Home Park Service Station, Plymouth

Ecological Appraisal

2023

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Client	Rontec Service Stations
Project Title	Home Park Service Station, Plymouth
Project Reference	RHE.3986
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Report Contents

Executive Summary

Development Details

The client is proposing an extension to the Home Park Service Station retail building, hereafter referred to as the 'site'.

This report describes the ecological features of the site and its surroundings and assesses the potential impacts of the development on the ecological interest. Recommendations are provided so that the development is compliant with biodiversity policy and legislation.

Ecological Interest

The site has a low level of ecological interest. The habitat of interest is the mature mixed plantation woodland that could provide nesting opportunities for birds and foraging habitat for bats. The non-native and invasive Japanese Knotweed *Reynoutria japonica* is present in the woodland.

Outcomes

Further survey work is not required, because the field survey was able to fully determine the ecological impact of the proposed development.

It is recommended that habitat loss is offset by a compensatory payment to the habitat bank established by Plymouth City Council.

Avoid harm to protected and notable species by timing the work to avoid the nesting bird season and supervise the clearance work.

Create habitat stacks in the woodland with cut limbs of shrubs and trees.

Install bat roosting / bird nesting bricks into the wall of the building and bat roosting / bird nesting boxes onto trees.

Eradicate the Japanese Knotweed.

1. Introduction

1.1 Project Brief

1.1.1 Rachel Hacking Ecology Limited was commissioned in 2023 by Rontec Service Stations to carry out an Extended Phase 1 Habitat Survey of Home Park Service Station, 89 Outland Road, Plymouth (O.S. grid reference: SX 4711 5675—see Figure 1).

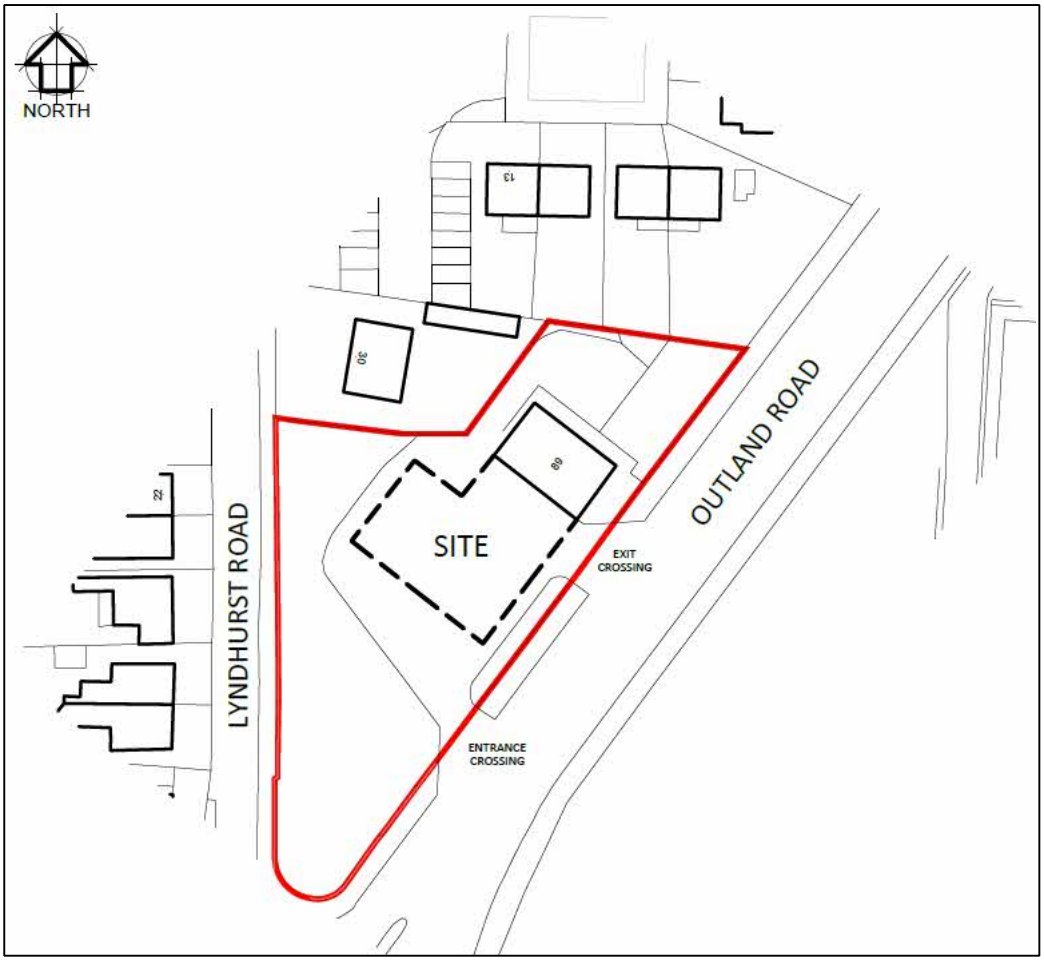

Figure 1 Location Map (©Crown Copyright and database rights 2022 OS Licence no. 100041041)

1.1.2 The proposed development site is a service station that includes a retail building, fuel pumps and forecourt, associated hard standing and areas of mature woodland. Boundaries are varied and include walls, fences, and a short section of ornamental hedgerow to the rear of the retail building. The site is located in an urban area surrounded by housing on three sides. There is, however, an extensive area of open greenspace to the southeast on the opposite side of Outland Road.

Description of Development

1.1.3 The site will be the subject of a planning application for the expansion of the retail building.

1.2 Scope of Work

1.2.1 The Client commissioned Rachel Hacking Ecology to carry out the following works:

Desk-based study[1] to obtain details of designated sites within the local area.

Record the extent, type, and condition of habitats within and next to the site.

Calculate the baseline and post-development biodiversity units.

Search for signs of protected species and assessment of the potential of habitats and features to support protected and notable species.

1.3 Site Visit Information

Surveyor Details

1.3.1 Mark Woods *MCIEEM, CEcol* (Principal Ecologist) visited the site on 2nd November 2023. Mark has 35 years of professional experience and has surveyed sites throughout the British Isles.

Weather

1.3.2 The weather was overcast with light rain, strong winds and a temperature of 14°C.

[1] The Biological Records centre was not contacted because the type of development and location did not require details of protected and notable species within the local area.

2. Methods

2.1 Desk Study

2.1.1 The Magic website (Multi-Agency Geographical Information for the Countryside) was interrogated for the presence of Statutory Designated Sites (and European Protected Species licences) within 5km radius of the site.

2.1.2 The Impact Risk Zones for any Site of Special Scientific Interest (SSSI) within 5km of the site was checked to determine whether the Local Planning Authority will need to consult with Natural England.

2.2 Field Survey

Extended Phase 1 Habitat Survey

2.2.1 In accordance with JNCC guidelines[2] the site was walked over, and the habitats and features of ecological interest were mapped and described. Habitats and features of particular interest were target noted.

2.2.2 During the walkover habitat and features were assessed for their suitability to support of protected and notable species in accordance with CIEEM guidelines[3]. Field signs of protected, notable, and invasive non-native species, if encountered, were mapped, and described.

2.3 Biodiversity Net Gain

2.3.1 During the site walkover the ecological condition of each habitat was assessed in accordance with the Natural England (2022) guidelines[4]. Habitat types recorded and mapped during the field survey were converted from the JNCC system to the UK Habitat Classification system[5].

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[2] JNCC (2010). *Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit*. Joint Nature Conservation Committee, Peterborough

[3] CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal.* Chartered Institute of Ecology and Environmental Management, Winchester.

[4] Panks, S. White, N., Newsome, A. et al. (2023). *Biodiversity metric 4: Auditing and accounting for biodiversity – User Guide*. Natural England.

[5] Butcher, B., Carey, P., et al. (2020). UK Habitat Classification – Habitat Definitions V1.1. at http://UKhab.org

2.3.2 Habitat data including type, area (or length), condition and strategic location were uploaded to the Defra Biodiversity Metric Calculator (version 4.0) spreadsheet to determine the baseline value of the site. The extent of any habitats to be retained or enhanced was also entered into baseline worksheets.

2.3.3 The post-development masterplan was interrogated to determine areas of hard standing, buildings, and associated infrastructure. New, retained, and enhanced habitats were classified and allocated a target condition, based on habitat type, location, and management input. This information was uploaded to the metric spreadsheet to obtain a post-development value.

2.3.4 The pre- and post-development values were compared to determine whether the yield of biodiversity units achieved a deficit or gain.

2.4 Mitigation Hierarchy

2.4.1 Mitigation measures should be embedded within the masterplan design and planning application process. Measures during the construction phases should be included in a Construction Environmental Management Plan: Biodiversity (CEMP). This process from proposal to implementation needs to consider the 'mitigation hierarchy' of avoid, reduce, compensate, and enhance:

Aim to avoid negative effects through the design process.

Mitigate if negative effects cannot be avoided.

Use compensation measures to offset residual impacts.

Identify and implement opportunities to enhance biodiversity.

3. Results

3.1 Survey Constraints

3.1.1 Field survey results are valid for a limited duration and no investigation can provide a complete description and characterisation of a site. The composition of habitats and species can change depending on environmental variables and the mobility of species, so the results of a study become less reliable over time. In some cases, surveys that are 3 years old may be acceptable for a project assuming that habitats have not significantly changed in the intervening period, but for protected species it is likely that survey data will need to be no more than 18 months old.

3.1.2 The site was accessible, and all areas were searched. The timing of the survey was sub-optimal for signs of protected species, but the site was of limited suitability for most protected species because of the location and levels of disturbance.

3.2 Designated Sites

3.2.1 Ham Woods Local Nature Reserve is 1.1km to the northwest of the site.

3.2.2 Plymouth Sound and Estuaries Special Area of Conservation (SAC) is 2.6km to the west of the site. The SAC is designated for its maritime habitats and presence of Shore Dock *Rumex rupestris* and Allis Shad *Alosa alosa*.

3.2.3 Tamar Estuaries Complex Special Protection Area (SPA) is 4km to the west and northwest of the site. The SPA is designated for wintering and passage wildfowl and waders.

3.2.4 There are no SSSIs within 1km of the site, but the site is located within the Impact Risk Zones of Billacombe SSSI and the Tamar –Tavy Estuary SSSI. However, the type of proposed development will not require the Local Planning Authority to consult with Natural England.

3.3 Habitats

3.3.1 The habitat survey plan is contained in Appendix 2.

Woodland

3.3.2 Two blocks of mature plantation mixed woodland (TN1) are located on the west and northeast sides of the site. The canopy is a mix of mature Lawson's Cypress *Cupressus lawsoniana*, London Plane *Platanus x hispanica*, Beech *Fagus sylvatica*, Field Maple *Acer campestre*, Portuguese Laurel *Prunus lusitanica*, and Ash *Fraxinus excelsior*. The understorey is dominated by Cherry Laurel *Prunus*

laurocerasus but also contains a wide variety of ornamental shrubs together with native species such as Bramble *Rubus fruticosus* agg., and hazel *Corylus avellana*. A dense carpet of Atlantic Ivy *Hedera* 'Hibernica' occupies most of the field layer.

3.3.3 A condition assessment score of 25 indicates that the woodland is in 'poor' ecological condition. This is because of the abundance of non-native species, lack of deadwood, no native field layer species, no veteran trees and limited regeneration of native species.

Hedgerow

3.3.4 A 12m length of 3m high, intact, dense ornamental hedgerow (TN2) of Cherry Laurel is located on the northern boundary. There is no condition assessment for an ornamental hedgerow.

Woodland TN1 (North)

Woodland TN1 (West)

Hedgerow TN2

3.4 Species

Bats

3.4.1 The retail building (TN3) is a single-storey, brick-walled building with a flat roof that has no roof void. The walls have no holes and there is no missing mortar. On the south elevation part of the wall is replaced by large plate glass windows. Intact metal box eaves are situated at the top of the walls. The north and west elevations contain air vents at varying heights, which are covered in cobwebs. The building contained no PRFs.

3.4.2 The forecourt is partially covered by an awning which is an intact metal box with no PRFs.

3.4.1 None of the trees contain potential roost features (PRFs) such as rot holes, split limbs hollow trunks, or a dense cover of Ivy *Hedera* spp.

3.4.2 The woodland (TN1) has potential to provide foraging opportunities for bats that can tolerate artificial illumination.

Building TN3 (North elevation)

Building TN3 (West elevation)

Badger

3.4.3 No sightings or signs of Badger *Meles meles* were found in the woodlands (TN1). The woodland habitat could provide opportunities for sett establishment and foraging but noise levels and artificial illumination are potential constraints.

Hazel Dormouse

3.4.4 No sightings or signs of Hazel Dormouse *Muscardinus avellanarius* were found during the survey. The woodland TN1 is considered to be sub-optimal for Hazel Dormouse because it is isolated from other woodlands and hedgerows and is dominated by non-native trees and shrubs with limited foraging opportunities. Hazel Dormouse is, therefore, no longer considered in this report.

Hedgehog

3.4.5 No sightings or signs of Western European Hedgehog (hereafter referred to as Hedgehog) *Erinaceus europaeus* were found during the field survey. The woodland TN1 has potential to support Hedgehog because there is a dense cover of field layer vegetation, but the impermeability of the neighbouring boundary walls and fences, and neighbouring roads could stop Hedgehog from occupying the site.

Nesting Birds

3.4.6 During the survey Magpie *Pica pica*, Carrion Crow *Corvus coronne* and Woodpigeon *Columba palumbus* were observed in the woodland habitat. The woodland TN1 and hedgerow TN2 provide potential nesting, foraging and resting habitat for a wide range or peri-urban birds including those observed during the field survey.

Reptiles

3.4.7 No sightings or signs of reptiles were encountered during the field survey. The presence of reptiles is not anticipated because of the isolation of the site and lack of suitable basking areas. Reptiles are, therefore, no longer considered in this report.

Amphibians

3.4.8 No sightings or signs of amphibians were encountered during the field survey. The site is considered to be sub-optimal for Great Crested Newt *Triturus cristatus* because the nearest mapped pond is located more than 500m distance across Outland Road and the site is an urban area, partially isolated from open greenspace by busy roads.

3.4.9 Garden ponds can provide breeding opportunities for common amphibians such as Smooth Newt *Lissotriton vulgaris*, Common Toad *Bufo bufo* and Common Frog *Rana temporaria* and if there are any within close proximity the presence of common amphibians cannot be discounted because the woodland TN1 could provide foraging and resting habitat.

Invertebrates

3.4.10 The mature woodland TN1 provides potential habitat for a range of woodland invertebrates, but despite the maturity of the woodland, deadwood is very limited so the presence of saproxylic invertebrates is not anticipated.

Plants

3.4.11 No rare, scarce, or protected plants were found during the survey. Given the characteristics of the woodland the presence of native vernal woodland plants that are protected or notable are not anticipated, and such plants are not considered any further in this report.

3.5 Invasive Species

3.5.1 At least three stands of Japanese Knotweed are present in the woodland, located to the south of the forecourt area. The stands are shaded and relatively small.

Japanese Knotweed 1

Japanese Knotweed 2

3.6 Biodiversity Net Gain

3.6.1 The only habitat that will be affected by the proposed development is the smaller of the two blocks of woodland TN1, located in the northeast corner. The baseline value of woodland TN1 is 0.49 units and the ornamental hedgerow TN2 is 0.01 units. There is no score for the building and areas of hard standing. The calculations will be provided on a separate spreadsheet.

4. Assessment

4.1 Development Context

4.1.1 The following assessment assumes that the existing building will be extended to the north by approximately 113m^2 and will result in a loss of hard standing and 30m^2 of woodland (see Figure 2).

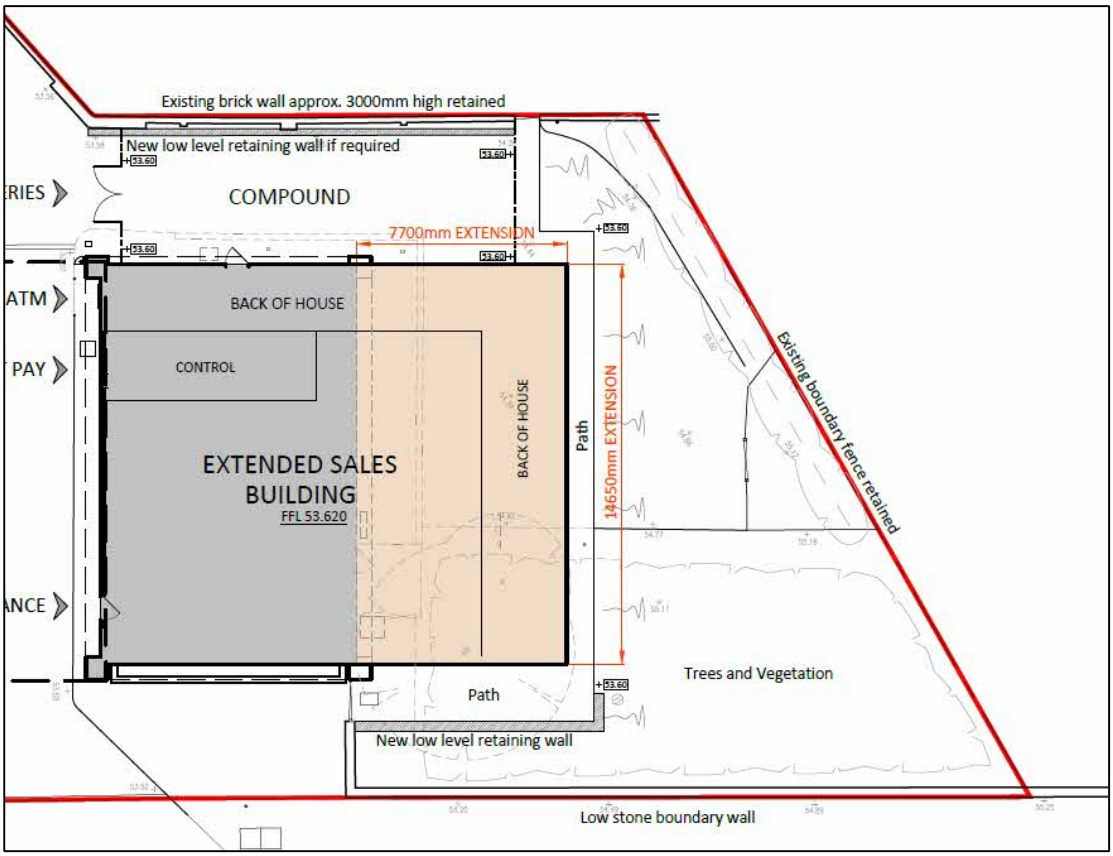

Figure 2. Development Proposals

4.2 Impacts on Designated Sites

4.2.1 Ham Woods LNR is isolated from the site by urban areas and is geographically separated. There will also be no change to visitor numbers because of the development so an adverse ecological impact will not occur.

4.2.2 The site has no functional ecological link to the qualifying features of the Plymouth Sound and Estuaries SAC or the Tamar Estuaries Complex SPA so an adverse ecological impact will not occur.

4.3 Habitats

4.3.1 The proposed development will result in a small loss of plantation mixed woodland TN1. Without mitigation the loss of habitat will have an adverse impact at a site level of value.

4.3.2 There will be no loss of ornamental hedgerow TN2 and no impact during the proposed development.

4.4 Impacts on Species

Bats

4.4.1 An impact on roosting bats is not anticipated because of a lack of PRFs.

4.4.2 There are streetlights to the rear and front of the site and the forecourt is lit at night, which will deter bat species that avoid artificial illumination when foraging and dispersing.

4.4.3 The proposed development will extend the size of the existing building and result in the loss of a small area of potential foraging habitat for some bat species if they are present in the local area. However, the area of loss is negligible, the bulk of woodland habitat to the west will be retained and there is no fragmentation, so the impact on foraging and dispersing bats is considered to be negligible.

Badger

4.4.4 The site has limited suitability for Badger, but no signs were encountered so an impact is not anticipated. If, however, there are delays to the proposed development, a pre-commencement check for Badger should be considered, because they are a mobile species that can occupy suitable habitat throughout the year.

Hedgehog

4.4.5 If there are gaps in the boundary structures that were not found during the site survey there is potential for Hedgehog to be present in woodland TN1. If hedgehog is present, the clearance of vegetation has the potential for an adverse impact. However, the impact of habitat loss is unlikely to be significant in terms of loss of foraging and cover because of the small area of loss and the availability of more woodland to the west.

Nesting Birds

4.4.6 Clearance of woodland habitat has the potential for direct harm during the nesting season and an adverse impact because of a potential loss of nesting, foraging and resting habitat. The loss, however, will be relatively small and there is alternative habitat to the north and west.

Common Amphibian

4.4.7 The loss of woodland habitat has the potential for direct harm to amphibians if they are using the area for resting and foraging. The loss will, however, be relatively small and there is alternative habitat to the north and west.

Invertebrates

4.4.8 Loss of woodland has the potential for an adverse impact on invertebrates with direct harm during clearance and loss of resting, foraging and dispersal habitat. However, the impact will be limited because of the small area of loss and given the lack of native plant species an adverse impact on protected and/or notable species is not anticipated.

4.5 Invasive Species

4.5.1 Japanese Knotweed is present within the site at three locations. Under the Wildlife and Countryside Act (Section 14 and Part II of Schedule 9) 1981 (as amended), it is an offence for Japanese Knotweed to be planted in the wild or otherwise cause it to grow in the wild.

4.5.2 It is not an offence to have Japanese Knotweed on your land, but it is an offence to allow the species to spread into neighbouring areas or to grow in the wild. Therefore, it will be necessary to ensure appropriate measures are in place to prevent development activities from causing further spread of the species to new areas.

4.6 Biodiversity Net Gain

4.6.1 For the proposed development to achieve an overall net gain for biodiversity it will be necessary to seek mitigation or compensation for any shortfall in units either by direct management of land by the applicant or the purchase of biodiversity units from a third party.

4.6.2 The baseline before development is 0.49 area habitat units and 0.01 linear habitat units. Post development there will be a loss of 0.01 area units. To comply with national and local planning policy it is necessary to achieve a net gain. At the time of writing the government target of 10% net gain is not yet mandatory so a target of 1% is proposed. To achieve net gain there are three scenarios that are set out below.

4.6.3 Scenario A is on-site mitigation, which will be required to achieve a gain of 0.01 area units and 0.001 linear units. Woodland management will require sustained and long-term intervention to raise the condition of the habitat from poor to moderate. There is no mechanism for enhancement of an ornamental hedgerow apart from increasing the length on site, which is not practical. On-site mitigation will not deliver a post-development net gain for biodiversity so two other options have to be considered.

4.6.4 Scenario B: the developer is unable to compensate all impacts on-site but is able to secure local compensatory habitat creation. This scenario is not modelled explicitly and would require making assumptions for what an individual development might look like. In practical terms a third party will be required to deliver 0.01 area units and 0.001 linear units on behalf of the developer.

4.6.5 Scenario C: the developer is unable to compensate on site and is unable to find local compensatory habitat in which to invest. Instead, the developer pays for their deficit through a biodiversity unit offsetting market. Plymouth City Council have recently established Ocean City Nature[6], which will act as a Habitat Bank for local development offsetting and are in a position to accept a payment to offset the deficit.

[6] https://www.theplanner.co.uk/2023/10/16/plymouth-establishes-green-bank-so-bng-requirements-benefit-city

5. Recommendations

5.1 Further Surveys

5.1.1 There is no requirement for further survey work because the impact of the development has been fully determined.

5.2 Mitigation Measures

5.2.1 Protection of the woodland and ornamental hedgerow that will not be lost during the construction phase will be described in a Construction Environmental Management Plan (CEMP). It is anticipated that woodland clearance will be carried out following checks by a Suitably Qualified Ecologist (SQE) and will be timed to avoid the bird nesting season.

Habitats

5.2.2 Protect the area of woodland TN1 to the north that will not be affected during construction by the installation of exclusion fences. Avoid artificial lighting in that area and store materials on hard standing away from the woodland.

5.2.3 Fell trees and shrubs under the supervision of an SQE. Following woodland clearance, retain larger pieces of felled timber (>10cm diameter) and cut into lengths of 1m. Create habitat stacks up to 1m high and 1m wide in woodland locations selected by the SQE. Brash below 10cm diameter will be chipped and disposed offsite.

Bats

5.2.4 Install a bat roosting brick [7] into the west facing wall of the building below the metal box eave. Install bat boxes on to a mature tree (selected by an ecologist) in woodland TN1. Three bat roosting boxes[8] facing southeast, south, and southwest that are placed in a cluster on a mature tree at a height of at least 4m above ground level will provide opportunities for roosting bats that are not available at the present time.

Badgers, Hedgehog and Common Amphibians

5.2.5 To ensure that Badger and any other mammals or amphibians are not trapped or harmed during the construction work, smaller excavations should be covered if left overnight. Larger excavations, if left overnight or for longer periods, should be ramped to enable animals to escape.

[7] https://bat-surveyor.co.uk/bat-bricks/

[8] https://www.nhbs.com/eco-kent-bat-box (or equivalent)

5.2.6 Woodland clearance will be supervised by an SQE, and any captured Hedgehog or amphibian will be immediately transferred to a nearby area of woodland that is unaffected by the proposed development and placed under suitable cover.

Nesting Birds

5.2.7 Impacts on nesting birds should be avoided in particular, by carrying out site clearance and similar operations outside of the bird breeding season (March- August). Construction activities that might directly impact upon breeding birds should hence be limited to the September-February period. If vegetation has to be cleared during the bird breeding season checks immediately before clearance by a suitably qualified ecologist will be required. If nesting activity is detected, work in that area will need to stop until the ecologist considers that nesting activity is finished.

5.2.8 The provision of five bird nesting boxes attached to mature trees in the western block of woodland at a minimum height of 4m will provide opportunities for nesting birds that are not available at the present time.

5.2.9 Provide two House Sparrow *Passer domesticus* nesting bricks[9] in the west facing wall of the new building just below the box eaves.

Invasive Species

5.2.10 Japanese Knotweed should be eradicated from site by a suitable contractor to remove any possibility of the development spreading the species beyond the boundaries of the site.

5.3 Biodiversity Net Gain

5.3.1 Assuming that the new habitat bank established by Plymouth City Council follows the government guidelines with regards to the cost of units[10], compensatory payment for the loss of 0.1 units of woodland that is categorised as being of medium distinctiveness will be £4,200.00 (0.1 x £42,000.00). Compensatory payment for 0.001 units of hedgerow of any distinctiveness will be £440.00 (0.001 x £44,000.00). A total payment of £4,640.00.

[9] https://www.swift-conservation.org/swift_bricks.htm, https://www.birdbrickhouses.co.uk/brick-nesting-boxes/nesting-boxes/

[10] https://www.gov.uk/guidance/statutory-biodiversity-credit-prices

Appendix 1: Planning Policy & Legislation

National Policy

The National Planning Policy Framework (NPPF 2021) describes the Government's planning policy for England and how it should be applied. Within this framework, the requirements in relation to biodiversity are included within several policies. The two most relevant to individual planning decisions are Paragraphs 174 and 180, shown below:

> 174. Planning policies and decisions should contribute to and enhance the natural and local environment by:
> a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
> b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
> c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
> d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; etc...

> 180. When determining planning applications, local planning authorities should apply the following principles:
>
> a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
> b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
> c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Legislation

The Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000) includes the notification and confirmation of Sites of Special Scientific Interest (SSSIs). SSSIs can be notified for their floral, faunal, geological, or physiographical features. Protection against damaging operations and management of SSSIs is also included within the Act. Impact Risk Zones (IRZs) are zones around an SSSI account for the particular sensitivities of the features for which it is notified and identify development proposal which could have adverse impacts.

The Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000) protects native animals, plants, and habitats. Under the Act it is an offence to intentionally kill, injure or take any wild animal listed on Schedule 5 and it is an offence to interfere with places used for shelter or protection, or intentionally disturb animals occupying such places. The Act prohibits picking, uprooting or destroy any wild plant (or any attached seed or spore) listed in Schedule 8.

European Protected Species (EPS) such as bats, Hazel Dormouse, Otter, Natterjack Toad, Smooth Snake, Sand Lizard and Great Crested Newt are protected by the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000) and the Conservation of Habitats and Species Regulations 2017. The Acts make it an offence to:

a) Deliberately capture, injure, or kill an EPS;
b) Deliberately impair an EPS's ability to survive, breed, reproduce, rear or nurture young; to hibernate or migrate; or significantly affect the local distribution or abundance of the EPS.
c) Possess or control live or dead EPS or any part of, or anything derived from a EPS;
d) Damage or destroy a breeding site or resting place of an EPS;
e) Intentionally or recklessly obstruct access to any place that is used for shelter or protection by an EPS;
f) Intentionally or recklessly disturb a structure or place that it uses for shelter or protection that is occupied by an EPS.

All common herptiles are protected under the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000). Grass Snake, Slow Worm, Common Lizard, Adder are protected against intentional killing or injury.

Common Frog, Common Toad, Smooth Newt, and Palmate Newt is protected against sale. In addition, all British reptiles, Common Toad and Great Crested Newt are listed as Species of Principal Importance.

All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill, injure or take any wild bird or take, damage, or destroy its nest whilst in use or being built, or take or destroy its eggs. It is an offence to intentionally or recklessly disturb a species listed on Schedule 1 of the Act while they are nest building or at or near a nest with eggs or young, or to disturb the dependent young.

The Protection of Badgers Act 1992 makes it an offence to wilfully, or to attempt to kill, injure, take, possess, or cruelly ill-treat a Badger, or intentionally or recklessly interfere with a sett. Interference of a sett includes disturbing badgers during occupation of a sett, or damaging or destroying a sett, or obstructing access to the sett.

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on every public authority to have regard to conserving biodiversity. Section 41 of the same Act requires the Secretary of State to publish a list of the living organisms and types of habitats that are of 'Principal Importance' for the purpose of conserving biodiversity. The Secretary of State must take steps, as appear reasonably practicable, to further the conservation of those living organisms and habitats in any list published under this section. The list of species and habitats of principal importance currently includes 943 species and 56 habitats. These are the species and habitats found in England which are regarded as conservation priorities under the UK Post-2010 Biodiversity Framework

The Hedgerows Regulations 1997 protect 'important' hedgerows from destruction or damage. A hedgerow is 'important' if it (a) has existed for 30 years or more; and (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations. Under the Regulations, it is against the law to remove or destroy 'important' hedgerows unless permitted by the local planning authority.

Appendix 2: Habitat Survey Plan

Key:

TN1: Plantation Mixed Woodland (Other woodland; mixed)

TN2: Species-poor Hedgerow (Ornamental hedgerow)

TN3: Building