



Landscape, Enhancement and Management Plan

31st Gravesend Scout Hut, Hampton Crescent, Gravesend, DA12 4HZ

Corstorphine and Wright

Status	Issue	Name	Date
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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

This approach is enshrined in Government planning guidance, for example, paragraph 174 of the National Planning Policy Framework for England.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

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1.0 Introduction

Arbtech Consulting Limited was instructed by Corstorphine and Wright to produce a Landscape, Enhancement and Management Plan for 31st Gravesend Scout Hut, Hampton Crescent, Gravesend, DA12 4HZ (hereafter referred to as “the site”).

A planning application for the provision of a new modular-built scout and community facility to replace the existing building on-site, including associated landscaping and parking areas. (hereafter referred to as “the proposed development”) was granted approval, with conditions, by Gravesham Borough Council in November 2025 (20250130).

This plan has been produced to inform the discharge of 6 which states:

Prior to any landscaping works commencing on site a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall accord with the measures outlined in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (Arbtech, Oct 24), Bat Survey Report (Arbtech, Sept 25) and Biodiversity Net Gain Assessment (Arbtech, Jan 25) associated with the planning application and shall include details of the following:

- a) Habitat creation measures, including full details of all habitats contributing to BGN onsite*
- b) A full planting schedule utilising primarily native species;*
- c) Full elevations plans detailing the model and location of integral swift boxes in accordance with BS 42021:2022 (north/east facing, 4m from the ground and with unobstructed access);*
- d) Details of externally-mounted bat and bird boxes which are to be of durable construction and suitably located;*
- e) Locations of 13×13cm holes in closeboard fencing provided for hedgehogs*
- f) Rolling, long-term maintenance measures covering up to a 30-year period; and*
- g) Details of responsible persons.*

The approved plan shall be implemented as described and retained thereafter.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (2024), and in order for Gravesham Borough Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

The aim of this plan is to outline mitigation measures required to minimise impacts on biodiversity as well as to outline habitat creation and enhancement opportunities and long-term management which will ensure that a net gain in biodiversity is achieved and maintained on the site, in accordance with the National Planning Policy Framework (NPPF).

This plan has been informed by a Preliminary Ecological Appraisal and Roost Assessment, Bat Emergence Surveys and Biodiversity Net Gain calculations which was completed by Arbtech Consulting Ltd in October 2024, September 2025 and November 2024 respectively.

2.0 Site Context and Survey Information

2.1 Site Context

The site, situated at National Grid Reference TQ 66095 72644, spans approximately 55m². It comprises a communal cabin and garden, with a storage container, located within an urban area of Gravesend. The local landscape is characterized by residential development and dwelling areas. The northeastern landscape is characterised by coastal and floodplain grazing marsh, whilst the southern landscape includes various playing fields and golf courses. The nearest named watercourse, the Thames and Medway Canal, is approximately 1.6km north of the site. A site location plan is provided in Appendix 2.

2.2 Ecological Information

The baseline ecological conditions of relevance to this report were determined as a result of the previous ecological assessments undertaken at the site.

2.2.1 Habitats recorded on Site

Full condition assessments for each habitat type (where relevant) are given in 'Biodiversity Net Gain Assessment' (Arbtech, January 25).

Habitats recorded comprise:

- Developed land; sealed surface u1b – Condition N/A
- Buildings u1b5 – Condition N/A
- Modified grassland g4 – Poor condition
- 1 small urban tree – Moderate condition
- 1 medium urban tree – Moderate condition

2.2.2 Habitat Retention and Creation

Although a net loss is observed onsite, the below habitats are located onsite post development:

- Developed land; sealed surface u1b – Proposed – Condition N/A
- Buildings u1b5 – Proposed – Condition N/A
- Other neutral grassland (wildflower meadow) – Proposed – Moderate condition

3.0 Ecological Mitigation, Management and Enhancement Measures

3.1 Informative

- The Bat Emergence Surveys (Arbtech, 2025) determined that a likely absence of roosting bats is concluded within building B1. Bat activity was minimal and consisted of common pipistrelles, passing west to east and back again over the vegetation and trees on site.
- The Preliminary Ecological Appraisal (Arbtech, 2025) concluded no bird nests were identified on or within B1 and no bird nests were identified on either of the scattered trees present on site, though they offer nesting opportunities and nest-building resources for birds. Additionally, the site provided limited hibernation habitat, but individual foxes, hedgehogs and other urban mammals could be found commuting along the boundary of the site where the vegetation has been allowed to grow.
- The scope of this report is to provide a mitigation and enhancement plan for ecology in general, to outline the measures that would be used to comply with legislation. This strategy provides ecological mitigation and enhancements for the site to assist with the progression of condition discharge for the planning application, prior to the development itself.

3.2 Details of responsible persons

The responsibility for implementing the management regime described within this report lies with the applicant, 31st Gravesend St Aidans Scout Group, or any successor in title. It is the responsibility of the applicant to ensure that all monitoring and reporting requirements are carried out by a suitably qualified and experienced professional. Gravesham Borough Council or any subsequently formed local authority under devolution is responsible for reviewing the monitoring reports submitted to the authority and assessing whether enforcement action is required if the management actions and objectives described in this gain plan are not met throughout the 30-year period.

3.3 Enhancement

Enhancement of the site and subsequent management prescriptions to ensure the ongoing biodiversity value post-construction are detailed in Table 1 below. No management prescriptions are given for developed land due to the nature of the habitat being inherently poor.

Table 1: Habitat Creation and Enhancement Prescriptions

Work	Specification
Wildflower grassland creation	Overview: Areas of wildflower grassland covering a combined area of 0.00734ha will be created on site, as shown in Appendix 1 & 3. Objectives:

- To create a successful and species rich wildflower grassland that will provide habitat for pollinating invertebrate species, that will in turn, provide foraging opportunities for notable species groups including bats, birds, badgers, and hedgehogs.
- Ensure a healthy species diverse sward is maintained;
- Ensure that a natural appearance is retained by utilising a seed mix alongside allowing native species of local provenance to recolonise from the seedbank;
- Employ techniques that use organic fertilizers and minimise the use of chemicals wherever possible.

Creation Method:

- **Ground preparation**

The location of the proposed wildflower meadow creation currently comprises areas of dense vegetation and areas of hardstanding. For areas of ground currently covered by vegetation, any existing weeds should be removed through repeated cultivation and the land subsequently ploughed/ turned to bury all remaining vegetation. For areas of ground currently covered by hardstanding, the hard surface will need to be broken up and removed leaving exposed bare earth suitable for seeding. Once the land has been ploughed/ turned or cleared to bare earth, the soil should be rolled or stamped to produce a firm surface ready for seeding. It is noted that the underlying soil substrate is expected to contain a high clay content in places. Clay is generally unworkable when very wet or very dry and autumn sowings may therefore not be possible. It is often better to dig or plough the soil in the autumn, allow winter frosts to break down the clods, and prepare a seedbed in the spring.

- **Seeding**

To be undertaken in the spring between April and May. The following seed rates are recommended:

40 kg/ha of a wildflower and grass seed mix.

Inclusion of yellow rattle *Rhinanthus minor* in the seed mix will help suppress vigorous grass growth that may suppress the success of wildflowers within the sward.

- **Bedding in of seed:**

After sowing, seeds will be 'bedded' in by trampling or light rolling.

- **Seed mix:**

A combination of two seed mixes is proposed. Specifically, a 50/50 mix of Emorsgate General Purpose Seed Mix EM2 and Emorsgate Mixture for Clay Soils EM4 are proposed to be utilised. This combination of seed mixes will help create a minimum of 9 species per m² of

grassland and retain a species composition consistent with the UKHabs definition of other neutral grassland. The proposed seed mix combination includes numerous grassland and wildflower species suitable for neutral and clay dominated soils. Notably, the species mix includes yellow rattle which is known to suppress dominant grass species which will allow existing grasses within the seed bank to colonise whilst preventing dominance and thus increasing species diversity per m². For exact specifications, please refer to: <https://wildseed.co.uk/product/mixtures/complete-mixtures/general-purpose-meadow-mixtures/standard-general-purpose-meadow-mixture/> and <https://wildseed.co.uk/product/mixtures/complete-mixtures/meadow-mixtures-for-specific-soils/meadow-mixture-for-clay-soils/>

Management Prescriptions:

Table 1.1: Wildflower meadow management prescriptions.

Management	When	Rationale
Cut meadow twice annually	Late March / early April and– late August/ early Sept	This ensures the meadow does not grow excessively long and become rank but allows wildflowers to set seed and invertebrates to breed. This will also allow a diverse sward of varying lengths to naturally occur in accordance with growth characteristics of each species. Cutting twice annually will also prevent encroachment of scrub and bracken.
Cut grass as to provide a heterogeneous habitat structure aiming to	Late March / early April and– late August/ early Sept	To retain a diverse sward whilst limiting impacts to protected species potentially present at

	maintain at least 20% of grass <7cm and 20% >7cm. As such, each cutting phase must cut 20% of the area to ground level, 60% of the area to 15cm, and the remainder to 30cm. These areas must be rotated each year to maintain a diverse sward. Turn and dry the cut grass over 3-5 days before removing arisings off Site Post cut This allows the seeds to drop encouraging species diversity and invertebrates to relocate unharmed. Do not apply chemical fertilisers At all times. The use of chemical fertilisers will encourage vigorous grasses and weeds to grow or cause large areas of bare ground due to inhospitable growing conditions,	
Wildlife sensitive lighting strategy	Any proposed external lighting will be installed in accordance with current guidance issued by the Bat Conservation Trust and Institute of Lighting Professionals: <i>Guidance Note 08/18: Bats and Artificial lighting in the UK</i> (BCT & ILP 2018). The below strategy utilises light prescriptions detailed within this guidance to limit impacts of artificial lighting on bats and other light sensitive species potentially utilising retained and newly created habitats on and directly adjacent to the site. In particular, the lighting strategy seeks to influence the lighting design so that, where as practicable as possible and with due consideration to public health & safety e.g. the necessary lighting of communal areas and footpaths, impacts can be avoided to key habitats of value including:	

	- The bird and bat enhancements (habitat boxes) installed within buildings. Lighting will be kept to a minimum across the developed site and directed away from these features. Low impact lighting strategies will be adopted for the site during and post-development from the guidance outlined in the Bats and Lighting Publication produced by the Institution of Lighting Professionals and the Bat Conservation Trust “Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series publication: http://www.bats.org.uk/news.php/406/new_guidance_on_bats_and_lighting. These measures will reduce impacts on surrounding habitats and protected species. This will include the following measures: - Use narrow spectrum light sources to lower the range of species affected by lighting. - Use light sources that emit minimal ultra-violet light. - Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin. - Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only. External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. Wall lights and security lights will be ‘dimnable’ and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme once written. It will be maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
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3.4 Mitigation Measures

Table 2 details the ecological enhancement measures to be implemented at the site. The enhancements will include a range of site-specific, suitable and achievable gains.

Table 2 –Enhancement Measures

Work	Specification
Bat Boxes	One bat box is recommended to be installed on the converted building. Bat boxes specification: - The recommended bat boxes will be constructed of woodcrete/ woodstone. Boxes of this construction are designed to require no maintenance and have a lifespan of 25 years plus. 1x Beaumaris Bat Box (or similar alternative brand) is recommended on the building, as shown in Figure 1. - Bat boxes should be positioned 3-5m above ground level facing in a south, southeast, or southwest aspect with a clear flight path to and from the entrance, away from artificial light.  Figure 1: Beaumaris Bat Box (image credit https://www.nhbs.com/beaumaris-woodstone-bat-box) Recommended Management: The proposed bat boxes are designed to require no management or maintenance. Furthermore, preventing physical disturbance of bat boxes will increase the chances of occupation by roosting bats. However, it is recommended that the bat boxes are inspected annually for the first five years

	outside of the typical active season for bats (May to September inclusive) following installation. Bat boxes must be replaced if they are damaged, removed, or have fallen from their recommended location.
Bird boxes	Three bird boxes are recommended to be installed on site, one onto the façade of the converted building and two integrated into the new building. Bird box specification: • The recommended bird boxes will be constructed of woodcrete/ woodstone. Boxes of this construction are designed to require no maintenance and a lifespan of 25 years plus. • 1x Vivara Pro WoodStone Nest Box (or a similar alternative brand) with 32mm entrance holes are proposed on the façade of the building, as shown in Figure 2. • Woodstone Nest Boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. To attract robins, <i>Erithacus rubecula</i>, tree sparrows <i>Passer montanus</i>, blue tits <i>Cyanistes caeruleus</i>, coal tits <i>Periparus ater</i>, great tits <i>Parus major</i> and crested tits <i>Lophophanes cristatus</i>. • 2x Green&Blue SwiftBlock (or a similar alternative brand) is proposed to be integrated into the building, as shown in Figure 3 and 4. • Swifts are social birds and nest in colonies, so installing multiple boxes together in a cluster (e.g., at least three boxes, 40cm apart) is recommended to increase the chances of occupation. • Integrated boxes are designed to fit seamlessly into the structure, such as within the external insulation or facade system of the modular unit, during the manufacturing or assembly stage. When built into an insulated surface, it is advisable to use a layer of high-value insulation board behind the swift box to prevent cold spots (thermal bridges) within the building's interior.



Figure 2: Woodstone Nest Box (image credit <https://www.nhbs.com/vivara-pro>)



Figure 3: Green&Blue SwiftBlock (image credit <https://www.nhbs.com/Green&Blue SwiftBlock>)



Figure 4: Green&Blue SwiftBlock as shown on a wooden clad building (image credit <https://www.nhbs.com/Green&Blue SwiftBlock>)

	Recommended Management: The proposed bird boxes are designed to require no management or maintenance. Furthermore, preventing physical disturbance of bird boxes will increase the chances of occupation by nesting birds. However, it is recommended that the bird boxes are inspected annually for the first five years outside of the typical nesting bird season (March to September inclusive) following installation. Bird boxes must be replaced if they are damaged, removed, or have fallen from their recommended location.
Hedgehog House	Hedgehog holes will be added to the external fencing to allow for hedgehogs to commute across the site. Terrestrial mammals rely on connectivity of sites to find foraging habitats and commuting routes. Garden fences and walls can block these off and degrade chances of survival. ▪ Therefore, dedicated holes in the boundaries around the site will be created and maintained to allow free access for a range of taxa into and out of the site. ▪ The holes should be a minimum of 13x13cm in size. ▪ Whilst undertaking this, the neighbouring properties should be asked to see if more fence holes could be created in their third-party land, to help link the site to other populations in the landscape. ▪ An example of a plaque that could be installed above each hole is shown below in figure 5:  <i>Figure 5: An example of a hedgehog hole with information plate (from hedgehogstreet.org)</i>

4.0 Timing/Monitoring

4.1 Monitoring Term

Monitoring will take place for at least 30 years post-development to ensure that the net gain is maintained for at least the minimum legal term.

Maintenance and monitoring will be carried out by 31st Gravesend St Aidans Scout Group.

4.2 Creation period

Habitat enhancement and creation work will be scheduled to take place following the completion of major development works to ensure newly created habitats are not damaged during construction activities. On-site biodiversity gain works will be implemented within 6 months of the completion of construction, and the 30-year management period will commence from the date of completion of all biodiversity enhancement works. The proposed timeline is as follows:

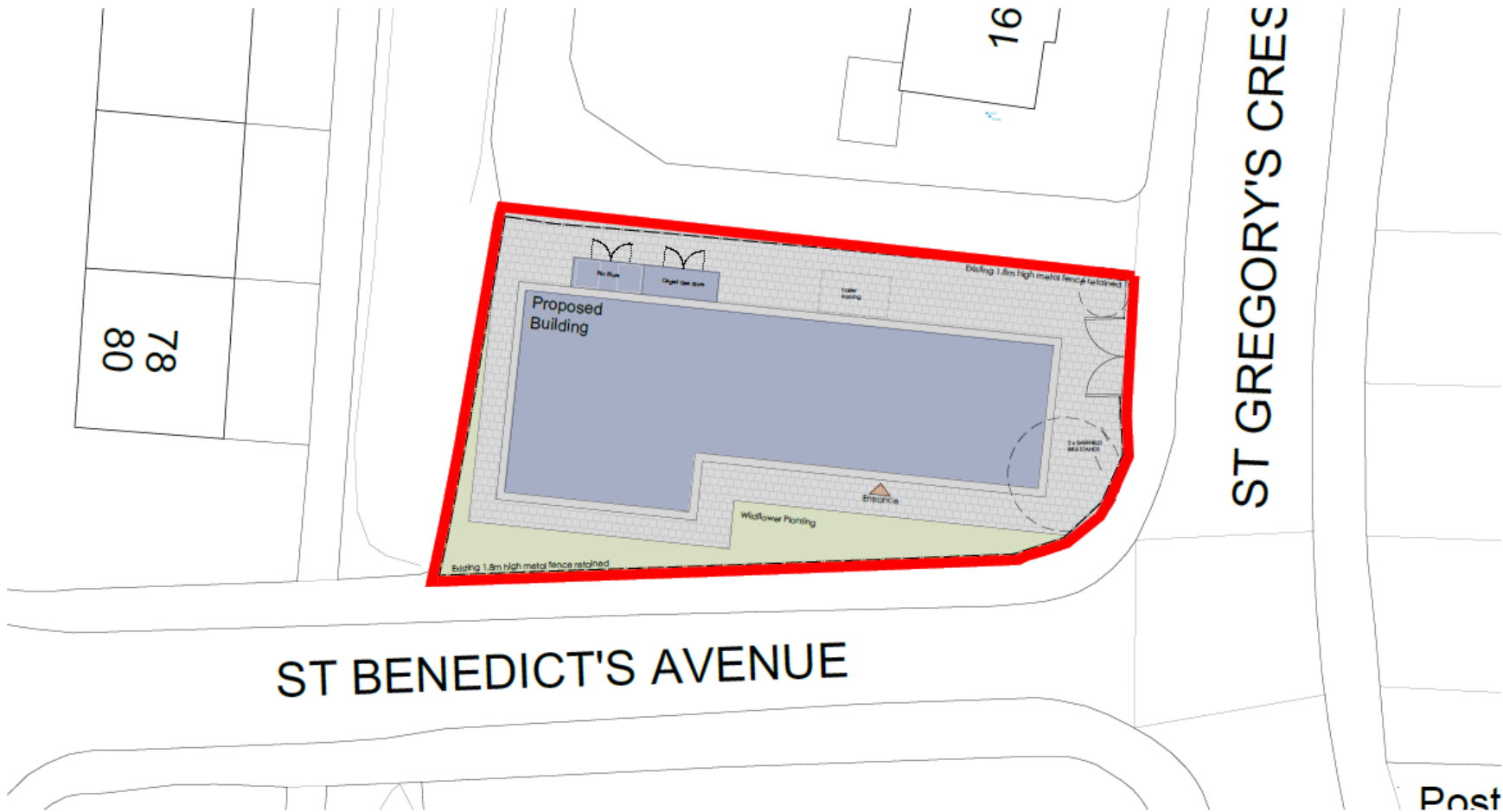
1. Pre-Development (Prior to Construction)
 - Implement measures and avoid areas designated for habitat creation to prevent soil compaction or contamination.
2. Post-Development (After Major Construction Works)
 - Soil Preparation
 - Remove any construction debris and de-compact soil as necessary.
 - Introduce appropriate soil treatments to optimize conditions for target grassland species.
 - Seed Sowing and Planting (in autumn or spring)
 - Sow seed mix suited to the local conditions.
 - Initial Establishment and Maintenance (First 1–2 Years)
 - Implement a sensitive cutting regime as to not destroy the habitats.
 - Control competitive species such as dominant grasses to encourage plant diversity.
 - Avoid the use of herbicides and artificial fertilisers to maintain habitat integrity.
 - Long-Term Management
 - Continue appropriate management strategies outlines in table 1.
 - Adjust management practices if required having discussed this with the monitoring individual.

This phased approach ensures that the habitat establishment aligns with best practices and maximizes biodiversity benefits while avoiding damage from construction activities.

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Appendix 1: Proposed Development Plan



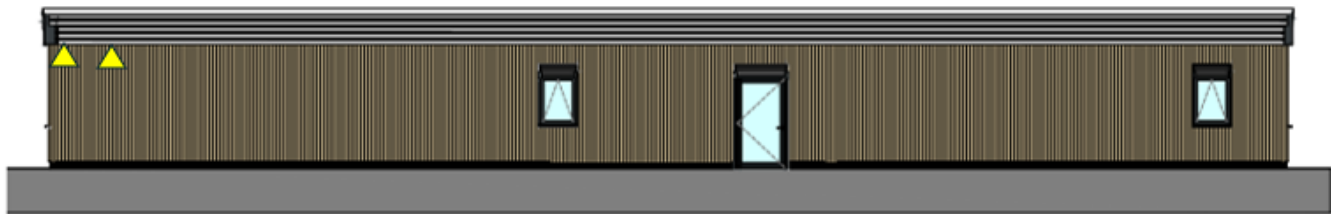
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Appendix 2: Site Location Plan



Appendix 3: Ecological Mitigation, Enhancement and Management Plan





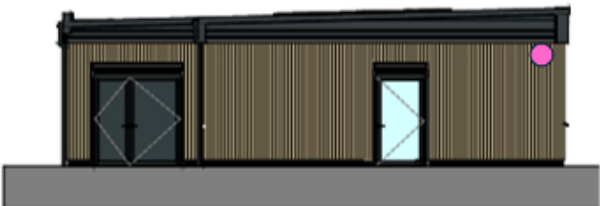
1 FRONT ELEVATION A
1:50



2 REAR ELEVATION B
1:50

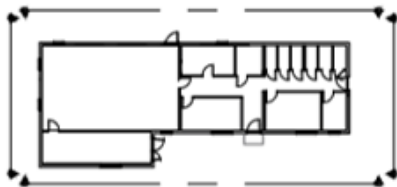


3 SIDE ELEVATION C
1:50



4 SIDE ELEVATION D
1:50

- ▲ Green&Blue SwiftBlock
- Vivara Pro WoodStone Nest Box
- ◆ Beaumaris Bat Box



5 KEY PLAN
1/100

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Notes:

- 1. All work to be done in accordance with the Building Regulations.
- 2. All work to be done in accordance with the Building Regulations.
- 3. All work to be done in accordance with the Building Regulations.

- Fire resistant cladding - Thermowood
- Black framed AL windows and doors.
- Black Gutter, RVPs and roof edging detail.
- Black roller shutters

Client: VIF Youth Investment Fund

Project: Modular Youth Hub

Location: Gravesend St Asens Hut

Drawing Title: Proposed Elevations

Drawing Status: PLANNING

Corstorphine & Wright

Drawn by: J. Wright

Checked by: J. Wright

Scale: 1:50

Date: 20.05.24

Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

Annex V species (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”. However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

National and European Legislation Afforded to Species***The Conservation of Habitats and Species Regulations 2017 (as amended)***

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

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

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CROW) Act (2000).

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

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally (or recklessly in Scotland) kill, injure or take any wild bird
- Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.
- Intentionally or recklessly obstruct or prevent any wild bird from using its nest (Scotland only)

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and are commonly referred to as “Schedule 1” birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird
- In Scotland only, intentional or reckless disturbance whilst lekking
- In Scotland only, intentional or reckless harassment

Effects on development works:

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation Afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only)
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
 - Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
 - Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

Effects on development works:

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England, Natural Resources Wales, Scottish Natural Heritage) for works which are likely to affect species of planted listed on Schedule 5 of the Conservation or Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England and Wales to plant or cause to grow in the wild due to their impact on native wildlife. Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*
- Himalayan balsam *Impatiens glandulifera*

Effects on development works:

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site, however, it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

Injurious weeds

Under the Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

Effects on development works:

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

NATIONAL PLANNING POLICY (ENGLAND)***Environment Act 2021***

The Environment Act 2021 (EA 2021) received Royal Assent on 9 November 2021 and is expected to become fully mandated within the next couple of years. The Act principally creates a post Brexit framework to protect and enhance the natural environment. Through amendments to the Town and Country Planning Act 1990, the Act will require all planning permissions in England (subject to exemptions which is likely to include householder applications) to be granted subject to a new general pre-commencement condition that requires approval of a biodiversity net gain plan. This will ensure the delivery of a minimum of 10% measurable biodiversity net gain. The principal tool to calculate this will be the Defra Biodiversity 3.0 Metric. Works to enhance habitats can be carried out either onsite or offsite or through the purchase of 'biodiversity credits' from the Secretary of State. However, this flexibility may be removed (subject to regulations) if the onsite habitat is 'irreplaceable'. Both onsite and offsite enhancements must be maintained for at least 30 years after completion of a development (which period may be amended).

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and 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

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, 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 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.

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;
- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.