

**HEMPLAND PRIMARY SCHOOL,  
WHITBY AVENUE, YORK**

**PRELIMINARY ECOLOGICAL APPRAISAL**

A Report to: Mott Macdonald

Report No: RT-MME-156485-02

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## REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of practice for planning and development".

Report Version	Date	Completed by:	Checked by:	Approved by:
Final	06/12/2021	Susan Sweetman (Principal Ecological Consultant)	Colin Bundy BSc (Hons) MCIEEM (Associate Director, Regions)	Tom Docker CEcol MCIEEM (Managing Director)

The information which we have prepared is true and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

### DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

### VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

## NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Mott Macdonald to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Hempland Primary School, Whitby Avenue, York. This assessment is required to inform a planning application associated with the demolition of the existing school building and the construction of a new school on the same site.

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 2<sup>nd</sup> November 2021.

The site was located on the north-eastern outskirts of the city of York and centred at OS National Grid Reference SE 62579 52945. The survey area was dominated by school buildings in the northern half of the site with a large amenity grassland playing field to the south. An area of plantation broadleaved woodland was present along the southern boundary of the site. Scattered trees, a short section of hedgerow and patches of dense scrub were recorded along the site boundaries and around the perimeter of the school building. Hardstanding access tracks and car parking areas were also present mostly to the north of the site.

The site was bordered by Whitby Avenue to the north, Tang Hall Beck along the southern border and a park to the west with residential properties to the north and east. The wider landscape was dominated by residential properties with agricultural fields beyond the residential area to the west. Some allotments were located to the west of the site, beyond the park.

- R1 Habitat Retention and Protection:** The development proposals should be designed (where feasible) to allow for the retention of existing notable habitats including the scattered trees and hedgerows. Protection measures are included. If retention is not possible, appropriate replacement planting should be incorporated into the soft landscape scheme in accordance with the ecological mitigation hierarchy. Only native and/or wildlife attracting species should be planted.
- R2 Biodiversity Enhancement:** Biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity. Examples are included.
- R3 Roosting Bats:** The main school building has been identified as having low potential to support roosting bats. Bat Surveys: Good Practice Guidelines, published by the Bat Conservation Trust (Collins, 2016), recommends for structures with low bat roosting potential that at least one survey (consisting of either a dusk emergence survey or a dawn re-entry survey) be undertaken during the peak season for emergence/re-entry surveys (May to August) to determine the presence/absence of roosting bats within the structure. Should this survey confirm the presence of roosting bats, it will be necessary to undertake additional surveys in order to inform a Natural England licence application. In addition, should the survey identify the presence of significant levels of bat activity at the site, it may be necessary to undertake further survey visits to comprehensively assess the value of the site to bats.
- R4 Lighting:** In accordance with best practice guidance relating to lighting and biodiversity (Miles et al, 2018; Gunnell et al, 2012), any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species. Examples of good practice are included.
- R5 Terrestrial Mammals including Badger and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
- R6 Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season. If this is not possible then any vegetation/buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing.

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## 1. INTRODUCTION

### 1.1 PROJECT BACKGROUND

Middlemarch Environmental Ltd was commissioned by Mott Macdonald to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Hempland Primary School, Whitby Avenue, York. This assessment is required to inform a planning application associated with the demolition of the existing school building and the construction of a new school on the same site.

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 2<sup>nd</sup> November 2021.

### 1.2 SITE DESCRIPTION AND CONTEXT

The site was located on the north-eastern outskirts of the city of York and centred at OS National Grid Reference SE 62579 52945. The survey area was dominated by school buildings in the northern half of the site with a large amenity grassland playing field to the south. An area of plantation broadleaved woodland was present along the southern boundary of the site. Scattered trees, a short section of hedgerow and patches of dense scrub were recorded along the site boundaries and around the perimeter of the school building. Hardstanding access tracks and car parking areas were also present mostly to the north of the site.

The site was bordered by Whitby Avenue to the north, Tang Hall Beck along the southern border and a park to the west with residential properties to the north and east. The wider landscape was dominated by residential properties with agricultural fields beyond the residential area to the west. Some allotments were located to the west of the site, beyond the park.

### 1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
Annex 4 – Hempland Primary School Block Plan With Development Zone (03.08.2021)	Department of Education

**Table 1.1: Documentation Provided by Client**

## 2. METHODOLOGIES

### 2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - *MAGIC* website for statutory conservation sites; and
- North & East Yorkshire Ecological Data Centre.

The desk study included a search for:

- European statutory nature conservation sites in the UK (now referred to as the 'National Site Network') within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats);
- UK statutory sites within a 2 km radius; and,
- Non-statutory sites and protected/notable species records within a 1 km radius.

The data collected from the consultees is discussed in Chapter 4. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Chapter 3).

### 2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 5.

### 3. LEGISLATION AND POLICY

This chapter provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England. The reader should refer to the original legislation for the definitive interpretation.

#### 3.1 GENERAL BIODIVERSITY LEGISLATION AND POLICY

##### **The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (the Habitats Regulations 2019)**

The Habitats Regulations 2017 (as amended) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English and Welsh law. Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1 January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

The Habitats Regulations 2019 have created a 'National Site Network' on land and at sea, including both the inshore and offshore marine areas in the UK. The National Site Network includes:

- Existing Special Areas of Conservation (SACs), which are designated due to their importance to the habitats and species listed in Annexes I and II of the Habitats Directive;
- Existing Special Protection Areas (SPAs), which are designated due to their importance for wild birds in accordance with the Wild Birds Directive; and,
- New SACs and SPAs designated under these Regulations.

SACs and SPAs in the UK no longer form part of the European Union's Natura 2000 ecological network. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new National Site Network. However, guidance provided by Freeths (2020) recommends that SACs and SPAs can continue to be referred to as "European sites" / "European marine sites".

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the National Site Network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs.

The 2019 Regulations establish management objectives for the National Site Network. The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,
- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

The appropriate authorities must also have regard to the:

- Importance of protected sites;
- Coherence of the National Site Network; and,
- Threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their favourable conservation status within the UK.

### **The Wildlife and Countryside Act (WCA) 1981 (as amended)**

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017 and the Habitats Regulations 2019, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

### **The Countryside and Rights of Way (CRoW) Act 2000**

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

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

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CRoW Act 2000.

### **The Hedgerow Regulations 1997**

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

### **UK Post-2010 Biodiversity Framework**

The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new UK Post-2010 Biodiversity Framework replaces the previous UK level BAP. The UK Post-2010 Biodiversity Framework covers the period 2011-2020 and forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- Reduce the direct pressures on biodiversity and promote sustainable use;
- To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity;
- Enhance the benefits to all from biodiversity and ecosystem services; and,
- Enhance implementation through participatory planning, knowledge management and capacity building.

The Framework recognises that most work which was previously carried out under the UK BAP is now focused on the four individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies. Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use and form the basis of much biodiversity work at country level. In England the focus is on delivering the outcomes set out in the Government's 'Biodiversity 2020: a Strategy for England's Wildlife and Ecosystem Services' (DEFRA, 2011). This sets out how the quality of our environment on land and at sea will be improved over the next ten years and follows on from policies contained in the Natural Environment White Paper.

### **Species and Habitats of Material Consideration for Planning in England**

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and



Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

### 3.2 NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE

In July 2021, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018 and 2019. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and 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.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled 'Natural Environment: Biodiversity, geodiversity and ecosystems and green infrastructure', which was updated in July 2019. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;

- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of biodiversity net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

The NPPG July 2019 issue also includes a section entitled 'Appropriate assessment: Guidance on the use of Habitats Regulations Assessment' which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).

### 3.3 LOCAL PLANNING POLICY

#### The Local Plan

The 'local Plan' is a citywide plan which helps with development control in York. It sets out the opportunities and policies on what will or will not be permitted and where, including new homes and businesses. Although not formally adopted the Draft 'Local Plan' (incorporating the 4th set of changes April 2005) is still used as the basis for development management decisions. The policies of relevance to ecology are detailed below.

The council are currently preparing a new local plan in line with publication of the National Planning Policy Framework (2012). This will eventually replace the Draft 'Local Plan' (2005).

#### **NE1: Trees, Woodlands and Hedgerows**

Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation or historical value, will be protected by:

- a) refusing development proposals which will result in their loss or damage; and,
- b) requiring trees or hedgerows which are being retained on development sites to be adequately protected during any site works; and
- c) making tree preservation orders for individual trees and groups of trees which contribute to the landscape or local amenity; and
- d) making hedgerow retention notices where appropriate to protect important hedgerows and;
- e) ensuring the continuation of green/wildlife corridors.

All proposals to remove trees or hedgerows will be required to include a site survey indicating the relative merits of individual specimens. An undertaking will also be required that appropriate replacement planting with locally indigenous species will take place to mitigate against the loss of any existing trees or hedgerows. Developments should make proper provision for the planting of new trees and other vegetation including significant highway verges as part of any landscaping scheme. In addition, other proposals to bring forward such provision will be actively encouraged.

#### **NE2: River and Stream Corridors, Ponds and Wetland Habitats**

Development which is likely to have a detrimental impact on the natural features of river and stream corridors, ponds or wetland habitats will not be permitted. Their environmental and amenity value will be conserved and enhanced by:

- a) protecting existing natural features and marginal vegetation and encouraging their reinstatement when lost;
- b) resisting development that would have an adverse impact on their landscape character;
- c) promoting the maintenance, enhancement and, where appropriate, the restoration of their character;
- d) ensuring the design of structures and engineering works are appropriate in form and scale to their setting.

#### **NE4a: International and National Nature Conservation Sites**

Development which is likely to have a significant effect on a European site, proposed European site or a Ramsar site will be subject to the most rigorous examination, in accordance with the procedures set out in the Habitats Regulations 1994.

Development in or likely to have an effect on a Site of Special Scientific Interest will be subject to special scrutiny.

Where development could have an adverse effect, directly or indirectly, on an international, or national nature conservation site it will only be permitted where the reasons for the development clearly outweigh the special nature conservation value of the site.

**NE5a: Local Nature Conservation Sites**

Development likely to have an adverse effect on a Local Nature Reserve or a non-statutory nature conservation site will only be permitted where the reasons for the development clearly outweigh the substantive nature conservation value of the site.

**NE5b: Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites**

In exceptional circumstances where development is allowed under policies NE4a or NE5a, which would have an adverse effect on the nature conservation value of the site, the council will ensure that the appropriate use of planning conditions and planning obligations is undertaken in order to protect and enhance the site's nature conservation interest and to provide appropriate compensatory measures and site management.

**NE6: Species Protected by Law**

Where a proposal may have a significant effect on protected species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted for development that would not cause demonstrable harm to animal or plant species protected by law, or their habitats. The translocation of species or habitats will be an approach of last resort.

**NE7: Habitat Protection and Creation**

Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement these and to promote public awareness and enjoyment of them. Within new developments measures to encourage the establishment of new habitats should be included as part of the overall scheme.

**NE8: Green Corridors**

Planning permission will not be granted for development, which would destroy or impair the integrity of green corridors and stepping stones (e.g. river corridors, roads, railway lines, cycleways, pockets of open space and natural or semi-natural vegetation etc). Conversely, development that ensures the continuation and enhancement of green corridors for wildlife will be favoured.

## 4. DESK STUDY RESULTS

### 4.1 INTRODUCTION

The data search was carried out on 26<sup>th</sup> October 2021 by North & East Yorkshire Ecological Data Centre. All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 4.2 to 4.4. Selected data are provided in Appendix 1.

### 4.2 NATURE CONSERVATION SITES

Only one designated nature conservation site is located in proximity to the survey area, further details on this site are summarised in Table 4.1.

Site Name	Designation	Proximity to Survey Area	Description
<b>UK Statutory Site</b>			
St. Nicholas Fields	LNR	1.12 km south-west	The site is 24-acres, that had previously been open fields, grazed by the cattle belonging to the monks from St. Nicholas Hospital. Since then it has been a brick works, the city rubbish dump and an unofficial wild site. Now reclaimed and home to a wide range of species, developing habitats including meadows and woodland. There is a diverse bird assemblage, and the site is also a rich habitat for invertebrates, specifically for butterflies.
<b>Key:</b> LNR: Local Nature Reserve			

**Table 4.1: Summary of the Nature Conservation Site**

No Sites of Special Scientific Interest (SSSIs) are located within a 2 km radius of the survey area, and the site does not fall within a SSSI Impact Risk Zone.

### 4.3 PROTECTED / NOTABLE SPECIES

Table 4.2 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
<b>Mammals - Bats</b>					
Common pipistrelle <i>Pipistrellus pipistrellus</i>	23	2014	140 m south-west +	-	ECH 4, WCA 5, WCA 6
Pipistrelle <i>Pipistrellus</i> sp.	1	2010	5 m west +	#	ECH 4, WCA 5, WCA 6
Unidentified bat <i>Chiroptera</i> sp.	1	2004	700 m south-east	#	#
<b>Mammals - Other</b>					
Water vole <i>Arvicola amphibius</i>	4	2015	10 m north-east	✓	WCA 5
Otter <i>Lutra lutra</i>	2	2019	300 m south-west	✓	ECH 2, ECH 4, WCA 5, WCA 6
Hedgehog <i>Erinaceus europaeus</i>	2	2015	740 m west +	✓	WCA 6
<b>Amphibian</b>					
Smooth newt <i>Lissotriton vulgaris</i>	1	2004	720 m south-east	-	WCA 5 S9(5)
Great crested newt <i>Triturus cristatus</i>	2	2015	610 m north	✓	ECH 2, ECH 4, WCA 5
Common frog <i>Rana temporaria</i>	2	2004	560 m north +	-	WCA 5 S9(5)

**Table 4.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area (Continues)**

<p><b>Key:</b> #: Dependent on species +: Grid reference provided was six figures and as such, the record may be located within 100 m of the study site.</p> <p>ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation.</p> <p>ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection.</p> <p>ECH 5: Annex V of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose taking in the wild and exploitation may be subject to management measures.</p> <p>WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal.</p> <p>WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.</p> <p>Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).</p>			

**Table 4.2: Summary of Protected/Notable Species Records Within 1 km of Survey Area (Continued)**

The desk study identified a small number of bird Species of Principal Importance, the species identified are as follows: house sparrow *Passer domesticus*, bullfinch *Pyrrhula pyrrhula* and starling *Sturnus vulgaris*. Along with kingfisher *Alcedo atthis* and sparrowhawk *Accipiter nisus*, which are two species on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), and two further species listed on the RSPB Amber list including swift *Apus apus* and tawny owl *Strix aluco*.

#### 4.4 INVASIVE SPECIES

Table 4.3 provides a summary of invasive species records within a 1 km radius of the study area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Legislation / Conservation Status
Himalayan Balsam	1	2015	610 m south-west	WCA 9

**Key:**  
WCA9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.

**Table 4.3: Summary of Invasive Species Records Within 1 km of Survey Area**

## 5. PHASE 1 HABITAT SURVEY

### 5.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing (Drawing C156485-02-01) is provided in Chapter 8. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 9.

The survey was carried out on 2<sup>nd</sup> November 2021 by Susan Sweetman (Principal Ecological Consultant). Table 5.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	8
Cloud (%)	0
Wind (Beaufort)	1
Precipitation	0

**Table 5.1: Weather Conditions During Field Survey**

### 5.2 SURVEY CONSTRAINTS AND LIMITATIONS

November is not an optimal time for completing botanical assessments however, given the nature of the habitats present, this was not considered to be a significant constraint to a robust initial site assessment.

### 5.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Amenity Grassland;
- Broadleaved Plantation Woodland;
- Building;
- Dense Scrub;
- Hardstanding;
- Introduced Shrub;
- Other Habitat: Vegetable Garden;
- Scattered Scrub;
- Scattered Trees; and,
- Species-poor Intact Hedgerow.

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

#### **Amenity Grassland**

Amenity grassland dominated the southern half of the site and comprised a large playing field and areas to the north, east and west of the buildings (Plate 9.1). This was managed and had a 3 cm sward. The grassland was dominated by perennial rye grass *Lolium perenne* with occasional herbs present including creeping buttercup *Ranunculus repens*, white clover *Trifolium repens*, daisy *Bellis perennis*, greater plantain *Plantago major* and dandelion *Taraxacum officinale* agg.

#### **Broadleaved Plantation Woodland**

There was a mature plantation of broadleaved trees at the southern end of the site, adjacent to the corridor of the off-site Tang Hall Beck (Plate 9.2). The trees had been planted in a double row for most of the length of woodland with mown amenity grass present. Towards the western end of the woodland area, the trees were more spaced out and there were areas of rough grassland along with large logs. Tree species present comprised whitebeam *Sorbus* sp., alder *Alnus glutinosa*, wild cherry *Prunus avium*, rowan *Sorbus aucuparia*, ash *Fraxinus excelsior*, English oak *Quercus robur*, small-leaved lime *Tilia cordata* and field maple *Acer campestre*. Small areas of scrub were present towards the boundaries of the western end of the wooded area comprising elder *Sambucus nigra*, hazel *Corylus avellana* and guelder rose *Viburnum opulus*.

### **Building**

The main school building was a large single to double storey brick structure with a mostly flat roof lined with bitumen (Plate 9.3). Barge boards were mostly made of wood and were in poor condition with some holes present in places. The barge boards at the front of the building had been replaced by PVC boards. There was a tall brick chimney rising from the centre of the building. Window frames were made from PVC and were well sealed. A modern addition to the original building was present on the southern end, comprising a centre for deaf children (Plate 9.4). This more modern unit had a brick base with wooden cladding on the walls. The soffit boards and roof liner were made from metal with well-sealed PVC windows.

A bike shed was present to the north of the main school building and comprised a single storey brick structure with a flat bitumen-lined roof (Plate 9.5). Wooden barge boards were present along the top of the structure and wooden doors along the southern edge provide access into the building that were well sealed. The eastern and western ends of the building were open sided with a wooden post roof supported by steel beams.

### **Dense Scrub**

Small pockets of dense scrub were recorded in the north-eastern corner of the site behind the bike shed (Plate 9.6). This formed part of a seating area with picnic benches. Species present comprised elder, snowberry *Symphoricarpos albus*, bramble *Rubus fruticosus* agg. and ivy *Hedera helix*.

### **Hardstanding**

Large areas of tarmac hardstanding were present to the north of the site comprising a car park, playground and access roads (Plate 9.7). The perimeters of the building were mostly paved. There was a large tarmac area to the south-eastern corner comprising a further playground.

### **Introduced Shrub**

The entrance road to the school was lined with mature shrubs including box *Buxus* sp. and laurel *Laurus* sp that appeared to be regularly pruned.

### **Other Habitat: Vegetable Garden**

There was a small fenced off vegetable garden along the eastern boundary of the site that mostly comprised bare ground covered in a carpet of dead leaves with some raised beds containing plants including rosemary *Salvia rosmarinus*, strawberries *Fragaria* sp., raspberries *Rubus* sp., and common sage *Salvia officinalis* (Plate 9.8). There were shrubs present along the back fence including hawthorn *Crataegus monogyna* and laurel. Compost piles were present along the northern side of the garden constructed from wooden pallets with a plastic tool shed next to them. An insect hotel made from old pallets was present on the eastern boundary.

### **Scattered Scrub**

A few immature stands of scrub species had been planted along the south-western edge of the playing field comprising elder, hazel and hawthorn (Plate 9.9).

### **Scattered Trees**

There were numerous trees planted around the perimeter of the school building, especially towards the northern end (Plate 9.10). The trees were mostly mature and in good condition comprising weeping willow *Salix babylonica*, silver birch *Betula pendula*, wild cherry, apple *Malus domestica*, Norway maple *Acer platanoides*, alder, common hornbeam *Carpinus betulus*, maidenhair tree *Ginkgo biloba*, Leyland cypress *Cupressus x leylandii* and ash *Fraxinus excelsior*.

### **Species-poor Intact Hedgerow**

There was a mature section of hedgerow present along the north-western boundary that appeared to be regularly pruned (Plate 9.11). Species present comprised elder, Norway maple, sycamore *Acer pseudoplatanus*, ash, hawthorn and holly *Ilex aquifolia*.

A small section of hedgerow was present along the western edge of the main school building that comprised beech *Fagus sylvatica*.

#### 5.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

##### **Birds**

The following bird species were observed on site during the field survey: carrion crow *Corvus corone*, feral pigeon *Columba livia domestica* and black-headed gull *Chroicocephalus ridibundus*.

##### **Bats**

No evidence of bats was identified during the field survey; however, the school building was considered to provide some potential roosting features (Plate 9.12). These features comprised broken sections of soffit boxes in various locations around the building. The bike shed was not considered to have any features suitable for roosting bats.

#### 5.5 INVASIVE PLANT SPECIES

No invasive plant species were recorded during the field survey.



## 6. DISCUSSIONS AND CONCLUSIONS

### 6.1 SUMMARY OF PROPOSALS

The proposals entail the construction of a new school building and the destruction of the old one. The new school building will be built on site, however the proposals were still being finalised at the time of writing this report.

### 6.2 NATURE CONSERVATION SITES

The desk study exercise identified a single conservation site within the search parameters. The conservation site is discussed below.

#### UK Statutory Sites

A single conservation site, St. Nicholas Fields Local Nature Reserve (LNR) was identified by the desk study, that is situated 1.12 km south-west of the proposed works. The LNR is a rewilded site with a diverse bird and invertebrate assemblage with habitats including meadow and woodland. Due to the presence of intervening residential area between the proposed works and the protected site and the lack of ecological connectivity, direct and indirect impacts on this site are considered unlikely. As a result, this site is not a notable consideration, and the works are unlikely to contravene relevant local planning policy.

### 6.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

A discussion of the implications of the site proposals with regard to the habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 6.4.

#### **Amenity Grassland; Hardstanding; Introduced Shrub; Other Habitat: Vegetable Garden; and, Scattered Scrub**

These habitats are not deemed to be a notable consideration as they are not Habitats of Principal Importance, nor are they listed as a priority habitat on the Local BAP. In addition, they had low species diversity and can be easily recreated post-works. The potential for these areas to support protected species is discussed in Section 6.4.

#### **Buildings**

The main school building will require demolition. This habitat has limited intrinsic ecological value, and as such, is not a notable consideration. Structures may, however, provide shelter opportunities for protected species such as bats and birds which is discussed further in Section 6.4.

#### **Broadleaved Plantation Woodland**

Broadleaved plantation woodland isn't included as a Habitat of Principal Importance or listed in the City of York Biodiversity Action Plan as it is not semi-natural in character. However, the woodland is mature and well established and, with sensitive management, the conservation value of the woodland could be increased. Mature woodlands are considered to have intrinsic ecological value, providing connectivity and shelter opportunities for fauna. It is not known whether any woodland removal will be required to facilitate the works. As such, any removal should be limited, with replacement planting provided. Also, retained woodland should be adequately protected for the duration of any works, to prevent indirect impacts such as root compaction. A recommendation regarding this has been included in Section 7.2.

#### **Dense Scrub**

The pockets of dense scrub in the north-eastern corner of the site were mostly composed of native species not deemed to be a notable consideration as they are not Habitats of Principal Importance, nor are they listed as a priority habitat on the Local BAP. The dense scrub however, does have some intrinsic ecological value, providing connectivity and shelter opportunities for fauna. It is not known whether any scrub removal

will be required to facilitate the works. As such, any removal should be limited, with replacement planting provided. A recommendation regarding this has been included in Section 7.2.

### Hedgerow

Hedgerows comprising native species classify as a Habitat of Principal Importance and all hedgerows are included as a priority within the City of York Biodiversity Action Plan. Hedgerows are considered to have intrinsic ecological value, providing connectivity and shelter opportunities for fauna. It is not known whether any hedgerow removal will be required to facilitate the works. As such, any removal should be limited, with replacement planting provided. Also, retained hedgerows should be adequately protected for the duration of any works, to prevent indirect impacts such as root compaction. A recommendation regarding this has been included in Section 7.2.

### Scattered trees

The scattered trees on site do not qualify as a Habitat of Principal Importance and are not listed as a priority within the Local BAP. However, trees, and particularly more mature specimens, are of intrinsic ecological value and cannot be easily replaced in the short to medium-term. Such trees can provide habitat for fauna such as nesting birds and invertebrates.

It is not known whether any scattered trees are required to be removed. As such, any removal should be limited with replacement planting provided, and retained trees should be adequately protected for the duration of any works, to prevent indirect impacts such as root compaction. Recommendations in relation to this are therefore made in Section 7.2 below, to ensure the proposed works do not contravene relevant local planning policy, as detailed in Section 3.3.

Habitats considered to be of relevance to the proposed development are summarised in Table 6.1.

Habitat Type	Habitat of Principal Importance?	Local BAP Habitat?	Summary of Potential Impacts
Broadleaved Plantation Woodland	-	-	Potential habitat loss; Risk of root compaction/accidental damage
Hedgerows	✓ (Hedgerows)	✓ (Hedgerows and hedgerow trees)	Potential habitat loss; Risk of root compaction/accidental damage
Dense Scrub	-	-	Potential habitat loss; Risk of root compaction/accidental damage
Scattered Trees	-	-	Potential habitat loss; Risk of root compaction/accidental damage

**Table 6.1: Summary of Potential Impacts on Notable Habitats**

## 6.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 4) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

### Mammals – bats

The desk study identified records of common pipistrelle, unidentified pipistrelle species and unidentified bat species within the search area. No evidence of bats was identified during the field survey; however, the main school building was considered to provide potential roosting features comprising lifted fascia boarding and broken sections of soffit boxes. The main school building will be demolished as part of the works. Therefore, it is recommended that further survey work be carried out prior to works commencing as detailed in Section 7. All the trees on site were in good condition and did have feature suitable to support roosting bats.

### Mammals - other

#### Water Vole and Otter

Four records of water vole and two records of otter were identified through the desk study within the search area. The Tang Hall Beck is situated adjacent to the southern boundary of the site. The site was not considered to have suitable habitat for either species as the grounds of the school are intensively managed

and do not have sufficient structural complexity to provide sheltering opportunities for otter or water vole. No evidence of the presence of either species was identified during the field survey such as tracks or burrows/holts. Given the lack of field signs and suitable habitat, otter and water vole are not notable considerations for the proposed works.

#### Terrestrial mammals

No evidence of mammals was recorded on site during the field survey, but records of hedgehog were identified within the desk study. The habitats surrounding the site, including within the residential gardens, and the broadleaved plantation woodland, grassland and hedgerow onsite, contained suitable foraging and/or shelter habitat for a range of terrestrial mammals, including badger and hedgehog. As such, it is likely that these species could utilise the survey area for foraging, commuting and shelter purposes on a regular basis and they would therefore be at risk of direct harm/injury as a result of vegetation clearance, and entrapment within any equipment or excavations that may be required as part of the proposed works.

Terrestrial mammals are therefore a notable consideration and a recommendation is made in Section 7.3, to ensure the proposed works do not contravene relevant local planning policy and legislation.

#### **Herpetofauna**

##### Amphibians

Records of great crested newts, smooth newt and common frog were identified within the search area of the desk study, however these were all located over 500 m away from the proposed works. No evidence of great crested newt presence or other common amphibians was recorded on site during the field survey and the proposed works area, dominated by hardstanding, buildings and amenity grassland, was of limited suitability for great crested newt. However, nearby habitats, including the scrub and hedgerows, were considered to provide more suitable foraging and sheltering opportunities for amphibians.

Reference to Ordnance Survey Maps and aerial imagery indicates that no ponds are present within 500 m of the survey area. Due to the lack of suitable habitat and ponds within or immediately adjacent to the proposed working area, the lack of amphibian records within 500 m and as the works are proposed within habitats considered to be of limited value to this species group, amphibians are not a notable consideration with regards to the proposed works.

##### Reptiles

No records of reptiles were identified within the search area and no evidence of reptile presence was recorded on site during the field survey. The proposed works area was of negligible value to reptiles, being dominated by hardstanding and amenity grassland; however, the scrub, woodland and hedgerows offered suitable foraging and sheltering opportunities. Due to the lack of suitable habitat within the proposed works areas and nearby records, it is considered that reptiles are unlikely to be impacted by the proposed works and they are therefore not a notable consideration.

#### **Birds**

The desk study identified a number of bird records within the search area, including some Schedule 1 species and Species of Principal Importance. A small number of birds were also recorded on site during the field survey. The buildings, scattered trees, scrub and woodland all have potential to support nesting birds. As these habitats could be impacted to some degree by the proposed works, nesting birds are a notable consideration. A recommendation is therefore made in Section 7.3 to ensure that nesting birds are not adversely impacted by the proposed works and that the works do not contravene relevant local planning policy or legislation.

As much of the site is dominated by managed amenity grassland and infrastructure, and as there is an abundance of nesting habitat in the local area which will not be impacted by the proposed works, no long-term adverse impacts are anticipated on local bird populations.

#### **Other Species**

The following protected species are not considered to be material considerations due to the lack of desk study records and absence of suitable habitats within the development site and its surroundings: dormouse *Muscardinus avellanarius*, white-clawed crayfish *Austroptamobius pallipes*, badger *Meles meles* and invertebrates.

## Summary

Species considered to be of relevance to the proposed development are summarised in Table 6.2.

Species / Species Group	Species of Principal Importance?	Summary of Potential Impacts
Nesting birds	Dependant on species	Risk of direct harm and/or injury; Loss of suitable nesting habitat
Roosting, commuting and foraging bats	Dependant on species	Risk of direct harm and/or injury; Potential loss of suitable roosting habitat; Disturbance/fragmentation of commuting and foraging habitat
Terrestrial mammals	Dependant on species	Risk of direct harm and/or injury; Risk of entrapment in excavations

**Table 6.2: Summary of Potential Impacts on Notable Species**

## 6.5 INVASIVE PLANT SPECIES

A record of Himalayan balsam was identified in the desk study located over 600 m from the site. No invasive plant species were recorded during the site visit.

## 7. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd's current understanding of the site proposals (see Annex 4 – Hempland Primary School Block Plan With Development Zone (03.08.2021)), correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

### 7.1 NATURE CONSERVATION SITES

The following recommendations are made regarding nature conservation sites:

- R1 Habitat Retention and Protection:** The development proposals should be designed (where feasible) to allow for the retention of existing notable habitats including the scattered trees and hedgerows. Protection measures comprise:
- Trees/Hedgerows: Any trees/hedgerows on or overhanging the site, which are retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works on site.
- If retention is not possible, appropriate replacement planting should be incorporated into the soft landscape scheme in accordance with the ecological mitigation hierarchy. Only native and/or wildlife attracting species should be planted.
- R2 Biodiversity Enhancement:** In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed development to work towards delivering net gains for biodiversity. This could involve:
- The enhancement of amenity grassland throughout the site, this could include the verges around pathways or a strip around the edge of the field. Enhancement could include scarifying and overseeding with an appropriate wildflower grassland mix to increase species diversity or management within a meadow regime. This would benefit invertebrates, and therefore, bats and birds.
  - The enhancement of the hedgerow along the western site boundary by adding fruit and seed rich species, to benefit birds and invertebrates.
  - The addition of bat and bird boxes on buildings throughout the site.

### 7.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and relevant planning policy (Policy 13 Housing Allocations, Policy 41 Biodiversity and Geodiversity of the North East Lincolnshire Local Plan), the following recommendations are made:

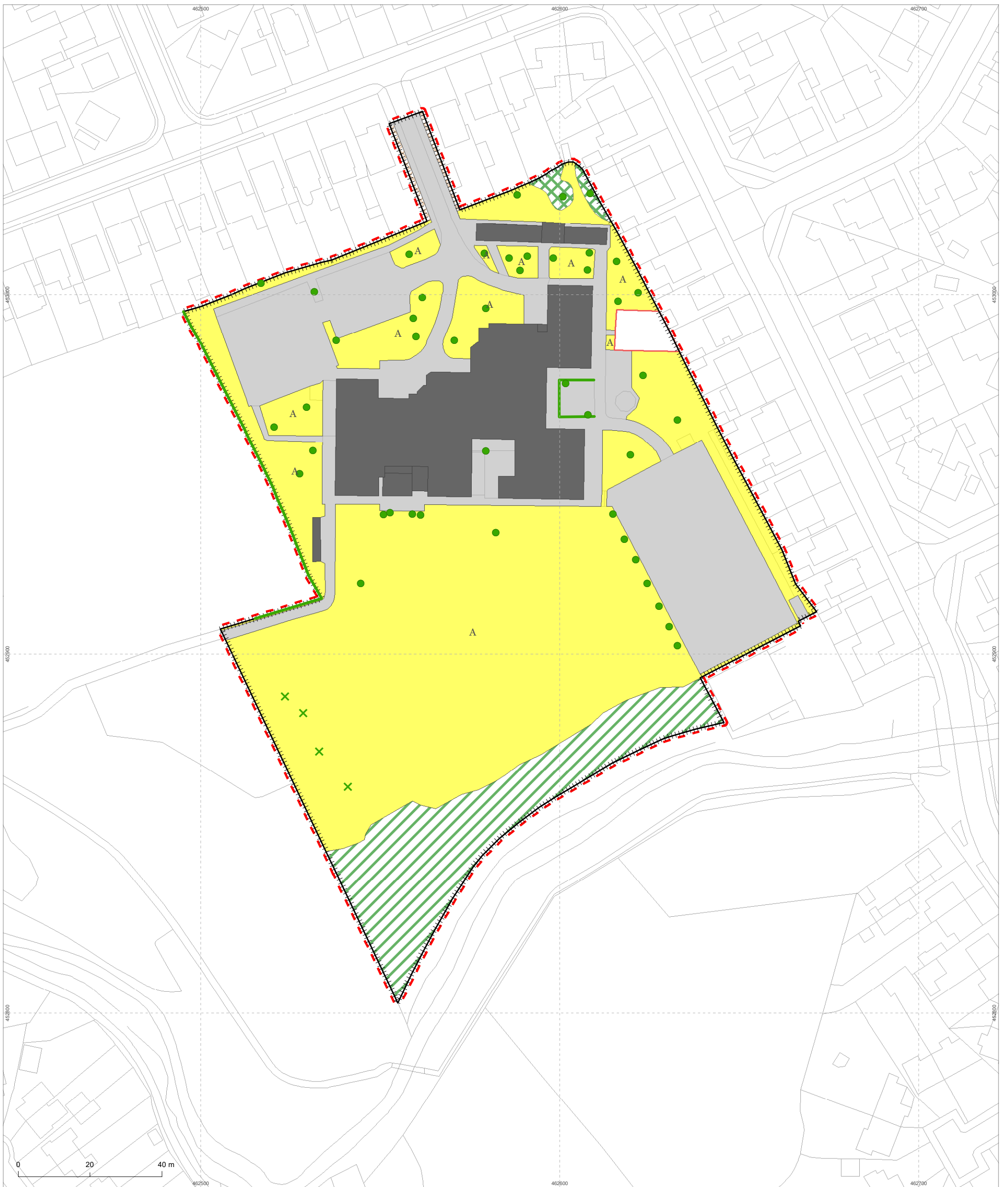
- R3 Roosting Bats:** The main school building has been identified as having low potential to support roosting bats. Bat Surveys: Good Practice Guidelines, published by the Bat Conservation Trust (Collins, 2016), recommends for structures with low bat roosting potential that at least one survey (consisting of either a dusk emergence survey or a dawn re-entry survey) be undertaken during the peak season for emergence/re-entry surveys (May to August) to determine the presence/absence of

roosting bats within the structure. Should this survey confirm the presence of roosting bats, it will be necessary to undertake additional surveys in order to inform a Natural England licence application. In addition, should the survey identify the presence of significant levels of bat activity at the site, it may be necessary to undertake further survey visits to comprehensively assess the value of the site to bats.

- R4 Lighting:** In accordance with best practice guidance relating to lighting and biodiversity (Miles et al, 2018; Gunnell et al, 2012), any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species. Examples of good practice include:
- Avoiding the installation of new lighting in proximity to key ecological features, such as hedgerows and tree line.
  - Using modern LED fittings rather than metal halide or sodium fittings, as modern LEDs emit negligible UV radiation.
  - The use of directional lighting to reduce light spill, e.g. by installing bespoke fittings or using hoods or shields. For example, downlighting can be used to illuminate features such as footpaths whilst reducing the horizontal and vertical spill of light.
  - Where the use of bollard lighting is proposed, columns should be designed to reduce horizontal light spill.
  - Implementing controls to ensure lighting is only active when needed, e.g. the use of timers or motion sensors.
  - Use of floor surface materials with low reflective quality. This will ensure that bats using the site and surrounding area are not affected by reflected illumination.
- R5 Terrestrial Mammals including Badger and Hedgehog:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
- R6 Nesting Birds:** Vegetation and building clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation/buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them should be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.

## 8. DRAWINGS

Drawing C156485-02-01 – Phase 1 Habitat Map



**Legend**

- - - Site boundary
- X Scattered scrub
- Scattered tree
- ++++ Fence
- Species-poor intact hedgerow
- A Amenity grassland
- / Broad-leaved plantation woodland
- Building
- X Dense scrub
- Hardstanding
- Introduced shrub
- Other habitat: vegetable garden

Project		Hempland Primary School, Whitby Avenue, York	
Drawing		Phase 1 Habitat Map	
Client		Mott Macdonald	
Drawing Number	C156485-02-01	Revision	00
Scale @ A3	1:1,000	Date	November 2021
Approved By	SS	Drawn By	JR

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C156485-02-01

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## 9. PHOTOGRAPHS



**Plate 9.1: Amenity Grassland Playing Field**



**Plate 9.2: Plantation Broadleaved Woodland**



**Plate 9.3: Main School Building**



**Plate 9.4: Modern Addition to Main Building**



**Plate 9.5: Bike Shed**



**Plate 9.6: Dense Scrub**



Plate 9.7: Hardstanding



Plate 9.8: Other Habitat: Vegetable Garden



Plate 9.9: Scattered Scrub



Plate 9.10: Scattered Trees



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## APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Species-Specific Legislation

## APPENDIX 1

### Summary of Statutory Nature Conservation Sites

Site Check Report Report generated on Tue Nov 23 2021

**You selected the location:** Centroid Grid Ref: SE62585292

The following features have been found in your search area:

#### **Ramsar Sites (England) - points**

No Features found

#### **Ramsar Sites (England)**

No Features found

#### **Possible Special Areas of Conservation (England) - points**

No Features found

#### **Possible Special Areas of Conservation (England)**

No Features found

#### **Special Protection Areas (England) - points**

No Features found

#### **Special Protection Areas (England)**

No Features found

Site Check Report Report generated on Tue Nov 23 2021

**You selected the location:** Centroid Grid Ref: SE62585292

The following features have been found in your search area:

#### **Local Nature Reserves (England)**

##### **Reference**

1082939

##### **Name**

ST NICHOLAS FIELDS

##### **Hectares**

9.46

##### **Hyperlink**

<https://designatedsites.naturalengland.org.uk/SiteLNRDetail.aspx?SiteCode=L1082939>

#### **Ancient Woodland (England)**

No Features found

#### **National Nature Reserves (England)**

No Features found

#### **Sites of Special Scientific Interest (England)**

No Features found

Site Check Report Report generated on Tue Nov 23 2021

**You selected the location:** Centroid Grid Ref: SE62565295

The following features have been found in your search area:

#### **SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)**

##### **1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?**

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

##### **All Planning Applications**

###### **Infrastructure**

Airports, helipads and other aviation proposals.

###### **Wind & Solar Energy**

Solar schemes with footprint > 0.5ha, all wind turbines.

###### **Air Pollution**

Livestock & poultry units with floorspace > 500m<sup>2</sup>, slurry lagoons & digestate stores > 750m<sup>2</sup>, manure stores > 3500t.

###### **Combustion**

General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

###### **Waste**

Landfill. Incl: inert landfill, non-hazardous landfill, hazardous landfill.

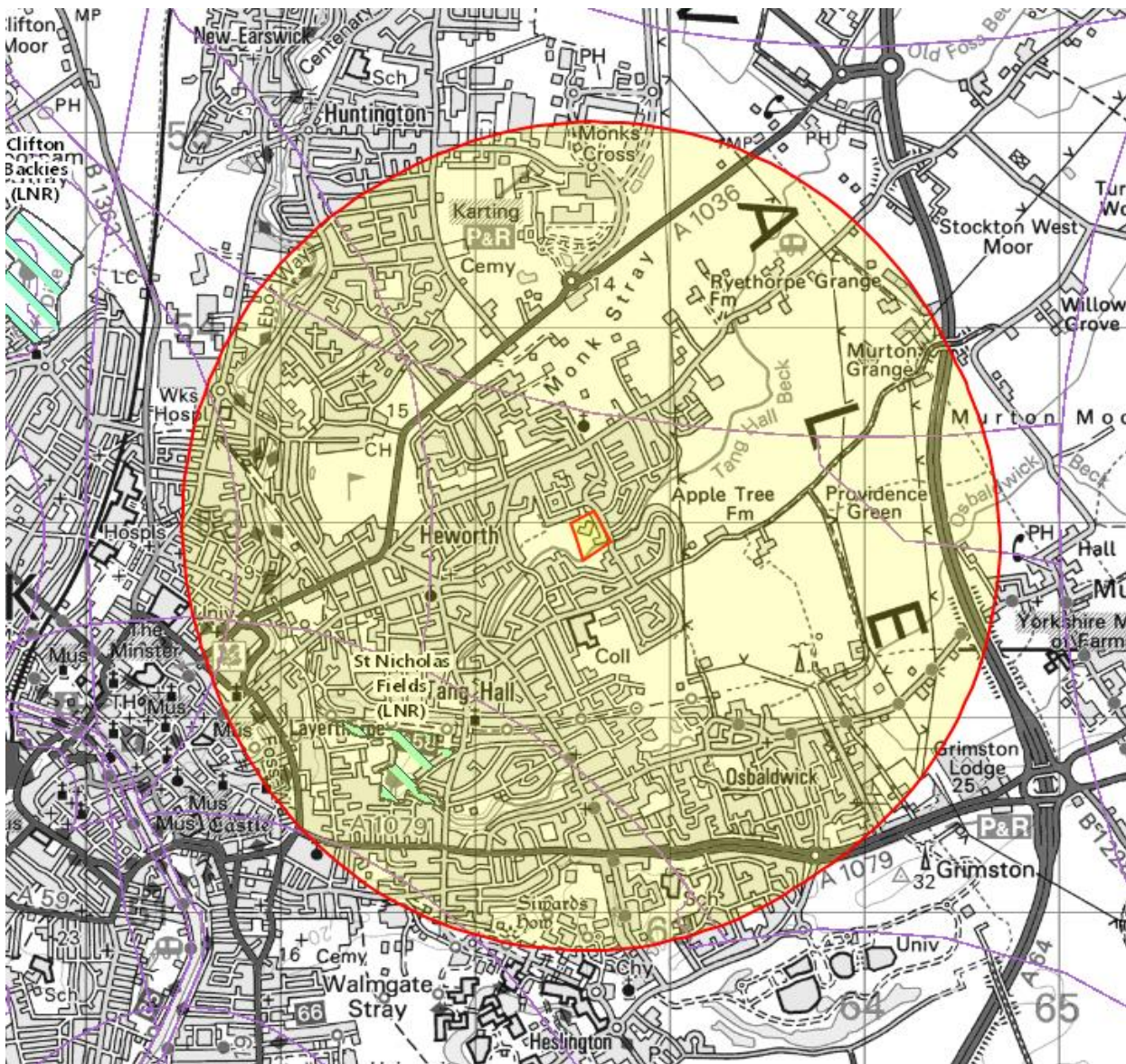
###### **Composting**

###### **Discharges**

Any discharge of water or liquid waste of more than 20m<sup>3</sup>/day to ground (ie to seep away) or to surface water, such as a beck or stream.

#### **GUIDANCE - How to use the Impact Risk Zones**

[/Metadata for magic/SSSI IRZ User Guidance MAGIC.pdf](#)



## APPENDIX 2

### Overview of Relevant Species-specific Legislation

## **BATS**

Bats and the places they use for shelter or protection (i.e. roosts) receive legal protection under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly\** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly\** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

\*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The reader should refer to the original legislation for the definitive interpretation.

The following bat species are Species of Principal Importance for Nature Conservation in England: barbastelle bat *Barbastella barbastellus*, Bechstein's bat *Myotis bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared bat *Plecotus auritus*, greater horseshoe bat *Rhinolophus ferrumequinum* and lesser horseshoe bat *Rhinolophus hipposideros*. Species of Principal Importance for Nature Conservation in England are material considerations in the planning process. The list of species is derived from Section 41 list of the Natural Environment and Rural Communities (NERC) Act 2006.



## **BIRDS**

The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

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## **SCHEDULE 1 BIRDS**

### **Schedule 1 - Part I**

Birds and their young, for which it is an offence to intentionally or recklessly disturb at, on or near an 'active' nest.

Avocet  
Bee-eater  
Bittern  
Bittern, little  
Bluethroat  
Brambling  
Bunting, ciril  
Bunting, Lapland  
Bunting, snow  
Buzzard, honey  
Capercaillie (Scotland only)  
Chough  
Corncrake  
Crake, spotted  
Crossbills (all species)  
Divers (all species)  
Dotterel  
Duck, long-tailed  
Eagle, golden  
Eagle, white-tailed  
Falcon, gyr  
Fieldfare  
Firecrest  
Garganey  
Godwit, black-tailed  
Goshawk  
Grebe, black-necked  
Grebe, Slavonian  
Greenshank  
Gull, little

Gull, Mediterranean  
Harriers (all species)  
Heron, purple  
Hobby  
Hoopoe  
Kingfisher  
Kite, red  
Merlin  
Oriole, golden  
Osprey  
Owl, barn  
Owl, snowy  
Peregrine  
Petrel, Leach's  
Phalarope, red-necked  
Plover, Kentish  
Plover, little ringed  
Quail, common  
Redstart, black  
Redwing  
Rosefinch, scarlet  
Ruff  
Sandpiper, green  
Sandpiper, purple  
Sandpiper, wood  
Scaup  
Scoter, common  
Scoter, velvet  
Serin  
Shorelark  
Shrike, red-backed  
Spoonbill  
Stilt, black-winged  
Stint, Temminck's  
Stone-curlew  
Swan, Bewick's  
Swan, whooper  
Tern, black  
Tern, little  
Tern, roseate  
Tit, bearded  
Tit, crested  
Treecreeper, short-toed  
Warbler, Cetti's  
Warbler, Dartford  
Warbler, marsh  
Warbler, Savi's  
Whimbrel  
Woodlark  
Wryneck

**Schedule 1 - Part II**

Birds afforded special protection during the close season which is 1 February to 31 August (21 February to 31 August below high water mark) but which may be killed or taken outside this period.

Goldeneye

Pintail

Greylag goose (in Outer Hebrides, Caithness, Sutherland and Wester Ross only)

**HEDGEHOG**

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.