Legend:

- Metal (black) c.0.9-1.2m high railings.
- Dwarf Wall (c.0.3m) with c.0.9m railings (black) on top.
- Brick wall 1.8m min. high.
- Metal (black) gates (various heights).
- Way-finding lantern.
- Retraceable Bollard.
- Bollard.
- Elevation Symbols

THE ARCADE

The Globe Inn

MARKET PLACE

Artist's Mews (North)

Eagle Yard

Artist's Mews (South)

William Hill

BARTHOLOMEW STREET

Crown Court

Falkland Place

The Newbury

Alma Court (North)

Alma Court

Alma Court (South)

Smith's Yard

The Catherine Wheel

CHEAP STREET

Ashton Thicket

Plenty's Place

Iron Yard

Ashton Court

Victoria Court

Vue Cinema

Vue Cinema & 4 Commercial Units

MARKET STREET

WEAVERS YARD

Level 4 (Fourth Floor/Roof)

101 spaces

NO ENTRY

SCALE 1:200

N

Old Town Newbury

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☐	CONSTRUCTION	☐	AS BUILT	

SCALE	1:200 @ A0	DATE	FEB 2024
DRAWN	AT/JPG	CHK	JAL
DRAWING NO.	19401/1007	REV	-
TITLE	Old Town, Newbury.		
DETAILS	Fourth Floor Plans, Site Layout.		

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Legend:

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- Brick wall 1.8m min. high.
- Metal (black) gates (various heights).
- Way-finding lantern.
- Retraceable Bollard.
- Bollard.
- Elevation Symbols

THE ARCADE

The Globe Inn

MARKET PLACE

BARTHOLOMEW STREET

Artist's Mews (North)

Eagle Yard

Artist's Mews (South)

William Hill

Crown Court

Falkland Place

The Newbury

Falkland Place

Alma Court (North)

The Catherine Wheel

Alma Court

Smith's Yard

Alma Court (South)

Alma Court (South)

BUS STOP

CHEAP STREET

Ashton Thicket

Plenty's Place

Ashton Court

Iron Yard

Victoria Court

Vue Cinema

Vue Cinema & 4 Commercial Units

Car Park
Total Spaces: 477

MARKET STREET

WEAVERS YARD

Bus Shelter

SCALE 1:200

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Old Town Newbury

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☐	CONSTRUCTION	☐	AS BUILT		

SCALE	1:200 @ A0	DATE	FEB 2024
DRAWN	AT/JPG	CHK	JAL
DRAWING NO.	19401/1008	REV	-
TITLE	Old Town, Newbury.		
DETAILS	Fifth Floor Plans, Site Layout.		

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Legend:

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- Brick wall 1.8m min. high.
- Metal (black) gates (various heights).
- Way-finding lantern.
- Retraceable Bollard.
- Bollard.
- Elevation Symbols

THE ARCADE

The Globe Inn

MARKET PLACE

Artist's Mews (North)

Eagle Yard

Artist's Mews (South)

William Hill

Crown Court

Falkland Place

BARTHOLOMEW STREET

The Newbury

Falkland Place

The Catherine Wheel

Alma Court (North)

Alma Court

Smith's Yard

BUS STOP

CHEAP STREET

Alma Court (South)

Alma Court (South)

Plenty's Place

Ashton Thicket

Ashton Court

Iron Yard

Victoria Court

Car Park
Total Spaces: 477

Vue Cinema
Vue Cinema & 4 Commercial Units

MARKET STREET

WEAVERS YARD

0 2 4 6 10 20 30
SCALE 1:200

Old Town Newbury

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■	PRELIMINARY ☐ INFORMATION ☐ TENDER			
☐	CONSTRUCTION ☐ AS BUILT			

SCALE	1:200 @ A0	DATE	FEB 2024
DRAWN	AT/JPG	CHK	JAL
DRAWING NO.	19401/1009	REV	-
TITLE	Old Town, Newbury.		
DETAILS	Sixth Floor Plans, Site Layout.		

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- Metal (black) gates (various heights).
- Way-finding lantern.
- Retraceable Bollard.
- Bollard.
- Elevation Symbols

Old Town Newbury

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THE ARCADE
The Globe Inn
The Arthouse
Artist's Mews (North)
The Gallery
Eagle Yard
Eagle House
Eagle Lodge
Artist's Mews (South)
Kiln House
William Hill
Ulvritone House
Newburgh House
MARKET PLACE
BARTHOLOMEW STREET
Crown Court
The Newbury
Falkland Lodge
Falkland Place
The Manor
Falkland House
Essex House
Crown House
The Barn
Gerard House
Kimber House
The Catherine Wheel
Alma Court (North)
St Bartholomew House
Alma Court
The Smithy
Smith's Yard
Alma House
Alma Court (South)
Alma Cottage
The Bellows
The Forge
Kennet House
Charlton House
Dolman House
Coppersmith House
Whitesmith House
Chestnut House
Plenty's Place
Craven House
Ashton Thicket
The Fane
Winchcombe House
Herborough House
Ashton Court
The Workshop
Iron Yard
Victoria House
Victoria Court
Pelican House
Edward House
CHEAP STREET
Car Park
Total Spaces: 477
Vue Cinema
Vue Cinema & 4 Commercial Units
MARKET STREET
WEAVERS YARD
Bus Shelter
BUS STOP
SCALE 1:200

REV	DESCRIPTION	DRN	CHD	DATE
■	PRELIMINARY	☐	INFORMATION	☐	TENDER
☐	CONSTRUCTION	☐	AS BUILT		

SCALE	1:200 @ A0	DATE	FEB 2024
DRAWN	AT/JPG	CHK	JAL
DRAWING NO.	19401/1010	REV	-
TITLE	Old Town, Newbury.		
DETAILS	Roof Plan, Site Layout.		

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Appendix 2
Relevant Legislation & Planning Policy

This document is intended to provide summary information on legislation and planning policy relevant to biodiversity in England and is believed to be correct at the date of publication, but should not be relied upon as a substitute for professional legal advice.

LEGISLATION

The Environment Act 2021

The Environment Act 2021 places a requirement on the Secretary of State to make regulations setting out long-term targets for air quality, water, biodiversity, resource efficiency and waste reduction. It also requires the Government to produce an Environmental Improvement Plan, to report on progress towards its goals annually, to meet the targets that are set in relation to the improvement of the natural environment and to produce remedial plans should this not be achieved.

In relation to water quality, the Act places new duties on the Government, Environment Agency and sewerage undertakers to reduce the frequency and harm of discharges from storm overflows on the environment, and for monitoring the quality of watercourses affected by those overflows.

It also includes a requirement for an independent Office for Environmental Protection (OEP) to be established, with responsibilities for monitoring and reporting on progress against environmental improvement plans and targets. The OEP will also have investigation and enforcement powers against public authorities failing to comply with environmental law when exercising their functions.

The Act makes provisions for 10% biodiversity gain to become a condition of planning permission in England, through amendments to the Town and Country Planning Act 1990. These amendments came into force on the 12th February 2024 (delayed to 2nd April 2024 for 'small sites'). This is measured through a biodiversity metric published by the Secretary of State. The Act also establishes Biodiversity Net Gain as a requirement for Nationally Significant Infrastructure Projects (NSIPs).

The Act also strengthens the biodiversity duty placed on public authorities through amendments to the Natural Environment and Rural Communities Act 2006 Section 40, requiring such authorities to not only conserve but also enhance biodiversity when exercising their functions. Public authorities will also be required to publish summary reports of actions taken under Section 40 at least every five years.

The Act provides the legal basis for the creation of Local Nature Recovery Strategies (LNRSs) for England (including specifying their content), and the preparation and publication of species conservation strategies and protected sites strategies.

It also creates a new legal vehicle known as a 'Conservation Covenant' which is a voluntary, legally binding private agreement between landowners and responsible bodies (the latter designated by the Secretary of State) which conserve the natural or heritage features of the land, enabling long-term conservation. Conservation Covenants are designed to 'run with the land' when it is sold or passed on and are intended to become a primary mechanism for the delivery of Biodiversity Net Gain (BNG).

The Act provides new powers for the Government to amend in future Regulation 9 and Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations') – but "only if satisfied that the regulations do not reduce the level of environmental protection provided by the Habitats Regulations".

Several aspects of protected species licencing have also been adjusted by the Act. These include the removal of several inconsistencies between the Habitats Regulations and the Wildlife & Countryside Act 1981 (as amended), ensuring that licences issued under the former piece of legislation also apply under the latter, and making it now possible for licences to be issued under Section 16(3) of the Wildlife & Countryside Act 1981 (as amended) for purposes of overriding public interest. The maximum term of a licence that can be issued by Natural England has also been extended from 2 to 5 years.

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) (known as the "Habitats Regulations") were originally drawn up to transpose the European Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the "Habitats Directive") into UK legislation. Following the UK's exit from the European Union, the Habitats Regulations – as amended by Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 – remain in force until such a time as they are superseded by new or updated domestic legislation.

The Habitats Regulations provide for the designation of both Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) in the UK, which previously formed part of the Natura 2000 network of protected areas across Europe and are now part of the UK's "National Sites Network". New National Sites may be designated under the Regulations.

The Regulations also prohibit certain actions relating to European Protected Species (EPS), which include *inter alia* Hazel Dormouse *Muscardinus avellanarius*, Great Crested Newt *Triturus cristatus*, European Otter *Lutra lutra* and all native species of bat.

Further information on SPAs, SACs and European Protected Species is provided in the relevant sub-sections of this Appendix.

Wildlife & Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 is the principal mechanism for the legislative protection of wildlife in Great Britain. Various amendments have occurred since the original enactment. Certain species of bird, animal and plant (including all of the European Protected Species listed above) are afforded protection under Schedules 1, 5 and 8 of the Act. Reference is made to the various Schedules and Parts of this Act (**Table A1.1**) in the section of this Appendix dealing with Legally Protected Species. The Act also contains measures for the protection of the countryside, National Parks, Sites of Special Scientific Interest (SSSIs) and public rights of way as well as preventing the establishment of invasive non-native species that may be detrimental to native wildlife.

Table A1.1: Relevant Schedules of the Wildlife & Countryside Act 1981 (as amended)

Schedule	Protected Species
Schedule 1 Part 1	Protects listed birds through special penalties at all times
Schedule 1 Part 2	Protects listed birds through special penalties during the close season
Schedule 5 Section 9.1 (killing/injuring)	Protects listed animals from intentional killing or injuring
Schedule 5 Section 9.1 (taking)	Protects listed animals from taking
Schedule 5 Section 9.2	Protects listed animals from being possessed or controlled (live or dead)
Schedule 5 Section 9.4a	Protects listed animals from intentional damage or destruction to any structure or place used for shelter or protection
Schedule 5 Section 9.4b	Protects listed animals from intentional disturbance while occupying a structure or place used for shelter or protection
Schedule 5 Section 9.5a	Protects listed animals from being sold, offered for sale or being held or transported for sale either live or dead, whole or part
Schedule 5 Section 9.5b	Protects listed animals from being published or advertised as being for sale
Schedule 8	Protects listed plants from: intentional picking, uprooting or destruction (Section 13 1a); selling, offering for sale, possessing or transporting for the purpose of sale (live or dead, part or derivative) (Section 13 2a); advertising (any of these) for buying or selling (Section 13 2b).
Schedule 9	Prohibits the release of species listed in the Schedule into the wild.
Schedule 9a	Allows environmental authorities to issue species control orders to landowners, obliging them to control/eradicate invasive and/or non-native species.

Further information on legally protected species, designated wildlife sites and invasive non-native species is provided in the relevant sub-sections of this Appendix.

Countryside & Rights of Way Act 2000

Many of the provisions of the Countryside and Rights of Way (CRoW) Act 2000 have been incorporated as amendments into the Wildlife and Countryside Act (1981) and some provisions have now been superseded by later legislation such as The Natural Environment and Rural Communities Act (2006).

The most relevant changes provided by the CRoW Act include the added protection given to SSSIs and other important sites for nature conservation. Importantly, under the Act it became a criminal offence to "recklessly disturb" Schedule 1 nesting birds and species protected under Schedule 5 of the Wildlife and Countryside Act. It also enabled heavier penalties on conviction of wildlife offences.

The Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities (NERC) Act 2006 was intended to raise the profile of biodiversity amongst all public authorities (including local authorities, and statutory undertakers) and to make biodiversity an integral part of policy and decision-making processes. The NERC Act also improved wildlife protection by amending the Wildlife and Countryside Act 1981.

Section 40 (S40) of the Act places a 'Biodiversity Duty' on all public bodies to have regard to the conservation of biodiversity when carrying out their normal functions. This includes giving consideration to the restoration and enhancement of species and habitats.

Section 41 (S41) 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 in England. This was published in 2007 and is commonly referred to as the "S41 list". Public authorities have a responsibility to give specific consideration to the S41 list when exercising their normal functions. For planning authorities, consideration for Species and Habitats of Principal Importance will be exercised through the planning and development control processes. Further information on Species and Habitats of Principal Importance is provided in the relevant sub-sections of this Appendix.

The Water Environment Regulations 2017

Currently, the overriding legislation relating to freshwater is the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. The Regulations set out objectives to deliver a better water environment based upon achieving a 'good status' for freshwater bodies. The concept of 'good status' is a more rigorous measure of environmental quality than previous measures, which now takes into account not just the chemical status but also the ecological health and the extent of artificial physical modification to rivers.

The Regulations are based upon the concept of protecting water through the management of river basin districts (RBDs) and require the implementation of River Basin Management Plans (RBMPs). Regulation 33 requires public bodies to 'have regard' to the RBMP when making planning decisions, for example through the granting of planning permission with appropriate planning conditions and/or obligations. These could require measures to be implemented (e.g. Sustainable Urban Drainage Systems (SUDS), grey water recycling etc.) or funds to be provided for habitat enhancement schemes.

The Regulations also affect planning policy through the implementation of Programmes of Measures for each river basin district. This involves bringing together funding from various sources and co-ordination of the activities of organisations with an interest in the use of land and water, including developers.

SITES DESIGNATED FOR THE CONSERVATION OF NATURE

There is a hierarchy of nature conservation sites which is based on the level of statutory (legal) protection and the administrative level of importance. Other features of nature conservation interest outside designated sites may also be a material consideration in the determination of planning applications.

Statutory Sites: International

Ramsar Sites, Special Areas of Conservation (SAC) and Special Protection Areas (SPA)

The Conservation of Habitats and Species Regulations 2017 (as amended) provide the primary legal basis for the protection of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in the UK.

SACs are sites which support internationally important habitats and/or species listed as being of Community Importance in the Annexes of the European Habitats Directive 92/43/EEC. SPAs are sites which support internationally important numbers of bird species listed as being of Community Importance in the Annexes of the European Birds Directive 2009/147/EC. Following the UK's exit from the EU, these now form part of the "National Sites" network rather than the EU Natura 2000 network.

Ramsar sites are wetlands of international importance and although not covered under the Habitats Regulations they are, as a matter of national planning policy, subject to the same strict protection as SACs and SPAs. The majority of terrestrial Ramsar sites in England are also notified as SPAs and/or Sites of Special Scientific Interest (SSSIs).

To avoid confusion with the nationally designated sites described below, EPR refers to SACs and SPAs as 'International sites', given the reasons for their designation.

Any plan or project considered likely to affect an International site (SAC, SPA or Ramsar) must be subject to a Habitats Regulations Assessment (HRA), as set out under Regulation 63 (and Regulation 105 in respect of Land Use Plans) of the Habitats Regulations 2017 (as amended) and the National Planning Policy Framework (NPPF) 2023.

The local authority (or other 'competent authority') carries out the HRA, but the onus is on the developer to provide the necessary information to inform this process, usually in the form of a report.

Under the Habitats Regulations 2017 (as amended), the competent authority must determine in the first instance whether a proposed development is likely to have a significant effect on the SAC/SPA, either alone or in combination with other plans and projects. This stage of the HRA process is known as 'screening'.

If a likely significant effect cannot be precluded (screened out) on the basis of objective information, the competent authority must undertake an 'Appropriate Assessment' to fully assess these implications against the site's conservation objectives. A precautionary approach must be taken with respect to determining whether or not there would be a significant effect, and the appropriate nature conservation body (in most cases Natural England) should be consulted. Except in certain exceptional circumstances prescribed by the Regulations where there are imperative reasons of overriding public interest for allowing a development to proceed, the competent authority may not undertake or authorise the plan or project until they have established (based on the conclusions of the Appropriate Assessment) that the activity will not adversely affect the integrity of the SAC/SPA. This should be the case where no reasonable scientific doubt remains as to the absence of such effects.

Regulation 16A of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 sets out the management objectives of the National Site Network, which can be summarised as follows:

- to maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive within the UK's territory to a favourable conservation status (FCS); and

- contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

The appropriate authorities must also have regard to:

- the importance of protected sites in meeting the above objectives, including breeding, moulting, staging and wintering areas for in the case of migratory bird species;
- their importance for the coherence of the national sites network; and
- the threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

Government guidance[2] also states that competent authorities have a duty to help protect, conserve and restore the designated features of SACs and SPAs when carrying out their statutory work, including taking decisions that might affect a site. They also have a duty to consider how they can help to prevent the deterioration of the site's habitats from human activity or natural changes, including habitats that support designated species, and prevent significant disturbance of the site's designated species from human activity or natural changes.

Competent authorities include (but are not limited to) local planning authorities, councillors, planning committee members and statutory agencies such as Natural England.

Statutory Sites: National

Nationally important sites include Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs). A development proposal that is likely to affect a nationally important site will be subject to special scrutiny by the local planning authority and Natural England. Certain operations may be permitted. Any potentially damaging operations that could have an adverse effect directly or indirectly on the special interest of the site will not be permitted unless the reasons for the development clearly outweigh the nature conservation and/or geological value of the site itself and the national policy to safeguard such sites, as set out in Section 15 of the National Planning Policy Framework (NPPF).

Sites of Special Scientific Interest

The Wildlife and Countryside Act 1981 (as amended) and the CRoW Act 2000 provide the primary legal basis for the protection of Sites of Special Scientific Interest (SSSIs). These sites have been designated to capture the best examples of England's flora, fauna, geological or physiographical diversity.

Public bodies have a duty to take reasonable steps to conserve and enhance the special features of sites of special scientific interest (SSSIs) when carrying out their statutory duties and giving others permission for works, such as reviewing planning applications.

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[2] https://www.gov.uk/guidance/duty-to-protect-conserve-and-restore-european-sites

National Nature Reserves

National Nature Reserves (NNRs) are declared under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981, as amended by the Environmental Protection Act 1990. They are managed to conserve their habitats or to provide special opportunities for scientific study of the habitats communities and species represented within them. NNRs represent the very best parts of England's SSSIs. The majority of NNRs also have European nature conservation designations.

Statutory Sites: Regional/Local

Local Nature Reserves

Local Nature Reserves (LNRs) are declared by local authorities under the National Parks and Access to the Countryside Act 1949 as living green spaces in towns, cities, villages and countryside. They provide opportunities for research and education, or for simply enjoying and having contact with nature. LNRs are usually protected from development through local planning documents which may be supplemented by local by-laws.

Non-Statutory Sites

Local Wildlife Sites

Local planning authorities may designate non-statutory sites for their nature conservation value based on important, distinctive and threatened habitats and species within a national, regional and local context. These sites are not legally protected but are given some protection through the planning system. These sites may be declared as 'County Wildlife Sites', 'Sites of Importance for Nature Conservation' (SINCs), or 'Sites of Nature Conservation Importance' (SNCIs) in local and structure plans. Non-statutory sites are a material consideration when planning applications are being determined. The precise amount of weight to be attached, however, will take into account the position of the site in the hierarchy of sites as set out above. Further information is typically provided in local level planning policy.

Nature Conservation in Areas Outside Designated Sites

Various other features exist outside designated sites that are important for the conservation of nature and which are a material consideration in the planning system.

Habitats of Principal Importance in England

Fifty-six habitat types have been identified as Habitats of Principal Importance for the conservation of biodiversity in England under Section 41 of the NERC Act 2006. Although these habitats are not legally protected, the NPPF, Government Circular 06/05, good practice guidance and the NERC Act place a clear responsibility on planning authorities to further the conservation of these habitats. They can be a material consideration in planning decisions, and so developers are advised to take reasonable measures to avoid or mitigate impacts to prevent their net loss and to enhance them where possible. Additional guidance to developers is typically provided in local level planning policy.

The S41 list also includes species as explained below under 'Species of Principal Importance in England'.

Networks of Natural Habitats

Networks of natural habitats link sites of biodiversity importance and provide routes or stepping stones for the migration, dispersal and genetic exchange of species in the wider environment. Examples include rivers with their banks, traditional field boundary systems (such as hedgerows), ponds and small woods. Local planning authorities are encouraged through the NPPF to maintain networks by avoiding or repairing the fragmentation and isolation of natural habitats through planning, policies and development control.

Hedgerows

Hedgerows can act as wildlife corridors that are essential for migration, dispersal and genetic exchange of wild species. Hedgerows that qualify as a Habitat of Principal Importance under S41 of the NERC Act 2006 are a material consideration in the planning system.

Under the Hedgerow Regulations 1997, it is an offence to remove a hedgerow classed as 'important' under the criteria set out by the Regulations without submitting a notice to the Local Planning Authority and waiting for their decision. The Regulations are aimed at countryside hedges and do not apply to hedges around private dwellings or where planning permission has been granted for a project that includes hedge removal. Hedgerows that satisfy wildlife, archaeological, historical or landscape criteria qualify as 'important' under the Regulations. If a hedgerow is not important, the Local Planning Authority may not prevent its removal; however, Local Planning Authorities are required under the Regulations to protect and retain important hedgerows unless satisfied that the circumstances justify their removal.

Tree Preservation Orders

Tree Preservation Orders (TPOs) may be declared under the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 to protect individual trees and woodlands from development and cutting. TPOs are primarily put in place to preserve amenity or for landscape conservation reasons. The importance of trees as wildlife habitat may be taken into account, but alone is not sufficient to warrant a TPO. For this reason, TPOs do not fit comfortably under the remit of nature conservation and are generally dealt with by an arboricultural consultant rather than an ecologist. Further guidance on TPOs in relation to development is available from the Department for Levelling Up, Housing and Communities.

Ancient Woodland & Veteran Trees

Ancient woodlands are defined as areas continuously wooded since at least 1600 AD. Even an ancient wood which has been replanted may still have remnants of ancient woodland wildlife and historical features and has potential to be restored. Ancient woodland is not a statutory designation and does not provide legal protection, but local authorities are advised under the NPPF and National Planning Practice Guidance (NPPG) not to grant planning permission for any development that would result in the loss or deterioration of ancient woodland, ancient trees or veteran trees unless there are 'wholly exceptional reasons' and 'a suitable compensation strategy in place'. Local Planning Authorities must take into account Natural England and the Forestry Commission's *Standing Advice for Ancient Woodland and Veteran Trees,* available on the www.gov.uk website.

Surface & Ground Waters

Surface waters (including flowing and standing water) and ground water can directly and indirectly impact upon the conservation of nature.

Guidance on pollution prevention is hosted on the Government's website and focuses on regulatory requirements. This covers topics including the prevention of pollution if you are a business, managing business and commercial waste, oil storage, working on or near water, and managing water on land. Careful planning and the application of these guidelines can help reduce the risk of construction and maintenance work causing pollution to surface and ground waters. Some activities with the potential to impact watercourses or groundwater may require consent under the Water Resources Act 1991.

Water Resources Act (WRA) 1991

Under the WRA there is strict regulation of discharges (including sediment, chemicals, nutrients) to rivers, lakes, estuaries and groundwaters. It also aims to ensure that polluters cover the costs associated with pollution incidents.

SPECIES PROTECTION

Legally Protected Species

The species listed in the following subsections are protected by law in England. When preparing a planning application, it is essential to determine the presence or likely absence of legally protected species and the extent to which they may be affected by a proposed development. This can best be achieved by undertaking surveys early in the planning process. Avoidance and/or mitigation measures may be required to address any predicted impacts upon protected species and may necessitate a licence. The Government website offers standing advice from Natural England and DEFRA which can be applied to planning applications that affect protected species.

Bats

There are 18 species of bat in the UK, seven of which are Species of Principal Importance in England. All bats and bat roosts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Bats are also a European Protected Species protected under the Habitats Regulations 2017 (as amended). It is an offence to:

- Intentionally or deliberately kill, injure or capture bats;
- Intentionally, deliberately or recklessly disturb bats in such a way as to be likely to significantly affect the ability of any significant group of bats to survive, breed, or rear or nurture their young or the local distribution of or abundance of a species of bat;
- Intentionally, or recklessly damage, destroy or obstruct any place used for shelter or protection (i.e. bat roosts) or intentionally or recklessly disturb a bat whilst it is occupying such a place;
- Damage or destroy a breeding site or resting place of a bat; and
- Possess, sell or transport a bat, or anything derived from it.

Development proposals affecting bats or their roosts require a European Protected Species mitigation licence from Natural England.

Birds

49 species of bird are listed as Species of Principal Importance in England. All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), making it an offence, with certain exceptions

(e.g. game birds), to intentionally kill, injure or take any wild bird and to take, damage or destroy their nests or eggs.

Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) affords extra protection for certain species and applies harsher penalties for offences. Any intentional or reckless disturbance of a Schedule 1 bird, whilst it is nesting or rearing dependent young, constitutes an offence.

Regulation 10 of the Conservation of Habitats and Species Regulations 2017 (as amended) requires appropriate authorities and conservation bodies, in the exercise of their functions, to take such steps that they consider appropriate in order to secure "*the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat (…)*".

Wild Mammals

All wild mammals are protected against cruelty under the Wild Mammals (Protection) Act 1996, which 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.

Licences for Development

Licences are required to permit activities prohibited under wildlife legislation, namely the disturbance or capture of protected species or damage to their habitats. Natural England is the licensing authority in England. Licences are only issued for certain purposes, which are set out in the legislation, and only where there is a valid justification. The licences most relevant to development scenarios are discussed below.

European Protected Species Mitigation Licences

A European Protected Species mitigation licence (EPSML) is required from Natural England to undertake any development that is reasonably likely to result in an offence in respect of a European Protected Species protected under Schedule 2 of the Habitats Regulations 2017 (as amended); including *inter alia* all species of bats, Hazel Dormouse, Great Crested Newt, European Otter and Eurasian Beaver. Natural England must be satisfied that the following three tests are satisfied before it will issue a licence covering a European Protected Species:

1. The proposal is necessary to preserve public health or public safety, or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
2. There is no satisfactory alternative; and
3. The proposal will have no detrimental effect to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Other Protected Species Mitigation Licences

Natural England can issue mitigation licences for reasons of "overriding public interest" in respect of animal and plant species listed on Schedules 5, 6 and 8 of the Wildlife and Countryside Act 1981 (as amended), excluding birds and European Protected Species (as these have separate licensing systems). In the context of development, the most relevant species are likely to include Adder, Grass Snake, Common Lizard, Slow-worm and several species of plant.

Applicants must demonstrate that the licence is for the purpose of overriding public interest, and also that there are “no other satisfactory solutions”. In practice, therefore, this type of licence is likely to be difficult to obtain for most types of development.

Conservation Licences

In the context of development, conservation licences are normally only relevant to mitigation involving the capture of Water Voles or White-Clawed Crayfish. Conservation licences are granted to permit the trapping and translocation of these species on the condition that the development activity is properly planned and executed and thereby contributes to the conservation of the population of the species.

Species of Principal Importance in England

943 species have been identified as being of Principal Importance for the conservation of biodiversity in England under Section 41 (S41) of the NERC Act 2006. The S41 list includes species found in England which have been identified as requiring action under the now superseded UK Biodiversity Action Plan 2007 (plus the Hen Harrier). While many of these species may not be legally protected (some are protected under the legislation described above), there is a clear responsibility on local planning authorities to further their conservation. These species can be a material consideration in development control decisions and so developers are advised to take reasonable measures to avoid or mitigate impacts to prevent the net loss of these species, and to enhance their habitats where possible. Additional guidance to developers is typically provided in local level planning policies.

Invasive Non-Native Species

There are a number of species not ordinarily resident in the UK, such as Japanese Knotweed. Those which pose a significant threat, if uncontrolled, to our ecology and economy are listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). For an offence to be committed, a species must be released or allowed to escape into the wild. For example, if a plant listed on Schedule 9 is not adequately controlled by a land owner, once they are aware that it is present, and the species is allowed to spread into adjoining areas, then this could constitute an offence.

Japanese Knotweed is also classed as ‘controlled waste’ under the Environment Protection Act 1990 (as amended) and if taken off site it must be disposed of safely at a licensed landfill site. Soil containing rhizome material should also be regarded as contaminated and treated accordingly.

Species Control Orders

A new schedule 9A was inserted into the Wildlife and Countryside Act 1981 (as amended) by Sections 23 to 25 of the Infrastructure Act 2015. This gives environmental authorities (in England the Secretary of State, Environment Agency, Natural England and the Forestry Commission) the power to offer ‘species control agreements’ to landowners in respect of invasive and/or non-native species, such as Japanese Knotweed. If the landowner does not comply with a species control agreement, or refuses to enter into one, the environmental authority may issue a ‘species control order’, requiring the owner to eradicate or control the species, or to allow the environmental authority access to carry out these operations themselves.

If the owner does not comply with the species control order, the maximum penalty if convicted is a fine of up to £40,000 and/or imprisonment for up to 51 weeks. The environmental authority can also recover costs for carrying out the necessary work themselves.

PLANNING POLICY & GUIDANCE

This section set out the main planning policy and government guidance that relates to the conservation of nature at all levels of government.

National Level

National Planning Policy Framework 2023

The National Planning Policy Framework (NPPF) 2023 sets out the Government's planning policies for England and how these should be applied in local-level policy and decision making. The NPPF has a clear "presumption in favour of sustainable development" (paragraph 11), with economic, social and environmental objectives. This presumption does not apply where a plan or project has failed the 'appropriate assessment' test under the Habitats Regulations (paragraph 182).

Section 15 of the NPPF provides guidance on conserving and enhancing the natural environment through the planning system, as summarised below.

Firstly, planning policies and decisions should contribute to and enhance the natural and local environment by applying the following key principles:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Section 15 also requires planning policies and decisions to limit the impact of artificial light pollution on nature conservation.

Secondly, when determining planning applications, local planning authorities should apply the following key principles:

- if significant harm resulting from a development cannot be avoided, adequately mitigated or (as a last resort) compensated for, then planning permission should be refused;
- proposed development that is likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should normally be refused;
- planning permission should normally be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and ancient or veteran trees, unless there are 'wholly exceptional reasons' and a suitable compensation strategy exists; and

- development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

In the case of SSSIs and irreplaceable habitats, exceptions may be made if it can be clearly demonstrated that the benefits of the development, in that location, clearly outweigh the costs in terms of loss or adverse impacts.

Section 15 specifies that listed or proposed Ramsar sites, potential European sites, and sites identified or required as compensatory measures for adverse effects on designated/listed or potential/proposed European and Ramsar sites should be given the same protection as designated European sites.

Section 15 includes the following text on air quality:

- Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas;
- Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications; and
- Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

The NPPF also sets out principles for plan-making, including the allocation of land with the least environmental or amenity value, and taking a strategic approach to maintaining and enhancing networks of habitats and green infrastructure by identifying, mapping and safeguarding components of local wildlife-rich habitats, wider ecological networks, wildlife corridors and stepping stones, and those areas identified by national and local partnerships for habitat management, enhancement, restoration or creation.

Government Circular 06/05: Biodiversity and Geological Conservation

The Government produced Circular 06/05 to provide guidance on the application of the law to the conservation of nature. Although the document is in the process of being updated, Paragraphs 98 and 99 remain relevant as they set out the following principles and obligations:

- The presence of protected species is a material consideration when determining a development proposal;
- Local authorities should consult with Natural England before granting permission, and consider imposing planning conditions or obligations to secure the long-term protection of the species;
- The presence of protected species, and the extent to which thy may be affected by the proposed development, must be established before permission is granted;

- Given the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.

Planning Practice Guidance

Revised and updated Planning Practice Guidance (PPG) was launched by the Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities) as a web-based tool in March 2014 to accompany the NPPF. The webpages are set out in a Q&A format. The PPG consolidates and supersedes existing guidance on a range of planning-related topics, clarifies some of the statements made in the NPPF, and provides links to relevant legislation and other sources of advice.

The Guidance outlines a number of important principles in relation to nature conservation and biodiversity, including the need to integrate biodiversity into all stages of the planning process and to consider opportunities to enhance biodiversity and contribute to the Government's commitments and targets set out in *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*.

The guidance also requires that "an ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate", and recommends that "local planning authorities should only require ecological surveys where clearly justified, for example if they consider there is a reasonable likelihood of a protected species being present and affected by development."

Other guidance

In addition to the Planning Practice Guidance, various other forms of guidance and standards are available in relation to biodiversity and the development process. Of particular note is *British Standard BS42020:2013 Biodiversity – Code of practice for planning and development*, published in August 2013, which replaces *Planning to Halt the Loss of Biodiversity (PAS 2010): Biodiversity conservation standards for planning in the United Kingdom*.

This document is designed to complement the NPPF and is aimed at organisations concerned with ecological issues throughout the planning process, including local authorities, developers, planners and ecological consultants. It sets out step-by-step recommendations on how to incorporate biodiversity considerations at all stages of the planning process, with a focus on the provision of consistent, high quality and appropriate ecological information, effective decision making, and high standards of professional conduct and competence.

Regional Level

Regional plans (such as the South East Plan Regional Spatial Strategy) have been revoked, but some specific policies have been saved. The only policy saved from the South East Plan is Policy NRM6, which relates to the Thames Basin Heaths Special Protection Area (TBH SPA).

Local Level

Local Planning Policy of relevance to this Site is found within the West Berkshire Core Strategy (2006 – 2026). Relevant policies within this document include:

- CS14: Design Principles

- CS17: Biodiversity and Geodiversity

  CS18: Green Infrastructure

Other local level policy of relevance includes:

- The West Berkshire Housing Site Allocations DPD (2006 – 2026), Policy GS1: General Site Policy
- The South East Plan – Saved Policy NRM6

BIODIVERSITY PLANS AND STRATEGIES

The NERC Act 2006 places a duty on local authorities to have due regard to biodiversity when exercising their normal functions, and the NPPF requires planning policies to "promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species, and identify and pursue opportunities for securing measurable net gains for biodiversity" (paragraph 174). These targets are set out in a range of biodiversity plans and strategies from the international through to the district level.

An overview of the key biodiversity plans and strategies in the UK, and their implications for development, are set out below.

National level

The Government's Environmental Improvement Plan 2023 is the first revision of the 25 Year Environment Plan published in 2018. It sets out ten goals aimed at restoring nature – of which the 'apex goal' is to halt the decline of biodiversity. The EIP 2023 includes targets and commitments to:

- Halt the decline in species abundance by 2030;
- Restore or create more than 140,000 hectares of wildlife-rich habitat outside protected sites by 2028;
- Improve the Red List Index for England by 2042;
- Achieve favourable condition for 48% of designated features in Marine Protected Areas by 2028;
- Complete update condition assessments for all SSSIs by 2028;
- Increase tree canopy and woodland cover by 0.26% by 2028;
- Reduce water pollution from agricultural nitrogen, phosphorus and sediments by at least 40% by 2038; and
- Reduce phosphorus loadings from treated wastewater by 80% by 2038.

Other targets have been set in relation to, water demand, residual waste, air quality, and. pollution from abandoned metal mines and agriculture.

The *UK Biodiversity Action Plan 2007* (UK BAP) has been superseded by the *UK Post-2010 Biodiversity Framewo*rk and individual national biodiversity strategies. The UK Framework sets out the overarching vision, strategic goals and priority activities for the UK's work towards international biodiversity targets (known as the 'Aichi Targets'), as agreed by 192 parties at the UN Convention on Biological Diversity in 2010.

In England, *Biodiversity 2020: A strategy for England's wildlife and ecosystem services* is the national biodiversity strategy, which has the stated 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." In order to focus activity and assess performance in achieving this mission, Biodiversity 2020 sets out objectives relating to terrestrial and marine habitats and ecosystems, species and people.

Local level

While BAPs at the national level have now been superseded by *the UK Post-2010 Biodiversity Framework* and *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*, many county and district level BAPs still exist.

Nature conservation in West Berkshire is coordinated by the Berkshire Local Nature Partnership (BLNP). It is built around Biodiversity Opportunity Areas, which focus on landscape-scale conservation in areas where the creation, restoration and connection of priority habitats will be most effective and benefit the recovery of priority species populations.

Biodiversity Net Gain

The Environment Act 2021 makes provisions for 10% biodiversity gain, as measured by a metric, to become a condition of planning permission in England. This came into force upon the adoption of secondary legislation and regulations on the 12th February 2024 (delayed to 2nd April 2024 for sites meeting the published definition of a 'small site'). A publicly accessible register of Biodiversity Gain Sites was published on this date, along with the Statutory Biodiversity Metric and associated guidance.

The Act specifies that biodiversity gain can be delivered on and/or offsite, and establishes the basis for purchasing off-site credits to meet the 10% obligation if required. In most cases the land used to deliver biodiversity gain must be maintained for at least 30 years, and the biodiversity gain planning condition requires a Biodiversity Gain Plan to be submitted to and approved by the planning authority prior to commencement of development.

The legislation also clarifies that the baseline biodiversity value of a site should be taken from the date on which planning consent is granted, unless otherwise agreed with the LPA. This excludes any activities undertaken without planning permission (or other relevant permissions) after 30 January 2020 which have had the effect of reducing the biodiversity value of the land. In such cases, "the pre-development biodiversity value is to be taken to be its biodiversity value immediately before the carrying on of the activities."

Biodiversity net gain (BNG) is already enshrined in the key principles of the NPPF, and some local planning policies include a requirement to deliver net gain above the minimum statutory 10% figure.

Enhancement measures may not just benefit biodiversity. There are many functional benefits to be won from strategically planned green infrastructure projects such as semi-natural urban green spaces, sustainable drainage schemes (SUDS) and green roofs.

Appendix 3
EcIA Assessment Methodology

Overview

The approach to Ecological Impact Assessment (EcIA) taken in this report takes account of guidance in the Chartered Institute of Ecology and Environmental Management (CIEEM) 'Guidelines for Ecological Impact Assessment in the United Kingdom and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.2.' (CIEEM, 2018). The Preface of the CIEEM EcIA Guidelines states:

"Biodiversity: Code of practice for planning and development published by the British Standards Institute (BS 42020:2013) cites the CIEEM EcIA Guidelines as the acknowledged reference on ecological impact assessment. The Guidelines are consistent with the British Standard on Biodiversity, which provides recommendations on topics such as professional practice, proportionality, pre-application discussions, ecological surveys, adequacy of ecological information, reporting and monitoring."

In accordance with the above guidance, EPR takes the following step-wise approach to EcIA:

- Prediction of the activities associated with a proposed scheme that are likely to generate biophysical changes which may lead to significant effects (either positive or negative) upon Important Ecological Features (IEFs);
- Identification of the likely Zone of Influence (ZoI) of those activities;
- Scoping to select the ecological features (habitats, species, ecosystems and their functions/processes) that are likely to fall within the predicted ZoIs and be affected by the activities;
- Evaluation of IEFs likely to be affected – both negatively and positively;
- Identification of likely impacts (positive and negative) on IEFs, together with an assessment of the geographic level at which effects are likely to be significant;
- Application of the mitigation hierarchy - refinement of the proposed scheme to incorporate impact avoidance and/or mitigation measures for negative effects on IEFs, and enhancements in order to deliver net gains;
- Assessment of the significance of residual effects and identification of any policy drivers for additional mitigation or compensation in the event of residual significant negative effects; and
- Advice on conformance with policy and legislation.

Ecological Evaluation Method

The evaluation method used in this EcIA uses the following geographic scale of importance for ecological features:

- International/European;
- National;
- Regional;
- County (or Metropolitan or Local Authority-wide area);

- Local; and
- Within the Zone of Influence.

With this in mind, features taken forward for detailed impact assessment are those which:

- Are evaluated as being of at least 'Local' ecological importance, or have the potential to be so; and
- Are likely to be affected, positively or negatively, by the proposals.

Ecological features deemed to be of less than 'Local' importance are considered throughout the EcIA process in the context of the national planning policy requirement for 'Biodiversity Net Gain'. The implications for those features that are protected by legislation are also discussed separately at the end of the EcIA report.

Ecological Importance is judged with reference to the following factors:

- Statutory requirements and policy objectives (e.g. site designations or the country lists of habitats and species of principal importance for the conservation of biodiversity); and
- Biodiversity value (e.g. diversity, rarity, scarcity, function within ecosystem, population trends).

Impact Assessment Method

The ecological features selected to be included in the assessment are those which both meet the importance threshold and are likely to be affected by the proposed scheme.

The first stage of the assessment is to determine the potential impacts upon each important ecological feature, with reference to the likely biophysical changes arising from the proposals. Impacts can be characterised according to their extent, magnitude, duration, timing, frequency, reversibility, and whether they are positive or negative.

The likelihood of cumulative impacts with other planned or consented projects is also taken into account at this stage. An assessment is then made of whether the effect(s) of an impact upon an important ecological feature is likely to be considered 'significant' in EcIA terms.

Significant Effects

The EcIA Guidelines state that:

"Significance is a concept related to the weight that should be attached to effects when decisions are made. For the purpose of EcIA, 'significant effect' is an effect that either supports or undermines biodiversity conservation objectives for 'important ecological features' or for biodiversity in general……in broad terms, significant effects encompass impacts on structure and function of defined sites, habitats or ecosystems and the conservation status of habitats and species (including extent, abundance and distribution)." [our emphasis]

Put simply, an effect is considered significant if it is likely to change the structure and function of defined sites and ecosystems or the conservation status of habitats and species.

Professional judgement about significance is informed by conservation objectives for the affected feature, where available (for example conservation objectives set by Natural England for European designated sites, or in habitat and species action plans). The ‘conservation status’ (habitats and species) or the degree to which a feature is exhibiting ‘integrity’ in terms of structure, function and condition (defined sites or ecosystems) is also considered. The predicted effect of natural and man-made trends in the absence of development is also taken into account in determining the conservation status or integrity of a feature and in considering whether otherwise insignificant effects may contribute to a significant cumulative effect.

The CIEEM Guidelines state:

“The evaluation of significant effects should always be based on the best available scientific evidence. If sufficient information is not available further survey or additional research may be required. In cases of reasonable doubt, where it is not possible to robustly justify a conclusion of no significant effect, a significant effect should be assumed. Where uncertainty exists, it must be acknowledged in the EcIA.”

Appendix 4
Survey Methodology and Results

The ecological appraisal was completed in order to inform the masterplanning process and establish the appropriate scope of an Ecological Impact Assessment (EcIA) in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for the Ecological Impact Assessment in the UK and Ireland (2018 – updated in 2019). CIEEM's 2017 Guidelines for Preliminary Ecological Appraisal were also taken into account.

DESK STUDY METHODOLOGY

A desk study was carried out in order to gather and refer to existing biodiversity and contextual information with respect to the zone of influence and the wider area. This involved interrogation of internet resources, including the Multi-agency Geographic Information for the Countryside (MAGIC) and National Biodiversity Network (NBN), aerial photos, current Ordnance Survey maps and historical maps.

A request was made to Thames Valley Environmental Records Centre for any existing biological records in their database. The local records search and other desktop research was over a 2km radius for nationally and locally important features and European Protected Species and sites of European significance.

FIELDWORK METHODOLOGY

The field survey was completed by Natalie Compton and Siobhan Pryke on 4th March 2024. The core of the Site and immediately surrounding land was walked recording habitats and features of potential value to wildlife and any evidence of, or potential for, protected or notable species or habitats, in accordance with the methods described below.

Land Use, Habitat Types, Vegetation Communities and Flora

Within the study area the land use, habitat types and landscape features were described and mapped. For each main habitat type the dominant vegetation communities were recorded, along with any notable or indicator plant species, (including invasive species such as Japanese Knotweed where present). A preliminary evaluation of the structure, quality and likely management of each habitat or feature was also carried out.

The survey method used to record this information was based on UK Habitat Classification Methodology (UK Hab Working Group, 2018). Botanical nomenclature in this report follows Stace (2019).

Fauna

The potential for habitats and features to support protected or notable species, or species of principal importance for the purpose of conserving biodiversity, were recorded, as were any signs encountered.

Bats

Bats use buildings and trees for roosting and breeding and, where present, a preliminary assessment of the potential for these features to support bats was undertaken during the survey. Potential may include gaps beneath roof or hanging tiles, in soffits, or beneath the end of ridge tiles, but also under the edge of felt on flat roofs. In trees potential roosting features include woodpecker holes, splits in branches and peeling bark.

Preliminary Roost Assessment
An update daytime external and internal inspection (where access was permitted) was undertaken on the 4th March 2024 by Natalie Compton BSc (Hons) ACIEEM, a Natural England level 2 bat survey class licence holder, and Siobhan Pryke BSc (Hons) a Natural England level 1 bat survey class licence holder.

The buildings were searched externally and internally for evidence of use by bats. The search included looking for suitable bat roosting features and associated potential access/egress points. The search also included looking for direct evidence of bat use such as:

- the presence of bats;
- feeding remains;
- bat droppings on surfaces on and/or immediately adjacent to the building; and
- staining or scratch marks around suitable bat roost locations or suitable access points into the building.

The external surfaces/features of the buildings were thoroughly searched for evidence of bats, using a high-powered torch and binoculars. The internal inspection comprised of a search of the roof void for evidence of bats using boarded walkways where available.

Based on this assessment, each building was classified as either a confirmed roost, or as being of High, Medium, Low or Negligible suitability for roosting bats.

Emergence and Re-entry Surveys
To effectively cover all aspects and features with bat roosting potential, the Kennet Centre was divided into two cross-sectional halves creating an east side and a west side. In 2020 each of the two 'sides' were subject to three nights of survey in accordance with industry standard guidelines for structures possessing high suitability. Four dusk emergence and two dawn re-entry surveys were conducted on the Kennet Centre between August and September of 2020. The methods employed take due consideration of the Bat Survey Good Practice Guidelines produced by the Bat Conservation Trust (2016) which was the most up to date version of the guidelines at the time of survey.

In 2024 in order to updated the baseline and to verify that the baseline condition in relation to bats remained valid a further three emergence surveys were undertaken which included one update survey of the east side and two for the west side. These surveys were undertaken in accordance with the Bat Survey Good Practice Guidelines produced by the Bat Conservation Trust (2023).

Experienced bat surveyors were positioned in static locations in order to provide comprehensive coverage of the target buildings. Surveyor locations in 2020 are shown in **Map 7** and **Map 8** for 2024. Night Vision Aids (Nightfox Whiskers) were positioned adjacent to the surveyors in 2024 to provide coverage of the Potential Roost Features once light levels had dropped. Any bats seen or heard were recorded on a detailed map of the survey area, logging any emergence and egress feature, the time a bat was recorded, bat species/species group, number of bats, direction of flight (where observed) and behaviour, where possible, e.g. commuting, etc. Recordings were later analysed using appropriate software, e.g. Kaliedoscope to confirm identification to species/species groups, as necessary. Footage gathered from the Night Vision Aids were reviewed where activity close to the buildings was suspected or to verify behaviours.

Table A4.1 below details the weather conditions and timings of each survey.

Table A4.1: *Metadata for emergence/re-entry bat surveys of the Kennet Centre. Weather data reported as degrees Celsius, cloud cover (cc) and wind speed (using the Beaufort Scale (BF)).*

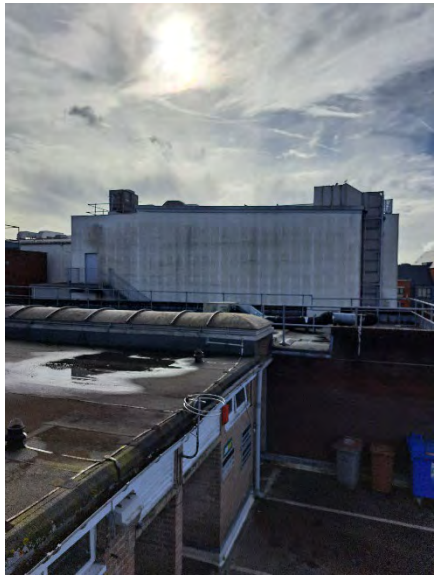
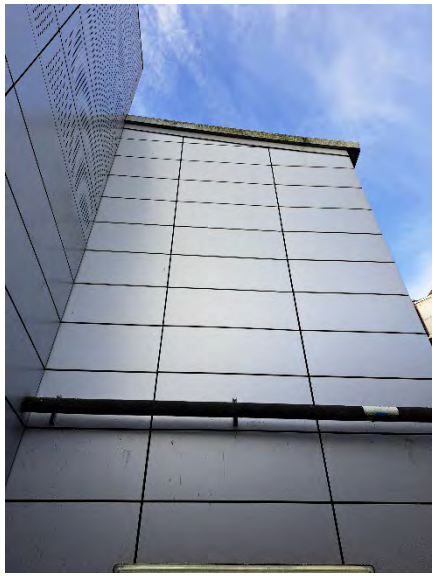
Date	Survey Type	Start Time	End Time	Weather Data
04/08/2020	Dusk	20:32	23:17	16.8°C – 15.2°C 90% cc BF 2-3
01/09/2020	Dusk	19:35	21:20	18.5°C – 17.3°C 100% cc BF 0
02/09/2020	Dawn	04:50	06:36	9.5°C – 7.9°C 30% cc BF 1
15/09/2020	Dusk	19:03	20:48	23°C - 17°C 80% BF 1-2
16/09/2020	Dawn	05:13	06:45	16°C - 15°C 70% cc BF 1
29/09/2020	Dusk	18:31	20:16	17.2°C – 14.4°C 60% cc BF 1-2
16/05/2024	Dusk (east)	20:38	22:23	19°C – 13°C 100cc BF 1-2
23/05/2023	Dusk (west)	20:47	22:23	15°C 100cc BF 1
19/06/2024	Dusk (west high street)	21:11	22:56	23°C 0cc BF 1
24/06/2024	Dusk (West Kennet centre)	21:10	22:55	18°C 0cc BF 0

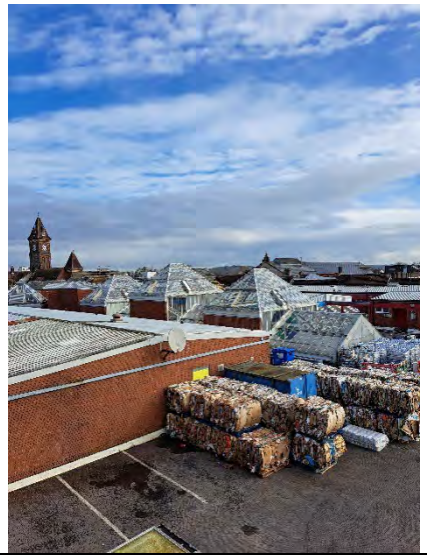
Appendix 5
Preliminary Roost Assessment Results

Unit Descriptions

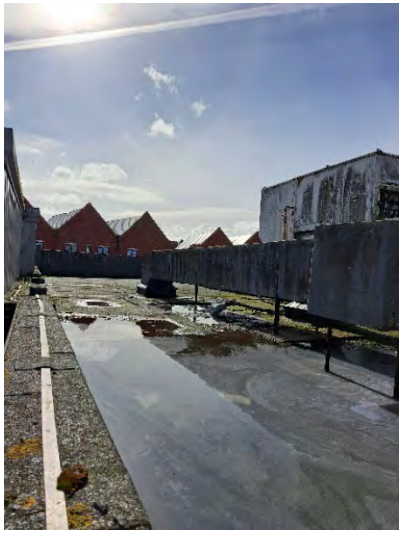
Table A5.1 blow provides a summary of the units recorded across the Site and their structure.

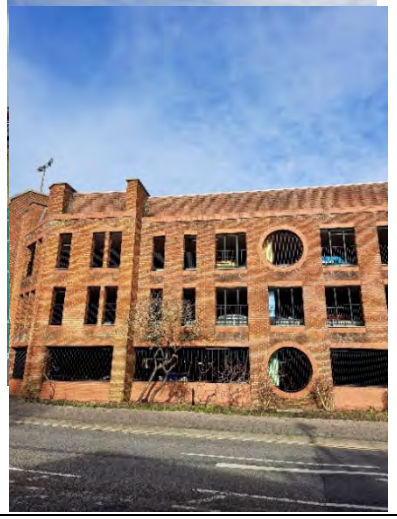
Table A5.1: The Kennet Centre units/buildings

Unit	Description	Photograph
Vue Cinema	Metal clad construction with a flat metal roof with plant present on the roof.	 

Unit	Description	Photograph
High Score/Sundaes Gelato/ Offices above	Brick construction with a flat bitumen felt roof. Concrete rendering also present in parts. Offices currently disused with suspension ceilings throughout and no roof void.	 
Kennet Shopping Centre	Composed of various sections. Predominately a brick build structure with sections of glass roofs that form the main shopping mall. Several units present within the roof used for storage. Most of these units are flat roof with bitumen or flashing roof materials. Sections of the main shopping centre has concrete blocks. Some areas have a pitched clay tile roof as illustrated.	 

Unit	Description	Photograph
		  

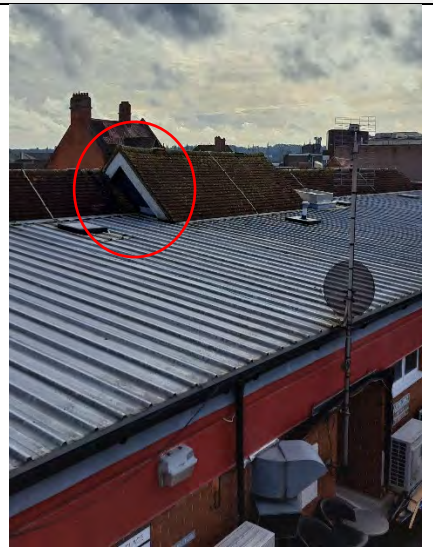
Unit	Description	Photograph
Pizza Express/offices above	A half mansard roof comprised of slate tiles and a brick-built structure. Concrete rendered.	 
Former Ignite night club	Brick built structure with a flat bitumen roof with areas of plant.	 

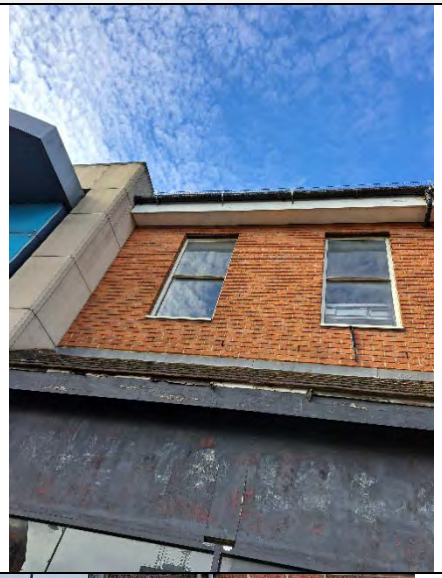
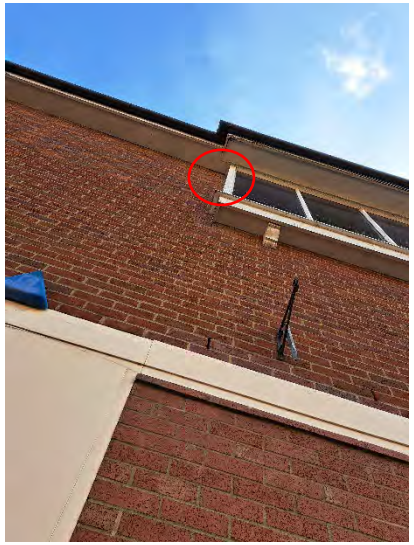
Unit	Description	Photograph
Multi Storey Car Park	Brick construction with sections of mansard slate tile roofs and pitched clay tile. Some sections open for parking. Interior mostly concrete and open windows.	   

Potential Roost Features

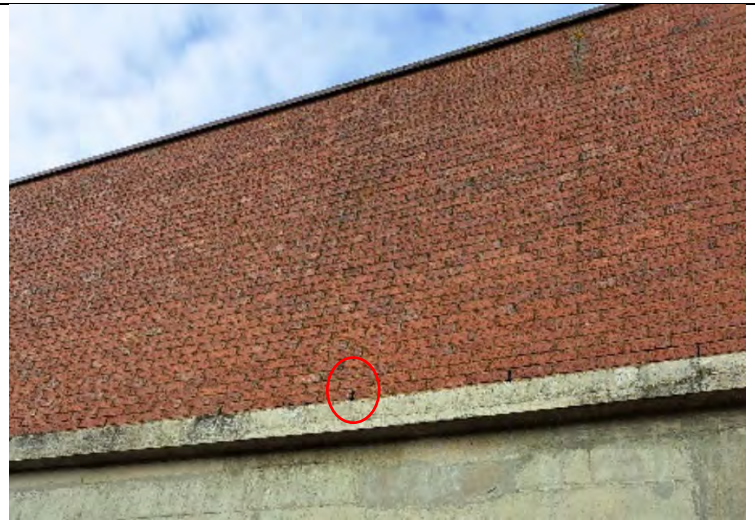
The 2024 Preliminary Roost Assessment recorded suitable roosting features across multiple elevations of the onsite buildings. Table A5.2 below provides details of all suitable roosting features recorded across the Site. Due to the size of the Site and the number of Potential Roost Features recorded, feature types have been grouped. For locations of suitable roosting features and a summary of the overall roost suitability assessment please see **Maps 5 and 6**.

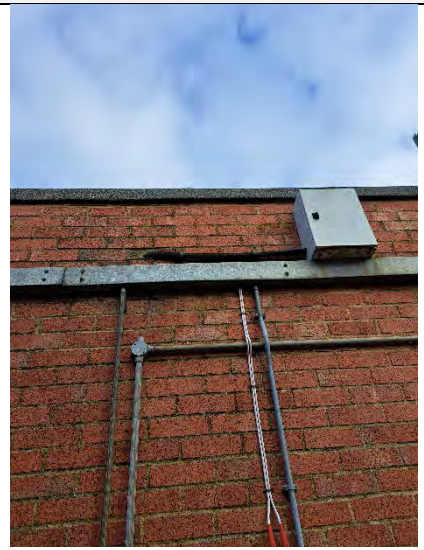
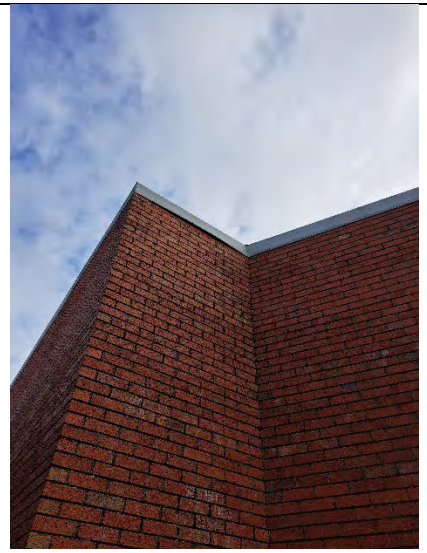
Table A5.2: Potential Roosting Features recorded across the Site

Potential Roost Feature	Notes	Photograph
Gaps beneath bargeboards	Wooden barge boards recorded across some of the retail units on the roof of the kennet centre. Gaps present between the bargeboard and wall suitable for crevice dwelling bats.	 

Potential Roost Feature	Notes	Photograph
Gap in soffits	Wooden soffit present around the kennet centre with small gaps between the base of the soffit and wall suitable for crevice dwelling bats.	 
Missing mortar in the brickwork	Several areas where mortar is missing in the brickwork suitable for crevice dwelling bats.	

Potential Roost Feature	Notes	Photograph
Lifted slate tiles	Slate tiles recorded on the unit above Pizza Express with gaps beneath slate tiles as illustrated suitable for crevice dwelling bats.	 
Lifted clay tiles	Lifted clay tiles to the south-west of the Kennet Centre. Tiles missing above the sunseekers unit where Common Pipistrelle bats recorded roosting in 2020.	 

Potential Roost Feature	Notes	Photograph
Vents	Vents recorded with no backing which may provide a suitable access point into the brickwork for crevice dwelling bats.	 
Weep holes in brickwork	Several weep holes recorded across the Kennet centre to provide draining. May provide suitable access into the brickwork for crevice dwelling bats.	

Potential Roost Feature	Notes	Photograph
Gaps beneath roofing felt	Gaps recorded beneath bitumen roof where roofing felt overlaps the building and creates a small gap beneath the felt. May be suitable for crevice dwelling species.	
Gaps around lead flashing	Gaps beneath lead flashing where slightly lifted as overlaps the roof. May provide a gap suitable for a crevice dwelling bat.	

Where permitted access was granted inside some of the retail units. No features suitable to support roosting bats were noted and no signs of evidence of use by roosting bats were recorded. Photographs are provided below of the interior to some of the retail units.

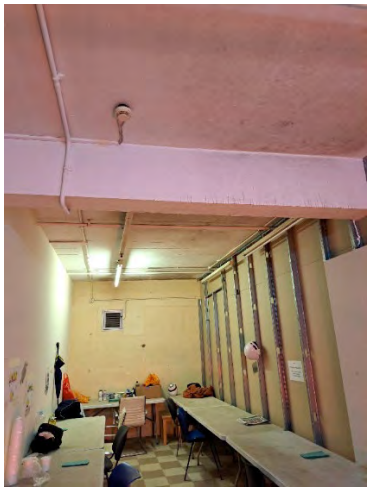


Photo 1. Interior of one of the small storage units on the roof of the Kennet Centre

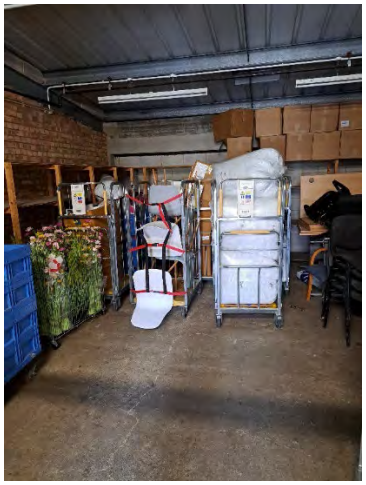


Photo 2. Interior to another storage unit

Photo 3. Open unit near to substation – nesting Pigeons recorded

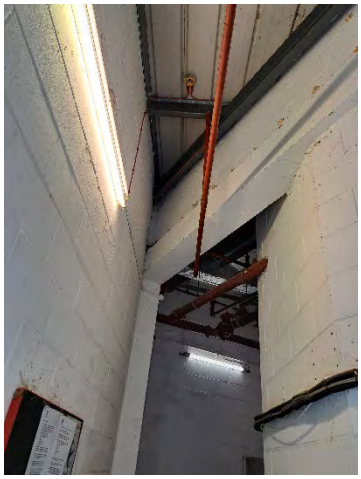


Photo 4. Interior to stairwell into the shopping mall

Photo 5. Interior to disused offices above sundaes Gelato

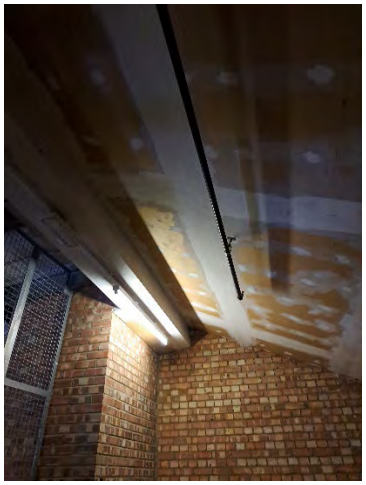


Photo 6. Interior to another storage unit

Appendix 6

Natural England Response - 462175 - 426 dwellings & Commercial units, The Mall - The Kennet Centre Newbury RG14 5EN - 23/02094/FULMAJ

From: Behnke, Piotr
Sent: 16 February 2024 12:33
To: Planapps
CC: Matthew Shepherd
Subject: Natural England Response - 462175 - 4 26 dwellings & Commercial units, The Mall The Kennet Centre Newbury RG14 5EN - 23/02094/FULMAJ

This is an EXTERNAL EMAIL. STOP. THINK before you CLICK links or OPEN attachments.

FAO: Matthew Shepherd

Dear Mr Shepherd,

Many thanks for consulting Natural England regarding the proposals for redevelopment of the Kennet Centre in Newbury and apologies for the delay in responding.

Having looked at the location of the development and checked this with a colleague in land management I can confirm that we wouldn't have any specific concerns regarding designated sites. The River Kennet SSSI is some ~80m to the north of the tip of the proposal boundary however does have other land use in between it and the site so there isn't likely to be any direct impact pathway.

It would be useful however to ensure that the demolition and construction phases had a Construction Environmental Management Plan (CEMP) which would ensure that dust / noise / run off etc are controlled for as would be expected.

Any changes implemented through the new proposals should hopefully be incorporating a greening element to help combat climate change and the urban heat island effect locally as any areas of green space will aid in combating this. Equally these areas would also encourage some biodiversity to come to what was previously otherwise a concrete and brick dominated roofscape which would only be a good thing.

The site is outside of the River Lambourn catchment so would not be required to account for being nutrient neutral.

I trust that this satisfies your requirements however do let me know if not.

Regards,

Piotr Behnke
Lead Adviser
Planning and UAS
Thames Solent Team
0208 026 3893

From: Planapps@westberks.gov.uk <Planapps@westberks.gov.uk>
Sent: Tuesday, December 19, 2023 2:42 PM
To: SM-NE-Consultations (NE) <consultations@naturalengland.org.uk>
Subject: Consultation on Planning Application 23/02094/FULMAJ The Mall The Kennet Centre Newbury RG14 5EN

Please see attached.

Appendix 7
2020 Bat Survey Methods and Results (EPR)

Bats

Daytime Inspection

Method

A desk study was carried out in order to gather and refer to existing biodiversity and contextual information with respect to the Zone of Influence and the wider area. This involved interrogation of internet resources including the Government's Multi-Agency Geographic Information for the Countryside (MAGIC), aerial photos and current Ordnance Survey maps. Reference was also made to local planning policies, strategies and initiatives relating to biodiversity as detailed in **Appendix 1**. Thames Valley Environmental Records Centre were commissioned to provide information from their databases on existing data. Records of protected bat species were identified within a 2km radius of the Site.

The field survey was completed by Ann Bailey and Collen Hope, a licensed bat ecologist, on 31st July 2020. The site and the predicted Zone of Influence of the proposals was walked, recording features of potential value to bats and any evidence of, or potential for bats to be using the site in accordance with the methods described below. The Site was inspected from both street and roof level. Internal areas with potential to support roosting bats (for example loft voids) were inspected where access was permitted.

Results

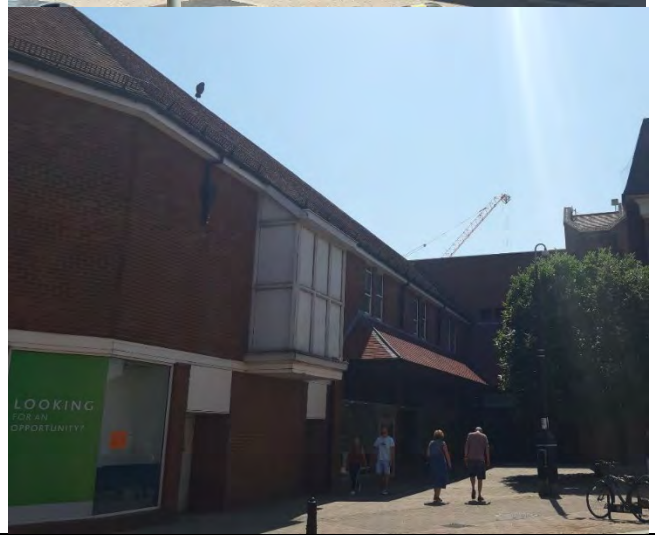
See **Table A7.1** below for unit-by-unit results of the daytime inspection for bats.

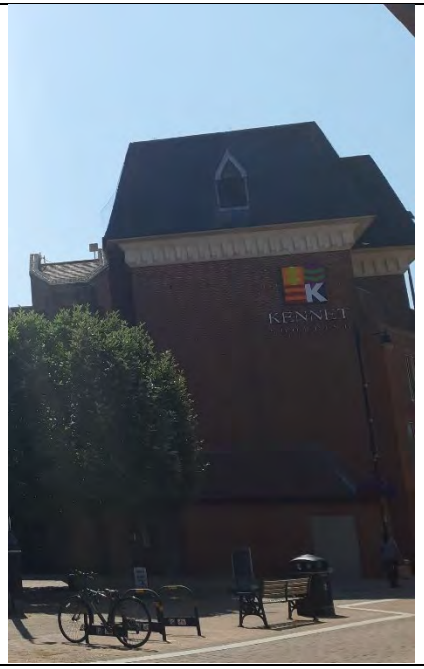
Table A7.1 2020 Daytime Inspection Results, Kennet Centre

Unit Details	Corresponding Ground Level Surveyor Position (Map 5)	Bat Potential Rating	Notes	Photo
Vue Cinema	-	Negligible	Might be retained as part of proposals. Metal cladding, no weep holes, brick beneath, flat roof. No potential roosting features	-
Two vacant lots and Sundaes Gelato	1	Low	Brick, flat roof, very few weep holes, no visible gaps around windows, habitat immediately adjacent is poor. Some brick gaps around the corner, visible from position A at the bus stop	

Out of boundary, Save the Children, Classic Tattoo and The Catherine Wheel pub	1/2	High	Not within boundary, clay tiled roof, clay hanging tiles, approximately 50% of roof tiles were slipped/cracked providing gaps across roof	
Number 96	2	High	Brick walls with weep holes, clay tile roof with slipped tiles	
Coral and one-stop	2/3	High	Brick walls and weep holes, 20% slipped or missing tiles, soffits with gaps	

Vacant and Pizza express	3	Moderate	Slate tiled roof, gaps around grouting at edge (visible from roof), rendered wall over brick, sash windows.	
Vacant, Nero and Laura Ashley	4	High	Weep holes in brickwork, clay roof next to globe with hanging tiles, clay roof behind attached to Kennet Centre. Cladding	
The Newbury	5	High	Out of boundary, clay tiled roof, brick, slate roof	

Vacant Debenhams up to multi-storey	6 + 7	High	Bricks, gaps to wooden soffit and barge board on side, 5-10% gaps, weep holes	 

Multi-storey car park	7/8	High	Not within current boundary, lots of weep holes and gaps in brickwork , slate roof with gaps around windows and soffit	
Brick wall with metal murals	-	Negligible	Flat roof, gaps around metal murals, no visible gaps in brickwork	-
Old nightclub next to ramp	8	Low	Flat roof, some gaps and weep holes in brickwork with roosting potential, no visible gaps around windows	

Emergence and Re-entry Surveys

Methods

To effectively cover all aspects and features with bat roosting potential, the Kennet Centre was divided into two cross-sectional halves creating an east side and a west side. Each of the two 'sides' were subject to three nights of survey in accordance with industry standard guidelines for structures possessing high suitability. Four dusk emergence and two dawn re-entry surveys were conducted on the Kennet Centre between August and September of 2020. The methods employed take due consideration of the Bat Survey Good Practice Guidelines produced by the Bat Conservation Trust (2016).

Experienced bat surveyors were positioned in static locations in order to provide comprehensive coverage of the target buildings. Surveyor locations are shown in **Map 7**. Using standard recording techniques, a note was made of each bat pass. Surveyors used a combination of heterodyne, auto-heterodyne, time expansion and frequency division bat detectors (Petterson D240X, Anabat Scout and Bat Box Duet) and recordings were made where appropriate, to enable subsequent analysis of calls.

Results

Three species of bat were recorded; Noctule bat, Common Pipistrelle and Soprano Pipistrelle. Of these three, Common Pipistrelle were recorded most frequently, however all three species were recorded in overall low numbers and no significant foraging or commuting behaviour was observed.

A single Common Pipistrelle was recorded on two occasions (04th August and 01st September) emerging from the clay tiled roof above the Sunseekers retail unit adjacent to the multi-story car park. On both occasions, the bat was then observed foraging around the car park before heading off south-west to forage. A Common Pipistrelle was also observed on the second dawn survey (16th September) foraging close to re-entry time around the tree in front of the Sunseekers retail unit. This bat did not re-enter however and flew off shortly before sunrise.