



Preliminary Ecological Appraisal

Benwick Primary School Extension

R G Carter

CRM.734.001.EC.R.001



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Preliminary Ecological Appraisal

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Non-Technical Summary

- i. In August 2022 Enzygo Ltd was commissioned by R G Carter (the client) to provide a Preliminary Ecological Appraisal (PEA) in relation to an application for a proposed extension to Benwick Primary School, Benwick, Cambridgeshire PE15 0XA (central grid reference: TL 34280 90112) located within the Fenland District Council planning authority. An updated site layout was provided October 2023. This study will inform proposals for new school buildings.
- ii. The following key ecological features and associated recommendations have been identified:
 - **Scattered Trees, Hedgerow and Green Infrastructure** – (*Boundary hedgerow and scattered trees provide a limited extent of green infrastructure and wildlife corridor function across the developed landscape*) – recommended the final site layout enables the retention and protection of existing boundary vegetation. The construction phase shall implement best practice protection measures and a sensitive lighting strategy will also be required to minimise potential operational degradation of these features;
 - **Bats** – (*The mobile temporary classroom unit which is to be removed, and the small flat roof western extension of the main school building are of Negligible suitability for roosting bats. Single Pear tree to be removed, and trees where minor cutting back and crowning are of Negligible suitability for roosting bats. Other buildings at the site and mature boundary trees may provide bat roost opportunities*) - No further survey or specific mitigation is required regarding roosting bats in relation to removal of the mobile classroom unit or modifications to the western elevation unit of the main school building. Proposed tree works should be undertaken with a vigilance for the potential presence of roosting bats, and implement a protocol of stopping works immediately and seeking advice in the unlikely event a roosting bat is discovered or suspected. If there are to be structural changes to the main part of the school or works to other buildings or mature trees as part of the works, further bat survey would be required, comprising a daylight preliminary roost assessment in the first instance. Boundary vegetation which provides a limited extent of suitable foraging and commuting habitat should be protected during the construction phase and a sensitive lighting scheme implemented;
 - **Nesting Birds** – (*Hedgerow and Scattered Trees provide a limited extent of suitable nesting habitat for a restricted range of nesting birds likely to be present in the local area*) - Recommended site clearance is conducted outside of the nesting season, or if necessary within the nesting season, an Ecological Clerk of Works (ECoW) to advise and supervise works to ensure no active nests to be affected. No further detailed Breeding Bird Survey deemed necessary in this instance; and
 - **Common Reptiles and other Priority Species** – (*Boundary trees and hedgerows and taller areas of grassland provide a limited extent of suitable shelter, refuge and foraging habitat for other wildlife such as Common Toad, Hedgehog and Slow-worm*) - Precautionary measures recommended during the construction phase to minimise the risk of killing/injury if these habitats are to be impacted. No further detailed Reptile Survey deemed necessary.
- iii. This report has demonstrated that, if the outlined mitigation measures are implemented in full, then no significant residual impact could be expected, and the proposed application will result in ‘no net loss in biodiversity,’ whilst also providing opportunities for ‘biodiversity net gain’ in accordance with NPPF and Local Planning Policy.

1.0 Introduction

1.1 Commission

1.1.1 In August 2022 Enzygo Ltd was commissioned by R G Carter (the client) to provide a Preliminary Ecological Appraisal (PEA) in relation to an application for a proposed extension to Benwick Primary School, Benwick, Cambridgeshire PE15 0XA (central grid reference: TL 34280 90112) located within the Fenland District Council planning authority. An updated site layout was provided October 2023. This study will inform proposals for new school buildings.

1.1.2 *Note: Enzygo Ltd are not considered to act as a Principal Designer for any mitigation/enhancement strategies identified within this document in accordance with the Construction (Design and Management) Regulations 2015 (CITB, 2016).*

1.2 Proposed Development/Identification of Impacts

1.2.1 The study will inform proposals for an extension to the existing Primary school which are understood to comprise removal of an existing mobile classroom units at the west of the site and replacement with a new permanent building. There are also proposed internal improvements to other existing parts of the school including staff rooms, WCs and the main entrance area. It is understood that no land outside the site will be used for site compounds or storage etc. Refer to Appendix A for a preliminary plan of the proposals.

1.2.2 This report identifies ecological features, and potential impacts and effects, recommends proportionate avoidance/mitigation/compensation strategies, followed by enhancements. This information will advise the client on the potential constraints to proposals and inform the final site design. A corresponding zone of influence has been considered (this includes any transboundary effects regardless of administrative areas).

1.3 Aims and Objectives

1.3.1 The purpose of this report is to provide biodiversity information which succinctly identifies ecological features on site and within the corresponding zone of influence, identifies potential impacts resulting from the proposals, associated effects to ecological features, recommends proportionate avoidance, mitigation and compensation strategies, and identifies suitable enhancements that can be implemented in accordance with the British Standard for Biodiversity BS42020:2013 (BSI, 2013) to demonstrate 'no net loss in biodiversity' and a 'biodiversity net gain' in accordance with NPPF and Local Planning Policy.

1.3.2 This report has been produced with reference to current *Guidelines for Preliminary Ecological Appraisal* (CIEEM, 2017a), *Guidelines for Ecological Impact Assessment in the UK and Ireland, Terrestrial, Freshwater, Coastal and Marine* (CIEEM, 2018), *Bat Surveys for Professional Ecologist: Good Practice Guidelines (3rd edn)* (Collins, 2016), *Guidelines for Ecological Report Writing* (CIEEM, 2017b), and British Standard BS42020:2013 (BSI, 2013).

1.4 Background/Acknowledgments

1.4.1 A search of Fenland District Council has not identified any previous applications associated with the site or immediate surrounds with any supporting ecological survey or assessment information which is applicable to this report.

1.4.2 It is our understanding that to date there has been no correspondence with the County Ecologist or any other statutory consultees regarding this application. Additionally, we have not been

informed of any Local Validation requirements i.e. biodiversity checklist for completion or specific standards for surveys.

1.5 Local Planning Policy

1.5.1 The following policies of the Fenland Local Plan (Fenland District Council, 2014a) are applicable to biodiversity and nature conservation (summary of policy provided, refer to Local Plan document for full details):

- **Policy LP7 – Urban Extensions**
- **Policy LP16 - Delivering and Protecting High Quality Environments across the District**
- **Policy LP19 - The Natural Environment**

1.5.2 The *Delivering and Protecting High Quality Environments in Fenland Supplementary Planning Document* (Fenland District Council, 2014b) does not provide any additional advice and guidance in support of the above biodiversity-related Local Plan policies.

1.5.3 Refer to Appendix B for relevant details of European and National Legislation, and National Planning Policy.

1.6 Site Context

1.6.1 The approximately 0.8ha site comprises land associated with Benwick Primary School located within the rural village of Benwick. The site supports existing school buildings, a village hall and childcare centre in the southern and eastern parts of the site. These buildings are surrounded by areas of hardstanding including playgrounds, carparking, walkways etc. In the north-western part of the site is a playing field supporting close-mown species-poor modified grassland, with further areas of modified grassland located to the west of the buildings in the southern part of the site. The site boundaries are demarcated by a combination of metal and garden boundary panel fencing, and native hedgerow and trees. High Street lies to the immediate east, Cambridge Row to the north and Old West Estate to the west. Extensive residential housing surrounds the site on all sides. The wider landscape surrounding Benwick village is dominated by open arable farmland.

1.6.2 The site lies within The Fens National Character Area (Natural England, 2013) which is characterised as “a distinctive, historic and human-influenced wetland landscape lying to the west of the Wash estuary, which formerly constituted the largest wetland area in England. The area is notable for its large-scale, flat, open landscape with extensive vistas to level horizons. The level, open topography shapes the impression of huge skies which convey a strong sense of place, tranquillity and inspiration.”

Figure 1 – Site Area



Image courtesy of Google Image Pro 7.3.2.5491, [Grid Ref: TL 34280 90112]. Imagery date July 2020. Image accessed 24th November 2022.

2.0 Methodology

2.1 Desk Study

2.1.1 Desk study details were obtained from the following sources on the associated dates to provide background on ecological features in the vicinity of the site. In each case the search included the site and the specified area beyond the site boundary based on the expected zone of influence. Candidate and potential designations are considered too as these are also legally protected. Records searched for included:

- Statutory sites designated or classified under international conventions or European legislation within a 5km radius, statutory sites designated under national legislation (including Marine), existing EPS Licence applications and Great Crested Newt Pond Survey records within a 2km radius, and Priority Habitat & Ancient Woodland Inventory within a 0.5km radius [Magic Map, 24th November 2022] (DEFRA, 2022);
- Tree Preservation Orders (TPOs) and Biodiversity Conservation Areas within the immediate zone of influence [Fenland District Council website, 24th November 2022];
- Waterbodies within a 0.5km radius (Online mapping sources including: Google Maps; Magic Map; and Ordnance Survey Street View, 24th November 2022); and
- Locally designated wildlife sites & any notified Local Biodiversity Action Plan (BAP) Habitats, Legally protected species, any Priority species (which includes: National Biodiversity Species, Local BAP Species, Species of conservation concern and Red Data Book (RDB) species, Birds of Conservation Concern (BOCC), nationally rare and nationally scarce species, and OSPAR Commission list of threatened/declining species) and Invasive species (listed under section 14 of Schedule 9 only) within a 2km radius, and any important hedgerows/veteran trees within the immediate zone of influence [Cambridgeshire & Peterborough Environmental Records Centre, 12th September 2022].

2.1.2 The Data has been edited where relevant to prevent sensitive or confidential records being made public in accordance with Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK (CIEEM, 2020).

2.2 Field Survey

2.2.1 Field Surveys were undertaken on the following dates by the identified staff, all of whom satisfy necessary field survey competencies as stipulated by the Chartered Institute for Ecology and Environmental Management (CIEEM). Weather conditions on the day of survey have been included and where relevant survey/class licence numbers referred to.

Table 1 – Survey Dates and Conditions

Survey	Date	Staff/Licence	Environmental Conditions and Times
Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment of Buildings	22/08/2022	Tom Price QCIEEM MSc. BSc. (Hons) [Assistant Ecologist at Enzygo] under the guidance of Derek Allan MCIEEM MSc BSc [Hons] (Director of Ecology at Enzygo and a licensed bat surveyor (Natural England licence Level 2, 2015-14659-CLS-CLS)).	Dry and clear (10% cloud cover), and 24°C with a light wind.

Preliminary Ecological Appraisal

2.2.2 In accordance with Guidelines for Preliminary Ecological Appraisal 2nd Edition (CIEEM, 2017a) the Preliminary Ecological Appraisal (PEA) survey included the following.

UK Habitat Classification

2.2.3 This assessment has utilised the UK Habitat Classification (UKHab) methodology (UKHab, 2020), as the recommended published method of habitat classification. It has been used to categorise and map the primary habitat types present within the survey area using a standard set of habitat categories, with associated secondary codes/features identified where applicable. Details of current management and habitat condition have also been recorded where appropriate.

2.2.4 Each of the main habitats has been described; including details of component plant species abundances (recorded using the DAFOR scale: D=Dominant, A=Abundant, F=Frequent, O=Occasional, R=Rare). Additionally, any stands of non-native invasive plant species were recorded. Habitat extents have been visually mapped onto a topographic plan, with approximate location/areas recorded only (a GPS unit has not been utilised to accurately record these).

Assessment of possible presence/likely importance for Protected & Priority Species

2.2.5 An assessment of the possible presence of protected or priority species, and the likely importance of habitat features present for such species has also been undertaken, particularly where uncommon or specialised habitats are present in accordance with current PEA guidelines (CIEEM, 2017a). However, no specific protected species survey has been undertaken unless listed under additional surveys as below. Any incidental sightings of protected or priority species, or field signs of such species has also been recorded. Species assessed include: Plants & Fungi; Terrestrial/aquatic invertebrates; Fish; Amphibians; Reptiles; Breeding, wintering and migratory birds; Bats (including potential roost sites, foraging and commuting habitats/features), Badger, and Other mammal species.

Preliminary Bat Roost Assessment

Preliminary Daylight Roost Assessment of Buildings

2.2.6 In accordance with current guidance (Collins, 2016), a systematic thorough search of the exterior and interior of the temporary mobile classroom unit and the western elevation extension of the main school building was undertaken (i.e. the buildings understood to be impacted by the proposals). This included any roof spaces, cellars, and unoccupied rooms. Equipment used to aid the survey included: ladders, low/high-powered torches and binoculars. Crawl boards and specialised PPE for confined spaces/asbestos were not utilised. Notes were made on the following:

- Type, construction and age of buildings (particularly if traditional materials have been used or the presence of specialist bat roosting features);
- Presence/absence of potential roost features throughout the interior (i.e. uncluttered isolated roof voids, warm and dark undisturbed spaces, gaps around ridge beams, exposed beam joints, gaps within traditional bituminous felt/wooden sarking boarding etc);

- Presence/absence of potential roost features throughout the exterior (i.e. raised ridge tiles, hanging tiles, raised/missing tiles or lead flashing that would allow access beneath roofing structures, crevices behind soffit boxing/barge boarding/ship-lap boarding, gaps around window frames and doors, boarded up windows, gaps within mortar or brickwork, access into wall cavities etc);
- Presence/absence of potential hibernation features (i.e. underground spaces or rooms that would provide an isolated stable temperature and moist conditions during the winter period etc);
- Environmental factors that would increase the probability of bat presence (i.e. dark zones with no/limited exterior lighting, south/west facing aspects, good quality foraging/commuting habitat nearby particularly prominent linear features) and those that would decrease the probability of bat presence (high light levels, dense urban areas, recent works, modern Breathable Roofing Membranes (BRMs) or other modern tight fitting roofing materials, recent timber treatment or pest control, ultrasonic rodent deterrents, draughty/exposed conditions, high levels of noise or vibration or human disturbance, poor quality foraging/commuting habitat etc); and
- Type and location of any roosting bat evidence (i.e. presence of live or dead bats, audible squeaking, droppings, feeding remains, urine stains, grease marks etc).

2.3 Assessment

Assessment of Suitability of Features for Roosting Bats

2.3.1 Based on the findings of the preliminary bat roost assessment survey, the buildings have been classified into one of the following categories in accordance with current guidance (Collins, 2016). The assessment is made irrespective of species conservation status, which is established after presence is confirmed/following further surveys:

- Known or confirmed roost – Structure with evidence of bat use or bat presence;
- High Suitability – A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat;
- Medium Suitability – A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status;
- Low Suitability – A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions, and/or suitable surrounding habitat to be used on a regular basis or by large numbers of bats (i.e. unlikely to be suitable for maternity or hibernation); or
- Negligible Suitability – Negligible features likely to be used by roosting bats.

Assessment of Potential Development Impacts

2.3.2 A level of importance has been assigned to each ecological feature, where sufficient baseline data is available to do so, in accordance with current guidance (CIEEM, 2018). This is defined

within a geographical context as follows: International and European; National; Regional; Metropolitan, County, vice-county or other local authority-wide area; River Basin District; Estuarine system/Coastal cell; and Local (plus Negligible where no associated value has been identified). For example, importance of designated sites reflects the geographical context of the designation (where designated sites no longer meet designation criteria and those formally 'de-notified' or where an undesignated site meets published selection criteria must also be considered). When considering habitats and species contextual information about distribution and abundance of that habitat/species in the area must be considered (if the habitat/species status is currently in a degraded or unfavourable condition its potential value should be considered).

- 2.3.3 The assessment then considers potential impacts (both positive and negative) generated during the construction and operational phase of the proposed application. Only impacts that are likely to be significant are considered. Impacts that are either unlikely to occur, or if they did occur are unlikely to be significant, are not considered.
- 2.3.4 Cumulative impacts are then considered where the application meets criteria in accordance with national EIA screening guidance (GOV.UK, 2019), and where agreed with the competent authority during scoping. This takes into consideration existing background levels of threat or pressure, looks at critical thresholds, and assess both additive/incremental and associated/connected impacts and effects.
- 2.3.5 Relevant aspects of ecological structure and function are then considered when determining if identified impacts will have a significant effect upon ecological features. Where necessary, this assessment utilises information from other specialists i.e. hydrology etc., to determine the level of impact. In accordance with current guidance (CIEEM, 2018) these are described using the following characteristics, where relevant: positive or negative; extent; magnitude; duration; frequency and timing; and reversibility.
- 2.3.6 The mitigation hierarchy is then explored in accordance with BS42020:2013 (BSI, 2013). This seeks as a preference to avoid impacts, then to mitigate unavoidable impacts, and as a last resort, to compensate for unavoidable residual impacts that remain after avoidance and mitigation measures. Justification has been provided by the client/their planner where the mitigation hierarchy cannot be followed, or for example where compensation is a preferred approach where the competent authority has adopted a County wide strategy i.e. District Level Licensing Schemes (GOV.UK, 2019). In this instance current national Biodiversity Offsetting guidance has also been consulted (GOV.UK, 2019). Additional information has also been provided by the client/their planner where the applicant wishes to demonstrate exceptional circumstances or where they wish to pursue alternative strategies. Any residual impacts following mitigation measures etc are then identified.
- 2.3.7 All mitigation measures follow species specific current best practice guidance and the source has been identified accordingly. Deviation from guidance has been explained by the ecologist and is proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed works.
- 2.3.8 It is important that planning decisions are based on up-to-date ecological data, and the specific timeframe over which survey data is considered valid follows general advice (CIEEM, 2019). Additionally, it should be noted that the presence/absence and status of protected species can change seasonally/annually. The age of data should also be assessed separately when considering the submission of an EPS Licence (i.e. Natural England may require data to be from the current season).

2.3.9 Local Environmental Records Centres (LERC) issue a licence for use of provided biodiversity data for 1 year only, after which time this should be renewed to validate an application (and reports updated accordingly to incorporate any new records). Following completion of surveys all relevant biodiversity data will be submitted to the relevant LERC and other groups as appropriate.

2.4 Limitations

2.4.1 Data held by consultees may not be exhaustive; the absence of evidence does not indicate evidence of absence. Enzygo cannot take responsibility for the accuracy of external data sources and as such discrepancies and inaccuracies may occur.

2.4.2 Natural England do not hold information of Ancient Woodland less than 2ha in size.

2.4.3 Records over 10 years old for transient species (as these are likely to have moved during the interim) and species protected from sale only under the W&C Act 1981 and amendments, are excluded (as these are not relevant to a planning application). Additionally, given the large number of priority species, these have only been included if identified from the desk study and/or habitats recorded on site have been assessed as providing suitable conditions.

2.4.4 Geological sites have only been included within this report where they have biodiversity or nature conservation components to their designation.

2.4.5 At certain times of year flora species may be in a state of senescence and are not readily identifiable. However, August represents a favourable time to identify the majority of flora species, including woodland ground flora, and it was possible to easily classify the commonly occurring habitat types. The timing of the survey is not perceived as a survey limitation.

2.4.6 This document does not contain a comprehensive list of botanical species on site. Only plant species characteristic of each habitat and incidental observations of notable plant species were recorded.

2.4.7 CPERC and Fenland District Council do not supply information on Important Hedgerows or Veteran Trees. Fenland District Council also do not have an online accessible map of Tree Preservation Orders (TPOs).

2.4.8 All areas of the site were fully accessible including internal areas of the buildings subject to the Preliminary Bat Roost Assessment. No access limitations were experienced.


3.0 Baseline Ecological Conditions




3.1.1 Ecological features identified by the desk study/field survey are presented below, along with their details and associated ecological value. Refer to Drawings CRM.734.001.EC.D.001 for the location/extent of ecological features where relevant.

Table 4 – Ecological Features

Ecological Feature	Details	Ecological Importance
Statutory sites designated or classified under international conventions or European legislation		
<i>None within a 5km radius</i>	-	-
Statutory sites designated under national legislation (& Impact Risk Zones)		
Impact Risk Zone (IRZ) <i>No SSSIs within a 2km radius</i>	The Impact Risk Zone (IRZ) in which the site lies states the LPA should consult Natural England on the likely impacts of the following development categories: <ul style="list-style-type: none"> - Airports, helipads and other aviation proposals. - Solar schemes with footprint > 0.5ha, all wind turbines. - Livestock & poultry units with floorspace > 500m², slurry lagoons & digestate stores > 4000m². - 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. - Landfill. Incl: inert landfill, non-hazardous landfill, hazardous landfill. 	N/A Proposals do not meet the criteria for which LPA are advised to consult Natural England.
Local Nature Reserves		
<i>No LNRs within a 2km radius</i>	-	-
Other locally designated wildlife sites		
<i>No County Wildlife Sites within a 2km radius</i>	-	-
England HPI, Local BAP Habitats, Ancient Woodland, Important Hedgerows, Veteran Trees, TPOs and Conservation Areas		
<i>No Priority Habitats or Ancient Woodland within a 500m radius</i>	Magic Map (DEFRA, 2022) does not indicate any Priority Habitats or Ancient Woodland within the 500m search radius.	-

Ecological Feature	Details	Ecological Importance
Green/Blue & Aquatic Infrastructure, Dark Zones, and Local Policy		
Green Infrastructure	The buildings, bare ground and modified grassland which occupy the majority of the site do not provide any green infrastructure function, however the boundary scattered trees and hedgerow do contribute a limited extent to habitat connectivity and wildlife corridor function across the local residential landscape.	Local
Blue Infrastructure	No watercourses or waterbodies within or immediately adjacent to the site. No known hydrological connectivity to ant watercourses in the surrounding area.	N/A
Dark Zones	There are no known dark zones across the site. In accordance with the standard guidance specified in the <i>Guidance Notes for Reduction of Obtrusive Lighting</i> (Institution of Lighting Professionals, 2020), the application site likely falls under Environmental Zone E3 (Suburban – Medium district brightness).	N/A

Habitat Types		
<p>Buildings (u1b5)</p>  <p>Main School Building</p>  <p>Mobile Classroom Unit</p>	<p>The south-eastern area of the site supports a range of buildings comprising the Benwick Primary School main building, Dining Hall, Village Hall, Childcare Centre and mobile classroom unit. The main building is a Victorian school house with pitched tile roof, and more recent additions at the north-west corner. The other buildings are of a more modern construction, with the Village Hall and Dining Hall both brick-built with pitched corrugated metal roofs, and located to the north and south of the main school building, respectively. The Childcare Centre represents a single storey prefabricated modular building with a steel flat roof, and sections of external timber cladded walls, located at the south-west of the site. The mobile classroom unit is a temporary flat roof prefabricated building at the west of the site.</p> <p>None of these buildings have any associated significant vegetation assemblage. Buildings do not represent any UK BAP or Local BAP habitat.</p>	<p>Negligible</p>
<p>Developed Land, Sealed Surface (u1b)</p> 	<p>Land surrounding the buildings in the southern and eastern parts of the site supports regularly disturbed bare ground hardstanding, used for carparking and playgrounds etc., and localised areas of artificial surface within enclosed play areas. These areas are almost entirely devoid of vegetation with significantly sparse colonising species such as Annual Meadow-grass (<i>Poa annua</i>) occasionally found at edges and less disturbed locations.</p> <p>This habitat does not represent or contribute to any UK BAP or Local BAP habitat.</p>	<p>Negligible</p>

<p>Modified Grassland - frequently mown (g4 66)</p> 	<p>The north-western area of the site supports a playing field of species-poor close-mown modified grassland. Further areas of comparable areas of close-mown grassland are present to the west of the buildings in the southern part of the site.</p> <p>These grassland areas are characterised by abundant Perennial Rye-grass (<i>Lolium perenne</i>) and Annual Meadow-grass, with frequent White Clover (<i>Trifolium repens</i>) and Creeping Buttercup (<i>Ranunculus repens</i>), and occasional Broad-leaved Dock (<i>Rumex obtusifolius</i>), Greater Plantain (<i>Plantago major</i>), Dandelion (<i>Taraxacum officinale</i> agg.) and Creeping Thistle (<i>Cirsium arvense</i>).</p> <p>This grassland habitat does not represent or contribute to any UK BAP or Local BAP habitat.</p>	<p>Negligible</p>
<p>Hedgerow (Priority Habitat) (h2a) and Scattered Trees (11)</p> 	<p>Sections of the eastern and western site boundaries support native hedgerow and scattered trees. These features typically comprise dominant Hawthorn (<i>Crataegus monogyna</i>), with occasional Elder (<i>Sambucus nigra</i>) and Cherry (<i>Prunus sp.</i>), with abundant Bramble (<i>Rubus fruticosus</i> agg.), Hedge Bindweed (<i>Calystegia sepium</i>), Ivy (<i>Hedera helix</i>). These boundary features also include semi-mature to mature scattered trees including Sycamore (<i>Acer pseudoplatanus</i>), Lime (<i>Tilia sp.</i>), Silver Birch (<i>Betula pendula</i>), Horse Chestnut (<i>Aesculus hippocastanum</i>).</p> <p>Native hedgerow represents Priority Habitat (Maddock, 2008) with these features also making a limited contribution to green infrastructure function as described above.</p>	<p>Local</p>
<p>Fence (u1e 69)</p> 	<p>Other sections of site boundary support metal fencing and garden boundary panel fencing. No specific significant vegetation assemblages are associated with these features other than being overgrown in places by Ivy and Hedge Bindweed.</p> <p>Fence do not represent or contribute to any UK BAP or Local BAP habitat.</p>	<p>Negligible</p>

Legally Protected & Priority Species (& Consultation Zones where applicable)		
Bats	<p>The preliminary bat roost assessment has assessed the temporary mobile classroom unit to be removed, and the flat roof north-western extension of the main school building which is to be extended further as of <i>Negligible</i> suitability for roosting bats in accordance with current guidance (Collins, 2016). Both buildings are of a construction type and condition which is entirely unsuitable for roosting bats, with no gaps, holes or other potential access points for bats, internal areas of the buildings in current use and regularly disturbed, and no accessible dark, enclosed spaces (e.g. roof voids) providing potential roosting features. No evidence of roosting bats detected anywhere at the buildings. The surrounding developed landscape including artificial street lighting etc. further reduce the suitability and potential for roosting bats.</p> <p>The main historic section of the main school building, and other buildings including the Dining Hall and Village Hall which are understood to not be impacted by the works (other than internal refurbishment works) may provide suitable conditions for roosting bats (not covered by the scope of the preliminary bat roost assessment undertaken here).</p> <p>The single Pear tree to be removed (T004 in the Tree Survey Report (Hayden’s Arboricultural Consultants, 2022)) and other boundary trees where minor tree works including trimming and crown-lifting is proposed are of <i>Negligible</i> suitability for roosting bats in accordance with current guidance (Collins, 2016). Further mature boundary trees where no works are proposed may support potential roosting features such as cavities, hollows, splits, cracks and woodpecker holes.</p> <p>The building, hardstand and modified grassland habitats which occupy the majority of the site represent <i>Negligible</i> suitability foraging and commuting habitat in accordance with current guidance, with the boundary hedgerows and trees providing a limited extent of <i>Low</i> suitability habitat (Collins, 2016), likely to attract individual numbers of common species such as Common and Soprano Pipistrelle only.</p> <p>The local records data search has reported one record of bats within a 2km radius in the last 10 years, comprising a single record of Common Pipistrelle (<i>Pipistrellus pipistrellus</i>) from 2021 located 415m to the north. No records of any previous Natural England EPS licence applications within a 2km radius.</p>	Local

Badger	<p>No evidence of Badger identified during the field survey, either within the site or within an accessible 30m radius (e.g. where adjacent private gardens could be viewed from within the site). The developed regularly disturbed habitats do not provide any notable opportunities for Badger, with the amenity grassland playing field providing a limited extent of suboptimal foraging potential only. Boundary hedgerow provides a significantly limited extent of refuge, cover and sett creation potential, however the openness of the site and levels of disturbance likely mean these are unsuitable.</p> <p>One record of Badger within a 2km radius in the last 10 year, located 1.9km from the site boundary (specific location withheld to keep Badger records confidential and out of the public domain).</p>	Negligible
Dormouse	<p>The sections of boundary hedgerow provide a limited extent of suitable Dormouse habitat, however, these are isolated within the developed landscape and no connected to any network of hedgerows and woodlands in the wider area. The site is also located in an area of the Country where this species is significantly rare.</p> <p>No records of Dormouse within a 2km radius.</p>	Negligible
Otter and Water Vole	<p>No watercourses or waterbodies within or immediately adjacent to the site, and no habitats suitable for Otter or Water Vole.</p> <p>The local records search has identified three records of Otter within a 2km radius in the last 10 years, all located at the River Nene (Old Course) 500m to the north and as recently as 2019. There are also eight records of Water Vole within a 2km radius in the last 10 years, with the closest 1.1km to the north recorded in 2013.</p>	Negligible
Other Protected Mammals	<p>No evidence of, or specific opportunities for, any other species of protected mammal.</p> <p>No records of other protected mammal species reported from the local records centre.</p>	Negligible
Specially Protected Birds	<p>No evidence of, or significant specific opportunities for, any specially protected bird species within the site. No opportunities for nesting or roosting Barn Owl (<i>Tyto alba</i>) noted within the site boundary, and the short-mown nature of the existing grassland does not provide any notable foraging opportunities for this species which favour rough tussocky grassland supporting an abundance of small mammal prey.</p> <p>The local records search has identified one record of Barn Owl and one record of Kingfisher (<i>Alcedo atthis</i>) within a 2km radius in the last 10 years, with the closest a 2016 record of Kingfisher from 1.5km to the north-west.</p>	Negligible

Breeding, Wintering and Migratory Birds	<p>The hedgerow and scattered trees provide a limited extent of suitable nesting habitat for a variety of species which are likely to be present in the local residential area. The regularly disturbed and enclosed grassland habitats do not provide suitable habitat for ground-nesting species such as Skylark (<i>Alauda arvensis</i>) or Lapwing (<i>Vanellus vanellus</i>), and no conditions likely to attract or provide opportunities for migratory or wintering bird species.</p> <p>Other than the two Schedule 1 species records described above, no other records of birds within a 2km radius in the last 10 years.</p>	Local importance to a restricted range of common bird species.
Common Reptiles	<p>The buildings, bare ground and short-mown regularly disturbed modified grassland which occupies the majority of the site provides negligible opportunities for reptiles. The boundary scattered trees and hedgerow provide a limited extent of suitable foraging, shelter and refuge habitat for common reptile species such as Slow-worm (<i>Anguis fragilis</i>) and Grass Snake (<i>Natrix helvetica</i>), however the suitability is reduced by the surrounding residential landscape.</p> <p>No records of reptiles within a 2km radius.</p>	Local
Great Crested Newt	<p>No waterbodies within the site providing any potential for breeding Great Crested Newt (GCN). OS maps and aerial imagery do not indicate any ponds within an unobstructed 500m radius of the site, with surrounding roads and residential development presenting a dispersal barrier between the farmland ditch network in the surrounding landscape which may provide some opportunities for GCN, and the site.</p> <p>The buildings, bare ground and short-mown species-poor grassland which forms the vast majority of the site provides negligible suitability terrestrial habitat for GCN, with significantly limited extent of suitable foraging, refuge and shelter provided by boundary hedgerows and trees, and considered unlikely to attract any GCN from the wider area.</p> <p>No records of GCN within a 2km radius reported by the local records centre and no records of previous Natural England EPS licence applications.</p> <p>The site lies within a Green GCN Risk Zone as identified by Natural England, which are described as containing “<i>sparsely distributed GCN and are less likely to contain important pathways of connecting habitat for this species</i>” (GCN Risk Zones (Cambridgeshire) Natural England Open Data Geoportal (arcgis.com)).</p>	Negligible
Other Protected Herpetofauna	<p>No suitable habitats within or immediately adjacent to the site specifically suitable for other species of protected herpetofauna.</p> <p>No records of other protected amphibian or reptile species within a 2km radius.</p>	Negligible
Protected Fish/Marine	<p>No watercourses or waterbodies within or immediately adjacent to the site.</p> <p>No records of any protected fish within a 2km radius.</p>	Negligible
White-clawed Crayfish	<p>No streams, ditches or other watercourses within or adjacent to the site.</p> <p>No records within a 2km radius.</p>	Negligible

Protected Invertebrates	Only widespread and common habitats typical of the landscape are present. No habitats present which are likely to support a range or diversity of invertebrates or likely to support any protected invertebrate species (i.e. no significant standing or fallen deadwood etc.). The data record search has not revealed any protected invertebrate species within the search area.	Negligible
Protected Flora	No protected flora species detected during the field survey. Only common and widespread habitats present, and unlikely to support any protected flora species. No records of protected flora within a 2km radius.	Negligible
Invasive Flora	No invasive flora species, as listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), detected during the field survey. Records of Variegated Yellow Archangel (<i>Lamiastrum galeobdolon</i> subsp. <i>argentatum</i>) within a 2km radius. No records of any other Schedule 9 plant species.	N/A
Invasive Fauna	No invasive species detected during the survey and no specific opportunities for any invasive species identified. Records of Chinese Muntjac (<i>Muntiacus reevesi</i>) within a 2km radius.	N/A
Priority Species	The building, bare ground and close mown regularly disturbed grassland which occupies the majority of the site does not provide any notable shelter, refuge or foraging opportunities for other Priority Species, with limited opportunities for species such as Common Toad (<i>Bufo bufo</i>) and Hedgehog (<i>Erinaceus europaeus</i>) provided by boundary hedgerow and trees. No records of any other Priority Species within a 2km radius in the last 10 years other than those detailed above (i.e. Otter and Water Vole records).	Local

4.0 Assessment and Mitigation

4.1.1 Assessment of impacts and the associated ecological effect to identified ecological features are presented below. Ecological features have been screened out where no likely significant impacts have been identified or where impact is unlikely to occur. Cumulative effects are also considered where applicable.

4.1.2 To clarify, other than the ecological features listed below, there are no perceived potential impacts on any other sites, habitats or species in the wider area. The proposals are of a type, scale and distance that any direct or indirect construction or operational impacts on the other identified ecological features are reasonably discounted.

Table 5 – Assessment of effect and mitigation measures

Ecological Feature	Impact	Avoidance/Mitigation	Compensation	Significance of Residual Effect
Scattered Trees, Hedgerow Priority Habitat and Green Infrastructure	Potential loss, damage and/or degradation of Hedgerow Priority Habitat, and scattered mature trees, which provide limited extent of Green Infrastructure function. Minor adverse, permanent, reversible impact.	The boundary trees and hedgerows shall be protected during the construction phase in accordance with BS5837:2012 <i>Trees in relation to design, demolition and construction. Recommendations</i> , including installing and maintaining appropriate protection fencing. All contractors are to be made aware of the purpose of the fencing, with signage used where necessary, and no works are to occur beyond this established boundary, including no storage of materials or machinery. In addition, to avoid potential degradation of these habitats/features through excessive artificial lighting overspill, where any new lighting scheme is proposed this shall be sensitive and make use of suitable products such as directional, low-level, capped, screened and/or low-lux lighting.	Compensation would be required for necessary hedgerow loss on at least a 1:1 ratio.	No significant effect anticipated.

Ecological Feature	Impact	Avoidance/Mitigation	Compensation	Significance of Residual Effect
Bats	<p>Risk of loss and/or degradation of suitable bat foraging and commuting habitat. Minor adverse, permanent, reversible impact.</p> <p>Risk of killing/injury of bats and loss/damage of roosts at buildings and mature trees. Significant adverse, permanent, irreversible impact.</p>	<p>The presence of roosting bats at the mobile classroom unit to be removed and at the north-western extension of the main school building is reasonably discounted. Similarly, roosting bats are reasonably discounted at the boundary trees where minor tree works are proposed, including the removal of a single Pear tree (T004 in accordance with the submitted Tree Survey (Hayden’s Arboricultural Consultants, 2022)). No specific mitigation in relation to roosting bats is required in relation to these proposed works.</p> <p>If plans change and works to other buildings are proposed, or if it is determined any further mature boundary trees require removal, further survey would be required, comprising a daylight preliminary bat roost assessment in the first instance and further nocturnal presence/absence surveys where necessary, undertaken in accordance with current guidance (Collins, 2016).</p> <p>In the significantly unlikely event that a roosting bat is found and suspected during building or tree works, the site contractors are to be aware of the protocol to immediately cease all works in the area and contact an Ecologist and/or Natural England for advice on how to proceed.</p> <p>The protection measures highlighted above in relation to physical protection and lighting will minimise the risk of degradation of the suitable bat foraging and commuting habitats, and protect mature trees which may support potential roosting features. The lighting scheme should be designed in accordance with the recent guidance <i>Bats and artificial lighting in the UK</i> (Institute of Lighting Professionals, 2018).</p>	None required.	No significant effect anticipated
Nesting Birds	<p>Risk of disturbance of nesting birds during construction phase. Minor adverse, temporary, irreversible impact. (no significant loss of habitat)</p>	<p>To avoid an offence being committed in respect of nesting birds, vegetation clearance will be planned to be conducted outside of the bird nesting season (March to August inclusive), where possible. If it is necessary to undertake these works during the bird nesting season, a suitably trained Ecological Clerk of Works (ECoW) would supervise the clearance to ensure no active nests are affected. If any active nests are detected, an appropriate protection area around the nest(s) will be established until it can be determined that the nest is longer active.</p>	None required.	No significant effect anticipated

Ecological Feature	Impact	Avoidance/Mitigation	Compensation	Significance of Residual Effect
Common Reptiles and Priority Species	Low risk of killing/injury of common reptiles and other during the construction phase. Minor adverse, temporary, irreversible impact.	<p>No specific mitigation works are required in relation to proposed works at existing areas of buildings, bare ground and short-mown modified grassland. However, if plans require removal of boundary hedgerow and scattered trees, clearance should be undertaken in an ecologically sensitive manner under the supervision of an ECoW to minimise the low risk of killing/injury of common reptiles and other Priority Species even further. In each instance, an ecologist will check any potential habitats/refugia immediately prior to clearance. Vegetation will then be cut/felled to a height of 0.15m to encourage any wildlife present to move outside of the working area. Any remaining wildlife shall be carefully moved to the safety of suitable off-site refugia by the ECoW, using gloves and a clean bucket as necessary. The cut habitats and any remaining refuge habitats will again be checked by the ECoW prior to the stripping of the top-soil.</p> <p>It is also recommended that the construction phase implement a series of best practice precautionary measures to minimise the risk of killing/injury of wildlife such as Slow-worm and Hedgehog, including avoiding leaving open any pits or trenches in which wildlife may become trapped. Any trenches or pits in which wildlife may become trapped should either be covered, infilled, or a suitable means of escape provided (e.g. plank of wood) overnight.</p> <p>Considering the assessed potential for a maximum of individual numbers of common reptiles it is not considered any detailed further Reptile Survey is required in this instance to inform the assessment of potential impacts or design of appropriate mitigation.</p>	None required.	No significant effect anticipated

5.0 Enhancement and Monitoring

5.1.1 Opportunities for biodiversity enhancement (above and beyond those required to mitigate for any identified impacts) have been determined through consideration of: Ecological Features identified on site and within the zone of influence; Historical records of protected species/habitats present within the locality; National and Local planning policy including National and Local Biodiversity habitats/species; Local Development Plans including consideration of Green/Blue Infrastructure Resource; Consultation with third parties/stakeholders where applicable; and Other influencing factors such as underlying Geology/Hydrology, intended operational activities, and existing disturbance activities within the locality. This makes specific reference to Biodiversity Net Gain, Good practice principles for development (CIEEM, IEMA, CIRA, 2019).

5.1.2 It is accepted that the nature of the proposed development does not lend itself to providing large scale ecological enhancements, however, it is confirmed that the below minor enhancements, in combination with the earlier-described mitigation measures, provide opportunity to secure an overall net gain for biodiversity. It is confirmed that a demonstrable 10% net gain in accordance with Schedule 14 of the Environment Act 2021 has not yet been mandated (due to be incorporated into Town and Countryside Act early-2024). The specific location and details of the enhancements can be secured by an appropriately worded planning condition and/or detailed on the final landscape plans.

Table 2 – Enhancement & Monitoring

Ecological Feature	Enhancement & Monitoring	Significance of Residual Effect
Landscape Planting	Any associated landscape planting scheme should be designed to incorporate a range of native species and species which are known to be of value to wildlife and which are suitable to the site location and conditions. Planting design should focus on complementing and contributing to the existing value of retained boundary trees and hedgerow, providing enhanced habitat connectivity and wildlife corridor function around the site.	Minor positive effect
Nesting Birds	To provide enhancement opportunities for nesting birds it is recommended the development incorporate four bird nest boxes suitable for a range of species likely to present at the developed site (e.g. Schwegler 1B or similar). Boxes should be positioned 2.5 to 5 metres above ground level, away from major sources of human disturbance and where positioned on buildings or structures should also avoid south-facing elevations where excessive sunlight can cause chicks to overheat in the nest.	Minor positive effect
Roosting Bats	To provide enhancement opportunities for roosting bats it is recommended the development incorporate provision of two bat roost boxes (e.g. Schwegler 2F or similar). The boxes should be positioned 2.5 to 5 metres above ground level, away from major sources of human disturbance and artificial lighting and should face onto suitable foraging and commuting habitats (e.g. existing mature trees, new landscape planting etc.).	Minor positive effect

Ecological Feature	Enhancement & Monitoring	Significance of Residual Effect
Deadwood Hibernacula	It is recommended that two informal deadwood hibernacula are created at the site boundaries to provide enhanced refuge, shelter and hibernation opportunities for a range of wildlife including small mammals, common amphibians and invertebrates. The woody arisings from any required tree/shrub clearance would provide suitable materials for the creation of these piles rather than any requirement to import materials from off-site.	Minor positive effect

5.1.3 No post-determination monitoring is perceived necessary. To comply with guidance set out in BS42020:2013, a Construction Environment Management Plan (CEMP) which includes consideration of biodiversity will be produced prior to the commencement of construction activities, including site clearance works. A Landscape and Ecological Management Plan (LEMP) would also normally be produced prior to operation of the site.

6.0 Conclusion

6.1.1 This assessment has demonstrated that, if the outlined mitigation measures are implemented in full, then no significant residual impact could be expected, and the proposed application will result in 'no net loss in biodiversity,' whilst also providing opportunities for 'biodiversity net gain' in accordance with NPPF and Local Planning Policy. As such, no significant residual impact can be expected which would prevent a positive determination of the planning application in ecological terms.

7.0 References

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Drawing CRM.734.001.EC.D.001 – UK Habitat Classification Map



Key

- Site Boundary
- Developed Land, Sealed Surface (u1b)
- Building (ub5)
- Modified Grassland (g4)
- Built Linear Feature (u1e)
- Hedgerow (Priority Habitat) (h2a)
- Scattered Trees (t1)



Samuel House, 5 Fox Valley Way, Stocksbridge, Sheffield, S36 2AA

CLIENT:
R G Carter

SCALE: 1:1,000@A3
PROJECT REF: CRM.734.001

DRAWN: MG
CHECKED: CS
DATE: Nov 2022

PROJECT:
Benwick Primary School

TITLE:
UK Habitat Classification Map

FIGURE NO:
CRM.734.001.EC.D.001

Appendix A – Preliminary Plan of Site Proposals

KEY TO EXISTING SITE

- Existing Vegetation**
- Existing Trees Retained**
Location of existing trees as identified by the topographical survey
 - Existing Trees Retained**
Assumed location of trees located off site as identified from Google
 - Existing Trees to be Pruned**
Assumed location of trees located off site as identified from Google
 - Existing Hedges Retained**
Location of hedges as identified by the topographical survey
 - Other Existing Vegetation Retained**
Location of other shrubs and vegetation as identified by the topographical survey
 - Existing Grass Areas**
Areas of grass lawn and playing fields
- Existing Surfacing & Structures**
- Existing Artificial Grass Areas**
Existing play area surfaced with artificial grass
 - Existing Synthetic Surfacing**
Existing play area surfaced with rubber safety surfacing
 - Existing Gravel Surfacing**
Existing play area surfaced with gravel
 - Existing Timber Surfacing**
Existing timber access ramps/steps
 - Existing Concrete Surfacing**
Existing areas of concrete
 - Existing Asphalt Surfacing**
Existing areas of asphalt
 - Existing Paved Surfacing**
Existing areas of paving and/or brick setts
 - Existing Buildings**
Existing buildings, containers, sheds, boxes etc

KEY TO LANDSCAPE PROPOSALS

- Proposed Planting Details & Specification**
- All areas of new landscaping to have the existing topsoil and subsoil decompacked by hand digging or rotorator. If any imported topsoil is required it should be placed to a depth of 350mm minimum in shrub areas and 200mm in grass areas and comply with BS3882:2007 Specification for Topsoil and Requirements for Use.
- Planting should take place during the dormant planting season ie October to March. Indigenous species selected for seasonal interest and biodiversity.
- Grass**
- Existing grass which is disturbed during construction is to be reinstated with new turf eg Rowlawn Medallion amenity grass mix of fescue, ryegrass and bent
- Potential New Wildflower Grassland Areas for BNG**
A strip around the sports field to be left uncut and wildflower seeds sown and left to develop into a grassland meadow to achieve a positive Biodiversity Net Gain
- Shrub Planting**
- Shrubs to be pit planted at densities indicated, to provide ground cover, low maintenance shrub/flowering plant areas, to the following specification:
- Ornamental Shrub Planting**
Shrubs to be pit planted 4 per m². Planted to provide low maintenance, colourful, dense low growing shrubs. All plants to be 3 litre pot grown stock, planted in swathes of the same species as indicated on the drawing.
- Tree Planting**
- Standard specimen trees planted in locations indicated.
- Specimen Tree Planting**
3.5-4.25m high, 12-14 cm girth "Heavy Standards" grown in Air Pots (supplied by Deepdale Trees or similar approved) with 1.75-2.0m clear stem to be pit planted including underground guying to secure the tree in an upright position and "root deflection" system near paved areas including bulky organic compost mixed backfill.
- Car Park & Pedestrian Circulation**
- Existing Car Park Retained**
New parking bays 2.5m x 5.0m to be demarcated with white lining
 - New Access Routes**
All access paths to the new classroom to be tarmac surfaced surfaced with concrete pin kerb edgings. Full details of central ramp provided in MS3
 - New Stepped Access**
Access steps to the new classroom to be formed in brick to match the plinth of the new building with hand rail in accordance with Part M of Building Regs
- Fencing & Gates**
- New 1.8m high security fencing and gate
 - New 1.2m high timber post and rail fencing and gate



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Notes:

This drawing is based on:

- Topographical Survey, drawing no. 42096NOLS-01A by Survey Solutions dated 23/08/2022
- Proposed Plan, drawing number BPS-RHP-TB-ZZ-DR-A-2005-P2 MS2 Proposed Plan Permanent by rhp Architects, dated 03.08.2023

Bio-retention Rain Garden Area

Proposed bio-retention area/rain garden. Size and location shown indicatively. Refer to Curtins drawing 081728-CUR-XX-XX-D-C-92800 for indicative details at this stage.

Rain garden to be constructed as per Engineers details and planted with species which prefer damp conditions but can tolerate periods of dry conditions as follows:

Bio-retention Rain Garden (17m²)

5 litre pot grown plants to be planted in random groups of 3, 5 or 9 plants/group at 0.3m centres in the following species:

- 20% Liriope muscari (Big blue lilyturf)
- 20% Crocosmia crocosmiflora (Montbretia)
- 20% Primula vulgaris (Primrose)
- 20% Hemerocallis (Daylily)
- 20% Lythrum salicaria (Purple loosestrife)

Rev	Date	Description	Drawn	Checked
P3	27.10.23	New gate increased to 3.8m wide	MJB	GM
P2	25.10.23	Updated in line with drainage strategy	MJB	GM
P1	18.10.23	MS3 Planning Stage Issue	MJB	GM
P0	11.08.23	MS2 Planning Stage Issue	MJB	GM

Client
**RG Carter /
 Cambridgeshire County Council**

Project
**Benwick Primary School
 High Street
 Benwick, March, PE15 0XA**

Title
**Proposed Site Plan &
 Landscaping Scheme
 MS2**

Drawing Status
STAGE 3 PLANNING

Drawn	MJB	Checked	LB
Date	07.08.23	Scale (A1)	1:250

encon associates
 Head Office
 10 Chapel Lane
 Nottingham
 NG5 7DR

Environmental Consultants to the Construction Industry

Job Number	Drawing Number	Rev
A5606	02	P3

Appendix B - Legislation and National Planning Policy

Wildlife legislation and policy relevant (or potentially relevant pending further survey) to the proposed works, based on the findings of the desk study and field survey are set out below. This legal information is a summary only, and the original legal documents should be consulted for definitive information.

Legislation Protection Afforded to Sites/Habitats that could Potentially be Affected by the Proposed Works

Designated Site/Habitat	Legal Status
-	-

Legislation Protection Afforded to Species that could Potentially be Affected by the Proposed Works

Species	Legal Status
European Protected	
Bats	<p>These animal species and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species (Amendment) Regulations 2012, which makes it illegal to:</p> <ul style="list-style-type: none"> • Deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs; • Deliberately disturb such an animal; • Damage or destroy a breeding site or resting place of such an animal. <p>European Protected Species (EPS) licences can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed:</p> <ul style="list-style-type: none"> • The development is for reasons of overriding public interest; • There is no satisfactory alternative; and • The favourable conservation status of the species concerned will be maintained and/or enhanced. <p>Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a legal duty to 'have regard to the requirements of the EC Habitats Directive in the exercise of their functions'. This means that they must consider the above 3 tests when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations. As a consequence, Planning Applications for such developments must demonstrate that the 3 tests will be passed.</p>
Nationally Protected	
Bats	<p>These animals receive full protection under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any such animal; • Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal; and • Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.

Species	Legal Status
Nesting Birds (general)	All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to: <ul style="list-style-type: none"> • Intentionally kill, injure or take any wild bird; • Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.
Common Reptiles (e.g. Viviparous Lizard, Grass Snake and Slow-worm)	These animals receive limited protection under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal to intentionally kill or injure any such animal.
Wild Mammals	The Wild Mammals (Protection) Act 1996 makes it illegal to mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, drown, crush, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.
<i>Invasive Species</i>	
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Section 40 of the Natural Environment and Rural Communities Act 2006 (the NERC Act) places a legal duty on public bodies, including planning authorities, to ‘have regard’ to the conservation of biodiversity when carrying out their normal functions, which includes consideration of planning applications.

In compliance with Section 41 of the NERC Act, the Secretary of State has published a list of species and habitats considered to be of principal importance for conserving biodiversity in England under the UK Post-2010 Biodiversity Framework. This is known as the list of Habitats and Species of Principal Importance (HPI/SPI), of which there are 56 habitats and 943 species. The HPI/SPI list is used to guide planning authorities in implementing their duty under the NERC Act.

National Planning Policy

The NPPF (2023) set out the Government’s planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development.

The NPPF states that:

‘Planning policies and decisions should contribute to and enhance the natural and local environment by:

- 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);
- 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;
- maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

To protect and enhance biodiversity and geodiversity, plans should:

- Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

When determining planning applications, local planning authorities should apply the following principles:

- 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;
- 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;
- 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
- 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.

The following should be given the same protection as habitats sites:

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

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



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