

Green Lane

Ecological Assessment Report



Unit B1.1
Clarence Mill
Clarence Road
Bollington
Macclesfield
SK10 5JZ

Tel: 01625 560789
E-mail: ryan@nlgecology.com
August 2024

Project No/Title: **NLG 4767**

Title: **Green Lane, Buxton**
Ecological Assessment Report

Client: **Jonathan V Davies Chartered Surveyors**

Date: August 2024

Status	Date	Prepared by	Reviewed by	Approved by
V1	22/08/2024	Ryan Docherty Graduate Ecologist	Rowena Tylden-Smith Senior Ecologist	Rowena Tylden-Smith Senior Ecologist

NLG Ecology Ltd has prepared this report for the sole use of the client, showing reasonable skill and care, for the intended purposes as stated in the agreement under which this work was completed. The report may not be relied upon by any other party without the agreement of the client and NLG Ecology Ltd. No other warranty, expressed or implied, is made as to the professional advice included in this report.

Data supplied by the client or from other sources have been used - it has been assumed that the information is correct. No responsibility can be accepted by NLG for inaccuracies in the data supplied by any other party. The conclusions and recommendations in this report are based on the assumption that all relevant information has been supplied by those bodies from whom it was requested.

Where field investigations have been carried out, these have been restricted to a level of detail required to achieve the stated objectives of the work. This work has been undertaken in accordance with the quality management system of NLG Ecology Ltd. No part of this report may be copied or duplicated without the express permission of NLG Ecology Ltd and the party for whom it was prepared.

SUMMARY

Purpose	NLG Ecology was commissioned by Jonathan V Davies Chartered Surveyors on behalf of their client to undertake an Ecological Assessment of a field adjacent to Green Lane, Buxton, SK17 9DQ. The site is subject to a planning application for the construction of a horse-riding ménage next to the field entrance.
Methodology	A site walkover survey was carried out on 18/07/2024 followed by a desk study on 25/07/2024. The survey was undertaken following best practice in line with the CIEEM (2017) guidance.
Survey Results / Ecological Constraints	Nesting birds – The hedge adjacent to the site boundary could support nesting birds, but as it lies outside the boundary, no impact on nesting birds is anticipated.
Recommendations	An 800m² area of modified grassland is expected to be lost within the site boundary and replaced with developed land. Biodiversity net gain of 10% must be delivered for all developments. Suggested recommendations for biodiversity net gain have been included as section 4.2. If the existing hedge is to be impacted for any reason, all de-vegetation works between March to August inclusive will need to be checked by an ecologist no more than 48 hours prior to removal/management.
Conclusions	Providing that the recommendations outlined within this report are successfully implemented, it should be possible for the proposed development to proceed and for there to be no long term impacts upon the key protected species present at the site. This ecological report will remain valid for a period of 18 months from the date of the last survey – i.e. until 18th February 2026.

CONTENTS

1 INTRODUCTION 1

1.1 Background..... 1

1.2 Site Description..... 1

1.3 Proposed Development..... 1

1.4 Purpose of the report..... 1

2 METHODOLOGY 2

2.1 Desk Study 2

2.2 UK Habitat Survey 2

2.3 Statutory Biodiversity Metric..... 3

2.4 Surveyor Information 3

3 FINDINGS..... 4

3.1 Desk Study 4

3.2 UK Habitat Survey 5

4 CONCLUSIONS AND RECOMMENDATIONS..... 8

4.1 Evaluation of Ecological Features and Identification of Potential Impacts..... 8

4.2 Recommendations for Further Surveys, General Mitigation and Possible Enhancements 8

5 REFERENCES..... 10

APPENDIX 1: FIGURES 11

APPENDIX 2: PLANNING POLICY AND LEGISLATION 12

1 INTRODUCTION

1.1 Background

- 1.1.1 NLG Ecology Ltd (NLG) was commissioned to undertake an Ecological Assessment Report (EAR) of a site subject to the construction of a horse riding ménage located at Green Lane, Buxton. The survey area is centered at OS Grid Reference (OSGR) SK 04739 72621, with its nearest postcode being SK17 9DQ.
- 1.1.2 An Ecological Appraisal including a site walkover survey and desk study following the guidance set out by CIEEM (2017) were subsequently carried out of a wider red line boundary to encompass any habitats potentially likely to be affected by the proposed works, prior to the planning application/ design area being finalized.

1.2 Site Description

- 1.2.1 The aerial / red line boundary of the site (Figure 3) shows the site to largely consist of a field behind a row of houses on Green Lane, with the site bordered by woodland to the south.
- 1.2.2 The site includes the track leading from Green Lane to the field entrance gate, as well as two stable buildings.

1.3 Proposed Development

- 1.3.1 The site is subject to the development of a horse riding ménage built upon existing modified grassland adjacent to Green Lane. All nearby hedges, trees and buildings are expected to be retained.

1.4 Purpose of the report

- 1.4.1 This report aims where possible to provide sufficient information for the local planning authority to fully assess the potential ecological impacts of the proposed development, or alternatively, to identify what further information is required to fully inform the scheme.
- 1.4.2 The results of the EAR have been used to establish the need for, and extent of, any mitigation or compensation measures required as part of the proposed development.

2 METHODOLOGY

2.1 Desk Study

- 2.1.1 An open source desk study was undertaken in relation to the site on 25/07/2024 to provide background information on the ecological context of the site and complements data collected in the field. The sources consulted and the type of information obtained are summarised in Table 1:

Table 1 – sources of biodiversity and ecological records

Source	Information requested and search buffer from site centre / boundary
Defra's Multi-Agency Geographic Information for the Countryside (MAGIC) www.magic.gov.uk	• European and National Statutory designated sites, including Special Protected Areas (SPAs), Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSI) 1km; • Locations of nearby UK BAP (Biodiversity Action Plan – now covered by the UK Post-2010 Biodiversity Framework) priority habitats 1km; and • European Protected Species Mitigation Licences – Bats to 2km, all other species to 1km
Aerial imagery from Google Maps (www.google.co.uk/maps), and Ordnance Survey mapping from Bing (https://www.bing.com/maps/)	Used to determine terrestrial and hydrological connectivity with the wider landscape, this particularly related to the presence of ponds within 250m of the proposal site for assumption of GCN
NBN Atlas (https://nbnatlas.org/)	Used to search local species records for notable / protected fauna within 1km

- 2.1.2 The search buffers are considered to be sufficient to cover the potential zone of influence (Zoi) of the proposed development.
- 2.1.3 The impact of the proposed development on the biological integrity of any nearby designated protected sites has been fully considered.

2.2 UK Habitat Survey

- 2.2.1 The UK Habitat Survey broadly followed the standard methodology as detailed in Butcher et al. (2020) *The UK Habitat Classification User Manual Version 2.1*. This involved mapping and describing the broad habitats and compiling a general plant species list to reflect the floristic assemblage of each habitat type. All botanical names follow the nomenclature of Stace (2010).
- 2.2.2 In accordance with the CIEEM (2017) guidelines for Preliminary Ecological Appraisal, faunal potential through, and adjacent to, the survey area was also surveyed. The level of scoping does not necessarily constitute full survey effort, although reasonable effort is made to provide informed conclusions for the potential requirement of further survey.

- 2.2.3 Target notes (TN) were used to illustrate key features of interest (i.e. over mature trees / dead standing wood) or to draw attention to areas considered too small to map or for the purpose of highlighting the location of an invasive plant species.

2.3 Statutory Biodiversity Metric

- 2.3.1 Habitats were characterised using the UK Habitat (UKHab) classification system V2.01 (2023), and their condition was assessed according to published technical guidance (Statutory Biodiversity Metric) to inform Biodiversity Net Gain assessments. The value and sensitivity of ecological features were determined based on the guidance given by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018).
- 2.3.2 The survey was 'extended' in accordance with the CIEEM (2017) guidance to assess faunal potential through, and adjacent to, the survey area. The level of scoping does not necessarily constitute full survey effort, although reasonable effort is made to provide informed conclusions for the potential requirement of further survey.
- 2.3.3 The appraisal has involved mapping (where appropriate) and describing the broad habitats and compiling a general plant species list to reflect the floristic assemblage of each habitat type. All botanical names follow the nomenclature of Stace (2019).
- 2.3.4 Habitat areas were calculated from the UK Habitat Plan (Figure 2), using polygon size, per habitat parcel, calculated with QGIS 3.28.11. This utilises habitat notes gathered from site survey data and satellite imagery.
- 2.3.5 Biodiversity calculations were undertaken via the 'Statutory Biodiversity Metric calculation tool'.

2.4 Surveyor Information

- 2.4.1 The Site Walkover Survey was undertaken by Neil Lee-Gallon, CEnv, MCIEEM (Technical Director at NLG), and Ryan Docherty (Graduate Ecologist).

3 FINDINGS

3.1 Desk Study

Designations and Notable Habitats

3.1.1 The survey site is located off Green Lane, Buxton, OSGR: SK 04739 72621. The surroundings are semi-urban, with residential housing located, north, east and west of the site. The field in which the site is located borders Grin Low and Buxton Country Park to the south.

3.1.2 The site falls within the Impact Risk Zone for four Sites of Special Scientific Interest (SSSI). These are listed as follows:

- Poole's Cavern and Grin Low Wood SSSI, located approximately 30m west and 56m south of the site at its closest points;
- The Wye Valley SSSI and Special Area of Conservation (SAC), located approximately 3.06km east;
- Goyt Valley SSSI and SAC, located approximately 1.20km west; and,
- Leek Moors SSSI and SAC, located approximately 1.60km southwest.

The planning proposal for Green Lane does not fall under any of the categories listed on the IRZ detail for the SSSI's listed in the desk study. Therefore, it is not required to consult Natural England on the proposal to build a horse ménage on site.

3.1.3 Priority habitats (in accordance with the UK Post-2010 Biodiversity Framework, formerly UK BAP) recorded by MAGIC as being within 1 km of the site includes:

- Multiple areas of Lowland Calcareous Grassland, with the closest being located approximately 772m south;
- Lowland Meadows located approximately 788m southeast;
- A Traditional Orchard located approximately 515m northwest; and,
- Multiple areas of Deciduous Woodland, with the closest being located approximately 30m west.

Faunal Records

3.1.4 A search using MAGIC returned no granted European Protected Species (EPS) mitigation licences for great crested newts (*Triturus cristatus*) within 1 km of the site. In terms of nearby potential amphibian breeding habitat, a review of Ordnance Survey (OS) mapping showed no ponds to be present within 250 m of the site.

3.1.5 No class survey license returns for great crested newts were returned within 1km of the site.

3.1.6 Within 2 km of the site, two records for granted EPS mitigation licences for bats were returned:

- A licence (EPSM2012-5249) issued from 10/04/2013 to 01/12/2014 allowing for the destruction of a resting place for Common Pipistrelles (*Pipistrellus pipistrellus*) and Brown Long-eared Bats (*Plecotus auritus*) at a location approximately 1.35km north of the site;
- A licence (2019-40669-EPS-MIT) issued from 28/05/2019 to 31/05/2024 allowing for the damage and destruction of a resting place for Common Pipistrelles and Brown Long-eared Bats at a location approximately 1.38km northeast of the site.

- 3.1.7 The National Biodiversity Network (NBN) Atlas (<https://nbnatlas.org/> - accessed 25/07/2024) was used to search for notable species records within 1 km of the survey area within the last 10 years. These records are summarised as follows:

Birds: (Schedule 1 species as listed within the Wildlife & Countryside Act 1981 and birds of conservation concern red list): 16 Greenfinch (*Chloris chloris*), 35 House Sparrow (*Passer domesticus*), 22 Starling (*Sturnus vulgaris*), 12 Mistle Thrush (*Turdus viscivorus*), 16 Swift (*Apus apus*), seven Brambling (*Fringilla montifringilla*), 11 Redwing (*Turdus iliacus*), 10 Spotted Flycatcher (*Muscicapa striata*), seven Curlew (*Numenius arquata*), two Lapwing (*Vanellus vanellus*), one Fieldfare (*Turdus pilaris*), three Skylark (*Alauda arvensis*), one Willow Tit (*Poecile montanus*), one Cuckoo (*Cuculus canorus*), one Whinchat (*Saxicola rubetra*), and one Woodcock (*Scolopax rusticola*);

Reptiles: One Common Lizard (*Zootoca vivipara*);

Mammals: One European Water Vole (*Arvicola amphibius*), and one Eurasian Badger (*Meles meles*);

Protected Flowering Plants: Three English Bluebell (*Hyacinthoides non-scripta*); and,

Invasive Non-native Plants: One Japanese Knotweed (*Fallopia japonica*).

- 3.1.8 There were no records for notable amphibians or crustaceans returned during the search.

- 3.1.9 It should be noted that desk study data do not represent a comprehensive list of the species present or absent within a search area and, if the habitat is suitable, a species should not be assumed to be absent based on a lack of records.

3.2 UK Habitat Survey

Habitats

- 3.2.1 The aerial / red line boundary of the site (Figure 3) shows the site to consist of the following habitats;

Grassland

g4 – Modified Grassland

- 3.2.2 The site is mainly comprised of a field of low condition modified grassland that has been grazed to a short sward. The field has also been heavily poached by horses, with areas of bare and uneven ground throughout, with these being most concentrated around the field entrance (See Figure 4). Perennial ryegrass (*Lolium perenne*) and curly dock (*Rumex crispus*) are found frequently, together dominating much of the field. Other species infrequently present included creeping buttercup (*Ranunculus repens*), mouse-ear chickweed (*Cerastium fontanum*), lady's mantle (*Alchemilla* sp.), selfheal (*Prunella vulgaris*), white clover (*Trifolium repens*) and broadleaf plantain (*Plantago major*). One common ragwort (*Jacobaea vulgaris*) and three Germander speedwell (*Veronica chamaedrys*) plants were also recorded.

Urban and linear features

u1b – Developed land, sealed surface

- 3.2.3 There are two small stables located outside of the entrance to the field which are both in active use, built on top of hardened earth and limestone chippings. The track leading up from Green Lane to the stables and field entrance is unvegetated, unsealed gravel.

Photograph 1: Stables circled in red on site



h2a – Hedgerow (Priority Habitat)

- 3.2.4 A hedge comprised of dense hawthorn (*Crataegus monogyna*) and elder (*Sambucus nigra*) is present on the west side of the site, running southward from the field entrance point along the field fence for approximately 15m.

h2b – Non-native hedgerow

- 3.2.5 A mixture of garden species from several properties' rear gardens border the north side of the red line boundary.

Other

- 3.2.6 The wider habitat bordering the red line boundary of the site is mainly rural, consisting of small residential buildings to the north and east, and deciduous woodland immediately adjacent to the south and west sides of the red line boundary. This woodland falls within the boundary of the Poole's Cavern and Grin Low Wood SSSI.

Photograph 2: Deciduous Woodland bordering the survey area.



Faunal Species

Nesting Birds

- 3.2.7 There are opportunities for nesting birds in the hedge on site, although it is not expected to be impacted by the works.

Small Mammals

- 3.2.8 Rabbits (*Oryctolagus cuniculus*) were observed foraging in the field during the walkover survey. There is generally small mammal potential on site, as the hedge could provide temporary refuge, as well as potential for small mammals within the surrounding woodland. Neither of these habitats will be directly impacted by the works.

4 CONCLUSIONS AND RECOMMENDATIONS

4.1 Evaluation of Ecological Features and Identification of Potential Impacts

- 4.1.1 Poole's Cavern and Grin Low Wood SSSI is located approximately 30m west and 56m south of the site at its closest points. The proposed works area will not encroach on this designated site. The proposed works are likely to have limited impact on this, and other, designated sites identified within 1 km of the site.

UKHab and Natural England Biodiversity Metric

- 4.1.2 In line with the DEFRA 'Statutory Biodiversity Metric Toolkit' which comprises sequential steps to avoid, minimise, rehabilitate/restore and offset any negative impacts on biodiversity, calculations of the project's baseline biodiversity units before the works have been made – see relevant pages in the separate document, titled 'Green Lane Statutory Biodiversity Metric'.
- 4.1.3 The total site baseline habitat size is 1.15 hectares; the total site baseline units amount to 2.00 habitat units. 0.09 hedgerow units are present on site with a 15m hedge within the redline boundary.
- 4.1.4 The planning proposal for Green Lane does not fall under any of the categories listed on the IRZ detail for the SSSI's listed in the desk study. Therefore, it is not required to consult Natural England on the proposal to build a horse ménage on site.

Hedgerow

- 4.1.5 The hedge recorded on site could provide a valuable place of refuge, shelter and foraging opportunities to small mammals and birds. It is not anticipated to be affected by the works. Any necessary de-vegetation should be undertaken in accordance with the advice given for nesting birds and small mammals. It is generally recommended that the amount of de-vegetation is restricted to the minimum required to facilitate the proposals and that any bounding vegetation or habitats remain protected and unaffected by the works.
- 4.1.6 The hedgerow is considered to have low strategic significance despite being ecologically desirable, as it is not in a local strategy.

4.2 Recommendations for Further Surveys, General Mitigation and Possible Enhancements

Biodiversity Net Gain

- 4.2.1 A 10% net gain of both habitat units and hedgerow units is required by High Peak Borough Council as part of mandatory Biodiversity Net Gain.
- 4.2.2 Creating 100m of species rich hedgerow containing approximately 60% hawthorn, 15% blackthorn (*Prunus spinosa*), 10% hazel (*Corylus avellana*), 10% elder (*Sambucus nigra*) and 5% dog-rose (*Rosa canina*) and/or field rose (*Rosa arvensis*) to create 0.86 habitat units (956.44% net-gain) is recommended to achieve additional hedgerow units on-site. Lining three of the four sides of the 40m by 20m development with the above hedgerow composition would achieve an on-site net change of 0.86 hedgerow units, equating to a 956.44% increase.

- 4.2.3 Enhancing Modified Grassland habitats that remain on site post-works by altering it into Other Neutral Grassland, would deliver 6.41 habitat units; this would equate in a 220.82% net gain. An EM10 Tussock Meadow Mixture is recommended to achieve this, to improve the percentage cover of herbs already identified infrequently on site, and introduce sedge species.
- 4.2.4 Currently the Statutory Biodiversity Metric proposes to cover all retained grassland, and create 100m of hedgerow, but these can be reduced in area and length respectively if required, as the 10% required net gain is comfortably exceeded with the current proposals.
- 4.2.5 The survey has confirmed the potential for and/or actual presence of rabbit and fox, breeding birds, and small mammals. The following is therefore recommended in respect of these species:

Breeding birds

- 4.2.6 The hedge within the site provides nesting opportunities for a range of common bird species. However, it is anticipated to be retained and therefore unaffected by the proposed works.
- 4.2.7 If the hedge is expected to be impacted by the works for any reason, it must be preceded by a nesting bird check by an ecologist no more than 48 hours prior to removal/management.

Small Mammals

- 4.2.8 Unattended excavations/holes caused by works on site should be incorporated with ramps to allow for free movement of small mammals.

Overall Conclusion

- 4.2.9 Providing that the recommendations outlined within this report are successfully implemented, it should be possible for the proposed development to proceed. The suggested possible enhancements to be incorporated into the proposed works should provide a large improvement in biodiversity on the site.
- 4.2.10 This ecological report will remain valid for a period of 18 months from the date of the last survey – i.e. until 18/02/2026. Further surveys may be required to update the site information if planning is not obtained, or works do not commence within that time period.

5 REFERENCES

- CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine.' Chartered Institute of Ecology and Environmental Management, Winchester.
- CIEEM (2017). Guidelines for Preliminary Ecological Appraisal, Second Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition).
- Google Maps (<https://www.google.co.uk/maps?hl=en&tab=wl>) – accessed 25/07/2024
- Joint Nature Conservation Committee (2010) Handbook for Phase 1 habitat survey - a technique for environmental audit, ISBN 0 86139 636 8.
- MAGIC Maps (<http://magic.defra.gov.uk/MagicMap.aspx>) - accessed 25/07/2024
- Mitchell-Jones, A.J. (2004). Bat Mitigation Guidelines. English Nature, Peterborough.
- DEFRA and Natural England (2024). Statutory biodiversity metric: calculation tool <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>
- Stace, C. (2010). New Flora of the British Isles (3rd Ed). Cambridge University Press.
- The National Biodiversity Network Atlas (<https://nbnatlas.org/>) – accessed 25/07/2024

APPENDIX 1: FIGURES

Figure 1: Site plan draft, with hedgerow indicated in green

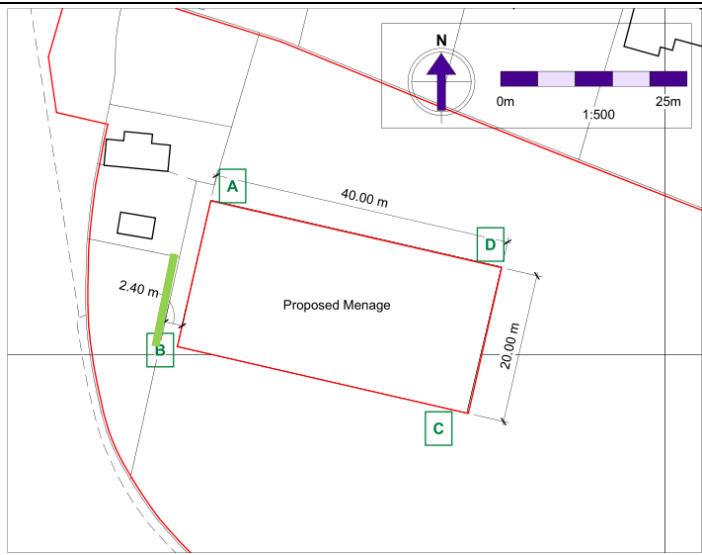


Figure 2: UK Habitats map including proposed development



Figure 3: Aerial/red line boundary of the site

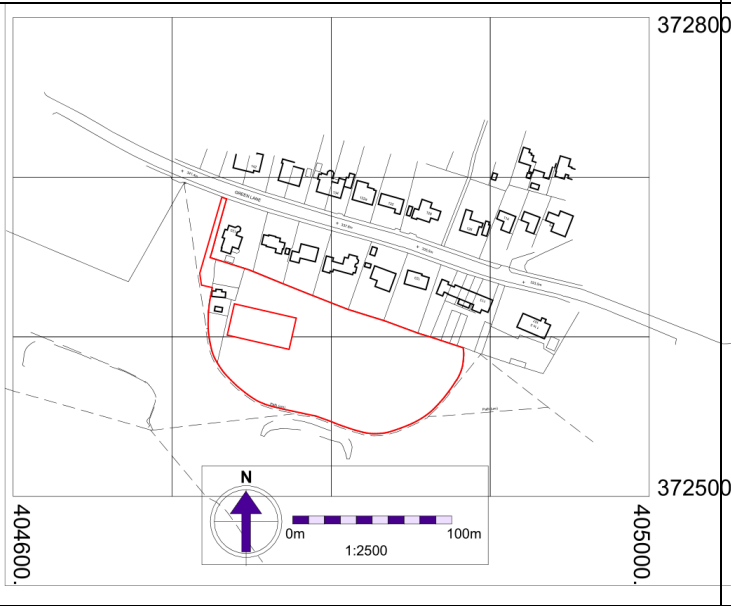


Figure 4: Heavily poached grassland at field entrance



APPENDIX 2: PLANNING POLICY AND LEGISLATION

Planning Policy

The following local and national planning policy and both primary and European legislation relating to nature conservation and biodiversity status are considered of relevance to the current proposal.

Local Authorities have a requirement to consider biodiversity and geological conservation issues when determining planning applications under the following planning policies.

- ***The National Planning Policy Framework (NPPF) (Department of Housing Communities and Local Government, 2019)***: sets out the UK Government's planning policies for England and provides guidance on how these policies are expected to be applied. The NPPF includes a chapter on biodiversity, Chapter 15 – Conserving and Enhancing the Natural Environment. In addition to being concerned with the protection of statutorily designated sites, the Chapter outlines ways in which the planning system is required to contribute to and enhance the natural and local environment and sets out guidance for local authorities in respect of the consideration of biodiversity and green infrastructure. The NPPF is a material planning consideration.
- ***Biodiversity 2020***: is a strategy for England's wildlife and ecosystem services. Published in 2011, the biodiversity strategy for England, and has as its mission to halt overall biodiversity loss, support healthy well-functioning ecosystems, and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people.
- ***The Environment Act 2021***: Is the most recent legislation for provision about targets, plans and policies for improving the natural environment; for statements and reports about environmental protection; for the Office for Environmental Protection; about nature and biodiversity; for conservation covenants. Part 6 of the Act makes provision about biodiversity net gain in relation to development to be either a planning condition for smaller projects or a development consent for nationally significant infrastructure projects.

Legislation and Biodiversity

Certain species of animals and plants found in the wild in the UK are legally protected from being harmed or disturbed. These species are listed in the Wildlife and Countryside Act 1981 (as amended) or are named as European Protected Species (EPS) in the Conservation of Habitats and Species Regulations 2017 (as amended). These two main pieces of legislation have been consulted when writing this report and are therefore described in detail within this section.

Other relevant legislation and policy documents that have been consulted include – The Environment Act 2021; The Countryside and Rights of Way Act 2000; The Hedgerow Regulations 1997; Biodiversity Action Plans, both UK-wide (UKBAP) and Local plans (LBAPs), and The National Planning Policy Framework (NPPF). There is also legislation that legally protects certain animals - for example, the Protection of Badgers Act (1992) protects badgers and their setts, and the Deer Act (1991) places restrictions on actions that can be taken against deer species.

Wildlife & Countryside Act 1981 (as amended)

The Wildlife & Countryside Act 1981 (as amended) [WCA] is the primary legislation for England and Wales for the protection of flora, fauna and the countryside. Part I within the Act deals with the protection of wildlife.

Most European Protected Species offences are now covered under the Conservation of Habitats and Species Regulations (see below), but some 'intentional' acts are still covered under the WCA, such as obstructing access to a bat roost. The WCA prohibits the release to the wild of non-native animal species listed on Schedule 9 (e.g. Signal Crayfish and American Mink).

It also prohibits planting in the wild of plants listed in Schedule 9 (e.g. Japanese Knotweed and *Rhododendron ponticum*) or otherwise deliberately causing them to grow in the wild. This is to prevent the release of invasive non-native species that could threaten our native wildlife.

There are 'defences' provided by the WCA. These are cases where acts that would otherwise be prohibited by the legislation are permitted, such as the incidental result of a lawful operation which could not be reasonably avoided, or actions within the living areas of a dwelling house.

Licensing: certain prohibited actions under the Wildlife and Countryside Act may be undertaken under licence by the proper authority. For example scientific study that requires capturing or disturbing protected animals can be allowed by obtaining a licence – e.g. bat surveys.

Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) (which are the principal means by which the EC Habitats Directive is transposed in England and Wales) update the legislation and consolidate all the many amendments which have been made to the Regulations since they were first made in 1994. These regulations provide for the:

- Protection of European Protected Species [EPS] (animals and plants listed in Annex IV Habitats Directive which are resident in the wild in Great Britain) including bats, dormice, great crested newts, and otters;
- Designation and protection of domestic and European Sites - e.g. Site of Special Scientific Interest [SSSI] and Special Area of Conservation [SAC]; and
- Adaptation of planning controls for the protection of such sites and species. Public bodies (including the Local Planning Authority) have a duty to have regard to the requirements of the Habitats Directive in exercising their function – i.e. when determining a planning application.
- There is no defence that an act was the incidental and unavoidable result of a lawful activity.

Licensing: it is possible for actions which would otherwise be an offence under the Regulations to be undertaken under licence issued by the proper authority. For example, where a European Protected Species has been identified and the development risks deliberately affecting an EPS, then a 'development licence' may be required.

Species Protection

Nesting Birds. Under the Wildlife and Countryside Act 1981 (as amended) all wild birds, their nests and eggs are protected by law and it is an offence to intentionally kill, injure or take any wild bird, to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built, and to intentionally take or destroy the egg of any wild bird.

