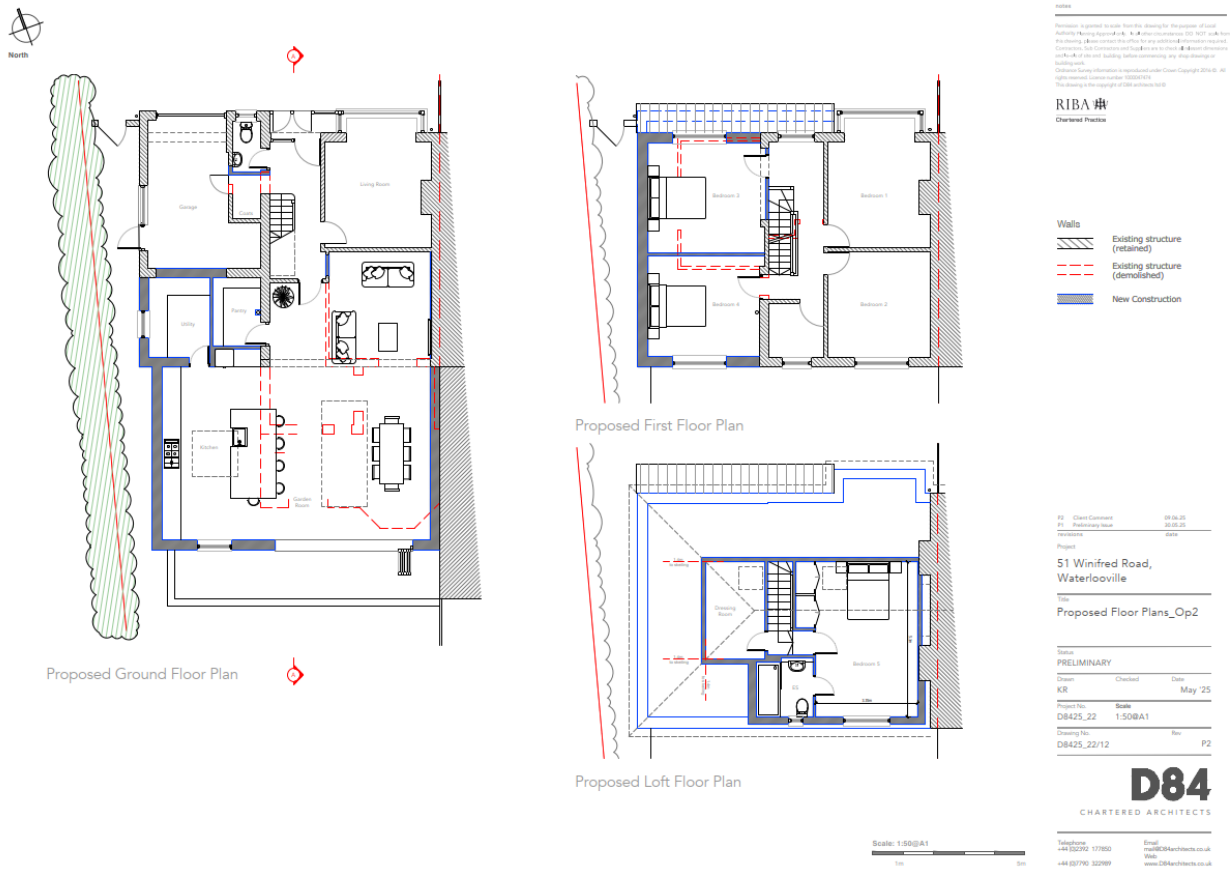


UKHab Map (Source software: QGIS.org, 2025)

Appendix B: Existing and Proposed Site Plans



Existing Plans (Source: Client, 2025)



Proposed Plans (Source: Client, 2025)

Appendix C: Planning Policy & Legislation

This section summarises the relevant National and Local legislative and policy background, statutory and non-statutory guidelines relevant to the potential commercial development.

National Policy

National Planning Policy (December 2024)

The principal national planning policy guidance with respect to the potential development is the National Planning Policy Framework (NPPF). The most recent update of the NPPF was published in December 2024 by the Ministry of Housing, Communities and Local Government. This guidance sets out the Government's planning policies for England and how they are expected to be applied. Three dimensions to sustainable development have been identified in the NPPF: economic, social, and environmental.

The NPPF Section 187 states that:

"Planning policies and decisions 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 (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

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 and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

Section 188 states that:

"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."

Section 189 states that:

"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads[63]. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas."

Section 190 states that:

"When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development[64] other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."

Section 192 states that:

"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 steppingstones 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."

Section 193 states that:

"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."

Section 194 states that:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

6.1.1 Relevant National Planning Practice Guidance (NPPG, 2016)

NPPG is a web-based resource which brings together planning guidance on various topics into one place. It was launched in March 2014 and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

The guidance note on 'Natural Environment' explains key issues in implementing policy to protect and enhance the natural environment, including local requirements. This has been referred to when preparing this report. It states that:

"Planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications. Guidance on the law affecting Habitats Sites, protected species and SSSIs.

Natural England has issued standing advice on protected species. A protected species mitigation licence from Natural England may be required before any work can start."

The PPG also states that:

"Information on biodiversity and geodiversity impacts and opportunities needs to inform all stages of development (including site selection and design, pre-application consultation and the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. Pre-application discussions can help to scope whether this is the case and, if so, the survey work required.

Even where an Environmental Impact Assessment is not needed, it might still be appropriate to undertake an ecological survey, for example, where protected species may be present or where biodiverse habitats may be lost.

As with other supporting information, local planning authorities should require ecological surveys only where clearly justified. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. Further guidance on information requirements is set out in making an application."

Biodiversity net gain is mentioned in the PPG and states that:

"The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. It may help local authorities to meet their duty under Section 40 of the Natural Environment and Rural Communities Act 2006."

Species and Habitats Legislation

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) consolidates all various amendments made to The Conservation (Natural Habitats & c.) Regulations 1994, in respect of England and Wales. The 1994 Regulations transposed the EC Habitats Directive 1992 (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) into national law.

Annexes I and II of the Habitats Directive list (respectively) habitats and species for which member states are required to establish and monitor SACs. The EC Birds Directive provides a similar network of sites (SPAs) for all rare or vulnerable species listed in Annex I and all regularly occurring migratory species, with particular focus on wetlands of international importance.

Together with SACs, SPAs form a network of pan-European protected areas known as 'NATURA 2000' sites.

The Habitats Regulations also make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade on the animals listed in Schedule 2, or pick, cut, uproot, destroy or trade in the plants listed in Schedule 4.

This legislation was amended in January 2021: The main changes to the 2017 Regulations are:

- "the creation of a national site network within the UK territory comprising the protected sites already designated under the Nature Directives, and any further sites designated under these Regulations
- the establishment of management objectives for the national site network (the 'network objectives')
- a duty for appropriate authorities to manage and where necessary adapt the national site network as a whole to achieve the network objectives
- an amended process for the designation of Special Areas of Conservation (SACs)
- arrangements for reporting on the implementation of the Regulations, given that the UK no longer provides reports to the European Commission
- arrangements replacing the European Commission's functions with regard to the imperative reasons of overriding public interest (IROPI) test where a plan or project affects a priority habitat or species
- arrangements for amending the schedules to the Regulations and the annexes to the Nature *Directives that apply to the UK."*

The Convention on Conservation of European Wildlife and Natural Habitats (Bern Convention 1979)

The Convention on Conservation of European Wildlife and Natural Habitats (Bern Convention 1979) aims to ensure conservation and protection of all wild plant and animal species and their natural habitats (listed in Appendices I and II of the Convention), to increase cooperation between contracting parties, and to afford special protection to the most vulnerable or threatened species (including migratory species).

The Wildlife and Countryside Act 1981 (as amended) (WCA 1981)

The WCA is the primary UK mechanism for statutory site designation (Sites of Special Scientific Interest [SSSIs]) and the protection of individual species listed under Schedule 1,2,5 and 8 of the Act, each subject to varying levels of protection.

The Countryside and Rights of Way Act 2000

This legislation strengthens the provision of the 1981 WCA (as amended), both in respect of statutory sites such as SSSIs and protected species. It also places a statutory obligation on Local Authorities and other public bodies to further conservation of biodiversity in the exercise of their functions, thus providing a statutory basis to the Biodiversity Action Plan (BAP) process, which began in 1994. Section 74 of the Act lists the habitat types and species of principal importance in England. The UK Biodiversity action Plan has now been superseded by the 'UK Post-2010 Biodiversity Framework' (July 2012), however, many of the species and habitats in the UK and local BAPs have not been updated and are still considered relevant to date.

A Bill to amend the Countryside and Rights of Way Act 2000 to extend the right of public access to the countryside, including to woodlands, the Green Belt, waters and more grasslands; and for connected purposes is currently in second reading in the House of Commons (November 2022).

Appendix D: Legal Information Regarding Bats

All bat species, their breeding sites and resting places are fully protected by law - they're European protected species.

You may be able to get a licence from Natural England if you cannot avoid disturbing them or damaging their habitats, or if you want to survey or conserve them.

What you must not do

You're breaking the law if you do certain things including:

- *deliberately capture, injure or kill bats*
- *damage or destroy a breeding or resting place*
- *obstruct access to their resting or sheltering places*
- *possess, sell, control or transport live or dead bats, or parts of them*
- *intentionally or recklessly disturb a bat while it's in a structure or place of shelter or protection*

Either or both of the following could happen if you're found guilty of any offences:

- *you could be sent to prison for up to 6 months*
- *you could get an unlimited fine*

Activities that can harm bats

Activities that can affect bats include:

- *renovating, converting or demolishing a building*
- *cutting down or removing branches from a mature tree*
- *repairing or replacing a roof*
- *repointing brickwork*
- *insulating or converting a loft*
- *installing lighting in a roost, or outside if it lights up the entrance to the roost*
- *removing 'commuting habitats' like hedgerows, watercourses or woodland*
- *changing or removing bats' foraging areas*
- using insecticides or treating timber

https://www.gov.uk/guidance/bats-protection-surveys-and-licences