

**Swaffham Prior proposed Heat
Network Scheme**

Bat Survey Report

July 2020

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1 Summary

- 1.1 Prospus Ltd is in the process of the creation of a Heat Network Scheme which includes the installation of a PV solar array, ground source heat pump, pipe and cable work to connect to the residential properties of Swaffham Prior. An agricultural storage building within the south of the Site will be redeveloped into the energy centre for this scheme.
- 1.2 A preliminary roost inspection of the agricultural storage building within the Site revealed low potential for the building to support roosting bats. The results of a dusk bat emergence survey revealed no evidence of roosting bats and it is considered unlikely that bats are roosting within this building.
- 1.3 No further bat survey is considered necessary.

2 Introduction

Background to commission

- 2.1 Prospus Ltd is in the process of the creation of a Heat Network Scheme which includes the installation of a PV solar array, ground source heat pump, pipe and cable work to connect to the residential properties of Swaffham Prior. An agricultural storage building within the south of site will be redeveloped into the energy centre for this scheme.
- 2.2 Lloyd Bore Ltd issued a Preliminary Ecological Appraisal Report (Lloyd Bore Ltd, 2020) which sets out potential impacts on ecological features within and adjacent to the Site as a result of the construction and operation of the proposed Heat Network Scheme. BSG Ecology was commissioned by Prospus Ltd in June 2020 to undertake a preliminary bat roosting assessment of the agricultural building that will be materially impacted by the proposed development.

Site description

- 2.3 The Site supports a range of habitats including residential and commercial properties, woodland, arable land and gardens (grassland, scattered trees and scrub) which cover the settlement of Swaffham Prior in Cambridgeshire and an area of arable land to the south east of the settlement.
- 2.4 The cable route is predominantly hard standing paths and roads which extend into the gardens of residential properties. The gardens comprise a mix of improved grassland, scattered trees, paving and gravel. The PV Solar rays will be located within the south of the Site which is currently arable land. The agricultural storage building will be materially changed by the redevelopment of the building into the energy centre for the Heat Network Scheme. This will include changes to the internal environment once during the operational phase of constructions as well as likely disturbance during the construction phase.
- 2.5 The building is located adjacent to the arable land south of Swaffham Prior off Heath Road. A native species poor hedgerow is in close proximity to the northern elevation of the building.

Aims of study

- 2.6 The aim of the survey was to assess the suitability of the agricultural storage building to support roosting bats and characterise the status of any roosts identified.
- 2.7 This report presents the following:
- Details of the methods and findings of an external daytime building inspection survey and dusk roost emergence survey of the agricultural storage building
 - An assessment of potential impacts of proposed redevelopment proposals for the agricultural storage building

3 Methods

Preliminary Bat Roost Assessment

- 3.1 A preliminary roost assessment was undertaken by Claire Wiggs GradCIEEM, Ecologist at BSG Ecology on 25 June 2020. The survey comprised an external inspection of all accessible areas of the building in accordance with industry standard guidance (Collins, 2016).
- 3.2 During the external survey, the exterior of the building was inspected for potential roosting features (PRFs), such as gaps into the roof, raised ridge tiles, gaps leading into masonry and splits in external timbers. Evidence of use by bats was also searched for, such the presence of bat droppings, urine splashes and characteristic fur staining around access points. A high-powered torch and binoculars were used to aid the assessment.
- 3.3 Following the survey, the building was assigned a category for its suitability to support roosting bats based on the presence of potential roosting features as summarised in Table 1 below. The categories were determined using the results of the building inspection.

Table 1: Building suitability for roosting bats (adapted from Collins, 2016)

Suitability	Roosting Habitat
Negligible	A structure with no or potential PRFs, which is isolated from suitable foraging habitat.
Low	A structure with one or more PRFs which have a very limited suitability to be used by individual opportunistic bats. Any identified features are lacking in the correct dimensions or conditions and/or are not connected to suitable foraging habitat that could be used by a larger number of bats.
Moderate	A structure with one or more PRFs which could be used by bats because of their dimension and conditions. However, these features are unlikely to support a roost of high conservation status with respect to roost type only. The structure may also have PRFs which are obscured or not possible to survey from the ground level. The surrounding habitat is continuous and/or well connected to the wider landscape.
High	A structure with one or more PRFs which are obviously suitable for use by a larger number of bats on a more regular basis and potentially for longer periods of time, due to their dimensions and conditions. The surrounding habitat is high quality, continuous and/or well connected to the wider landscape.
Confirmed Roost	Presence of bats or evidence of recent use by bats.

Emergence survey for bats

- 3.4 As the agricultural storage building was assessed to be of low suitability for roosting bats, a further bat survey was undertaken to confirm bat presence or likely absence and/or characterise any roosts present.
- 3.5 One dusk bat emergence survey was undertaken of the buildings on 02 July 2020, in accordance with industry standard guidance (Collins, 2016). The dusk emergence survey started 15 minutes before sunset (21:20) and continued until 1.5 hours after sunset. The survey was led by Jonathan Durward Natural England Licence Number 2015-11967-CLS-CLS) and assisted by Claire Wiggs.
- 3.6 Surveyors were each equipped with a Bat Box Duet and Anabat Express bat detector or bat logger, which allowed them to record bat calls for later analysis. The surveyors were positioned so that all elevations with potential bat access points could be observed.
- 3.7 Weather conditions were calm and dry, with heavy cloud cover. Temperature during the survey ranged from 16°C to 17°C.

Limitations to survey

- 3.8 The presence of asbestos within the building was unknown at the time of the survey and considered likely to be present so the building was not entered due to the potential health and safety risk of exposure to asbestos. This limited any access inside the building and prevented an internal building inspection from being undertaken. This is not considered to be a limitation to the survey as an external inspection and emergence survey has been undertaken.
- 3.9 Given the Low suitability of the building and lack of evidence from surveys undertaken is considered unlikely that further information would have been recorded from an internal inspection or that an internal inspection would have altered the findings in this report.

Personnel

- 3.10 The daytime building inspection and report was carried out by Claire Wiggs GradCIEEM who has over 2 years' experience in consultancy and in carrying out building assessment for bats.
- 3.11 The dusk roost emergence survey was led by Jonathan Durward, an experience bat surveyor holding a Natural England Licence Number 2015-11967-CLS-CLS.
- 3.12 The report has been technically reviewed by Dr Roger Buisson. Roger has over 30 years' experience evaluating and assessing sites and habitats. Further details of his experience and qualifications can be found at https://www.bsg-ecology.com/portfolio_page/roger-buisson-director-of-ecology-cambridge/.

4 Results and Interpretation

Preliminary Bat Roost Assessment

Description

- 4.1 A one storey agricultural storage building with solid walls constructed of brick. The roof is pitched and comprised of corrugated fibre board. Photographs of the north, east, south and western elevations of the building are provided within Section 6 of this report.

Potential access points

- 4.2 The roof is generally well sealed though has obviously been subject to minor repairs. Gaps are present on the eastern and western elevation on the building. No access points were identified on the northern or southern elevations. The presence or likely absence of opportunities for bats to roost internally are unknown.

Evidence of bats

- 4.3 No evidence of roosting bats was identified during the external inspections. Photographs of all of the external elevations of the building are available in Section 6.

Other species

- 4.4 No evidence of nesting birds was noted during the external building inspection but feral pigeon *Columba livia* was noted entering the western elevation. It is possible that birds may be nesting inside the building.

Emergence survey for bats

- 4.5 No bats were recorded emerging from the building during the dusk emergence survey on 02 June 2020, despite suitable weather conditions for survey.
- 4.6 The first bat observed around the location of the building was a common pipistrelle *Pipistrellus pipistrellus* which was recorded at 21:55 (35 minutes after sunset). Pipistrelle species typically emerge from roost sites around the time of sunset, given the time of this recording this bat is likely to be roosting elsewhere. Activity was recorded of common pipistrelle foraging around the building, with a single pipistrelle accounting for the majority of bat passes recorded. No other species was recorded.

Conclusion

- 4.7 No evidence of roosting bats was discovered during the daytime building inspection or the dusk roost emergence survey. It is therefore concluded that the agricultural storage building is unlikely to support roosting bats.

Nesting birds

- 4.8 Evidence of nesting birds (likely feral pigeon) was noted during the external inspection, and therefore works on the building (for example installation of scaffolding, and any repair works to external timbers) during the nesting bird season have potential to result in the damage and/or destruction of active nests, if present, which would contravene legislation.
- 4.9 All breeding birds, their eggs and nests are protected against killing, taking and damage under the Wildlife and Countryside Act (WCA, 1981) as amended (see Appendix 1 for further information).
- 4.10 As a guide, the bird nesting season is between late February and August inclusive; dates vary by species and can be affected by prevailing weather conditions. Feral pigeons however are known to breed throughout the year.
- 4.11 It is recommended that a pre-construction check of the building is carried out in advance of the works by a suitably experienced contractor (this could also be undertaken by the bat ecologist when attending the site for the toolbox talk). If any active nests are found at this point, or during the course of construction, works on Site should be delayed / stopped and advice sought from an experienced ecologist.

5 References

Collins (2016). Collins, J. (ed.) (2016). *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn)*. The Bat Conservation Trust, London.

Lloyd Bore Ltd (2020). *Preliminary Ecological Appraisal*. Lloyd Bore Ltd, Canterbury, Kent.

6 Photographs

<p>P1: Northern elevation of the building.</p>	<p>P2: Eastern elevation of the building.</p>
	
<p>P3: Southern elevation of the building.</p>	<p>P4: Western elevation of the building.</p>
	

Appendix 1: Summaries of Relevant Policy, Legislation and Other Instruments

This section briefly summarises the legislation, policy and related issues that are relevant to the main text of the report. The following text does not constitute legal or planning advice.

National Planning Policy Framework

The Government revised the National Planning Policy Framework (NPPF) on 19 February 2019. Text excerpts from the NPPF are shown where they may be relevant to planning applications and biodiversity including protected sites, habitats and species.

The Government sets out the three objectives for sustainable development (economy, social and environmental) at paragraphs 8-10 to be delivered through the plan preparation and implementation level and 'are not criteria against which every decision can or should be judged.' At paragraph 8c) the planning system's environmental objective refers to 'protecting and enhancing our natural, built and historic environment' and to 'helping to improve biodiversity'

In conserving and enhancing the natural environment, the NPPF (Paragraph 170) states that 'planning policies and decisions should contribute to and enhance the natural and local environment' by:

- Protecting and enhancing...sites of biodiversity value... '(in a manner commensurate with their statutory status or identified quality in the development plan)'.
- Recognising the wider benefits from natural capital and ecosystem services including trees and woodland.
- Minimising impacts on and providing net gains in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

In respect of protected sites, at paragraph 171, the NPPF requires local planning authorities to distinguish, at the plan level, '...between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value...take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.'

Paragraph 174 refers to how plans should aim to protect and enhance biodiversity. Plans should: 'identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity [a footnote refers to ODPM Circular 06/2005 for further guidance in respect of statutory obligations for biodiversity in the planning system], wildlife corridors and stepping stones that connect them and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation;' and to 'promote the conservation, restoration and re-creation 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 175 advises that, when determining planning applications, '...local planning authorities should apply the following principles:

- a. if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b. development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments) should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c. development resulting in the loss or deterioration of irreplaceable habitats, (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d. 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 paragraph 176, the following should be given the same protection as habitats sites¹:

- i. potential Special Protection Areas and possible Special Areas of Conservation
- ii. listed or proposed Ramsar sites; and
- iii. sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.'

In paragraph 177 the NPPF refers back to sustainable development in relation to appropriate assessment and states: 'the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site'.

In paragraph 178, the NPPF refers to planning policies and decisions taking account of ground conditions and risks arising from land instability and contamination at sites. In relation to risks associated with land remediation account is to be taken of 'potential impacts on the natural environment' that arise from land remediation.

In paragraph 180 the NPPF states that planning policies and decisions should ensure that development is appropriate to the location and take into account likely effects (including cumulative) on the natural environment and , in doing so, they 'should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Government Circular ODPM 06/2005 Biodiversity and Geological Conservation

Paragraph 98 of Government Circular 06/2005 advises that "the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult Natural England before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species' protection provisions affecting the site concerned..."

Paragraph 99 of Government Circular 06/2005² advises that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted".

Standing Advice (GOV.UK)

The GOV.UK website provides information regarding protected species and sites in relation to development proposals: 'Local planning authorities should take advice from Natural England or the Environment Agency about planning applications for developments that may affect protected species.' GOV.UK advises that 'some species have standing advice which you can use to help with planning decisions. For others you should contact Natural England or the Environment Agency for an individual response.'

¹ Habitats sites are defined in the glossary as 'Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 (as amended) for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.'

² ODPM Circular 06/2005. *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impacts within the Planning System* (2005). HMSO Norwich.

The standing advice (originally from Natural England and now held and updated on GOV.UK³) provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides advice on survey and mitigation requirements.

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

Natural Environment and Rural Communities (NERC) Act 2006 – Habitats and species of principal importance

The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Section 41 (S41) of the Act require the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England as required by the Act. In accordance with the Act the Secretary of State keeps this list under review and will publish a revised list if necessary, in consultation with Natural England.

The S41 list is used to guide decision-makers such as public bodies, including local authorities and utilities companies, in implementing their duty under Section 40 of the NERC Act 2006, to have regard to the conservation of biodiversity in England, when carrying out their normal functions, including development control and planning. This is commonly referred to as the 'Biodiversity Duty.'

Guidance for public authorities on implementing the Biodiversity Duty⁴ has been published by Defra. One of the key messages in this document is that 'conserving biodiversity includes restoring and enhancing species populations and habitats, as well as protecting them.' In England the administration of the planning system and licensing schemes are highlighted as having a 'profound influence on biodiversity conservation.' Local authorities are required to take measures to "promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species. The guidance states that 'the duty aims to raise the profile and visibility of biodiversity, clarify existing commitments with regard to biodiversity, and to make it a natural and integral part of policy and decision making.'

In 2007, the UK Biodiversity Action Plan (BAP) Partnership published an updated list of priority UK species and habitats covering terrestrial, freshwater and marine biodiversity to focus conservation action for rarer species and habitats in the UK. The UK Post-2010 Biodiversity Framework⁵, which covers the period from 2011 to 2020, now succeeds the UK BAP. The UK priority list contained 1150 species and 65 habitats requiring special protection and has been used as a reference to draw up the lists of species and habitats of principal importance in England.

In England, there are 56 habitats of principal importance and 943 species of principal importance on the S41 list. These are all the habitats and species found in England that were identified as requiring action in the UK BAP and which continue to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework.

European protected species (Animals)

The Conservation of Habitats and Species Regulations 2017 (as amended) consolidates various amendments that have been made to the original (1994) Regulations which transposed the EC Habitats Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Council Directive 92/43/EEC) into national law.

"European protected species" (EPS) of animal are those which are shown on Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended). They are subject to the provisions of Regulation 43 of those Regulations. All EPS are also protected under the Wildlife and Countryside Act 1981 (as amended). Taken together, these pieces of legislation make it an offence to:

³ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals#standing-advice-for-protected-species>

⁴ Defra, 2007. *Guidance for Public Authorities on Implementing The Biodiversity Duty*. (<http://www.defra.gov.uk/publications/files/pb12585-pa-guid-english-070516.pdf>)

⁵ JNCC and Defra (on behalf of the Four Countries' Biodiversity Group). 2012. *UK Post-2010 Biodiversity Framework*. July 2012. (<http://jncc.defra.gov.uk/page-6189>)

- a. Intentionally or deliberately capture, injure or kill any wild animal included amongst these species
- b. Possess or control any live or dead specimens or any part of, or anything derived from a these species
- c. deliberately disturb wild animals of any such species
- d. deliberately take or destroy the eggs of such an animal, or
- e. intentionally, deliberately or recklessly damage or destroy a breeding site or resting place of such an animal, or obstruct access to such a place

For the purposes of paragraph (c), disturbance of animals includes in particular any disturbance which is likely—

- a. to impair their ability—
 - i. to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- b. to affect significantly the local distribution or abundance of the species to which they belong.

Although the law provides strict protection to these species, it also allows this protection to be set aside (derogated) through the issuing of licences. The licences in England are currently determined by Natural England (NE) for development works and by Natural Resources Wales in Wales. In accordance with the requirements of the Regulations (2017, as amended), a licence can only be issued where the following requirements are satisfied:

- a. 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'
- b. 'There is no satisfactory alternative'
- c. The proposals 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.'

Definition of breeding sites and resting places

Guidance for all European Protected Species of animal, including bats and great crested newt, regarding the definition of breeding and of breeding and resting places is provided by The European Council (EC) which has prepared specific guidance in respect of the interpretation of various Articles of the EC Habitats Directive.⁶ Section II.3.4.b) provides definitions and examples of both breeding and resting places at paragraphs 57 and 59 respectively. This guidance states that 'The provision in Article 12(1)(d) [of the EC Habitats Directive] should therefore be understood as aiming to safeguard the ecological functionality of breeding sites and resting places.' Further the guidance states: 'It thus follows from Article 12(1)(d) that such breeding sites and resting places also need to be protected when they are not being used, but where there is a reasonably high probability that the species concerned will return to these sites and places. If for example a certain cave is used every year by a number of bats for hibernation (because the species has the habit of returning to the same winter roost every year), the functionality of this cave as a hibernating site should be protected in summer as well so that the bats can re-use it in winter. On the other hand, if a certain cave is used only occasionally for breeding or resting purposes, it is very likely that the site does not qualify as a breeding site or resting place.'

Birds

All nesting birds are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition to this, for some rarer species (listed on Schedule 1 of the Act), it is an offence to disturb them whilst they are nest building or at or near a nest with eggs or young, or to disturb the dependent young of such a bird.

The Conservation of Habitats and Species Regulations 2017 (as amended) places duties on competent authorities (including Local Authorities and National Park Authorities) in relation to wild bird habitat. These provisions relate back to Articles 1, 2 and 3 of the EC Directive on the conservation of wild birds

⁶ Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC. (February 2007), EC.

(2009/147/EC, 'Birds Directive'⁷) (Regulation 10 (3)) requires that the objective is 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, as appropriate, having regard to the requirements of Article 2 of the new Wild Birds Directive...' Regulation 10 (7) states: 'In considering which measures may be appropriate for the purpose of security or contributing to the objective in [Regulation 10 (3)] Paragraph 3, appropriate account must be taken of economic and recreational requirements'.

In relation to the duties placed on competent authorities under the 2017 Regulations, Regulation 10 (8) states: 'So far as lies within their powers, a competent authority in exercising any function [including in relation to town and country planning] in or in relation to the United Kingdom must use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds (except habitats beyond the outer limits of the area to which the new Wild Birds Directive applies).'

⁷ 2009/147/EC Birds Directive (30 November 2009. European Parliament and the Council of the European Union.