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**The Woodfields, Main Road, Wigginton, Staffordshire, B79 9DN**

Prepared for Mr & Mrs Stevens

**Preliminary Ecological Appraisal**

15<sup>th</sup> March 2022

**Document Control**

<b>Draft/Final</b>	<b>Draft</b>	<b>Final</b>
<b>Date</b>	22/03/2022	24/03/2022
<b>Prepared by</b>	Chloe King	James Porter
<b>Qualifications</b>	BSc (Hons)	BSc (Hons), MSc, MCIEEM
<b>QA by</b>	James Porter	
<b>Qualifications</b>	BSc (Hons), MSc, MCIEEM	
<b>Date</b>	23/03/2022	

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## Contents Page

Executive Summary.....	4
1.0 Introduction and Context.....	6
1.1 Background.....	6
1.2 Scope of the Report.....	6
1.3 Site Context.....	7
1.4 Project Description.....	7
2.0 Methods.....	8
2.1 Desk Study.....	8
2.2 Extended Phase 1 Habitat Survey.....	8
2.2.1 Habitats and flora.....	8
2.2.2 Protected species and Species of Principal Importance.....	9
2.2.3 Invasive / non-native species.....	10
2.3 Suitability Assessment and Ecological Value.....	10
2.3.1 Likelihood of the presence of protected species.....	10
2.3.2 Assessment of Ecological Value.....	10
2.4 Limitations.....	12
3.0 Results and Evaluation.....	13
3.1 Desk Study.....	13
3.2 Phase 1 Habitat Survey.....	14
3.3 Protected Species and Species of Principal Importance.....	16
3.4. Evaluation.....	18
4.0 Discussion and Recommendations.....	19
4.1 Discussion.....	19
4.2 Recommendations – further surveys.....	21
4.3 Recommendations – opportunities for enhancement.....	23
5.0 Bibliography.....	24
Appendix 1: Phase 1 Habitat Map (current site conditions).....	26
Appendix 2: Site plan/proposals.....	27
Appendix 3: Photographs.....	28
Appendix 4: Legislation and Planning Policy.....	37
Appendix 5: Desk study data (Designated sites and Priority habitats).....	43

## Executive Summary

Midland Ecology Ltd. undertook a Preliminary Ecological Appraisal of a site known as ‘The Woodfields, Main Road, Wigginton, Staffordshire, B79 9DN’. This included an extended Phase 1 Habitat Survey (P1HS). Preliminary Ecological Appraisals are used during the site development process to gather data on existing conditions, with the intention of conducting a preliminary assessment of likely impacts of development schemes or establishing the baseline for future monitoring. As a precursor to a proposed project, evaluation can be made within these appraisals of the ecological features present, as well as scoping for notable species or habitats, identification of potential constraints to proposed development schemes, and recommendations for mitigation.

The development proposals briefly comprise construction of a bungalow within the grounds of the property. The development proposals are included in Appendix 2.

<b>Baseline Conditions</b>	
<b><i>Designated Sites</i></b>	The survey area is not on or within 2km of a statutory site designated for nature conservation. The site falls within the Impact Risk Zones (IRZ) of the River Mease SSSI located approx. 4.5km north-east of the site. The proposals are of a type that require further consultation with Natural England on the likely impacts of the proposals.
<b><i>Habitats</i></b>	The P1HS identified a range of habitats within the survey area, including: buildings, hardstanding, amenity grassland, introduced shrub, bare ground, hedges, scattered trees, brash piles and compost heaps.
<b><i>Species</i></b>	The survey area was suitable for protected species/assemblages. Notably, the site has the potential to support protected species such as bats, nesting birds, great crested newts and hedgehogs.
<b><i>Invasive and non-native species</i></b>	Wall Cotoneaster, Rhododendron, Montbretia and Himalayan Cotoneaster were confirmed as present on site.

Discussion of Impacts and Recommendations	
<b>Discussion of Impacts and mitigation</b>	<p><b>Bats:</b> Works to the trees with potential roosting features on site could result in the destruction, damage or degradation of any bat roost(s) present within them; with potential for direct harm to any bat(s) present during works.</p> <p>Loss or severance of tree-lines may affect bat commuting routes. An increase in general light levels could also affect bat foraging and commuting.</p> <p><b>Breeding birds:</b> Loss of trees, hedges and introduced shrub may affect birds that use the site for breeding and foraging by causing a decrease in nesting sites and food resources. Loss of these habitats may directly harm nesting birds if carried out during the breeding season (March to August inclusive).</p> <p><b>Badger:</b> Although no badger setts were observed on site, badger activity can change over a short time. If any setts are created on site prior to works, tunnels could be affected by ground works and vegetation removal and badgers could be harmed.</p> <p><b>Hedgehog:</b> In the event that hedgehogs are present hibernating on site, then there is potential for disturbance and/or direct harm if works are carried out during their hibernation season (September - March). They would also suffer loss of habitat and any hibernation site(s) present.</p> <p><b>Great Crested Newts:</b> Should great crested newts be present on site, then there is a risk of direct harm during works. They would also (in the absence of mitigation) suffer a loss of habitat.</p>
<b>Recommendations</b>	<p>Further surveys are required if the trees with potential roosting features are to be impacted.</p> <p>Recommendations are also made in section 4.2 regarding timing of works to avoid impacts on nesting birds, and reasonable avoidance measures to prevent impacts on great crested newts and hedgehogs.</p> <p>Recommendations for enhancement are included in section 4.3. Should some of these recommendations be included in the finished design (particularly the removal of non-native invasive plants), then it should be possible to secure a net gain for biodiversity from this development.</p>

## 1.0 Introduction and Context

### 1.1 Background

Midland Ecology Ltd. were commissioned by Mr & Mrs Stevens to undertake a Preliminary Ecological Appraisal (PEA) of a site known as 'The Woodfields, Main Road, Wigginton, Staffordshire, B79 9DN' (hereafter referred to as 'the site' or 'site') and surrounding land within 50m, where accessible, of the red line boundary. The survey included an Extended Phase 1 Habitat Survey, in line with methodology set out in JNCC's *Handbook for Phase 1 habitat survey – a technique for environmental audit* (JNCC, 2010); the assessment is based on the *Guidelines for Preliminary Ecological Appraisal* (CIEEM, 2017).

This is the first ecological survey to be undertaken on the site by Midland Ecology Ltd. The author is not aware of any previous ecological surveys having been undertaken at this site.

### 1.2 Scope of the Report

This report describes the baseline ecological conditions at the site; evaluates habitats within the survey area in the context of the wider environment; and describes the suitability of those habitats for notable or protected species. It identifies significant ecological impacts as a result of the development proposals; summarises the requirements for further surveys and mitigation measures, to inform subsequent mitigation proposals, achieve Planning or other statutory consent, and to comply with wildlife legislation.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. To achieve this, the following steps were taken:

- The desk *study area* and field *survey area* (generally 50m from the site boundary/proposed footprint and including the 'zone of influence' of the scheme) have been identified
- Baseline information on the site and surrounding area has been recorded through an 'Extended Phase 1 Habitat Survey', including a Phase 1 Habitat Survey (JNCC 2010) and recording further details in relation to notable or protected habitats and species
- The ecological features present within the survey area have been evaluated, where possible (IEEM, 2006)
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act [WCA]) have been identified
- Likely impacts on features of value, as a result of the development proposals, have been identified
- Recommendations for further survey and assessment have been made
- Recommendations for mitigation and opportunities for enhancement have been provided based on current information

The Phase 1 habitat map of the survey area, with supporting target notes, is included in Appendix 1, the proposed project plan is presented in Appendix 2, and photographs taken during the site survey are included in Appendix 3. A description of relevant legislation, planning policy, and nature conservation Status' is included in Appendix 4, desk study information is in Appendix 5, and a species list from the survey is in Appendix 6.

### 1.3 Site Context

The site is located at National Grid Reference SK20870671 and comprises an area of approximately 0.3ha. The site is situated in a sub-urban location on the northern edge of the village of Wigginton. The site is bordered by trees and roads on the south and east facing sides, with a vicarage and churchyard to the immediate north. Wider surroundings are a mix of residential properties and gardens to the south, and arable fields and pasture in all directions.

### 1.4 Project Description

This report is prepared in relation to a planning application for residential development, to inform design and ensure legal compliance.

The development proposals include:

- Construction of an ancillary bungalow
- Soft landscaping

The development proposals are included in Appendix 2.

All works areas, storage and haul routes will be included within the site boundary; access will be provided by existing roads and as such, no additional working footprints are anticipated.

## 2.0 Methods

### 2.1 Desk Study

A desk study relating to the site and a surrounding 2km radius (the study area) was undertaken. The study area has been defined at this scale as an assessment of any trees suitable for roosting bats is included within this report. There are no statutory designated sites for bats or birds within 10km of the site. Some of the data search is confidential information that is not suitable for public release; therefore, only a summary is given within this report.

Freely available information on designated sites, habitats and species of Principal Importance was reviewed, including a search on Magic.defra.gov.uk and using OS OpenData (2010). Information obtained from the desk study included:

- Landscape structure
- Habitats and species of Principal Importance (as listed on S41 of the Natural Environment and Rural Communities (NERC) Act 2006 (habitats and species of Principal Importance)
- Information on designated sites
- Information on the surrounding area, including waterbodies.

### 2.2 Extended Phase 1 Habitat Survey

The survey was undertaken by Chloe King, BSc (Hons) and Chris Dunn, BSc on the 15<sup>th</sup> of March 2022 and was completed during suitable weather conditions (temperature: 13°C, wind: 1 Beaufort scale, cloud cover: 6 oktas, precipitation: 0%).

The survey area generally comprised all land that will be impacted by the proposals; in this instance taken to be the site boundary and a buffer of 50m. However, where waterbodies were identified by the desk study within 500m of the proposed works area, the survey area will have been extended to inform an assessment of habitat suitability for great crested newts *Triturus cristatus*. All linear watercourses were also surveyed 150m up and down stream of the works area for otters *Lutra lutra* and water voles *Arvicola amphibius*. For details of the site boundary and survey area, please refer to Figure 1 in Appendix 1.

#### 2.2.1 Habitats and flora

The methodology for the Phase 1 Habitat Survey (P1HS) was based on the best practice publication *Phase 1 Habitat Survey methodology* (JNCC, 2010). All land parcels were described and mapped according to JNCC P1HS habitat types. Target notes provide supplementary information on habitat conditions, features



too small to map, species composition, structure and management. Scientific names are given after the first mention of a species in this report, subsequently common names are used.

### *2.2.2 Protected species and Species of Principal Importance*

During the survey, habitats were assessed for their suitability to support protected species and notable species assemblages, and field signs indicating their presence or absence recorded. This assessment took into consideration findings of the desk study, habitat conditions on site and in the context of the surrounding landscape, and the ecology of the species. Special attention was made to the following features suitable for protected species:

- Ponds or other water bodies within 500m of the site, were identified. The suitability of these and the available terrestrial habitat for great crested newt was assessed, along with considerations of connectivity. Natural England's Great Crested Newt Mitigation Guidelines (English Nature, 2001) recommend that any waterbodies within 500m of a site, and sites with suitable terrestrial habitats within 500m of a waterbody, should be assessed for great crested newt potential. However, the great crested newt Rapid Risk Assessment (RRA; from Natural England's EPSL method statement for the species) assesses habitat losses of up to 5 hectares (ha) of land situated greater than 250m from a breeding pond as 'Green: offence highly unlikely'. Thus, for sites less than 5ha (such as this one), greater emphasis is put upon ponds up to 250m from the site boundary.
- Any trees to be impacted by the scheme proposals were assessed for their likelihood to support roosting bats by conducting a non-intrusive visual appraisal from the ground using binoculars. The external features of the trees were also assessed for potential access/egress points, and for signs of bat use.
- Any vegetation cover and topography suitable for badger *Meles meles* sett construction were investigated, and evidence of badger activity recorded.
- Any habitat complexes with a diverse structure and features suitable for basking, foraging and hibernating reptiles were recorded.
- Any suitable foraging, refuge and/or hibernation areas for hedgehogs were inspected for signs of use.
- Evidence of bird nesting/breeding activity on or adjacent to site.

Due to the lack of suitable habitat, field signs, and their known distribution, it is considered unlikely that the survey area supports any other protected species. Therefore, only those species listed above are considered further in this report.

### 2.2.3 Invasive / non-native species

The distribution and extent of any invasive species listed on Schedule 9 of the Wildlife and Countryside Act (1981) were also noted throughout the survey area.

## 2.3 Suitability Assessment and Ecological Value

### 2.3.1 Likelihood of the presence of protected species

The likelihood of occurrence of protected species is ranked according to the criteria listed in Table 1. The habitats on site were evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

Table 1: showing criteria considered when assessing the likelihood of occurrence of protected species

Present	Species are confirmed as present from the current survey or recent confirmed records.
High	The site is of high quality for a given species/species group, due to the presence of e.g. Habitat and features of high quality for species/species assemblage. Species known to be present in wider landscape (desk study records). Good quality surrounding habitat and good connectivity.
Medium	The site is of moderate quality for a given species/species group, due to the presence of e.g., Habitat and features of moderate quality. The site in combination with surrounding land provides all habitat/ecological conditions required by the species/assemblage. Within known national distribution of species and local records in desk study area. Factors limiting the likelihood of occurrence may include small habitat area, habitat isolation, and/or disturbance.
Low	Habitats within the site are of poor to moderate quality for a given species/species group. Few or no records from data search. Despite above, presence cannot be discounted as within national range, all required features/conditions present on site and in surrounding landscape. Limiting factors could include isolation, poor quality landscape, or disturbance.
Negligible	Whilst presence cannot be absolutely discounted, the site includes very limited or poor-quality habitat for a particular species or species group. No local records from desk study; site on edge of, or outside, national range. Surrounding habitats considered unlikely to support species/species assemblage.

### 2.3.2 Assessment of Ecological Value

The ecological value of the survey area has been assessed based on the *Guidelines for Ecological Impact Appraisal* (CIEEM, 2017) and *Handbook of Biodiversity Methods: Survey, evaluation and monitoring* (David Hill, 2005), using geographic frames of reference. The biodiversity value of the identified designated sites, habitat types and associated species/assemblages has been considered. The criteria listed below have

been used to reach an evaluation; examples under each category of biodiversity value are provided in Table 2.

- Presence of designated sites or features
- Presence of UK priority habitats and species (S41 of the NERC Act), and species listed as Birds of Conservation Concern (Eaton *et al* 2009)
- Size of habitat, diversity of species, or population
- Habitats or species which are rare, species which are on the edge of their range
- Large populations of uncommon species, or plant communities that are typical of valued natural/semi-natural vegetation types
- Habitats or features that have supporting value for high value habitats, designated sites or protected species, e.g., buffer habitat to ancient woodland
- Presence of legally protected species.

Table 2: Examples of criteria defining conservation evaluation

<b>Evaluation on geographical scale</b>	<b>Examples of criteria defining evaluation</b>
<b><i>International</i></b>	Biodiversity feature that is designated or warrants designation as a European Protected Site
<b><i>National</i></b>	Biodiversity feature that is designated or warrants designation as a National designated site (Site of Special Scientific Interest (SSSI) or National Nature Reserve (NNR))
<b><i>Metropolitan or County</i></b>	Biodiversity feature that is designated or warrants designation as a county wildlife site, local nature reserve, or a Site of Metropolitan Importance for Nature Conservation (SMI). Species and habitats of principle importance.
<b><i>Borough</i></b>	Biodiversity feature that is designated or warrants designation as a Site of Importance for Nature Conservation (SNCI), or other feature which is one of the best examples of its type within the Borough. Diverse and/or ecologically valuable hedgerow network, or ancient woodland greater than 0.25ha
<b><i>Local</i></b>	Biodiversity feature which is one of the best examples of its type within a local context (i.e., within ~1km of the scheme extent)/local Parish. Habitat complex considered to enrich the habitat/biodiversity resource within the context of the local neighbourhood.
<b><i>Within the vicinity of the site</i></b>	Biodiversity features of value within the zone of influence (site plus approximately 50m buffer).
<b><i>Negligible</i></b>	Biodiversity features of negligible value.

Following CIEEM guidance it should be noted that legal protection or UK Biodiversity Action Plan (BAP) status does not necessarily imply biodiversity status at the equivalent scale. For example, a badger *Meles meles* sett would receive legal protection at a national scale and a native hedgerow would be a UK BAP priority habitat, but neither feature is likely to be of biodiversity value at a national scale.

Where this report accompanies a planning application, the ecological interest of the study area and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity. It will be clearly stated where a preliminary value can be given and where further information is required.

#### *2.4 Limitations*

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site.

Where only four figure grid references are provided for biological data, it is not possible to determine their precise location as they could be present anywhere within the given 1km x 1km National Grid square.

This survey provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the local area, the ecology and biology of species as currently understood, and the known distribution of species as recovered during the desk study.

Ecological surveys are limited by a variety of factors, which affect the presence of flora and fauna (e.g. climatic variation, season and species behaviour). A lack of evidence of a protected species during a survey does not mean that the species is absent; hence the surveys also records and assess' the ability of habitats to support such species. The time frame in which the survey is conducted provides a snapshot of activity within the survey area and cannot necessarily detect all evidence of use by a species. The survey was completed in March and as such plant species not visible at this time of year could have been missed.

It should be noted that whilst every effort has been made to provide a comprehensive description of the site, no investigation can ensure the complete characterisation of the natural environment. The Extended Phase 1 habitat survey does not constitute a full botanical survey.

## 3.0 Results and Evaluation

### 3.1 Desk Study

Further desk study data is reproduced in Appendix 5.

#### *3.1.1 Designated sites*

There are no statutory designated sites within 2km of the site, however the site does fall within the Impact Risk Zones (IRZ) of the River Mease SSSI (located 4.5km north-north-east). The proposals are of a type that require further consultation with Natural England on the likely impacts of the proposals as all planning applications trigger these IRZs. It should be noted however that the site does not share similar habitats, nor strong connectivity with these SSSI; reducing the likelihood of such impacts.

#### *3.1.2 Habitats of principal importance*

A search of the Magic.defra.gov.uk database identified eight areas of deciduous woodland present within 2km of the site (the closest lying approximately 1.3km north-east of the site). There is a single area of traditional orchard approx. 1.2km west of the site, one area of good quality semi-improved grassland approx. 1.59km south-west of the site, and one area of flood plain grazing marsh approx. 1.9km west of the site. These habitats are likely to be classified as habitats of principle importance, and of particular value to wildlife.

#### *3.1.3 Previously granted European Protected Species Mitigation Licences (EPSML)*

A search of the magic.defra.gov.uk database identified three European Protected Species Licenses (EPSML) that have been granted within 2km of the site. The first was for a project impacting the resting place of common pipistrelle (*Pipistrellus pipistrellus*) approx. 193m south of the site in July 2020. The second license was issued to include the destruction of a resting place for the same project. The third license was issued in 2011 for a project impacting the resting place of common pipistrelle and brown long-eared bat *Plecotus auritus*. The license was granted approximately 1.2km east-south-east of the site.

#### *3.1.4 Landscape structure*

A review of aerial photographs (Figure 1) and OS maps shows the site has limited potential for importance in the context of the surrounding landscape; with boundary features connecting blocks of woodland to the wider hedgerow network and providing suitable habitat corridors for more mobile animal species.

Figure 1: Aerial photograph of the site and surrounding landscape (Map data 2022 Google)



### 3.2 Phase 1 Habitat Survey

#### 3.2.1 Summary

The survey area consisted of a residential house (B1) and garden. The garden was made up of amenity grassland, introduced shrub, hedges and trees. There was also hardstanding wrapping round the house forming a driveway and patio, and an area of bare ground with a swing set.

#### 3.2.2 Buildings, Bare Ground and Hardstanding

There were two buildings on site: a residential building (B1) and a greenhouse (B2). B1 was approx. 18m x 10m, consisting of a main house with a garage extending to the north. B2 was approx. 2m x 2m and made of glass panels.

There was a hardstanding driveway running from the main road to the front of the house. There were also areas of hardstanding at the rear of the building in the form of patios.

There was an area of bare ground lined with bark within the south of the site that consisted of a play area with a swing set.

#### 3.2.3 Amenity Grassland

There were areas of amenity grassland within the garden of the site. This habitat was mowed frequently and had a short sward at the time of the survey. Plant species identified within this habitat type include perennial ryegrass *Lolium perenne*, red fescue *Festuca rubra*, common bent *Agrostis capillaris*, Yorkshire fog *Holcus lanatus*, springy turf moss *Rhytidiadelphus squarrosus*, cow parsley *Anthriscus sylvestris*,

common chickweed *Stellaria media*, cleavers *Galium aparine*, ivy *Hedera helix*, daffodil *Narcissus sp.*, dandelion *Taraxacum sp.*, common mouse-ear *Cerastium fontanum* and germander speedwell *Veronica chamaedrys*.

#### 3.2.4 Introduced Shrub

Introduced shrub dominated the boundaries of the site. There were several shrub species planted within the site that were non-native. Introduced shrub also lined the edges of the main building. Plant species identified within this habitat include yew *Taxus baccata*, daffodil, wall cotoneaster *Cotoneaster horizontalis*, cherry laurel *Prunus laurocerasus*, primrose *Primula sp.*, common nettle *Urtica dioica*, snowdrop *Galanthus sp.*, lungwort *Pulmonaria sp.*, tutsan *Hypericum androsaemum*, ivy, lords-and-ladies *Arum maculatum*, cyclamen *Cyclamen sp.*, honeysuckle *Lonicera sp.*, grape hyacinth *Muscari sp.*, crocus *Crocus sp.*, lesser periwinkle *Vinca minor*, dwarf bamboo *Bambusa nana*, moss species, germander speedwell, poppy *Papaver sp.*, wild privet *Ligustrum vulgare*, elder *Sambucus nigra*, annual sow thistle *Sonchus oleraceus*, garlic mustard *Alliaria petiolata*, cleavers, chenault coralberry *Symphoricarpos × chenaultii*, hawthorn *Crataegus monogyna*, holly *Ilex aquifolium*, ornamental black grass *Ophiopogon sp.*, ornamental grass, Oregon grape *Mahonia aquifolium*, rose species *Rosa sp.*, lilac *Syringa sp.*, dogwood *Cornus sp.*, lavender *Lavandula sp.*, cherry blossom *Prunus sp.*, greater periwinkle *Vinca major*, juniper *Juniperus sp.*, heather *Calluna sp.*, montbretia *Crocsmia sp.*, rhododendron *Rhododendron sp.*, fern species, common box *Buxus sempervirens*, camellia *Camellia sp.*, fatsia *Fatsia japonica*, hellebore *Heleborus sp.*, Japanese laurel *Aucuba japonica*, red robin *Photinia × fraseri*, spurge *Euphorbia sp.*, Portuguese laurel *Prunus lusitanica*, non-native oak species *Quercus sp.*, New Zealand flax *Phormium sp.*, hart's-tongue *Asplenium scolopendrium*, Himalayan cotoneaster *Cotoneaster simonsii* and non-native garden cultivars. There were several compost heaps and brash piles found within this habitat (locations are illustrated within Appendix 1).

#### 3.2.5 Hedges and Trees

Along the east, south and western boundaries of the site, there were lines of trees dominating the boundaries of the site. Tree species identified include lime *Tilia sp.*, beech *Fagus sylvatica*, horse chestnut *Aesculus hippocastanum*, Norway maple *Acer platanoides*, non-native oak species and black pine *Pinus nigra*. Along the northern boundary of the site, there was a line of leylandii trees on the other side of the fence in the neighbouring garden, along with a cherry laurel and beech hedge within the garden of the site. There was also sycamore *Acer pseudoplatanus*, Himalayan cotoneaster, yew, rose species and ivy within this hedge.

There were also several scattered trees within the site. Tree species identified include rowan *Sorbus aucuparia*, Norway maple, cherry species *Prunus sp.*, and birch species *Betula sp.*.

### 3.3 Protected Species and Species of Principal Importance

The protected species/species groups considered potentially present within the survey area are:

- Bats
- Breeding birds
- Hedgehog
- Badger

The likelihood of these species being present, other notable species, or invasive species, is evaluated in Table 4.

Table 3: Assessment of likelihood of protected and invasive species occurrence

Species / group	Likelihood of occurrence	Justification for evaluation	Legislation/policy
Bats	Foraging/ commuting: Moderate	The site shows potential to play a connecting role between nearby woodland fragments and other foraging areas; along the tree line and hedgerow network.	Wildlife and Countryside Act 1981 (as amended). The Conservation of Habitats and Species Regulations 2017.
	Roosting: Low	B1 and B2 are proposed to not be affected by the works. There are some trees within the boundaries of the site (shown in Appendix 1) that display potential roosting features suitable for roosting bats. Potential roosting features identified within these trees include knot holes and tear outs.	
Badger	Low	Whilst suitable foraging habitat was present on site, and optimal habitat present nearby, no evidence of badgers (setts, latrines, tracks, pathways or snuffle marks) was discovered either on site or within a 50m radius during the survey.	Protection of Badgers Act 1992.
Breeding birds	High	Whilst no active nesting activity was observed on site during the survey, the trees, hedge and introduced shrub would be suitable habitat for nest creation.	Wildlife and Countryside Act 1981 (as amended).
Great crested newt	Medium	There is some terrestrial habitat suitable for great crested newts within the site (introduced shrub, brash piles and compost	Wildlife and Countryside Act 1981 (as amended).



Species / group	Likelihood of occurrence	Justification for evaluation	Legislation/policy
		heaps). OS maps indicate that there are nine ponds within 500m of the site, including seven within 250m. The seven ponds within 250m could not be accessed at the time of the survey. The two roads to the east and south of the site may serve as barriers to amphibian dispersal, however there would appear to be no major barriers to any ponds from the northern and western directions of the site.	The Conservation of Habitats and Species Regulations 2017.
Hedgehog	Medium	Suitable habitat in the form of introduced shrub, compost heaps and brash piles: good species and structural diversity. Good connectivity between ruderal vegetation, nearby woodland and hedgerow network.	Wildlife and Countryside Act 1981 (as amended). The Conservation of Habitats and Species Regulations 2017.
Widespread reptiles	Low	Whilst introduced shrub, brash piles and compost heaps can provide refuge areas for reptiles, the partially urban nature of the site, evidence of recent/regular disturbance and/or site clearance, and the particularly dense nature of vegetation on site (leaving little in the way of basking spots) makes the presence of reptiles unlikely.	Wildlife and Countryside Act 1981 (as amended).
Invasive plant species	Confirmed	Wall Cotoneaster, Rhododendron, Montbretia and Himalayan Cotoneaster were confirmed as present on site.	Section 14 and Part II of Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

### 3.4. Evaluation

Habitats and species across the survey area were evaluated; this evaluation is described in Table 5.

Table 4: Evaluation of ecological receptors

<b>Evaluation</b>	<b>Description of features and explanation of evaluation</b>
<b><i>International</i></b>	The site is not designated for its international nature conservation importance. There are no international statutory designated sites within the 2km study area. No species listed on Annex II of the Habitats Directive have been recorded within the survey area; no habitats on site are considered likely to support these species.
<b><i>National</i></b>	The site is not subject to any national statutory nature conservation designations and it is not considered that any habitats or species within the site would meet the criteria for the designation of a SSSI. The site does fall within the Impact Risk Zones of one SSSI; but it does not share similar habitats or strong connectivity with this site; nor would such a small-scale development result in indirect impacts (such as increased visitor pressure).
<b><i>Metropolitan or County (e.g. Kent)</i></b>	The site is not subject to any non-statutory nature conservation designations such as Local Wildlife Sites. There are no habitats or species recorded on site considered likely to be of Metropolitan importance.
<b><i>Borough or District (e.g. Maidstone)</i></b>	The site is not subject to any non-statutory nature conservation designations such as LWS; nor does it share similar habitats or strong connectivity with nearby LWS. The site's tree-lined boundaries are likely to serve a landscape-scale role in connecting the nearby woodland to the wider landscape, and so is ecologically valuable green infrastructure when evaluated at the District scale.
<b><i>Local</i></b>	The site has the potential to support protected species such as bats, nesting birds, great crested newts and hedgehogs. As such, they are considered to be of importance locally.
<b><i>Within the vicinity of the site (approx. 50m)</i></b>	With the exception of the boundary habitats described above, all habitats within the survey area are considered to be of value within the vicinity of the site only.

## 4.0 Discussion and Recommendations

### 4.1 Discussion

The site is not subject to any statutory or non-statutory designations. However, the site's tree-lined boundaries are likely to serve a landscape-scale role in connecting the nearby woodland to the wider landscape, and so is ecologically valuable green infrastructure when evaluated at the District scale. These also have supporting value for protected species.

The site has the potential to support protected species such as bats, nesting birds, great crested newts and hedgehogs. All other protected species are likely absent from the site, due to unsuitable habitats, levels of disturbance, species range, and/or landscape context.

#### *4.1.1 Discussion of impacts and the mitigation hierarchy*

A description of significant impacts on habitats and species at value greater than the vicinity of the site (that cannot be avoided and can be identified at this stage of the assessment) is provided below. This impact assessment is based on current design proposals; please refer to the project plan in Appendix 2 illustrating and further describing the proposed works. Where sufficient information exists to design mitigation, this is also discussed. Any requirements for further survey to inform detailed mitigation proposals are provided in 4.2. Where further surveys for a particular habitat/complex or species are required prior to Planning Application, mitigation is not discussed in detail at this stage.

#### ***Designated sites***

Direct impacts on designated sites are unlikely to arise as the works would be a sufficient distance to avoid dust, noise and visual effects on the reasons for designation.

#### ***Habitats and plants***

The habitats and floral species found on site are common and widespread. No significant impacts on biodiversity are anticipated.

Rhododendron, Montbretia and Wall Cotoneaster are known to occur on site. These species are listed under Schedule 9 of The Wildlife and Countryside Act 1981; making it an offence to 'plant or otherwise cause to grow in the wild' these species. Works on site; particularly the transport of soil/materials off site, have the potential to cause the spread of these Schedule 9 species, which could constitute a criminal offence.

Himalayan Cotoneaster is also known to occur on site. This species is not listed under Schedule 9 of The Wildlife and Countryside Act 1981; however, it is an invasive species where the transport of soil/materials off site can have the potential to cause the spread of this species.

***Protected species and species of principal importance***

**Bats:** No works are currently planned to the trees with potential roosting features (mentioned above). Should this change, then such works could result in the destruction, damage or degradation of any bat roost(s) present within them; with potential for direct harm to any bat(s) present during works.

Loss or severance of tree-lines may affect bat commuting routes. An increase in general light levels could also affect bat foraging and commuting.

**Breeding birds:** Loss of trees, hedges and introduced shrub may affect birds that use the site for breeding and foraging by causing a decrease in nesting sites and food resources. Loss of these habitats may directly harm nesting birds if carried out during the breeding season (March to August inclusive).

**Badger:** Although no badger setts were observed on site, badger activity can change over a short time. If any setts are created on site prior to works, tunnels could be affected by ground works and vegetation removal and badgers could be harmed.

**Hedgehog:** In the event that hedgehogs are present hibernating on site, then there is potential for disturbance and/or direct harm if works are carried out during their hibernation season (September - March). They would also suffer loss of habitat and any hibernation site(s) present.

**Great Crested Newts:** Should great crested newts be present on site, then there is a risk of direct harm during works. They would also (in the absence of mitigation) suffer a loss of habitat.

## 4.2 Recommendations – further surveys

The sections below provide an outline of the additional survey work that should be carried out prior to development, and also a suggested outline for the development of an Ecological Opportunities and Constraints Plan (recommended under BS 42020:2013). Where surveys are required prior to Planning Application, this is clearly stated.

### 4.2.1 Bat surveys

Should any works to the trees with potential roosting features be required, then an aerial inspection by a licensed bat worker is to be undertaken in advance of any such works being permitted. Depending on the outcome of that survey, further surveys (dusk emergence and dawn re-entry) may be necessary in order to establish the presence/likely-absence of bats, and to characterise any roost(s) present.

Retained trees to be protected during works, as per *BS 5837: 2012 Trees in relation to design, demolition and construction*. There is to be no loss or major severance (>10m) of tree-lines. Any artificial lighting is to follow the protocols outlined in the relevant Institute for Lighting Engineers guidance document, in order to minimise disturbance and sky-glow across the site; and onto the boundaries in particular.

### 4.2.2 Breeding bird surveys

Further surveys for birds are not considered to be necessary, provided the following avoidance measures can be accommodated:

The tree-lined boundaries are likely to be the most valuable to nesting birds, and should be retained as far as possible. All trees due to be retained should be protected in line with *BS 5837: 2012 Trees in relation to design, demolition and construction*.

Nesting birds may be present in the trees and other vegetation during the bird breeding season (March to August inclusive). If vegetation removal is planned during these months, then a prior check (within a 24-hour period preceding works) for nesting birds should be undertaken by an ecologist. Any active nests that are found must not be moved until fledglings have dispersed.

### 4.2.3 Badger

Although no badger activity was observed on the site at the time of the survey, activity patterns of this species can change over a short time. It is recommended that all contractors involved in the project be briefed regarding the potential for badgers on site. Should any evidence of badger presence be found at any stage during works, then all works must cease, and the advice of a suitably qualified Ecologist sought.

#### *4.2.4 Hedgehog*

The surveys required to firmly establish presence or likely absence of hedgehogs on site are considered excessive, given the ease and affordability of avoiding/mitigating/compensating impacts on this species. Clearance of suitable hibernation areas should be undertaken by hand, outside of the hibernation period (September - March). A hedgehog hibernation box should be installed within a suitable habitat (e.g. dense vegetation). These can be easily constructed, or can be purchased.

#### *4.2.5 Great crested newt*

As there is potential for the works to impact great crested newts, recommendations must be made in order to avoid, mitigate or compensate for those impacts (in that order of preference). In this instance, as the likelihood of presence on site is low but the likelihood of impacts is very low, and since any such impacts are easily avoided; the most appropriate recommendation is for supervision of the works by a suitably qualified Ecologist. The appointed suitably qualified Ecologist will need to be present during the works to oversee any vegetation clearance or removal of brash and log piles on site. Should any wildlife be encountered, then this should be carefully moved, by hand, to a safe location away from the works area.

#### *4.2.6 Invasive species*

Works on site; particularly the transport of soil/materials off site, have the potential to cause the spread of Schedule 9 and invasive species, which could constitute a criminal offence. Contractors must be briefed regarding suitable avoidance measures to prevent the spread of these species, and specialist advice should be sought.

#### 4.3 Recommendations – opportunities for enhancement

The bullet points below represent some broad suggestions, to inform the development proposals. These recommendations should be developed further in coordination with the landscape designers and other specialists as the design progress. It is acknowledged that not all may prove suitable/practical for this development.

- Inclusion of bird and bat boxes (ideally within the fabric of the new building);
- Inclusion of plant species of known value to wildlife in any landscape design proposals;
- Removal of Rhododendron, Montbretia, Wall Cotoneaster and Himalayan Cotoneaster;
- Creation of wildlife refuge areas (habitat piles);
- Design and implementation of measures to improve ecological connectivity; such as strengthening the tree-lined boundaries, or replacing the non-native hedgerow with a native one.

Removal of non-native invasive plants from site would provide a clear enhancement of native biodiversity on this site, and so is the measure most strongly recommended. Inclusion of bird and bat boxes within the fabric of the new building is also strongly recommended.

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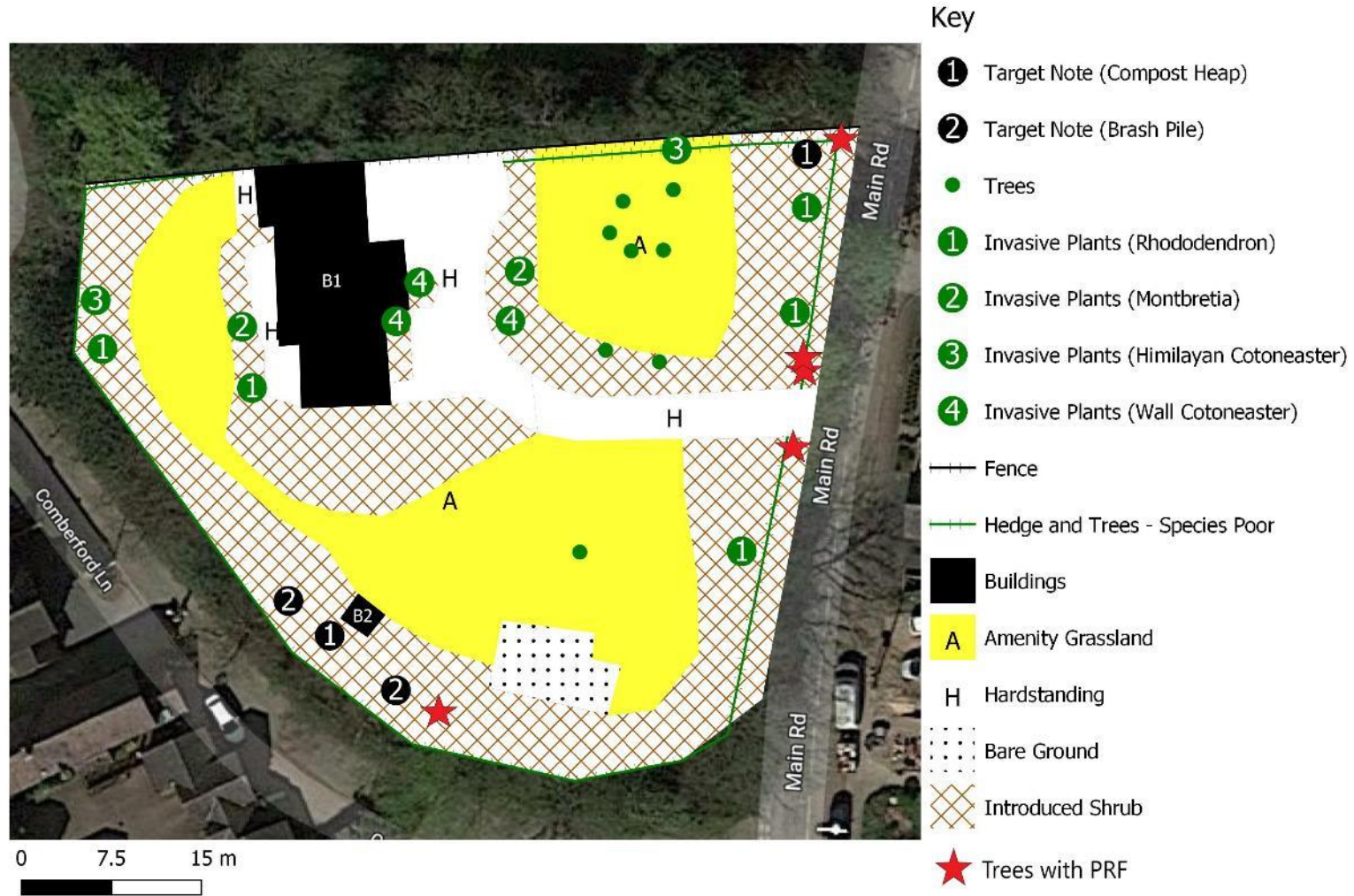
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# Appendices

Appendix 1: Phase 1 Habitat Map (current site conditions)

Phase 1 Habitat Survey Survey Map



Appendix 2: Site plan/proposals



### Appendix 3: Photographs

Image 1: North-east of the site viewed from west



Image 2: B1 viewed from north-east



Image 3: North-east boundary of the site



Image 4: North-east boundary of the site



Image 5: Compost heaps within the north-east of the site



Image 6: North-east corner of site with brash piles



Image 7: Potential roosting features identified in a beech tree adjacent to the entrance of the site



Image 8: Potential roosting features identified in a horse chestnut tree adjacent to the entrance of the site



Image 9: Eastern boundary of the site



Image 10: Eastern boundary of the site viewed from the road





Image 11: Site viewed from the south-east corner



Image 12: B2 and a brash pile adjacent



Image 13: West of the site



Image 14: Rear of B1



Image 15: West of the site



Image 16: East of the site viewed from south-west



Image 17: Scattered trees within the east of the site



Image 18: Wall Cotoneaster



## Appendix 4: Legislation and Planning Policy

### LEGAL PROTECTION

#### Legislation Afforded to Habitats

##### **National Statutory Designations**

**Sites of Special Scientific Interest (SSSI)** are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally. Further provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales) and the Nature Conservation (Scotland) Act 2004.

##### **Local Statutory Designations**

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

##### **Non- Statutory Designations**

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

#### National and European Legislation Afforded to Species

##### **The Habitats Directive**

The EC Habitats Directive aims to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those species of European importance. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). The following notes are relevant for all species protected under the EC Habitats Directive: In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

The Habitats Regulations do not define the act of ‘migration’ and, therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.

In order to obtain a European Protected Species Mitigation (EPSM) licence, the application must demonstrate that it meets all of the following three ‘tests’:

- the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment;
- there is no satisfactory alternative; and
- the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CRoW) Act (2000) and Nature Conservation (Scotland) Act 2004.

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

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

### **Badgers**

Badgers *Meles meles* are protected under The Protection of Badgers Act which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett<sup>1</sup> or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

#### Effects on development works

A development licence will be required from the relevant countryside agency for any development works liable to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been

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<sup>1</sup> A badger sett is defined in the legislation as "any structure or place which displays signs indicating current use by a badger". This includes seasonally used setts. Natural England (2009) have issued guidance on what is likely to constitute current use of a badger sett: [www.naturalengland.org.uk/Images/WMLG17\\_tcm6-11815.pdf](http://www.naturalengland.org.uk/Images/WMLG17_tcm6-11815.pdf)

issued by the countryside agencies to define what would constitute a licensable activity<sup>2</sup>. It is no possible to obtain a licence to translocate badgers.

### **Birds**

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

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC) and are commonly referred to as “Schedule 1” birds. This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird

#### Effects on development works

Works should be planned to avoid the possibility of killing or injuring any wild bird, or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August<sup>3</sup>. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

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

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<sup>2</sup> For guidance on what constitutes disturbance and other licensing queries, see Natural England (2007) Badgers & Development: A Guide to Best Practice and Licensing. [www.naturalengland.org.uk/Images/badgers-dev-guidance\\_tcm6-4057.pdf](http://www.naturalengland.org.uk/Images/badgers-dev-guidance_tcm6-4057.pdf), Natural England (2009) Interpretation of ‘Disturbance’ in relation to badgers occupying a sett [www.naturalengland.org.uk/Images/WMLG16\\_tcm6-11814.pdf](http://www.naturalengland.org.uk/Images/WMLG16_tcm6-11814.pdf), Scottish Natural Heritage (2002) Badgers & Development. [www.snh.org.uk/publications/online/wildlife/badgersanddevelopment/default.asp](http://www.snh.org.uk/publications/online/wildlife/badgersanddevelopment/default.asp) and Countryside Council for Wales (undated) Badgers: A Guide for Developers. [www.ccw.gov.uk](http://www.ccw.gov.uk).

<sup>3</sup> It should be noted that this is considered the main breeding period. Breeding activity may occur outside this period (depending on the particular species and geographical location of the site) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

### **Bats**

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

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

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

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

#### **Effects on development works**

Works which are liable to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

### **Wild Mammals (Protection Act) 1996**

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

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

### **Legislation afforded to Plants**

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

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

- Intentionally picking, uprooting or destruction of any wild Schedule 8 species
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof

In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:

- Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species



- Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.
- Impacts of legislation on development works

An EPSM licence will be required from the relevant countryside agency for works which are liable to affect species of plants listed on Schedule 5 of the Conservation of Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

### ***Invasive Species***

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England and Wales to plant or cause to grow in the wild due to their impact on native wildlife. Species include Japanese knotweed *Fallopia japonica*, giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera*.

#### Impacts of legislation on development works

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

### ***NATIONAL PLANNING POLICY (ENGLAND)***

#### ***National Planning Policy Framework***

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as UK Biodiversity Action Plan priority species) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

#### ***The Natural Environment and Rural Communities Act 2006 and The Biodiversity Duty***

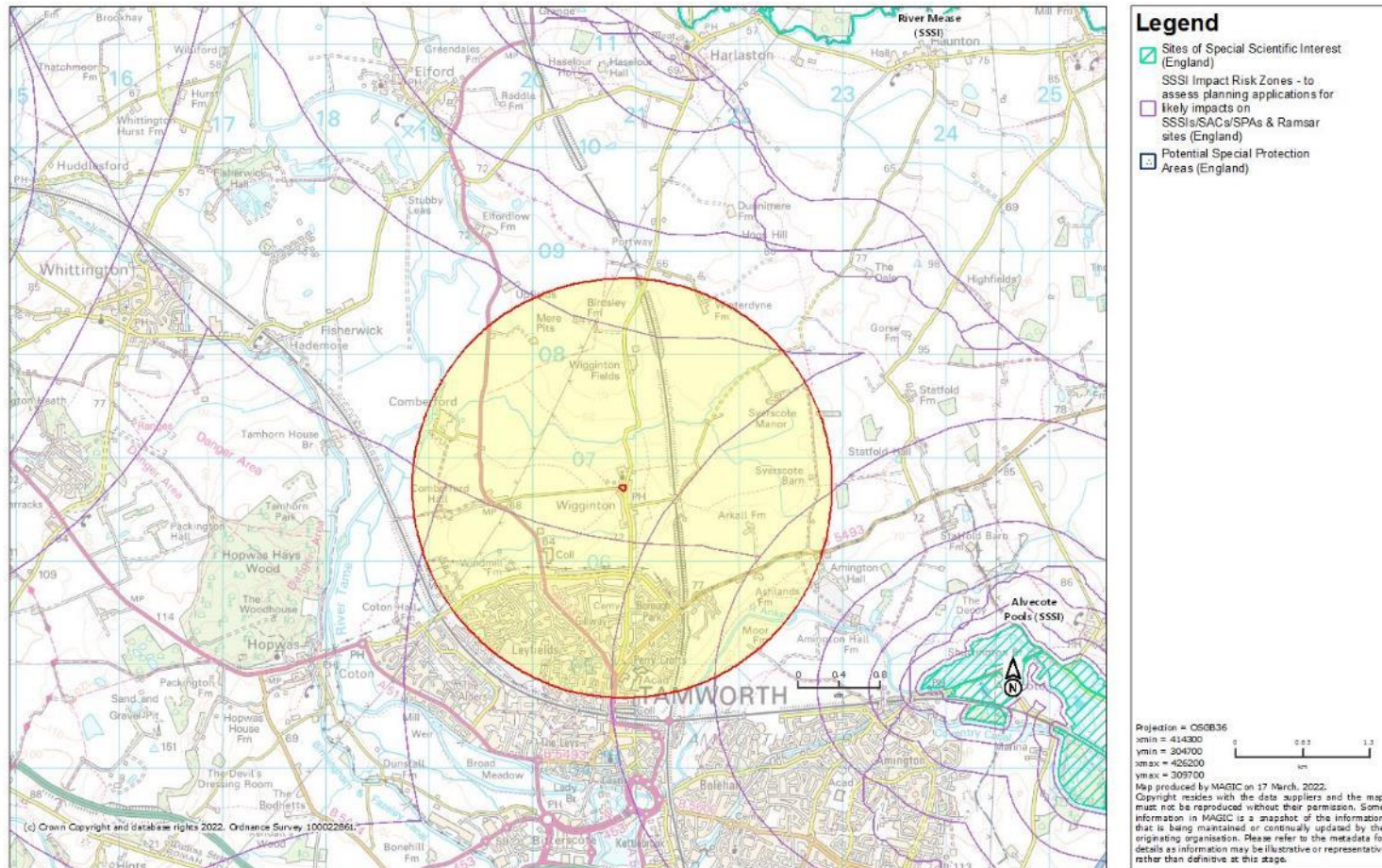
Section 40 of the Natural Environment and Rural Communities (NERC) Act, 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

Appendix 5: Desk study data (Designated sites and Priority habitats)

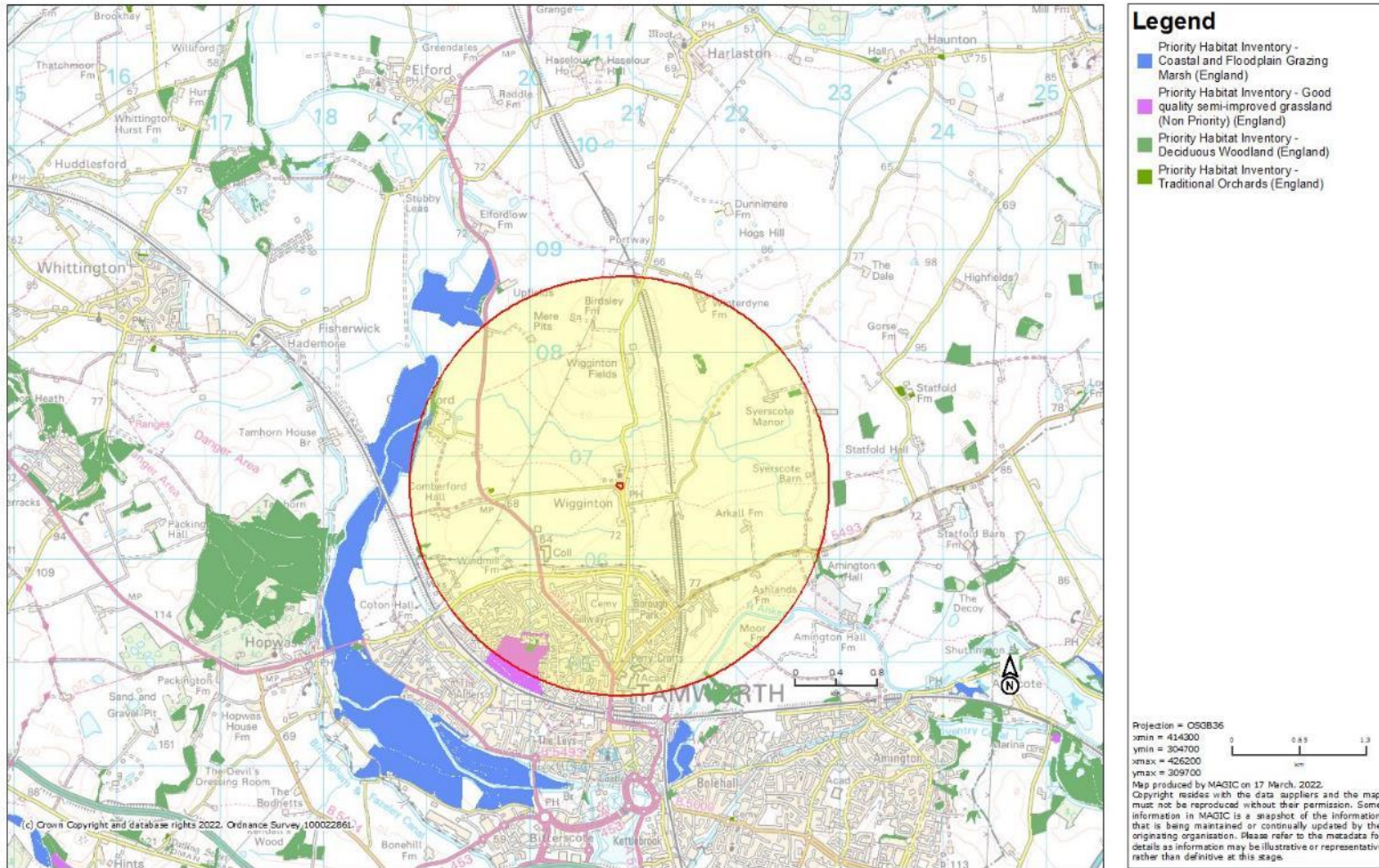
MAGiC

Statutory Designated Sites within 2km



MAGiC

Priority Habitats with 2km



MAGiC

Ponds within 500m

