

ALUCO ECOLOGY LTD

**ECOLOGY MITIGATION
STRATEGY**

**LAND AT KINGSTON LANE,
EAST PRESTON**

SEPTEMBER 2026

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UPDATED ECOLOGY MITIGATION STRATEGY

LAND AT KINGSTON LANE, EAST PRESTON

SEPTEMBER 2026

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ECOLOGY MITIGATION STRATEGY

LAND AT KINGSTON LANE, EAST PRESTON

SEPTEMBER 2026

1.0 INTRODUCTION

1.1 Background

1.1.1 The site has Planning Permission for Erection of 47 No residential dwellings (including affordable homes) (resubmission following K/56/22/PL).. A detailed ecological assessment was provided with Planning Application (see Aluco Ecology, 2024).

1.1.2 This report provides details for the ecological element of Planning Condition 13 for provision of Construction Environmental Management Plan (CEMP) for environmental impacts including the following ecological measures:

“- Identification of "biodiversity protection zones".

- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- The location and timing of sensitive works to avoid harm to biodiversity features.

- The times during construction when specialist ecologists need to be present on site to oversee works.

- Responsible persons and lines of communication.

- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

- Use of protective fences, exclusion barriers and warning signs.

- Containment, control and removal of any Invasive non-native species present on site..”

1.1.3 This document provides detailed mitigation method statements for protected and notable habitats and species during construction to ensure that legal and best practice measures are complied with.

2.0 DETAILS OF DEVELOPMENT

2.1 Introduction

2.1.1 **Figure 1** below shows the detailed Masterplan. The development is for 47 dwellings, and has planning permission K/46/23/PL.

2.2 Site Baseline

2.2.1 A number of ecological surveys have been undertaken on site between 2022 and 2026. These include detailed survey work during 2022-24 (Aluco Ecology, 2023, 2024). An update site visit and reptile survey has been undertaken between August-September 2026 (Aluco Ecology, 2026). The site baseline features include:

- Arable, grassland margin, and woody boundary habitats (mostly non-native planting).
- The breeding bird assemblage on site is fairly representative of the farmed landscape. Farmland bird numbers during the period were however low, with no nesting attempts by any key declining farmland species on site; and occasional use by Skylark *Alauda arvensis*, and Linnet *Linaria cannabina*, which were both present in the wider farmed landscape. Song Thrush *Turdus philomelos*, Dunnock *Prunella modularis*, Whitethroat *Curruca communis*, Starling *Sturnus vulgaris* and House Sparrow *Passer domestica* are present and breeding in the zone of influence.
- A total of seven species of bat were recorded foraging on site, although most activity was from Common & Soprano Pipistrelle *Pipistrellus pipistrellus* & *P. pygmaeus*. Other species included; Serotine *Eptesicus serotinus* Whiskered and Natterer's type Myotis *M. mystacinus* & *M. nattereri*, Long-eared Bat *Plecotus sp.*, and Nathusius's pipistrelle *Pipistrellus nathusii*. No bat roost potential is present on site.
- Other mammals recorded on site included Fox *Vulpes Vulpes*, Roe Deer *Capreolus capreolus*, and Rabbits *Oryctolagus cuniculus*. No direct evidence of Badger *Meles meles* has been recorded, although mammal tracks are present and the woody boundaries contain some suitable habitat. The habitats on the northern site boundary are of negligible value to Water Vole *Arvicola amphibius* and Otter *Lutra lutra* with the only surviving area of ditch along western/northern boundaries being dry during late winter and dominated by dense non-native and mixed native woody vegetation.
- Slow Worm *Anguis fragilis*, Common Frog *Rana temporaria* and Common Toad *Bufo bufo* have been recorded on site and off site.
- The site currently contains some limited semi-natural habitats for invertebrates, particularly around the site boundaries.

- 2.2.2 These baseline features have been used to inform the mitigation method statements set out below.

2.3 Biophysical Changes associated with the Development Scheme

Pre-Construction Site Clearance

- 2.3.1 Existing vegetation within the construction zone will be required to be removed and the ground re-profiled within the development area.

Construction

- 2.3.2 The construction of the development has the potential to affect protected species and ecological features, some of which are afforded protection under the legislation and policy outlined in Section 1 above. The following sections provide details for each relevant protected species group, to ensure that pre-construction works follows best practice and protected species are taken into account.
- 2.3.3 A detailed Landscape Strategy has been prepared for the site (see Terra Firma, 2023). This provides for formal and informal habitat creation and landscaping both around the main development footprint and new public open space habitats around the main development area. This has been informed by the ecology mitigation and prescriptions.

Operation

- 2.3.4 The retained open space areas of the site are designed to fulfil a multi-purpose role of biodiversity gain and landscaping. Additional planting and habitat creation has been provided in the Landscape Plan, which will be subject to management planning.



Figure 1a: Masterplan (Thrive Architects, 2023)



Figure 1b: Landscape Plan (Terra Firma, 2023)

3.0 CONSTRUCTION MITIGATION MEASURES

3.1 Introduction

Background

3.1.1 The following construction method statements have been developed to ensure that the ecological receptors set out in the ecology assessment (Aluco Ecology, 2023) are considered and protected during the construction phase of the development. This relates to habitats and vegetation, birds, mammals, and reptiles and amphibians.

3.1.2 In addition to the method statements outlined below, a Construction Environmental Management Plan (CEMP) has been prepared as part of the development, which addresses potential for indirect pollution on and off site, including potential pathways to designated sites locally.

Responsible Persons

3.1.3 The **construction site manager** has the responsibility for implementation of these method statements for protected species, and enhancement measures. Advice should be sought from the **suitably qualified ecologist** as recommended by the method statements below. Certain method statements may require pre-construction or supervisory ecological clerk of works (ECoW), and these are set out below in the method statements. A suitably qualified ecologist/ECoW should be appointed at the beginning of the construction process.

Timetable

3.1.4 A timetable for work windows relating to the method statements is set out in **Table 1** at the end of the report.

3.2 Vegetation and Habitats & Designated Sites

Potential Risks

3.2.1 The construction has the potential to provide the following risks to vegetation and habitats:

- Direct damage to any retained habitats, woody vegetation and hedgerows, through construction activities such as tracking of machines and damage to habitat;
- Direct damage to habitats associated with retained hedges and trees, including grassland edges and tree line, through construction activities such as tracking of machines and damage to habitat;
- Indirect pollution events on retained habitats through surface water run off pollution, siltation, dust and airborne pollution and littering.

- Potential for spread of the non-native and invasive Schedule 9 of the Wildlife & Countryside Act 1981 species Three-cornered Leek *Allium triquetrum* that has been recorded on the northern boundary of the site.

3.2.2 The following sections below provide detailed mitigation for ensuring that the vegetation and habitats on site are protected during the construction phase and that risks outlined above are addressed through the process to provide suitable avoidance, reduction and offsetting measures and safe biodiversity protection zones.

Retained Vegetation – Protection Areas

3.2.3 The boundary hedgerows are to be mostly retained as part of the scheme. The boundaries will be marked to the edge of the works area and protective Heras type fencing to relevant building standards will be erected at the edge of the works/retained habitat areas to ensure that habitats are retained in situ during construction. This will also have regard to the reptile mitigation strategy (Aluco Ecology, 2026) that provides for a 1m edge to the retained vegetation to allow retention of reptile habitat. The grassland edge habitat at the base of these habitats may be important to wildlife such as reptiles and will be retained in situ as part of the reptile mitigations strategy, and protected by the site fencing. Site fencing details are provided in **Figure 2** below.

3.2.4 There should be no storage of materials, or equipment, or use of the retained hedges/boundary strips on the site by any construction activities.

Indirect Pollution Potential

3.2.5 Potential for indirect impacts to retained habitats and adjacent habitats should be avoided through best practice pollution prevention measures in construction. Best practice pollution prevention guidelines to be followed during the construction phase are set out in Government guidelines for best practice (see [Gov.UK](https://www.gov.uk)). A CEMP has been produced for the construction phase of the scheme as part of the additional measures to address Condition 13 of the planning permission.

Construction Area

3.2.6 The habitats over the construction area are to be removed according to protected species mitigation statements below. This includes:

- All woody vegetation within the construction zone.
- Grassland and arable areas within the construction zone.

Non-native Invasive Species

3.2.7 Three-cornered Leek is listed on Schedule 9 of the Wildlife & Countryside Act 1981 (as amended) has been recorded in low numbers on the northern boundary of the site. This population is small and outside of the main construction zone, being in the retained buffer. Development activities should ensure that no disturbance of this population is

made by construction activities through intrusion of works into the protected buffer, and therefore there should be no additional spread of the species. Management planning of the retained habitat should consider containment and control of any potential for spread of this invasive species in the operational phase of the development.

3.3 Mitigation Method Statement for Birds

Introduction

- 3.3.1 All birds and their nests are protected from harm under Section 1 of the Wildlife and Countryside Act 1981 (as amended) (see **Technical Appendix 1**). A strategy is provided below to ensure that the construction of the proposed development does not affect any nesting birds.

Potential Risks

- 3.3.2 The construction of this phase of the development has the potential to provide the following risks to birds:
- Direct damage to retained trees and hedgerows that may be used as nesting bird habitat through construction activities such as tracking of machines and damage to habitat;
 - Damage to habitats associated with retained woody vegetation and trees, including rough grassland edges and ditches on boundaries through construction activities such as tracking of machines and damage to habitat.
- 3.3.3 The following sections below provide detailed mitigation for ensuring that the nesting birds and habitats on site are protected during the construction phase and that risks outlined above are addressed through the process to provide suitable avoidance, reduction and offsetting measures.

Mitigation for Nesting Birds

- 3.3.4 All woody habitat not to be retained on site will be removed outside the nesting bird season where possible (nesting bird season is considered to be early March-August). It may be possible to sensitively undertake small amounts of vegetation works during the nesting bird season where such vegetation is able to be checked by a suitably qualified ecologist to determine no nesting birds are impacted. If an active nest is present, a buffer zone will be provided around the nest, advised by the ecologist, and shall remain in place until the nest has finished.
- 3.3.5 There is potential for ground nesting birds in the former arable in the construction area on site. Measures should be undertaken to ensure that vegetation within the works area is not allowed to develop into suitable ground nesting bird habitat in the spring/summer. These should include tilling of the ground late winter to ensure it remains bare during the construction process. Pre-construction survey effort of any new works area may be

required by a suitably qualified ecologist during the nesting bird season to check there are no ground nesting birds that may be impacted. Where ground nesting birds are present, a suitable buffer zone will be provided with advice from the suitably qualified ecologist, with no access to construction until nesting has been completed by the birds in question;

Protection of Retained Habitats & Habitat Creation

- 3.3.6 Measures outlined above in relation to retained habitats should ensure that the habitats outside the works area is protected via fencing to ensure that construction activities do not impact on the features.
- 3.3.7 New habitats in the form of open space planting, formal landscaping and ecological buffers to the development (see **Figure 1**) will provide opportunities for a number of bird species in the longer term, with new woody vegetation planting, grassland to be provided in public open space.
- 3.3.8 A total of 6 bird boxes are to be provided on or incorporated into buildings through the site, the locations are set out in **Figure 3** below. Design of boxes is set out in **Technical Appendix 2**.

3.4 Mitigation Method Statement for Bats

Introduction

- 3.4.1 All bats and their roosts are protected from harm under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Habitat Regulations 2017 (as amended) (see **Technical Appendix 1**). No active bat roosts have been recorded on site.

Potential Risks

- 3.4.2 The construction of this phase of the development has the potential to provide the following risks to bats:
- Potential for indirect impacts on retained habitat used by foraging and commuting bats;
 - Potential impacts from lighting on retained trees or off-site buildings, and foraging/commuting routes.
- 3.4.3 The following sections below provide detailed mitigation for ensuring that the bat populations and habitats on site are protected during the construction phase and that risks outlined above are addressed through the process to provide suitable avoidance, reduction and offsetting measures and safe biodiversity protection zones.

Foraging and Commuting Habitat

- 3.4.4 The design of the development allows for retained boundary woody vegetation and new boundary habitats will be able to provide enhanced links through the site.

Lighting

- 3.4.5 Street lighting has the potential to impact on bat foraging and mitigation guidelines have been developed (see ILP & BCT, 2023). Design and location of lighting within the new scheme will consider the following:

- Identify key points in the landscape where artificial light at night disrupts spatial connectivity of dark areas, and reduce or remove lighting in these areas if possible. On the site this would include boundaries, particularly the retained northern, western and southern boundaries and proposed eastern boundary planting. Location of bat boxes/roost features will also need to be in a dark zone.
- Maintain and create unlit ‘dark corridors’ between habitat patches where possible.
- Avoid use of, and remove where possible, lamps that waste light by emitting vertically or horizontally – ensure that lighting is designed with minimum spill and is downward facing and directional and that retained hedges and trees are not lit.
- Reduce as much as possible the intensities of light emitted from lamps.
- Avoid use of white and blue light wherever possible. The broader the spectrum of light that a lamp produces, the wider the range of organisms it is likely to affect.
- Avoid use of lamps that emit in the ultraviolet (UV) range. UV light is not seen by humans but many animals see UV and it may disrupt their natural behaviour.

- 3.4.6 A total of 6 bat boxes are to be provided on or incorporated into buildings through the site, the locations are set out in **Figure 3** below. Design of boxes is set out in **Technical Appendix 2**.

3.5 Mitigation Method Statements for Other Mammals***Introduction***

- 3.5.1 Badgers and their Setts are protected from harm and disturbance under the Protection of Badgers Act 1992 (see **Technical Appendix 1**). No active Badger Setts have been recorded. Other mammals including Fox and Hedgehog are present in the zone of influence.

Potential Risks

- 3.5.2 The construction of this phase of the development has the potential to provide the following risks to terrestrial mammals:

- Direct damage to retained habitats that may be used by mammals;
- Damage to habitats associated with retained woody vegetation, including rough grassland edges through construction activities such as tracking of machines and damage to habitat;
- Potential indirect impacts through disturbance, and pollution events.

3.5.3 The following sections below provide mitigation for ensuring that the habitats of protected mammal species on site are protected during the construction phase and that risks outlined above are addressed through the process to provide suitable avoidance, reduction and offsetting measures and safe biodiversity protection zones.

Minimising secondary impacts to Mammals

3.5.4 It is expected that mammals may travel through the site during construction and therefore the following measures should be implemented to reduce the risk of secondary impacts to badgers:

- trenches in excess of one metre in depth should be covered or secured and a means of escape provided for any animal that does fall in (a suitable escape can be provided by wooden planks placed at a 45 degree angle);
- any temporarily exposed open pipe system should be capped in such a way as to prevent Badgers gaining access;
- chemicals and fuels should be stored carefully and as far away from setts and badger paths as possible, and in accordance with the Code of Construction Practice; and
- any security lighting (if required) should be directed away from any sett/fox earth protection zones.

3.5.5 To facilitate these measures, contractors and subcontractors should be made aware of the location of any setts and protection zones as part of environmental site induction courses.

3.5.6 Prior to construction commencing an update mammal walkover survey should be undertaken where 12 months have elapsed from previous survey work. The results of this survey can then be used to review the mitigation method statement, with any further amendments to the strategy made as necessary to ensure adherence with legal and best practice provisions.

Hedgehog

3.5.7 Hedgehog *Erinaceus europaeus* may use the site. Any pre-construction vegetation clearance where Hedgehogs may be present should have regard to their potential presence and be carried out sensitively. This can be combined with reptile mitigation work set out below.

- 3.5.7 New boundary fencing should have regard to allowing access through the fencing, by providing a ‘hedgehog highway’ a small hole at the base of the fence (see link at **Technical Appendix 2** for details).

3.6 Mitigation Method Statement: Reptiles & Amphibians

Introduction

- 3.6.1 All reptiles are protected under the Wildlife & Countryside Act 1981 (as amended) (see **Technical Appendix 1**). A detailed mitigation strategy for reptiles and amphibians has been set out in a separate document (see Aluco Ecology, 2026). This report details updated reptile survey work in 2026, and a mitigation strategy and method statement for works on site. Such works include localised vegetation manipulation and destructive search and minor translocation within the site and use of protective fencing, as well as timing of operations and supervision by a suitably qualified ecologist. See also **Figure 2** below for reptile protection zones.

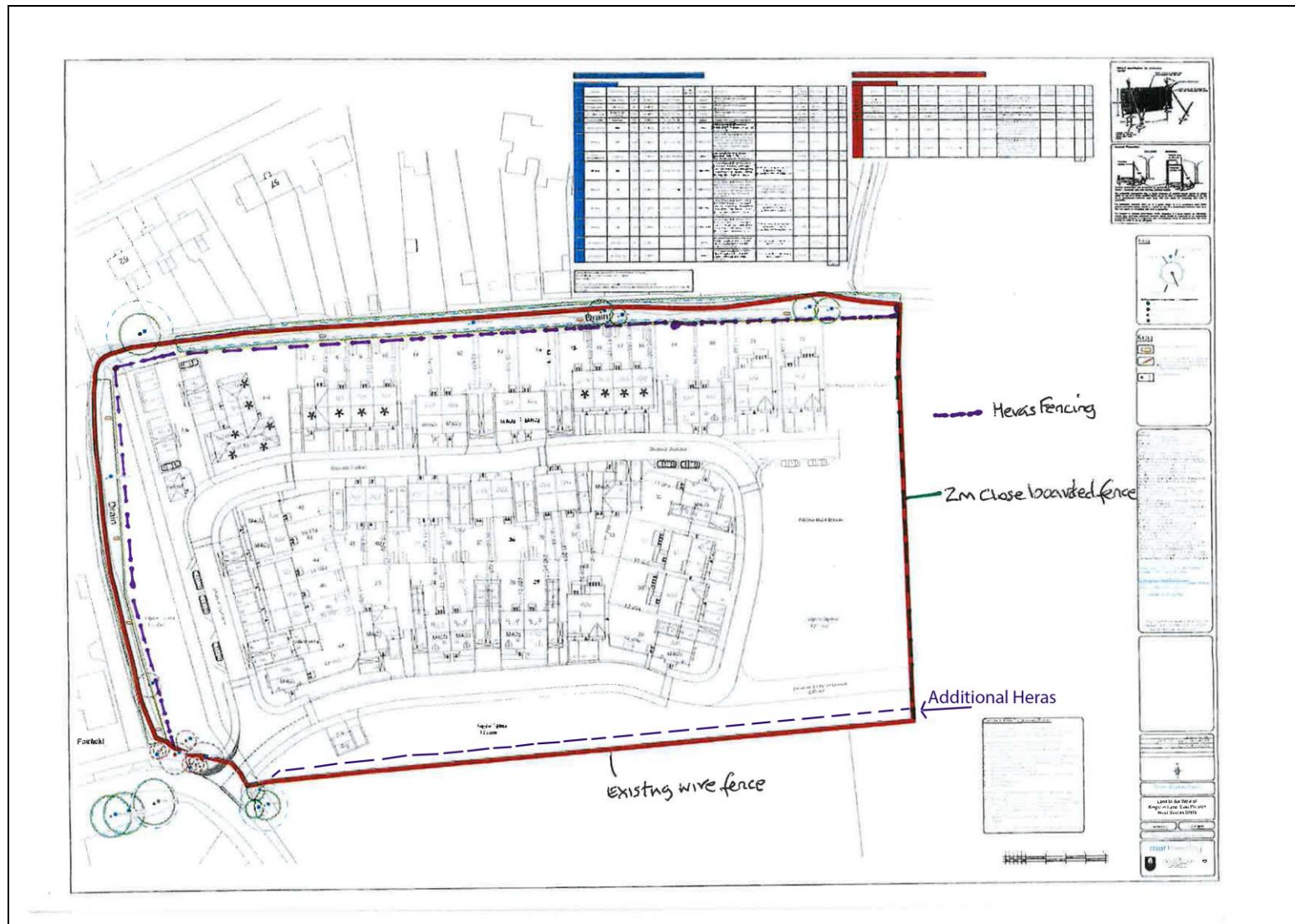
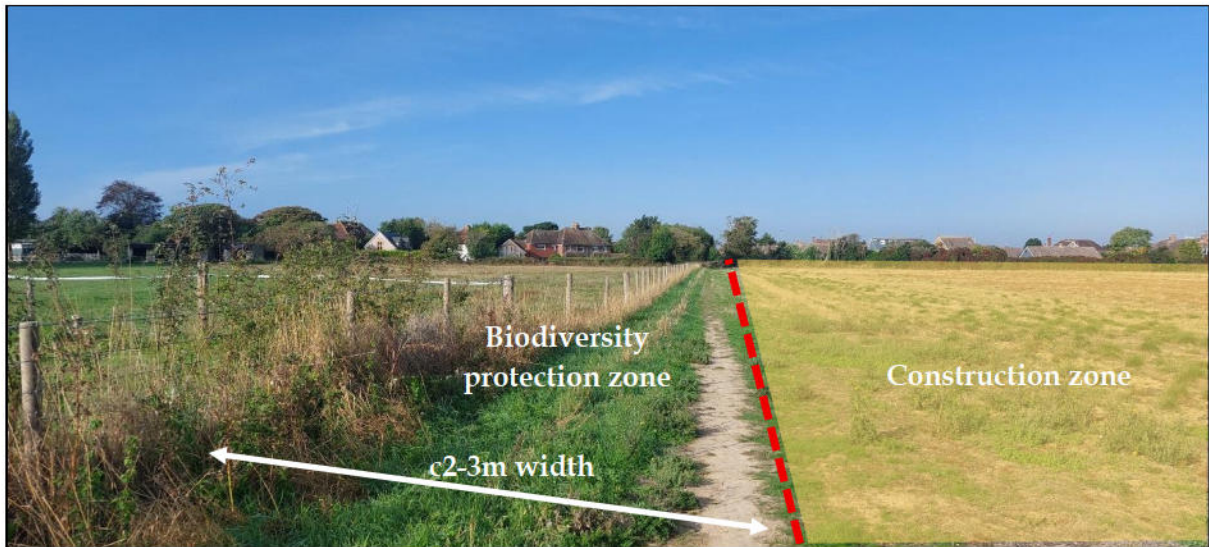


Figure 2a: Protective Heras Fencing Locations

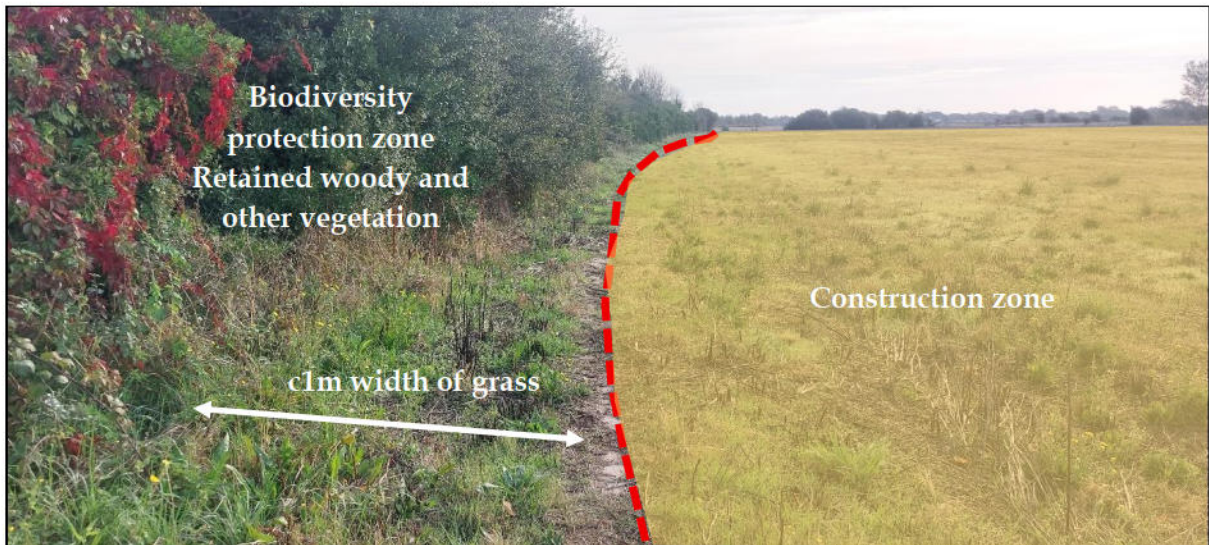


Figure 2b: Reptile Mitigation Strategy on site

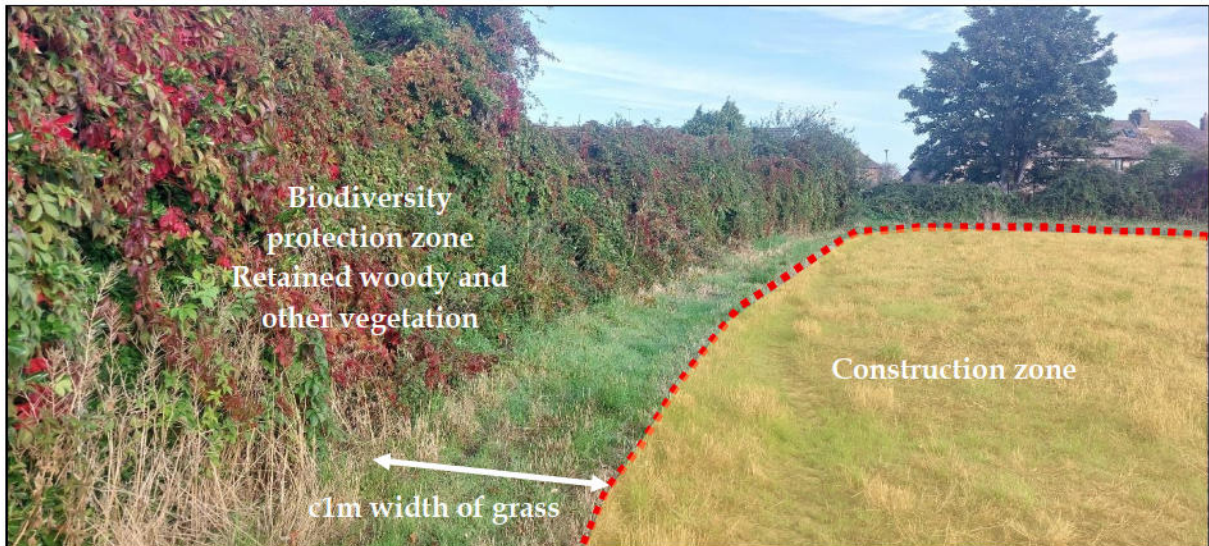
Figure 2c: Examples of Heras Fencing Locations (dashed red line) and Biodiversity Protection Zones



Southern boundary



Northern boundary



Western boundary



Western boundary



Figure 3: Bat and Bird inbuilt box locations on new dwellings

SUMMARY TIMETABLE

A timetable showing main construction mitigation work periods for ecology is provided below (but see method statements for detail).

Table 1: Summary of Potential Protected Species Mitigation Timescales During Construction

Month =	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M
Vegetation																			
Protect retained vegetation with fencing																			
Nesting Birds																			
Principal Cutting of woody vegetation period																			
Tilling of ground prior to construction – then keep open																			
Vegetation manipulation of potential ground nesting bird habitat																			
Erect Bird Boxes – when relevant property is built																			
Bat Mitigation																			
Erect Bat Boxes – when relevant property is built																			
Badgers & Foxes																			
Ongoing site monitoring for Badger Fox																			
Reptiles																			
Grass cutting/manipulation in construction zone																			
Monitor reptiles																			
Translocation																			
Destructive Search																			
Creation of habitat bays and artificial refugia																			

4.0 SUMMARY

- 4.1 A detailed ecology mitigation strategy has been devised and amended where necessary to ensure that biodiversity features are protected during construction of the approved scheme and that there are long term measures to maintain and enhance biodiversity in a built scheme and during operation. An outline timetable of works is provided at **Table 1** below.

5.0 REFERENCES

Aluco Ecology (2023) Land at Kingston Lane, East Preston, Ecological Assessment, October 2023.

Aluco Ecology (2024) Land at Kingston Lane, East Preston, Update Amphibian Survey, June 2024

Aluco Ecology (2026) Reptile Mitigation Strategy, Land at Kingston Lane, East Preston, September 2026

BCT & ILP (2023) Guidance Note 08/18 Bats and Artificial Lighting in the UK, Bats and the Built Environment Series

Edgar, P., Foster, J. and Baker, J. (2010) Reptile Habitat Management Handbook. Amphibian and Reptile Conservation, Bournemouth

Froglife, 1999. Froglife Advice Sheet 10. Reptile Survey. An introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife, Halesworth, Suffolk.

Gov.UK (2026) Standing Advice for Protected Species and Habitats

Herpetofauna Groups of the British Isles (HGBI) Guidelines (1998) “Evaluating Local Mitigation/Translocation Programmes: Maintaining Best Practice and Lawful Standards.” HGBI Advisory notes for Amphibian and Reptile Groups (ARGs). HGBI, c/o Froglife, Halesworth, personal collection.

Technical Appendix 1
Wildlife & Countryside Act
Habitats Regulations and Schedule 2 Species
Natural Environment & Rural Communities Act 2006

WILDLIFE & COUNTRYSIDE ACT 1981 (AS AMENDED)

The Wildlife and Countryside Act 1981 (as amended) (WCA) is the principle legislation in Britain for the protection and conservation of our wildlife and its habitats of national importance. The legislation adopts a habitat and species based approach to nature conservation. Habitats and some species are protected in designated Sites of Special Scientific Interest (SSSI). Other species are afforded some protection from harm or disturbance by way of inclusion in either Section 1 (birds), Schedule 1 (specially protected birds), Schedule 5 (specially protected animals) or Schedule 8 (specially protected plants).

Protection Afforded to SSSIs

The presence of an SSSI on or near to a development is a material consideration, and this is discussed further in planning policy (see National Planning Policy Framework)

Law Relating to Protected Species

The WCA provides protection to such species in Part 1 of the Act. These sections provide protection from intentionally:

- killing, injuring or taking any wild bird or taking, damaging or destroying the nest or eggs of a wild bird
- disturbing any wild bird in Schedule 1 whilst building, on or near a nest, or disturbing dependant young of such birds
- damaging, destroying or obstructing access to any structure or place of shelter or protection of a schedule 5 animal, or disturbs any such animal whilst it is occupying a structure or place it uses for that purpose
- killing, injuring or taking any animal listed in Schedule 5
- Having in possession or control any live or dead wild bird or egg, or any wild animal in Schedule 5, or trading in any animal under Schedule 5.
- Damage to plants listed in Schedule 8 or uprooting of wild plants unless an authorised person.

Exemption and licences for development can be obtained in certain circumstances. Protected species are also a material consideration in planning applications.

Disturbance & Recklessness

The Countryside and Rights of Way Act 2000 (CRoW Act 2000) adds to protected species legislation in the WCA. The lesser test of ‘Recklessness’ is added to the protection from disturbance in three circumstances. These are:

- disturbance to Schedule 1 birds and their nests, eggs and dependant young,
- disturbance to Schedule 5 animals in their place of shelter/protection, and
- disturbance to the places of shelter/protection of Schedule 5 animals.

This addition means that any person who deliberately takes an unacceptable risk or fails to notice an obvious risk is falls under the Section irrespective of intention. The CRoW Act also provides greater protection to SSSIs from operations (and non operations) of owners, occupiers and third party users of the SSSI.

For further information see: <https://www.legislation.gov.uk/ukpga/1981/69>

HABITAT REGULATIONS 2017***General***

The Conservation of Habitats and Species Regulations 2017 (‘The Habitat Regulations’) consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of ‘European sites’, the protection of ‘European protected species’, and the adaptation of planning and other controls for the protection of European Sites.

European Protected Species

Species listed under Annex II of the Habitats Directive were formally afforded protection by the Habitat Regulations. European protected species include the great crested newt, dormice and all species of bats. The provision relating to wild animal offences is reproduced below:

Protection of certain wild animals: offences

43.—(1) A person who—

- (a) deliberately captures, injures or kills any wild animal of a European protected species,
 - (b) deliberately disturbs wild animals of any such species,
 - (c) deliberately takes or destroys the eggs of such an animal, or
 - (d) damages or destroys a breeding site or resting place of such an animal,
- is guilty of an offence.

(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.
- (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,anything to which this paragraph applies.
- (4) Paragraph (3) applies to—
 - (a) any live or dead animal or part of an animal—
 - (i) which has been taken from the wild, and
 - (ii) which is of a species or subspecies listed in Annex IV(a) to the Habitats Directive;
 - and
 - (b) anything derived from such an animal or any part of such an animal.
- (5) Paragraphs (1) and (3) apply regardless of the stage of the life of the animal in question.
- (6) Unless the contrary is shown, in any proceedings for an offence under paragraph (1) the animal in question is presumed to have been a wild animal.
- (7) In any proceedings for an offence under paragraph (3), where it is alleged that an animal or a part of an animal was taken from the wild, it is presumed, unless the contrary is shown, that that animal or part of an animal was taken from the wild.
- (8) A person guilty of an offence under this regulation is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.
- (9) Guidance as to the application of the offences in paragraph (1)(b) or (d) in relation to particular species of animals or particular activities may be published by—
 - (a) the appropriate authority; or
 - (b) the appropriate nature conservation body, with the approval of the appropriate authority.
- (10) In proceedings for an offence under paragraph (1)(b) or (d), a court must take into account any relevant guidance published under paragraph (9).
- (11) In deciding upon the sentence for a person convicted of an offence under paragraph (1)(d), the court must in particular have regard to whether that person could reasonably have avoided the damage to or destruction of the breeding site or resting place concerned.

Section 44 provides certain defences to the above.

The granting of a licence under Part 5 Section 55 of the Habitat Regulations

In order to carry out a lawful operation (e.g. development work which has full planning permission) that may result in any of the offences above, it is necessary to obtain a licence from Natural England to allow the operation to proceed.

However, in accordance with the requirements of the Habitats Regulations, a licence can only be issued after the following conditions have been satisfied:

- that there is no satisfactory alternative, and

- that the action authorized will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- that the action is required in preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;

Full planning permission is required to apply for a Natural England licence (where such a consent is necessary for the work to be carried out). In addition, a method statement which details the survey results, methodology of work to be undertaken, mitigation and compensation measures, must be submitted to Natural England with the licence application.

Plans and Projects & Designated Sites

The Regulations provide procedure whereby designated SAC or SPA and other European Protected Sites are afforded protection from plans and projects that may be likely to have a significant effect on the Features for which these sites are designated. Where a significant effect is considered likely in combination with other projects an appropriate assessment is required to be undertaken. Details of this procedure can be found at Part 6 of the Act onwards, see link below.

For Full details of the 2017 Habitat Regulations see:

http://www.legislation.gov.uk/ukxi/2017/1012/pdfs/ukxi_20171012_en.pdf

NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006

This Act places a specific duty to conserve biodiversity on all public bodies, including Local Planning Authorities. In order to aid with this process Section 41 of the Act requires the Secretary of State to publish lists of living organisms and habitats which are of principal importance for the purpose of conserving biodiversity. These are the national Biodiversity Action Plan (BAP) lists, and BAP projects are also undertaken at a County, Borough or District level.

For further information see: <https://www.legislation.gov.uk/ukpga/2006/16/part/3>

ENVIRONMENT ACT 2021

Royal Assent 9 November 2021

The Environment Act 2021 has recently received Royal Assent and will introduce a number of nature conservation initiatives. These include Biodiversity Net Gain assessments. The following measures are part of the Act (see www.gov.uk, 2021):

- Strengthened biodiversity duty;
- Biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity;
- Local Nature Recovery Strategies to support a Nature Recovery Network;
- Duty upon Local Authorities to consult on street tree felling;
- Strengthen woodland protection enforcement measures;
- Conservation Covenants;
- Protected Site Strategies and Species Conservation Strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature;

- Prohibit larger UK businesses from using commodities associated with wide-scale deforestation;
- Requires regulated businesses to establish a system of due diligence for each regulated commodity used in their supply chain, requires regulated businesses to report on their due diligence, introduces a due diligence enforcement system;
- Long-term targets to improve air quality, biodiversity, water, and waste reduction and resource efficiency;
- A target to halt the decline of nature by 2030;
- Environmental Improvement Plans, including interim targets;
- A cycle of environmental monitoring and reporting;
- Environmental Principles embedded in domestic policy making;
- Office for Environmental Protection to uphold environmental law;
- Air and Water pollution measures.

For further information see:

https://www.legislation.gov.uk/ukpga/2021/30/pdfs/ukpga_20210030_en.pdf

Biodiversity Net Gain under the Environment Act

Mandatory biodiversity net gain in England is likely to become law in 2023 (through amendments to the Town & Country Planning Act). The key measures include (see eg www.gov.uk & www.local.gov.uk):

- Minimum 10% gain required using Biodiversity Metric;
- Habitat secured for at least 30 years via obligations/ conservation covenant;
- Habitat can be delivered on-site, off-site or via statutory biodiversity credits;
- Creation of a national register for net gain delivery sites;
- Continued use of mitigation hierarchy - avoid, reduce, off-set (mitigation and compensation);
- Will apply to Nationally Significant Infrastructure Projects (NSIPs)
- Will not apply to marine development;
- Works alongside existing legal environmental and wildlife protections.

Technical Appendix 2

Bat & Bird Box Mitigation Examples

Examples of Bird Nesting Opportunities for buildings

Swift Nesting Brick –

It needs to be positioned near Apex or high up – position advised by ecologist.

Design shown is from Istock Bricks.

<https://www.istockbrick.co.uk/kevington/eco-products/>

see also:

<https://www.hampshireswifts.co.uk/post/when-is-an-s-brick-an-eaves-s-brick>

<https://www.rspb.org.uk/globalassets/downloads/documents/conservation--sustainability/help-swifts/swift-bricks.pdf>



Examples of Bat Bricks/Mitigation for buildings

Schwegler Bat Roost Unit 2FR

This Tube system meets the characteristic behavioural requirements of the types of bats that inhabit buildings. Made with Schwegler wood-concrete, the design maintains excellent climatic conditions inside the roost unit allowing the animals to either hang onto the wooden rear or onto the wood-concrete front. The box, once installed is maintenance free and self cleaning.

The roost unit can be installed within any external walls (brick, block or panelling) either flush or beneath the wall surface (with suitable entrance ramp extension)

Dimensions: height 47.5 x



width 20 x depth 12.5 cm,
Entrance: width 15 x height 2
cm, Weight: ca. 9,8 kg

Within Brick, can also be
placed within cavity with only
entrance visible



Hedgehog Highways:

<https://www.hedgehogstreet.org/help-hedgehogs/link-your-garden/>