The Ecology Consultancy

The Grove, St. Leonards / Reptile Survey / **Report for Miller Bourne Architects**

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The Grove, St Leonards.

Reptile Survey

Report for Miller Bourne Architects.

Version	Author	Checked by	Approved by	Date
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Executive Summary

The Ecology Consultancy was commissioned by Miller Bourne Architects to undertake a reptile survey to assess the presence or likely absence of reptiles at The Grove, St. Leonards, East Sussex. The objective of this survey was to determine any likely constraints to development and, if necessary, to provide an outline of any mitigation that may be required. The main findings are as follows:

- The site, a former school, lies within the urban area of St Leonards on Sea in East Sussex and comprised a mosaic of habitats including broadleaved woodland, intermittent pockets of scrub and tall ruderal vegetation, small patches of less intensively managed areas of semi-improved grassland, extensive intensively managed areas (former school playing field) semi-improved grassland and bare ground (location of demolished built structures).
- A low population of slow worms *Anguis fragilis* were recorded within the site boundaries during the course of the survey.
- A low population of grass snakes *Natrix natrix* were recorded at the site.
- No common lizards *Zootoca vivipara* were recorded during the survey; however, due to limitations associated with the survey effort, a low population is considered highly likely to be present based upon the availability of suitable habitats along the site boundaries.
- Redevelopment of the site in the absence of suitable mitigation measures may result in the potential killing or injury of individual reptiles during site clearance works.
- The site has been subject to severe vandalism and several arson attacks in recent months and contrary to current guidance, trapping and translocation of reptiles is not recommended on this particular site due to the high risk of deliberate killing of reptiles that may be present under artificial refugia during the translocation process.
- To ensure all site clearance works are undertaken in accordance with current UK legislation afforded to reptiles, habitat manipulation overseen by an ecological watching brief is recommended which should be undertaken in suitable weather conditions (mid March to mid October) and when reptiles are active.
- It is recommended that reptiles are displaced via habitat manipulation. Any reptiles encountered during the habitat manipulation process be caught by a suitably qualified ecologist. Thereafter, they should be released into suitable retained habitats/receptor site and within the site boundaries as it is considered that these areas will be free from disturbance during the construction and operation phase of the development.

1 Introduction

BACKGROUND

1.1 Following the recommendations of the Preliminary Ecological Appraisal (PEA) carried out at this site by The Ecology Consultancy (The Ecology Consultancy, 2014) Miller Bourne Architects commissioned a reptile survey to assess the presence or likely absence of reptile species at land at The Grove School, St. Leonards in East Sussex (Appendix 1, Map 1).

1.2 A reptile survey was recommended as the PEA recorded suitable habitat for reptiles in the form of open ground with low vegetation bordered by scattered and dense scrub. Log piles and earth banks potentially provide reptile habitats throughout the year.

1.3 All reptile species are afforded legal protection under the Wildlife and Countryside 1981 (as amended). In addition, two species of reptile, smooth snake *Coronella austriaca* and sand lizard *Lacerta agilis*, are afforded full legal protection under The Conservation of Habitats and Species Regulations 2010 (as amended); however, these species are very rare and locally distributed and are unlikely to be encountered during a standard survey (See Appendix 5: Legislation).

SCOPE OF REPORT

1.4 The report provides an assessment of the status of reptiles at the site with information on their presence and distribution. Potential impacts of the proposed development are identified and mitigation and enhancement measures are provided in outline.

1.5 This report has been prepared with reference to best practice guidance published by the Chartered Institute for Ecology and Environmental Management (CIEEM, 2013) and as detailed in British Standard 42020:2013 Biodiversity - Code of Practice for Biodiversity and Development (BSI, 2013).

1.6 This report should be read in conjunction with the PEA report for the site (The Ecology Consultancy, 2014).

SITE CONTEXT AND STATUS

1.7 The proposed development site (a former secondary school) is approximately 9.29 hectares (ha) in size and centred on Ordnance Survey National Grid reference TQ

784104. The site lies on the western edge of Hastings, accessed via Darwell Close. The site comprised habitats including bare ground, intensively managed semi-improved grassland (former playing field), field margins of less intensively managed semi-improved grassland, intermittent patches of scrub and tall ruderal vegetation and an area of broadleaved woodland.

1.8 A grassy embankment located around a former tennis court and less intensively managed field margins situated adjacent to local gardens were identified as suitable terrestrial breeding habitats for reptiles within the site boundaries (The Ecology Consultancy, 2014). The woodland habitat, scattered scrub, compost heaps and log piles provided suitable habitat for hibernating reptiles.

DESCRIPTION OF THE DEVELOPMENT

1.9 The current development proposal is for 210 dwellings with associated access roads and parking for residents and visitors. There will be a variety of different sized dwellings ranging from one bedroom, two person flats to five bedroom detached properties. The woodland and a grassy embankment, located within the western section of the overall site is proposed to be retained in situ.

2 Methodology

PERSONNEL

2.1 The reptile survey was carried out by Linda Kerrison, an ecologist with over two years commercial reptile survey experience and the survey and mitigation strategy was overseen and managed by Charlie Dwight, a Senior Chartered Ecologist CEco, MCIEEM with over ten years commercial ecological consultancy experience.

PRESENCE/ABSENCE SURVEY

2.2 The survey protocol followed accepted standards for reptile surveys as set out in Hill *et al*. (2005). The survey involved a combination of visually searching for reptiles (direct observation) and the use of artificial refugia.

2.3 Artificial refugia were placed around the site on 02 March and allowed to bed down for at least seven days prior to the survey visits commencing. The artificial refugia were re-laid (due to removal and disturbance) on 15 April 2016 within suitable habitats at the site. The artificial refugia comprised individual 1m^2 (approximately) pieces of roofing felt and were laid out at approximately 5-7m intervals. Suitable areas of reptile habitat within the survey area consisted of grassland, the edges of scrub and tall ruderal vegetation and piles of logs/brash and garden waste. A total of 250 refugia and 20 tins were used. The locations of refugia are presented in the Reptile Survey Map (refer Appendix 1).

2.4 A total of seven survey visits were proposed to be carried out in April and May 2016 to determine presence of likely absence of reptiles at the site; however, deliberate vandalism and disturbance to the artificial refugia on two separate occasions resulted in the refugia being inspected on three occasions prior to removal and permanent suspension of the survey. The refugia were checked once on the 15 April, 9 May and 12 May 2016 during appropriate weather conditions: temperatures between 9°C and 20°C, with little rain or wind.

POPULATION SIZE ESTIMATE

2.5 The assessment of reptile population size is based on guidance from Herpetofauna Groups of Britain and Ireland (HGBI, 1998). Reptile population size is assigned to one

of three categories based on the peak count of individuals for each species (adults) across all the visits (refer Table 1).

2.6 A population size estimate for the site was made based upon the results obtained from the three survey visits and based upon an experienced opinion of an ecologist in relation to the availability of suitable habitats present at the site.

Table 1: Population score (HGBI, 1998).

Species	Low Population	Good Population	High Population
Adder *Vipera berus*	<2 / ha	2 – 4 / ha	> 4 / ha
Grass snake *Natrix natrix*	<2 / ha	2 – 4 / ha	> 4 / ha
Common lizard *Zootoca vivipara*	<20 / ha	>40 / ha	> 80 / ha
Slow worm *Anguis fragilis*	< 50 / ha	> 50 / ha	> 100 / ha

LIMITATIONS

2.7 It should be noted that whilst every effort has been made to provide a comprehensive description of the site, no investigation can ensure the complete characterisation and prediction of the natural environment.

2.8 The site was subject to a number of acts of vandalism during the survey, resulting in artificial refugia (roofing felts) being deliberately set alight (including a suitable grassy embankment), thrown, removed or shredding on at least two separate occasions. The senior ecologist following consultation with the county ecologist took a decision to halt the survey after only three inspection visits to reduce the risk to reptiles that may become trapped (too cold to escape) under the artificial refugia. Therefore the population estimate presented within this report is based upon only three survey visits and the professional opinion of the senior ecologist. Results presented within this report should therefore take into consideration this potential limitation when interpreting the results.

3 Results

PRESENCE/ABSENCE SURVEY

3.1 A peak count of 11 (nine adult) slow worms were recorded under refugia on the third (May) survey visit. Adults, both male and female, and sub-adults were recorded, throughout the three survey visits, suggesting the presence of a small breeding population at the site.

3.2 Slow worms were recorded in suitable habitats including the field margin, adjacent to private gardens. Small numbers of reptiles were also recorded within the south-east site boundary on grassy embankments surrounding a former tennis court located within the western section of the site and within a small patch of less intensively managed grassland adjacent to private gardens on the eastern site boundaries (see Map 1, Appendix 1).

3.3 A peak count of one grass snake was recorded near to an existing galvanised built structure on the third survey visit, indicating the presence of a small population of grass snakes at the site.

3.4 No common lizards were recorded during the three survey visits; however, habitats present at the site are considered suitable for common lizards and the presence of common lizards at the site is therefore assumed and considered likely to be low based upon the amount of suitable habitat present at the site.

3.5 Weather conditions for the survey and a summary of the results for the survey are shown in Table 2 below.

POPULATION ASSESSMENT

3.6 The site covers an expanse of 9.29 hectares. Based upon calculations made using methodologies defined by HGBI (1998), a population estimate based upon the number of individuals per hectare is calculated as follows:

- Slow worm: peak count 9 / 9.29 = 0.96 equates to 1 slow worm per hectare across the whole site: Low Population
- Grass snake: peak count 1 / 9.29 = 0.1 equates to 1 grass snake per hectare across the whole site: Low Population

Table 2: Reptile Survey Results

Date	Time	Temp ℃	Wind Beaufort scale	Cloud Cover Scale in Oktas	Species	Total Number	Number of Adults
15/04/2016	11am	17	2	3/8	Slow Worm	0	0
					Common lizard	0	0
09/05/2016	1pm	20	1	0/8	Slow Worm	5	3
					Common lizard	0	0
12/05/2016*	1pm	17	3	4/8	Slow Worm	11	9
					Common Lizard	0	0
					Grass Snake	1	1

* 1 common toad *Bufo bufo* encountered during the survey

4 Conclusions and Recommendations

CONCLUSIONS

4.1 Low populations of both slow worms and grass snakes were recorded during the surveys. No common lizards were recorded at the site during the three survey visits. However due to the presence of suitable terrestrial habitats at the site, a low population of common lizards are assumed highly likely to be present at the site. Reptiles were predominantly recorded in the grassy verges and field margins adjacent to private gardens or around upon a sloping embankment surrounding a former tennis court. No reptiles were recorded within the centre/flat intensively managed former playing field during the survey.

4.2 One common toad was also recorded within the site boundaries and is listed as a species of conservation importance. In the absence of suitable mitigation measures, redevelopment of the site including ground works and/or vegetation clearance works are likely to result in the killing or injury of reptiles and amphibians (common toad) which would contravene the current relevant legislation and/or affect species of conservation concern.

RECOMMENDATIONS

4.3 To avoid the risk of killing and injury to reptiles and amphibians, a programme of displacement into suitable areas of nearby habitat achieved through habitat manipulation and hand capture should be carried out at the site prior to any site clearance works commencing.

4.4 This represents a deviation from the commonly accepted method of trapping and translocation of reptiles which would normally involve the use of exclusion fencing and artificial refugia to allow capture of reptiles over a thirty day period. This is **not recommended** on this particular site as the risk of vandalism of the fencing and felts and injury to any reptiles beneath is considered greater than any residual risk to reptiles following habitat manipulation and displacement.

Receptor Site

4.5 Where clearance of suitable reptile habitat is required to facilitate the proposed development, a programme of habitat manipulation and hand capture of reptiles will be necessary. Prior to any habitat manipulation works taking place, a suitable receptor site

must be provided to translocate any reptiles captured by hand within the development area.

4.6 A south facing, sloping, grassy verge is located within the western section of the site (see Appendix A, R1 reptile map) and lies adjacent to Dogkennel Wood (to be retained). The slope supports a mosaic of suitable habitats for reptiles and includes less intensively manged grassland and intermittent patches of scrub. The slope measures approximately 70m length x 10m width.

4.7 It is recommended that this area is used as a receptor site whilst the construction phase of the development is in progress. A second potentially suitable receptor site (see Appendix A, R2 reptile map) for reptiles (should higher numbers than envisaged be encountered during the habitat manipulation) has been identified in the north east corner of the site and measures 30m length x 10m width. Upon completion of the construction phase, reptiles translocated into receptor sites R1 and R2 will be able to disperse across the site and recolonise new gardens within the site boundaries. This approach will ensure there is no net loss of biodiversity in terms of habitats as a result of the proposed development.

4.8 A total of four log piles, each measuring 1m^{sq} and 1m in height should be created within the reptile receptor sites to provide suitable hibernacula and refuge for reptiles and to enhance the sites' value to help ensure they can sustain the additional reptiles from the development site. The hibernacula should be located under existing trees to ensure temperatures within the log piles are cool and stable.

4.9 The reptile receptor sites should remain free of development or other disturbance in perpetuity. As the habitats within the site already support reptiles, it will be necessary to enhance the receptor sites to increase the carrying capacity and ensure the receptor areas can sustain the higher population density that will result as a result of translocating individuals from elsewhere within the site.

4.10 The receptor sites must be prepared in advance of the capture so that the habitats are suitable and ready to receive the translocated animals. The receptor area should be planted with a mixture of native scrub species, and areas of grassland re-seeded or managed to grow a long tussocky sward.

Timing

4.11 The translocation can only be undertaken when reptiles are active between mid-March and mid-October, weather dependent.

Habitat Manipulation and Capture

4.12 Habitat manipulation in the form of a two-phased vegetation cut should be used to enhance the capture effort by reducing the amount of available cover within the capture areas and focusing capture effort. The first cut should take the sward height down to a height of 20cm with the second cut taking the sward down to ground level. The cut should start from the centre of the site to encourage reptiles to move towards the field margin and edge habitats. Where encountered, reptiles should be caught by a suitably qualified ecologist and placed into a suitable transport carrier and released immediately into the receptor site. Upon completion of the two way cut the topsoil should be subject to a hard scrape to remove any remaining

References

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English Nature (2004). *Reptiles: guidelines for developers*. Peterborough: English Nature.

Froglife (1999). *Reptile Survey, an introduction to planning, conducting and interpreting surveys for snake and lizard conservation.* Froglife Advice Sheet 10. Halesworth: Froglife.

Herpetofauna Groups of Britain and Ireland (1998). *Evaluating local mitigation/translocation programmes: Maintaining standards.* Unpublished HGBI advisory notes for Amphibian and Reptile Groups (ARGs) Halesworth: HGBI c/o Froglife.

Hill, D., Fasham, M., Tucker, G., Shewry, M. & Shaw, P. (2005) *Handbook of Biodiversity methods; Survey, Evaluation and Monitoring.* Cambridge University Press, Cambridge.

The Ecology Consultancy (2014) *The Grove, St Leonards: Preliminary Ecological Appraisal*. Report for Conran & partners.

Appendix 1: Survey Maps

Map 1: Reptile Survey & Proposed Mitigation Map

The Ecology Consultancy

Job title	The Grove ECL Job no. 4558
Client	Miller Bourne
Drawing title	REPTILE SURVEY MAP
Section: N/A	Scale (at A3) 1:1,500
Date of survey	March - May 2016
Surveyor	CKD/RM/LJ/MJ
Drawn: RM	Checked: CD
Approved: CD	Date: 20/05/2016

KEY

- Site boundary
- Approximate location of reptile felts (during set-up)
- Slow worm record
- Grass snake record
- Common toad record

This plan is provided solely for the purpose of supporting the description of the ecological features of the site as contained in the accompanying report

Appendix 2: Photographs

Photograph 1
Corner of less intensively manged grassland, east of site where low numbers of slow worms were encountered

Photograph 2
Slow worm on artificial refugia, grassy embankment proposed to be retained.

Photograph 3
Slow worm encountered under an artificial refugia.

Appendix 3: Reptile Survey Data

Project:	The Grove																
Surveyor(s):	Linda Kerrison			Date:	15/04/2016				Visit Number:	1							
Weather (General Conditions):	Overcast			Cloud Cover (0-8):	8/8				Wind (Beaufort: 0-12):	1							
				Rain (0-5):	0/5												
Max air temp:	16			Min air temp:	16				Start time:	11am		Finish time:					
Notes:																	
Tile no/wp	E'ing	N'ing	Slow worm				Common lizard				Grass snake			Adder			
			AM	AF	SA	J	AM	AF	SA	J	A	SA	J	A	SA	J	
All																	
Sub-totals																	
Adult total			0														
TOTAL			0														

Project:	The Grove																
Surveyor(s):	Linda Kerrison			Date:	09/05/2016			Visit Number:	2								
Weather (General Conditions):	Warm, dry			Cloud Cover (0-8):	8/8			Wind (Beaufort: 0-12):	2								
				Rain (0-5):	0												
Max air temp:	19			Min air temp:	19			Start time:	12.00	Finish time:							
Notes:																	
Tile no/wp	E'ing	N'ing	Slow worm				Common lizard				Grass snake			Adder			
			AM	AF	SA	J	AM	AF	SA	J	A	SA	J	A	SA	J	
76	78323	10376		1													
26	78335	10440	1														
29	78376	10424	1														
61	78616	10545	1														
N/A	76618	10527	1														
N/A	78628	10529			1												
N/A	78573	10587	1														
Sub-totals			5	1	1												
Adult total			5														
TOTAL			7														

Project:	The Grove School, St. Leonard's				
Surveyor(s):	Rosie Marston	Date:	12/05/2016	Visit Number:	
Weather (General Conditions):	Warm, sunny	Cloud Cover (0-8):	4/8	Wind (Beaufort: 0-12):	3
		Rain (0-5):			
Max air temp:	18°c	Min air temp:	17°C	Start time:	12:15
Notes:	Adult common toad at 578563, 110507			Finish time:	13:30

Tile no/wp	E'ing	N'ing	Slow worm				Common lizard				Grass snake			Adder		
			AM	AF	SA	J	AM	AF	SA	J	A	SA	J	A	SA	J
26	578332	1E+05	1													
61	578345	1E+05	1													
28	578327	1E+05	1													
	578364	1E+05		1												
	578365	1E+05									1					
	578615	1E+05	1													
	578623	1E+05		1	1											
	578621	1E+05	1													
	578500	1E+05		1												
	578484	1E+05				1										
	578313	1E+05		1												
Sub-totals			5	4	1	1	0	0	0	0	1	0	0	0	0	0
Adult total			9				0				1			0		
TOTAL			11				0				1			0		

Appendix 5: Legislation and Policy

Important Notice: This section contains details of legislation and planning policy applicable in Britain only (i.e. not including the Isle of Man, Northern Ireland, the Republic of Ireland or the Channel Islands) and is provided for general guidance only. While every effort has been made to ensure accuracy, this section should not be relied upon as a definitive statement of the law.

A - NATIONAL LEGISLATION AFFORDED TO SPECIES

The objective of the EC Habitats Directive[1] is to conserve the various species of plant and animal which are considered rare across Europe. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (formerly The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)) and The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended).

The Wildlife and Countryside Act 1981 (as amended) is a key piece of national legislation which implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection obligations of Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Since the passing of the Wildlife & Countryside Act 1981, various amendments have been made, details of which can be found on www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CRoW) Act (2000) and Nature Conservation (Scotland) Act 2004.

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Countryside and Rights of Way (CRoW) Act 2000
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Species and species groups that are protected or otherwise regulated under the aforementioned domestic and European legislation, and that are most likely to be affected by development activities, include herpetofauna (amphibians and reptiles), badger, bats, birds, dormouse, invasive plant species, otter, plants, red squirrel, water vole and white clawed crayfish.

Explanatory notes relating to species protected under The Conservation of Habitats and Species Regulations 2010 (which includes smooth snake, sand lizard, great crested newt and natterjack toad), all bat species, otter, dormouse and some plant species) are given below. **These should be read in conjunction with the relevant species sections that follow.**

- In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

[1] Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora

- The Conservation of Habitats and Species Regulations 2010 (as amended) does not define the act of 'migration' and therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.
- In order to obtain a European Protected Species Mitigation (EPSM) licence, the application must demonstrate that it meets all of the following three 'tests': i) the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment; ii) that there is no satisfactory alternative and iii) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

Herpetofauna (Amphibians and Reptiles)

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita* and great crested newt *Triturus cristatus* receive full protection under The Conservation of Habitats and Species Regulations 2010 (as amended) through their inclusion on Schedule 2. The pool frog *Pelophylax lessonae* is also afforded full protection under the same legislation. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of species listed on Schedule 2
- Deliberate disturbance of any Schedule 2 species as:
  a) to impair their ability:
    (i) to survive, breed, or reproduce, or to rear or nurture young;
    (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate
  b) to affect significantly the local distribution or abundance of the species
- Deliberate taking or destroying of the eggs of a Schedule 2 species
- Damage or destruction of a breeding site or resting place
- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

With the exception of the pool frog, these species are also currently listed on Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of herpetofauna are protected solely under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended). Species such as the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis* are listed in respect to Section 9(1) & (5). For these species, it is prohibited to:

- Intentionally (or recklessly in Scotland) kill or injure these species
- Sell, offer or expose for sale, possess or transport for purpose of sale these species, or any part thereof.

Common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Lissotriton vulgaris* and palmate newt *L. helveticus* are listed in respect to Section 9(5) only which affords them protection against sale, offering or exposing for sale, possession or transport for the purpose of sale.

How is the legislation pertaining to herpetofauna liable to affect development works?

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable to affect the breeding sites or resting places of those amphibian and reptile species protected under The Conservation Habitats and Species Regulations 2010 (as amended). A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the Wildlife and Countryside Act 1981 (as amended)

B - NATIONAL PLANNING POLICY

National Planning Policy Framework

The National Planning Policy Framework replaced PPS9 and emphasises the need for sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species. An emphasis is also made for the need for ecological networks via preservation, restoration and re-creation. The protection and recovery of priority species – presumably those listed as UK Biodiversity Action Plan priority species – is also listed as a requirement of planning policy. In determining planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and The Biodiversity Duty

The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 40 of the Act requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

The Ecology Consultancy is part of the Temple Group.

Experience and quality that make a difference

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