

Marchon Chemical Works Site, Whitehaven

Extended Phase 1 Habitat Survey report



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1 Introduction

- 1.1 BSG Ecology was commissioned in May 2017 to undertake an extended Phase 1 habitat survey of a former industrial site (referred to as the Site), located on the south-western edge of Whitehaven, Cumbria.
- 1.2 It is proposed to develop the Site with residential housing, and its associated landscaping and infrastructure; however, the site master-plan is yet to be finalised.

Site description

- 1.3 The Site is located to the south-west of the town of Whitehaven at an approximate central grid reference of NX 96640 16001. The Site was formally known as the Marchon chemical works, which closed in 2005. All buildings associated within the former chemical works have now been demolished and the Site has been abandoned since its closure 12 years ago.
- 1.4 The Site comprises a network of hard-standings and roads associated within the former chemical plant. Areas of grassland vegetation and scrub have established within the footprints of the former works buildings.
- 1.5 Residential housing is present to the north and east of the Site. Land to the south is also part of the former Marchon chemical works, and is the site of a proposed new metallurgic coal processing plant. Habitats to the west include arable and grassland fields and the coastal heathland habitats associated with the St Bees Head Site of Special Scientific Interest (SSSI).

Aims of the study

- 1.6 The aims of this report are to:
 - Set out the approach to the ecological survey work undertaken.
 - Present the findings of the ecological surveys and identify any ecological constraints that will need to be considered during all stages of the development.
 - Set out the legislative and/or policy protection afforded to flora and fauna that might be impacted by the development of the Site.
 - Make recommendations on potential mitigation, compensation and/or enhancement measures (as necessary).

Evidence of Technical Competence and Experience

- 1.7 Neil Beamsley BSc MCIEEM, Principal Ecologist, based at the BSG Ecology Newcastle office, has completed the field survey and also prepared the technical report.
- 1.8 Steve Betts BSc MSc MCIEEM CEcol, Partner, also based at the BSG Ecology Newcastle office, carried out the technical review of the report.
- 1.9 A summary of each BSG Ecology staff member's experience and competence as a professional ecologist is provided at <u>http://www.bsg-ecology.com/index.php/people/</u>.

2 Methods

- 2.1 A desk study has been undertaken using data obtained from the Government's MAGIC website (www.magic.gov.uk accessed 2 June 2017) to establish the location and nature of any statutory designated Sites of nature conservation interest located within 2 km of the centre of the proposed development area. This includes Sites of Special Scientific Interest (SSSIs), SSSI Impact Risk Zones, Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar Sites.
- 2.2 A 2 km search area has been adopted in accordance with guidance published by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2013).
- 2.3 Ecological records were requested from the Cumbria Biological Data Centre (CBDC), including information on non-statutory sites of nature conservation interest, statutorily designated sites and protected or other species of conservation importance for a 2 km radius from the Site centre. A search was additionally made of the Multi-Agency Geographical Information for the Countryside (MAGIC) website for the presence of sites of European importance within a 6 km radius of the Site centre. The National Biodiversity Network (NBN) Gateway website was also checked for further information on protected or notable species.
- 2.4 An aerial photograph of the study area and its surroundings was examined to further assist in understanding the context of the study area and to identify and assess possible habitat linkages with other habitats or sites of ecological importance within the local area (https://www.bing.com/mapspreview, accessed 20 July 2017).

Consultation

2.5 Copeland Borough Council was contacted by NPL Development in June 2017. The purpose of this consultation was to agree the scope of ecological survey work and the level of impact assessment required in support of the planning application.

Field survey

- 2.6 A Phase 1 habitat survey of the Site was completed by Neil Beamsley BSc MCIEEM on the 16 June 2017. The survey mapped all habitats on Site in accordance with the methodology described in the JNCC Phase 1 survey handbook (JNCC, 2010). During the survey a note was made of any invasive plant species that were noted within the Site.
- 2.7 The survey was extended to include an assessment of the habitats present to determine their suitability for supporting protected species. Species considered were primarily breeding birds, badger *Meles meles*, great crested newt *Triturus cristatus* and bats, based on the habitats that are present within and adjacent to the Site. During the surveys any signs of protected species that were observed were recorded.
- 2.8 The Site survey commenced at approximately 9.00am and ended at approximately 10.30am. Weather conditions during the survey were bright sunshine, a light north-westerly wind, with no rain and a temperature of 14^oC. Visibility was very good at the time of survey.

Limitations to methods

2.9 The Phase 1 habitat survey has been completed within the optimum survey period for vegetation survey, and access was available to all parts of the Site during the walkover survey. Therefore no significant data limitations have been identified.

3 **Results and Interpretation**

3.1 In this section the results of fieldwork, desk study and any consultation undertaken, are brought together. Their implications are then considered.

Consultation

3.2 The consultation with Copeland Borough Council concluded that an extended Phase 1 habitat survey would be required in support of the planning application. The Council also indicated that any recommendations for further survey should be progressed.

Desk Study

- 3.3 There are no statutorily protected sites within any part of the Site or immediately adjacent to the Site.
- 3.4 There are no sites of European importance within 6 km of the Site. The closest Special Areas of Conservation (SAC) are the River Ehen SAC, which is located approximately 12.6 km to the east, the Drigg Coast SAC, which is located 15 km to the south, and the Wast Water SAC, which is located 15.4 km to the south-east. There are no other sites of European importance within 20 km of the Site.
- 3.5 The Solway Firth proposed SPA (pSPA) extends from an area approximately 500m to the north of the Site, to a location approximately 25 miles to the north within the Solway Estuary. The proposal is to extend the existing Upper Solway Flats and Marshes Special Protection Area (SPA) to create the Solway Firth SPA. The proposed new boundary will include and protect the internationally important wintering populations of: red-throated diver *Gavia stellata*; common scoter *Melanitta nigra*; goosander *Mergus merganser*. A public consultation exercise has been completed and the results are currently being analysed.
- 3.6 The Cumbria Coast Marine Conservation Zone (MCZ) is located 550m to the west of the Site. This MCZ stretches for approximately 27 km along the coast of Cumbria: the total area of the MCZ is approximately 1,800 ha. It covers purely marine areas (i.e. land covered continuously or intermittently by tidal waters).
- 3.7 The closest Nationally important statutory protected site is the St Bees Head Site of Special Scientific Interest (SSSI), approximately 500m to the west of the Site. The SSSI comprises approximately 8 km of coastal headland between St Bees and Whitehaven, and extends to a total area of 171 ha. This site is designated for reasons of botanical and geological interest and for the populations of sea birds which nest along coastal cliffs within the site.
- 3.8 The Clint's Quarry SSSI is located approximately 5.4 km to the south-east of the Site. This SSSI is designated for reasons of botanical and geological interest. The site extends to an area of approximately 13.6 ha.

Field survey

- 3.9 The distribution of habitats found within the Site is shown on Figure 1, which is presented in section 6 of this report. Photographs illustrating the habitats present are provided within section 7.
- 3.10 Habitats within the Site comprise a mosaic of poor semi-improved grassland, tall ruderal habitat, small patches of scrub, bare ground, and hard-standing associated with the former chemical works. Within the areas of poor semi-improved grassland are areas of more species-rich neutral grasslands and some ephemeral-short perennial grassland at the margins of the areas of hard-standing.
- 3.11 The areas of former hard-standing have in places been capped with soil to create a gentle slope down from the boundary with High Road located to the east. This is punctuated by some areas of hard-standing and bare ground. The slopes are dominated by Yorkshire fog *Holcus lanatus* and



common bent Agrostis stolonifera, with frequent white clover Trifolium repensed clover Trifolium pratense, and colt's-foot Tussilago farfara. Scattered kidney vetch Anthyllis vulneraria, meadow vetchling Lathyrus pratensis, bird's-foot trefoil Lotus corniculatus, hedge bedstraw Galium mollugo and black knapweed Centaurea nigra are also present within these areas.

- 3.12 The hard-standing areas support some ephemeral-short-perennial grassland with a variety of colonising species including white stonecrop *Sedum album*, biting stonecrop *Sedum acre* and common bent.
- 3.13 Elsewhere the Site is dominated by more coarse grassland supporting a combination of abundant red fescue *Festuca rubra*, and occasional clumps of sweet vernal grass *Arrhenatherum* odoratum and cock's-foot *Dactylis glomerata*. The sward also includes occasional creeping thistle *Cirsium arvense*, hogweed *Heracleum sphondylium*, great willowherb *Epilobium hirstum*, spear thistle *Cirsium vulgare*, black medick *Medicago lupulina*, hop-trefoil *Trifolium campestre*, and common vetch *Vicia sativa*. Other less frequent species include tufted hair-grass *Deschampsia cespitosa*, common nettle *Urtica dioica* and rosebay willowherb *Chamerion angustifolium*. Scrub is starting to colonise the sward and a few young plants of bramble *Rubus fruticosus* and grey willow *Salix cinerea* are also present.
- 3.14 Two small areas of marshy vegetation, dominated by tall herbs and grasses, are located towards the centre of the Site. Meadowsweet *Filipendula ulmaria*, reed-canary grass *Phalaris arundinacea* and field horsetail *Equistum arvense* are locally frequent. Other plants that are present include wild angelica *Angelica sylvestris*, square-stalked St John's wort *Hypericum tetrapterum*, clustered dock *Rumex conglomeratus*, greater knapweed *Centaurea scabiosa*, hard rush, *Juncus inflexus*, early purple orchid *Orchis mascula* and meadow vetchling *Lathyrus pratensis*.
- 3.15 The Site is entirely enclosed by a chain-link security fence which extends from the ground to a height of approximately 2.5m.
- 3.16 There were no areas of permanent standing water present within the Site during the survey, although areas where water is likely to pool after prolonged rainfall were recorded across the Site. This conclusion was based upon areas of dry mud likely to have previously been standing water.
- 3.17 To the west of the main Site is a former landfill site which has been re-landscaped to form a steep east-facing bank. Habitats in this area are dominated by rank poor-semi improved grasslands.
- 3.18 A single semi-mature willow *Salix* sp. is present at the northern boundary of the Site adjacent to the security fence.
- 3.19 No invasive plant species were recorded within the Site.

Protected species

Bats

- 3.20 Cumbria Biological Record Centre provided a single record of a bat roost (species unknown), three records of common pipistrelle and/or pipistrelle species (all approximately one kilometre to the east of the Site) and one record of a brown long-eared bat approximately 1.4 kilometres to the southwest of the Site.
- 3.21 There are no structures within the Site which could be used by roosting bats. The single semimature willow tree does not support any features such as rot holes that could be used by roosting bats.
- 3.22 Linear connectivity both within and outside of the Site is poor, with the exposed nature of the Site likely to limit its value to commuting and foraging bats.



Birds

- 3.23 Three species of bird were recorded either within the Site or overflying the Site during the walkover survey in June 2017: jackdaw (foraging in a group of 25 towards the centre of the Site), carrion crow (recorded in several small groups across the Site) and common gull (recorded in small numbers over-flying the Site.
- 3.24 No evidence of any nesting activity was recorded during the walkover survey, although the habitats present are suitable for use by ground nesting species such as meadow pipit. *Anthus pratensis*.

Amphibians

- 3.25 No records for great crested newt were provided by Cumbria Biological Record Centre within 2 km of the Site.
- 3.26 A single pond is located (250m) within the land to the south of the Site associated with the proposed metallurgic coal processing development. This pond was surveyed by BSG Ecology during the period between April and June 2016 and was found to support a moderate population of common frog *Rana temporiana* and common toad *Bufo bufo*. No great crested newts were recorded.
- 3.27 The Site may provide foraging opportunities for common frog and toad during their terrestrial phase, and may also provide potential hibernation opportunities, although this is likely to be limited by the exposed nature of the Site.

Reptiles

- 3.28 Cumbria Biological Record Centre provided two records of slow worm *Anguis fragilis* associated with grassland 150 metres to the west of the Site (dated 1998) and eight records of common lizard *Zootoca vivipara* 1.2 km to the north and west of the Site. The common lizard records are primarily from the coastal habitats associated with the St Bees Head SSSI and nature reserve.
- 3.29 No reptiles or evidence of reptile activity were recorded during the walkover survey. A comprehensive reptile survey has been completed of the proposed development site to the south by BSG Ecology during the summer of 2016. This did not record any reptile species.

Terrestrial mammals

- 3.30 Cumbria Biological Record Centre provided a single record of badger *Meles meles* approximately 1 km south-east of the Site. The badger was found dead on a road in 1999.
- 3.31 Forty six records of red squirrel *Sciurus vulgaris* dating between 2004 and 2012 were returned; these were associated with the woodland habitats to the east of the Site, i.e. within the Woodhouse and Greenside areas.
- 3.32 A single record of an otter *Lutra lutra* spraint from 2006, 1.4 km to the south-east of the Site, was associated within a large pool.
- 3.33 No evidence of any activity by other large terrestrial mammal species was recorded during the walkover survey. A small number of relatively fresh red fox *Vulpes vulpes* scats were recorded across the Site, in addition to small accumulations of rabbit *Oryctolagus cuniculus* droppings.
- 3.34 No further evidence of any protected species or other species of conservation importance was recorded.



4 **Potential Impacts and Recommendations**

Site design

4.1 The masterplan has yet to be finalised. As a consequence it is not possible to fully assess the extent of any impacts upon ecological features during either the construction or operational (occupation) phases of the development at this stage. The following assessment is therefore based upon an assumption that the proposed development will result in the loss of the majority of the existing habitats within the Site.

Statutory designated sites

- 4.2 No direct impacts upon any designated sites are anticipated during either the construction or operational phases of the development. The Site is not subject to any nature conservation designation, nor does it share a boundary with any designated site.
- 4.3 Any increase in vehicle movements and on-site activity during the construction phase are likely to have an effect that is limited to the Site boundary and adjacent areas, and will not adversely affect any designated sites in the wider area.
- 4.4 The River Ehen SAC, Drigg Coast SAC and Wast Water SAC are designated under Article 3 of the EC Habitats Directive, and are therefore sites of European importance. They are all considered to be sufficiently distant from the proposed development to allow any potentially significant effects arising from the project, such as disturbance, noise, vehicle movement or site traffic, to be scoped out of the assessment. Therefore there are no mechanisms by which a significant effect upon the European sites is likely (Reg 61 Habitat Regulations), and hence it is unlikely that an 'appropriate assessment' will need to be completed by the Council, which is the competent authority.
- 4.5 The St Bees Head SSSI and Clint's Quarry SSSI are designated in accordance with the Wildlife and Countryside Act 1981 (as amended) and are both considered to be of National importance. Clint's Quarry is sufficiently distant from the areas affected by the proposed development for any likely significant effects to occur.
- 4.6 The St Bees Head SSSI is accessible by a number of existing formal and informal footpaths, which provide a link to the northern part of the Site. Residents of the development Site may potentially contribute to an increase in recreational activity within the SSSI. This could in turn lead to an increase in disturbance effecting to the interest features of the SSSI (nesting sea birds).
- 4.7 Further assessment of the potential impacts upon the SSSI will be required, once the details of the proposed development are finalised.

Non-statutory designated sites

- 4.8 Snebra Ghyll and Arrowthwaite Local Geological Sites are located to the north and north-east of the Site. Given their distance and geographical separation from the Site, direct and indirect adverse effects on these sites are considered unlikely.
- 4.9 Woodhouse Quarry Local Wildlife Site (LWS) is located 300m to the north-east of the Site and is surrounded by existing residential development. Therefore there are no habitat links, such as watercourses and hedgerows, between the Site and the LWS, and for this reason significant adverse impacts upon the LWS are considered unlikely.

Habitats

4.10 Habitats within the Site form a mosaic consistent in places with a former industrial site that has not been managed for a considerable period of time (the Site has not been occupied since 2005). In places the grassland habitats conform to the requirements of the Section 41 definition of an 'open



mosaic grassland' priority habitat (*Maddock, A*). This habitat shows signs of degradation due to succession and dominance by more vigorous coarse grass species.

- 4.11 Neutral grasslands are also present within the Site, which is a habitat listed as a priority for conservation action within the Cumbria Biodiversity Action Plan (CBAP). The areas of neutral grassland are also showing signs of succession to more rank semi-improved grassland habitats, with a high percentage of coarse grassland species present.
- 4.12 It is assumed that the majority of the habitats within the Site will be lost during the construction phase, and therefore it is likely that, in the absence of mitigation, the development will result in a net-loss of neutral grassland, ephemeral/short-perennial grassland, tall ruderal habitat, and scrub habitats.
- 4.13 No further loss of habitat is anticipated during the operational (occupation) phase of the development. Once residential gardens and areas of planting associated with the areas of public open space start to mature the availability and diversity of habitats present within the Site will increase during the occupational phase.

Protected species

Bats

- 4.14 No direct loss of bat roosting locations is anticipated in relation to the development.
- 4.15 During the construction phase some localised impacts upon bat foraging habitat may occur as a result of the loss of the very limited linear habitat features and an increase in on-site lighting.
- 4.16 During the occupational phase an increase in lighting within the Site has the potential to disrupt bat movement and foraging activity; however, this impact will be of limited significance due to the anticipated low levels of existing bat activity.

Birds

- 4.17 Some low level impacts upon birds nesting within the Site may occur during the construction phase of the development. However, the majority of the Site (semi-improved grassland) is considered to be of limited value to bird nesting activity.
- 4.18 As the new residential gardens, landscaping areas and areas of public open space start to mature, the availability and diversity of habitats present within the Site will increase during the occupational phase. This will lead to an increase in potential foraging and nesting opportunities available within Site.
- 4.19 An increase in the residential population may result in an increase in noise and visual disturbance, particularly in areas that people use for recreational purposes. If disturbance levels are significant then this may result in the displacement of some birds from the retained boundary vegetation. However, any impact will be partially offset by new planting and nesting opportunities within the new residential gardens. Significant disturbance impacts are considered to be unlikely.

Amphibians and Reptiles

- 4.20 No significant impacts upon reptile populations are anticipated as a result of the development. Survey of the proposed metallurgic coal processing site to the south (BSG Ecology, 2016), and which is directly linked to the Site, indicated that reptiles are probably absent. Records of slow worm and common lizard were provided by the local records centre for coastal heathland habitats to the west; however, these areas are poorly linked to the Site, making colonisation unlikely.
- 4.21 No permanent waterbodies are present within the Site, and survey of the pond within the proposed development site to the south (BSG Ecology, 2016) did not record any great crested newt. Moderate numbers of common frog and common toad were recorded, although given the distance



from the pond the risk of the amphibians using the Site during their terrestrial phase is considered to be low.

Large mammals

4.22 No evidence of protected mammal presence was recorded during the walkover survey. The Site is considered to be sub-optimal for use by species such as badger, otter and water vole due to the habitats that are present. Protected mammals are consequently not considered to be a constraint to the proposed development.

Further survey

4.23 Based on the findings of the initial walkover survey, and the results of survey work completed by BSG Ecology for the proposed development site to the south (BSG Ecology, 2016), no further survey work is considered to be necessary at this stage.

Mitigation

- 4.24 Detailed mitigation measures will be provided once the extent of the development and nature of any site landscaping are known.
- 4.25 Broad mitigation measures should look to integrate with those measures included within the proposed development to south.
- 4.26 New planting will be populated with appropriately sourced native tree and shrub species providing a net increase in potential foraging and nesting sites for birds, in addition to new foraging and commuting opportunities for bats.
- 4.27 Existing boundary habitats should, where possible, be retained and buffered from the direct impacts of the development. This will provide areas of potential foraging and nesting for birds and safe commuting routes for species such as hedgehog.
- 4.28 All vegetation clearance work should ideally be carried out outside of the breeding season for birds, i.e. April to August. This should minimise the risk of disturbance to or harming of nesting birds. If it is necessary to carry out vegetation clearance during the bird breeding season advice should be sought from a suitably qualified ecologist before work commences. This will usually involve a walkover survey to check to see if nesting birds are present in the area where work is scheduled to take place.
- 4.29 If nesting birds are found to be present then it is likely that the nest site will have to be protected from damage or disturbance until the adults and young have left. This will be achieved by marking out a protection zone around the nest site, the size of the zone being dependent



5 References

Maddock, A. [Editor] (2008). UK Biodiversity Action Plan: Priority Habitat Descriptions. UK Biodiversity Action Plan; Priority Habitat Descriptions. BRIG. (Updated 2011).

Joint Nature Conservancy Council (2010). Handbook for Phase 1 Habitat Survey. A Technique for Environmental Audit. Published by JNCC.



6 Figures

Figure 1 - Phase 1 habitat map.



7 Photographs





8 Legislation

National Planning Policy Framework (England)

- 8.1 The Government published the National Planning Policy Framework (NPPF) on 27th March 2012. Text excerpts from the NPPF are shown where they may be relevant to planning applications and biodiversity including protected sites, habitats and species.
- 8.2 In conserving and enhancing the natural environment, the NPPF (Paragraph 109) states that 'the planning system should contribute to and enhance the natural and local environment' by:
 - a. Recognising the wider benefits of ecosystem services;
 - Minimising impacts on biodiversity and providing net gains in biodiversity, where possible contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - c. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- 8.3 In paragraph 111, the NPPF refers to brownfield land as follows: 'planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.'
- 8.4 Paragraph 117 refers to how planning policies should aim to minimise impacts on biodiversity, to: 'identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;' and to 'promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.'
- 8.5 Paragraph 118 of the National Planning Policy Framework advises how, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the mitigation hierarchy. The mitigation hierarchy advises that if significant harm 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.
- 8.6 Where proposals or activities require planning permission, the NPPF states that '...local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
 - d. Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have 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;
 - e. Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
 - f. Opportunities to incorporate biodiversity in and around developments should be encouraged;
 - g. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found



outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and

- h. The following wildlife sites should be given the same protection as European sites:
 - i. potential Special Protection Areas and possible Special Areas of Conservation
 - ii. listed or proposed Ramsar sites; and
 - iii. sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.'
- 8.7 In respect of protected sites, the NPPF requires local planning authorities to make 'distinctions...between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'
- 8.8 In paragraph 125 the NPPF states that 'by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.' This applies to protected species that are a material consideration in the planning process including bats and may also apply to other light sensitive species.

Government Circular ODPM 06/2005 Biodiversity and Geological Conservation (England only)

- 8.9 Paragraph 98 of Government Circular 06/2005 advises that "the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult Natural England before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species' protection provisions affecting the site concerned..."
- 8.10 Paragraph 99 of Government Circular 06/2005¹ advises that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted".

Standing Advice (GOV.UK - England only)

- 8.11 The GOV.UK website provides information regarding protected species and sites in relation to development proposals: 'Local planning authorities should take advice from Natural England or the Environment Agency about planning applications for developments that may affect protected species.' GOV.UK advises that 'some species have standing advice which you can use to help with planning decisions. For others you should contact Natural England or the Environment Agency for an individual response.'
- 8.12 The standing advice (originally from Natural England and now held and updated on GOV.UK²) provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides advice on survey and mitigation requirements.

¹ ODPM Circular 06/2005. Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impacts within the Planning System (2005). HMSO Norwich.

² <u>https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals#standing-advice-for-protected-species</u>



8.13 When determining an application for development that is covered by standing advice, in accordance with guidance in Government Circular 06/2005, Local planning authorities are required to take the standing advice into account. In paragraph 82 of the aforementioned Circular, it is stated that: 'The standing advice will be a material consideration in the determination of the planning application in the same way as any advice received from a statutory consultee...it is up to the planning authority to decide the weight to be attached to the standing advice, in the same way as it would decide the weight to be attached to a response from a statutory consultee.'