



# **Appendix C: Biodiversity Legislative Framework and Best Practice Guidance**

**Streetscape Design Guide 2025**

**Worcestershire County Council**

## Appendix C:

# Biodiversity Legislative Framework and Best Practice Guidance

### 1. Biodiversity legislative framework and best guidance framework

The biodiversity legislative framework and best guidance framework is not limited to the following sources and developers should refer to these where applicable:

### 2. Local Nature Recovery Strategies (LNRS)

[Worcestershire Local Nature Recovery Strategy | Worcestershire County Council](#)

LNRS are a requirement of The Environment Act (2021) and The Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023. LNRS are statutory spatial planning documents establishing local biodiversity and natural environment priorities, and support Biodiversity Net Gain design and implementation. Worcestershire County Council's LNRS sets out the county's biodiversity priorities, key actions for nature's recovery ("Measures") and provides an interactive Local Habitat Map ("LHM"). Worcestershire County Council's LHM identifies the county's Areas of Particular Importance for Biodiversity and locations where the implementation of described Measures, such as considering adverse effects of Artificial Light at Night on biodiversity, can most effectively support nature's recovery.

### 3. Environment Act 2021

[Environment Act 2021 \(legislation.gov.uk\)](#)

The Environment Act 2021 makes provision about targets, plans and policies for improving the natural environment; for statements and reports about environmental protection; for the Office for Environmental Protection; about waste and resource efficiency; about air quality; for the recall of products that fail to meet environmental standards; about water; about nature and biodiversity including environmental monitoring and the insertion of requirements to achieve Biodiversity Net Gain (BNG) into the Town and Country Planning Act; to secure BNG via the creation of conservation covenants; regulation of chemicals; and for connected purposes.

### 4. The Wildlife and Countryside Act 1981 (WCA)

[Wildlife and Countryside Act 1981 \(legislation.gov.uk\)](#)

The WCA is the major legal instrument for wildlife protection in the UK. This legislation is how the Convention on the Conservation of European Wildlife and Natural Habitats (the 'Bern Convention'), the Convention on the Conservation of Migratory Species of Wild Animals (the 'Bonn Convention') and the European Union Directive on the Conservation of Wild Birds (79/409/EEC) (EC Birds Directive) are implemented in Great Britain (see below). The Act makes it an offence (subject to exceptions) to intentionally kill, injure or take any wild animal listed on Schedule 5 or wild bird not listed in Schedule 2; and prohibits interference with places used for shelter or protection and intentionally disturbing animals occupying such places. The Act makes it an offence (subject to exceptions) to intentionally pick, uproot or destroy any wild plant listed in Schedule 8.

## 5. Habitats Directive

[The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(legislation.gov.uk\)](#)

The Habitats Directive is transcribed into national legislation through The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations (2019).

The provisions of the Habitats Regulations include:

- designation, management, monitoring and protection of the National Site Network, including SACs, SPAs and RAMSARs
- protections of listed rare and vulnerable habitats and species of plants and animals. Use the link below to access the relevant legislation.

The aim of the Habitats Directive is to 'maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest' (Habitats Directive, Article 2(2)).

## 6. Protection Of Badgers Act 1992

[Protection of Badgers Act 1992 \(legislation.gov.uk\)](#)

The Protection of Badgers Act 1992 protects badgers and their setts. Offences under the Act include killing, injuring, or taking a badger, or to damage or interfere with a sett unless a license is obtained from the relevant statutory authority.

## 7. Countryside and Rights of Way Act 2000 (CRoW Act 2000)

[Countryside and Rights of Way Act 2000 \(legislation.gov.uk\)](#)

The CRoW Act provides for public access on foot to certain types of land, amends the law relating to public rights of way, increases measures for the management and protection for Sites of Special Scientific Interest (SSSI) and strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty (AONB).

The Act places a duty on Government Departments and the National Assembly for Wales to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity. Schedule 9 of the Act amends SSSI provisions of the Wildlife and Countryside Act 1981, including provisions to change SSSIs and providing increased powers for their protection and management. Schedule 12 of the Act amends the species provisions of the Wildlife and Countryside Act 1981, strengthening the legal protection for threatened species. The provisions make certain offences ‘arrestable,’ create a new offence of reckless disturbance, confer greater powers to police and wildlife inspectors for entering premises and obtaining wildlife tissue samples for DNA analysis, and enable heavier penalties on conviction of wildlife offences.

## **8. Natural Environment and Rural Communities (NERC) Act 2006**

[Natural Environment and Rural Communities Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

The NERC Act makes provision in respect of biodiversity, pesticides harmful to wildlife and the protection of birds, and in respect of invasive non-native species. It alters enforcement powers in connection with wildlife protection and extends time limits for prosecuting certain wildlife offences.

Section 40(1) imposes a duty to conserve biodiversity:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

Section 40(3) of the Act explains that: “Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.”

The duty applies to all local authorities and extends beyond just conserving what is already there to conducting, supporting, and requiring actions that may also restore or enhance biodiversity.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list (including 56 habitats and 943 species) has been drawn up in consultation with Natural England and draws upon the UK Biodiversity Action Plan (BAP) List of Priority Species and Habitats. The S41 list should be used to guide decision-makers such as local and regional authorities when implementing their duty: to have regard to the conservation of biodiversity in the exercise of their normal functions – as required under Section 40 of the NERC Act 2006.

The Environment Act further strengthens the S.40 NERC Biodiversity by requiring Public Authorities to “consider what action the authority can properly take, consistently with the proper exercise of its functions, to conserve and enhance biodiversity”, to have regard to any protected Site Strategies, Species Conservation Strategies and Local Nature Recovery Strategies, and to periodically report to Government on the actions taken towards this new ‘Biodiversity Objective’. This Biodiversity

Objective is intended to contribute to the achievement of national goals and targets for biodiversity, as set out in the Environment Improvement Plan (EIP23) published by the Government in January 2023.

EIP23 commits to:

1. Halt the decline in species abundance by 2030.
2. Protect 30% of UK land by 2030 and by 2042:
  - increase species abundance by at least 10% from 2030, surpassing 2022 levels.
  - restore or create at least 500,000 ha of a range of wildlife rich habitats.
  - reduce the risk of species extinction.
  - restore 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term.

Please also refer to the [Environmental Improvement Plan 2023](https://www.gov.uk/government/publications/environmental-improvement-plan-2023) - GOV.UK (www.gov.uk) to improve the natural environment.

## 9. Hedgerow Regulations 1997

[The Hedgerows Regulations 1997 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

The Hedgerows Regulations 1997 protect most countryside hedgerows from being removed (including being uprooted or otherwise destroyed) without prior permission from the local planning authority. The Regulations set out criteria for identifying important hedgerows, for which greater protection is conferred.

## 10. Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services (2012)

[Biodiversity 2020: A strategy for England's wildlife and ecosystem services - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services)

This is a biodiversity strategy for England's wildlife and ecosystem services which builds on the Natural Environment White Paper and provides a comprehensive picture of how England is implementing its international and EU commitments. It sets out the strategic direction for biodiversity policy for the next decade on land (including rivers and lakes) and at sea, building on the work that has gone before, but also seeking to deliver a step change. One of the Priority actions is that DEFRA "will work with transport agencies and key delivery partners to create coherent and resilient ecological networks in the natural areas at the edges of our strategic roads and railways, which cover approximately 60,000 hectares. The Government will host a forum with environmental stakeholders to inform future priorities for the enhancement of these green corridors." DEFRA state that they will "through reforms of the planning system, take a strategic approach to planning for nature within and across local areas. This approach will guide development to the best locations, encourage greener design, and enable development to enhance natural networks. We will retain the protection and improvement of the natural environment as core objectives of the planning system."

## 11. Infrastructure Act 2015

[Infrastructure Act 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

The Infrastructure Act (2015) makes provision for strategic highways companies and the funding of transport services by land; to make provision for the control of invasive non-native species; and nationally significant infrastructure projects.

Other sections of the Infrastructure Act 2015 closely related to environmental issues include sections on renewable heat incentives, off-site carbon abatement measures and cycling and walking investments strategies, making environmental issues a significant focus of the Act.

## 12. National Planning Policy Framework (2024)

[National Planning Policy Framework \(2024\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/115271/nppf-2024.pdf)

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. This includes several environmental policies.

Paragraph 187 states planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) 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).
- b) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- c) 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.

Development should, wherever possible, help to improve local environmental conditions such as air and water quality, considering relevant information such as river basin management plans.

Paragraph 188 states.

- Plans should distinguish between the hierarchy of international, national, and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; 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 193 states 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 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 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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

### **13. Defra (2011) Biodiversity 2020**

[Biodiversity-Strategy-2020](#)

A Strategy for England's Wildlife and Ecosystem Services. The aim of the strategy is 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.

### **14. Chartered Institute of Ecology and Environmental Management (2016)**

[Guidelines-for-ecological-impact-assessment](#)

Guidelines For Ecological Impact Assessment in The UK and Ireland. Terrestrial, Freshwater and Coastal.

### **15. Preliminary Ecological Appraisal Methodology**

[Guidelines for Preliminary Ecological Appraisal \(GPEA\) | CIEEM](#)

A Preliminary Ecological Appraisal (PEA) is a rapid assessment of a site's ecological features and potential impacts, often used as the first stage in assessing the biodiversity value and informing planning decisions for development projects.

### **16. British Standard 42020:2013 Biodiversity. Code Of Practice for Planning and Development**

[BS 42020:2013 | 31 Aug 2013 | BSI Knowledge \(bsigroup.com\)](#)

BS 42020 provides recommendations to a rigorous professional, scientific, and consistent approach to gathering, analysing, presenting, and reviewing ecological information at key stages of the planning application process. This will help you in the planning and development of biodiversity.

### **17. Standards for Highways – LA 108 Biodiversity**

[LA 108 - Biodiversity - DMRB \(standardsforhighways.co.uk\)](https://standardsforhighways.co.uk/la-108-biodiversity-dmr)

This document sets out the requirements for assessing and reporting the effects of highway projects on biodiversity.

### **18. Standards for Highways – LD 118 Biodiversity Design**

[LD 118 - Biodiversity design - DMRB \(standardsforhighways.co.uk\)](https://standardsforhighways.co.uk/ld-118-biodiversity-design-dmr)

This document sets out the requirements for ecological survey and design of biodiversity measures on highways projects.