



Benton House, Newcastle upon Tyne

Preliminary Ecological Appraisal (PEA)

Outcomes First Group Holdings Limited

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Acronyms and Abbreviations

AW	Ancient Woodland
BNG	Biodiversity Net Gain
CIEEM	Chartered Institute of Ecology and Environmental Management
DBW	Daytime Bat Walkover
EMP	Ecological Management Plan
EPS	European Protected Species
ERIC	Environmental Records Information Centre
GCN	Great Crested Newt
GLTA	Ground Level Tree Assessment
HAP	Habitat Action Plan
LBAP	Local Biodiversity Action Plans
LWS	Local Wildlife Site
MAGIC	Multi-Agency Geographic Information for the Countryside
PEA	Preliminary Ecological Appraisal
PRA	Preliminary Roost Assessment
PRF	Potential Roost Feature
SEN	Special Educational Needs
SLCI	Site of Local Conservation Interest
SLR	SLR Consulting Limited
SSSI	Sites of Special Scientific Interest



1.0 Introduction

In February 2024, SLR Consulting Limited (SLR) was commissioned by Outcomes First Group Holdings Limited to provide ecological advice in respect of the proposed alterations to a listed building at Benton House Conservative Club, Newcastle upon Tyne, herein referred to as the 'Site' (planning application number 24/00122/FUL). The proposed alterations form part of works to convert the building to a Special Educational Needs (SEN) School.

The scope of the ecological surveys undertaken by SLR included a combined Preliminary Ecological Appraisal (PEA), Preliminary Roost Assessment (PRA) and Ground Level Tree Assessment (GLTA). The location of the Site is shown in Drawing 1.

It should be noted that an 'Invalidity Letter' was received from North Tyneside Council in respect of the planning proposal. More specifically, the Council's commented that there was a lack of detail in respect of ecology to use as a basis for ensure compliance with the North Tyneside Local Plan Policy (Policy: DM5.5 Managing effects on Biodiversity and Geodiversity).

The Council clarified that the proposals constitute a 'minor development' that does not require a full Biodiversity Net Gain (BNG) assessment, but it does state that the policy requires developments to show evidence that they have otherwise delivered a 'net gain' to biodiversity. Therefore, this document has been produced to inform the preparation of an Ecological Management Plan (EMP), which will address the points raised within the Council's letter. Additionally, this PEA will recommend any ecological mitigation (where applicable) and establish the need or otherwise for further survey work.

1.1 Site Location

The Site extends to c.0.5 hectares (ha) and is located c.4.5km north-east of the centre of Newcastle-upon-Tyne in an urban setting, within a mix of residential housing, educational and business buildings. It is bordered by Hoylake Avenue to the south and Front Street to the north.

Three buildings are present on-site which comprise the listed Benton House, a small garage and a small open sided shelter. The Site is predominantly a hardstanding car park with two areas of modified grassland. There are also two smaller areas of scrub and a broad-leaved woodland to the south.

The Site is not formally designated as an ecological site and the closest such site is Benton Cemetery, which is a non-statutory Site of Local Conservation Interest (SLCI), located c.700 north-east of the Site.

1.2 Details of Proposed Development

The development proposals would involve a change of use from Benton House Conservative Club to an educational use (Class F1) with associated internal and external alterations to the building, and alterations to the grounds including provision of a multi-use games area and new fencing. The proposed Site design is provided in the Proposed Site Layout Plan; Revision G¹.

At the time of writing, it is our understanding that no alterations to the roof, roof void or any other part of Benton House Conservative Club will be undertaken that could disturb Potential Roost Features (PRF's) for bats and that only two trees and a garage require removal to

¹ Proposed Site Layout Plan; Revision G (January 2023, by Space Architecture and Design Limited).



facilitate the construction of a multi-use games area and groundwork alterations. At present lighting alterations are not anticipated.

1.3 Scope of this Report

This report presents the findings of the PEA. The report seeks to:

- establish baseline conditions and determine the importance of ecological features present (or those that could be present), as far as is possible;
- to identify potential ecological constraints to the proposed development and make initial recommendations to avoid potentially significant effects on important ecological features, where possible;
- to identify potential requirements for mitigation, where possible, including mitigation measures that will be required and those that may be required (depending on results of further surveys or final scheme design);
- to establish any requirements for more detailed surveys; and
- to identify opportunities for biodiversity enhancement as part of the project.

1.4 Evidence of Technical Competence and Experience

The combined PEA, PRA and GLTA was undertaken by Callum Taylor.

Callum is a Senior Ecologist with SLR and an Associate Member of the Chartered Institute of Ecology and Environmental Management (CIEEM). He has over 5 years relevant experience within ecological consultancy and is competent at undertaking these types of survey.

This report has been written by senior ecologist Sally Wilding who is also an associate member of CIEEM and has been technically reviewed by Andy Law. Andy is a Principal Ecologist with SLR, a Chartered Ecologist and Environmentalist and Full Member of the Chartered Institute of Ecology and Environmental Management (MCIEEM). Andy has over 32 years' relevant experience of ecological assessment.

1.5 Relevant Legislation and Policy

A summary of relevant Legislation² and Policy text is included in Appendix A; including reference to North Tyneside Local Plan Policy (Policy: DM5.5 Managing effects on Biodiversity and Geodiversity).

² SLR is not a legal practice and the summary is provided as a reference only.



2.0 Methodology

2.1 Scope

The baseline ecological data was collated by a combination of desk-based study and field survey consistent with all current standard methodologies and published good practice guidelines. The PEA survey follows guidelines set out by the Chartered Institute of Ecology and Environmental Management (CIEEM) and references therein³.

The baseline ecological survey encompassed all of the land within the Site; the Site boundary is shown in Drawing 2. The study area was extended (where possible) for certain ecological features/species, as described in Section 2.2.

Ecological surveys have been based upon the relevant guidance for each species or habitat feature concerned.

2.2 Baseline Data Collection

2.2.1 Desk Study

Desk study data was obtained from the Environmental Records Information Centre North-East (ERIC North East) for the Site and a 2km radius, regarding statutory and non-statutory sites, including priority habitats and protected, priority and invasive species. This data was received in February 2024.

A search of the governments Ancient Woodland (AW) data base⁴ was also included to identify AW within 2km of the Site.

An internet-based desk study was also undertaken, whereby the Multi-Agency Geographic Information for the Countryside (MAGIC)⁵ was searched for statutory designated sites (such as Sites of Special Scientific Interest (SSSI)). MAGIC was also searched for priority habitats listed on the Priority Habitats Inventory (England), great crested newt (GCN) (*Triturus cristatus*) survey returns, and European Protected Species (EPS) Licences granted within 2km of the Site.

In addition, data on Important Plant Areas was sourced from Plantlife⁶ and Important Invertebrate Areas from Buglife⁷ to ascertain if the Site was located within or in close proximity to any areas deemed to be of recognised significance for plants and invertebrates respectively.

The results of the data search have been summarised in this report. A copy can be provided to consultees if required.

³ CIEEM (2017) *Guidelines for Preliminary Ecological Appraisal*. Second Addition. Available at: <https://cieem.net/wp-content/uploads/2018/01/Guidelines-for-Preliminary-Ecological-Appraisal-Jan2018-typo-edit.pdf>

⁴ GOV UK. Available at: <https://www.data.gov.uk/dataset/9461f463-c363-4309-ae77-fdcd7e9df7d3/ancient-woodland-england>

⁵ DEFRA (2022) Multi-Agency Geographic Information for the Countryside MAGIC map. Available at: <http://www.magic.gov.uk>

⁶ Plantlife (2022) *Important Plant Areas*. Available at: <https://www.plantlife.org.uk/international/important-plant-areas-international>

⁷ Buglife (2022) *Important Invertebrate Areas*. Available at: <https://www.buglife.org.uk/our-work/important-invertebrate-areas/>



2.3 Field Survey(s)

2.3.1 Preliminary Ecological Appraisal

2.3.1.1 UK Habitat Classification Survey

A survey to identify the broad habitat types present within the Site was undertaken on 13th February 2024 using the UK Habitat Classification methodology (version 2.0)⁸.

The UKHab system comprises a principal hierarchy (the Primary Habitats) which involves the identification of broad habitats and Priority habitats, as well as the use of non-hierarchical Secondary codes.

It should be noted that a condition assessment of habitats was not undertaken as the Site has been identified as a 'minor' development and therefore does not require a full BNG assessment.

2.3.1.2 Protected and Notable Species Assessment

Habitats and features with the potential to support protected and/or conservation priority fauna, together with any field signs of such species, were searched for. This included the following:

- An assessment of whether the Site supports, or could support, notable or invasive flora;

- A search for badger (*Mele meles*) setts and field signs within the Site and a 30m radius (where accessible);

- An assessment of buildings and trees present within the Site to establish their potential to provide opportunities for bats to roost;

- An assessment of habitats on the Site or adjacent to establish their potential value to bats for commuting and foraging;

- An assessment of the potential of the Site and surrounding area up to 500m to support GCN, such as the presence of existing records of this species and ponds;

- An assessment of the potential of the Site to support reptiles; and

- An assessment of the potential of the Site to support bird species specifically protected by legislation.

The weather conditions of the survey are described in Table 2-1: Weather conditions for ecological surveys. The survey area comprised the full extent of the Site (i.e. the red-line boundary) as shown in Drawing 2.

Table 2-1: Weather conditions for ecological surveys

Temperature	Wind ¹	Cloud cover ²	Rain
4°C	2	3/8	None

*1: Measured on the Beaufort Scale; 2: Measured on the Oktas Scale.

⁸ UKHab Ltd (2023). *UK Habitat Classification System Version 2.0* (at <https://www.ukhab.org>)



2.5 Bats

2.5.1 Daytime Bat Walkover

A Daytime Bat Walkover (DBW) was used to determine the presence of Potential Roosting Features (PRF's) associated with the trees at the Site.

A DBW was also used to establish whether any suitable habitat existed within or bordering the Site and within the surrounding area which had the potential to support commuting and foraging bats, and therefore determine the need, or otherwise, for further survey (for example activity surveys).

The criteria used to inform the assessment were based on those contained within current good practice guidelines⁹.

2.5.2 Ground Level Tree Assessment

A targeted GLTA was undertaken for two trees that require removal (as per the Site's Arboricultural Impact Assessment^{Error! Bookmark not defined.}). The trees were assessed for their suitability to support roosting bats from ground level using binoculars, and where applicable an endoscope for features that may be utilised by roosting bats. PRFs can include, but are not limited to, rot holes, cracks, splits and dense ivy cover. The assessed trees were then given a grading which is based on criteria set within best practice guidelines⁹.

2.5.3 Preliminary Roost Assessment

A targeted PRA was undertaken of the garage to be demolished.

The exterior of the building was inspected using close-focusing binoculars, while internal inspection of roof-voids was carried out using a CluLite 1M candle-power torch. The building was assessed taking into account the following factors that influence the likelihood of bats roosting:

Surrounding habitat: whether there are potential flight-lines and bat foraging areas nearby;

Construction details: the type and construction of architectural features such as attics, soffit boxes, lead flashing and hanging tiles that could be used by roosting bats. Some construction details and materials are more favourable to bat occupation than others;

Building condition: whether the building has no roof or has a sound roof without any potential bat-access points;

Internal conditions: bats favour sheltered locations with a stable temperature regime, protection from the elements and little wind / light / rain penetration;

Potential bat-access points: whether there is flight and crawl access; and

⁹ Collins, J. (ed.) (2023) *Bat Surveys for Professional Ecologists*. Good Practice Guidelines (4th edition). The Bat Conservation Trust, London.



Potential roosting locations: descriptions of all bat-accessible voids, cracks and crevices.

2.6 Amphibians

A search for the presence of waterbodies which could be used for breeding by this species was undertaken within a 500m radius the Site. Waterbodies were identified by reference to MAGIC^{Error! Bookmark not defined.}, aerial photographs and OS mapping.

2.7 Reptiles

The Site was assessed for its suitability for the four most widespread reptile species, with particular attention to those features that provide suitable basking areas (e.g. south-facing slopes), hibernation the sites (e.g. banks, walls, piles of rotting vegetation) and opportunities for foraging (e.g. rough grassland and scrub).

2.8 Birds

Birds nest and forage in a wide variety of habitats including scrub, woodland, hedges and trees, open ground and man-made structures. The Site was assessed for its suitability for to support nesting and foraging birds, with an emphasis on species listed on Schedule 1 of the Wildlife and Countryside Act 1981 and any notable species recorded in the background data search. The survey noted any nests or incidental signs of nesting such as feathers or pellets in locations suitable for nests.

2.8.1 Limitations

2.8.1.1 Desk Study

Desk study data is unlikely to be exhaustive, especially in respect of species, and is intended mainly to set a context for the study. It is therefore possible that important habitats or protected species not identified during the data search do in fact occur within the vicinity of the site. Interpretation of maps and aerial photography has been conducted in good faith, using recent imagery, but it has not been possible to verify the accuracy of any statements relating to land use and habitat context outside of the field study area.

2.8.1.2 Field Survey(s)

All areas of the Site were accessible for the purposes of the UKHab survey and bat assessment surveys. Some areas within 30m of the Site boundary were not accessible during the badger survey due to access constraints, however, this was not considered a limitation as all areas within 30m of the proposed development footprint itself could be assessed.

The timing of the habitat survey in February 2024 was outside the main growing season and certain plant species may not have been evident. Therefore, the timing of the survey could have resulted in the ground flora of the woodland and grassland areas, and invasive plant species being under-recorded.

All surveys were conducted in appropriate weather conditions; therefore, no further limitations were identified.



3.0 Results

3.1 Desk Study

3.1.1 Statutory Designated Sites

The Site itself is not designated as a statutory ecological site, however, Gosforth Park SSSI lies within a 2km radius. Gosforth Park is located northwest of the Site on the very extremities of 2km.

Gosforth Park SSSI is designated for its shallow man-made lake with associated reedswamp, herb-rich fen, willow carr, broad-leaved woodland and remnants of heathy grassland which provides a valuable refuge for wildlife. The locality of the site is regionally important for its habitats and invertebrate faunas, which include two nationally rare species, a small beetle *Triplax scutellaris* and *Adrena affkenella*, a solitary bee

Given the SSSI's distance from Site (with no direct hydrological links), the type of development and the habitats found on Site it is considered unlikely that Gosforth Park will be impacted and therefore it is not considered further within this report.

3.1.2 Non-Statutory Designated Sites

There are seven non-statutory designated sites within a 2km radius of the Site, including four SLCI's and three Local Wildlife Sites (LWS), none of which are found within 500m of the Site boundary. A description of the sites within 2km is provided in Table 3-1 Non-statutory LWS designations within 2km of the Site

Table 3-1 Non-statutory LWS designations within 2km of the Site

Grid Reference	Location in Relation to Site	Site Name	Status	Abstract
NZ 27558 69165	c.700m northeast	Benton Cemetery	SLCI	Not Available
NZ 27375 67359	c.1km south	Cochrane Park	SLCI	Mature mixed native woodland with poor diversity of understorey and ground flora. Within wildlife corridor and good connectivity.
NZ 25546 68582	c.1.5km west	Dentsmire/ Salters Bridge	SLCI	Habitats include mixed woodland, wetland and grasslands. Woodland canopy is varied and consists mainly of native trees such as oak and ash, while the understory and ground flora is made up of hawthorn, bramble, meadow foxtail and false oat grass. The area is recognised as a wildlife reservoir and forms part of the strategic wildlife corridor connecting Jesmond Dene and Gosforth Park.
NZ 26854 70092	c.1.6km northwest	West Moor Meadow	SLCI	Not Available
NZ 26121 66794	c.1.8km southwest	Jesmond Dene	LWS	The existing vegetation cover of the woodland, whilst limited and dominated by non-native species of sycamore and beech, provide potential wildlife refugia, food



Grid Reference	Location in Relation to Site	Site Name	Status	Abstract
				sources and movement corridors and a link for wildlife to Jesmond Dene and the surrounding network of habitats.
NZ 25585 69387	c.1.9km northwest	Black Woods and Ponds	LWS	Not Available
NZ 29981 69404	c.2km northeast	Rising Sun Country Park	LWS	Not Available

Given the distance of all non-statutory designated sites from the Site (above 500m and with no direct hydrological links) and the type of small-scale development it is considered unlikely that these sites will be impacted and therefore they are not considered further within this report.

3.1.3 Ancient Woodland (AW)

No AW is located within the Site or within the immediate surroundings, however, there is one area designated as AW within a 2km radius of the Site.

The closest AW is situated within Jesmond Dene LWS, situated c.1.8km southwest of the Site, which comprises sections of Ancient & Semi-Natural Woodland extending for 14.35ha.

AW receives protection through the NPPF paragraph 180, which states that “*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*”.

No direct impacts (such as habitat loss) are anticipated on these AW sites, and it is considered unlikely that indirect impacts will occur due to distance from Site and scale of development. Therefore, AW has not been considered further.

3.1.4 Ancient and Veteran Trees

Several mature trees were located on Site, however, none of these trees were identified as ancient or veteran trees during the survey.

Additionally, a search on the Woodland Trust’s Ancient Tree Inventory listed no ancient or veteran trees within or adjacent to the Site. Therefore, no impacts from the proposed development on ancient or veteran trees are anticipated and they are scoped out from further assessment.

3.2 Habitats

The UK Habitat Survey results are shown in Drawing 2.

The habitats present within the Site include, built up areas and gardens u1, modified grassland g4, other broadleaved woodland w1g and two smaller areas of dense scrub h3.

No hedgerows exist on Site; therefore, they do not need to be considered further within this assessment.

3.2.1 Built Up Areas and Gardens u1

Two different categorisations of u1 were present on Site, details of which are provided below.



3.2.1.1 Buildings u1b5

Two buildings are present on Site including the main building, currently known as Benton House Conservative Club which is a listed building (Appendix B; Plate 1) and a small single storey garage (Appendix B; Plate 2).

3.2.1.2 Developed Land – Sealed Surface u1b

The habitat here consists of a worn tarmac access road and car park (Appendix B; Plate 3) which is associated with Benton House. The surface is sealed and has vegetation cover of <10%. Where vegetation does occur due to worn surface species consist of commonly found successional grasses, weeds and ephemeral species. Vegetation only occurs irregularly on the outer edges of tarmacked surface of where trees roots have caused fractures in the tarmac.

Secondary codes for this habitat included ruderal or ephemeral (81), mature trees (203) and car park (804).

3.2.2 Modified Grassland g4

Two areas of modified grassland were present on Site that appeared to be regularly managed by mowing practices as sward heights were between c.5 and 10cm (Appendix B; Plate 4). The species here consisted of no more than four species per m², including those which are considered common within modified grasslands. The dominant species here was perennial ryegrass (*Lolium perenne*) but other broadleaved species such as dandelion (*Taraxacum officinal agg*), white clover (*Trifolium repens*), daisy (*Bellis perennis*) and creeping buttercup (*Ranunculus repens*) were also present.

Additionally, within the northern area of modified grassland, a limited number of snowdrops (*Galanthus nivalis*) and crocus were recorded, but these were likely planted rather than occurring naturally. A limited number of scattered broadleaf and conifer trees and an area of buddleia (*Buddleja davidii*) were also present here. It should be noted that rhododendron (*Rhododendron ponticum*), (Drawing 2; Target Note 8 and 9) and a cotoneaster species (Drawing 2; Target Note 7) were also recorded here.

It is likely that these species poor grasslands are used for amenity purposes given their managed status, introduced species and proximity to Benton House.

Secondary codes for this habitat type include mown and collected (107), recent management (517) and invasive non-native species (524).

3.2.3 Dense Scrub h3

An area of c.153 m² consisted of a mix of planted ornamental shrub, perennial and annual species including hazel (*Corylus avellana*), bramble (*Rubus fruticosus*), willow species, rose species and cordyline within a dry-stone wall sided shrub bed (Appendix B; Plate 5).

Secondary codes for this habitat include non-native (523).

3.2.4 Blackthorn Scrub h3a

An area of unmanaged blackthorn (*Prunus spinosa*) lined the north of the Site along the back of Benton House. No other species were recorded within the scrub, with the exception of dense ivy (*Hedera Helix*) within the understorey (Appendix B; Plate 6).

Secondary codes for this habitat include unmanaged (521).



3.2.5 Other Broadleaved Woodland w1g

A linear group of mature trees consisting of a single age class lined the southern and western border of the Site (Appendix B; Plate 7), almost all of which were deciduous except for the occasional Lawson cypress (*Chamaecyparis lawsoniana*). Sycamore (*Acer pseudoplatanus*) was the most dominant species here with ash (*Fraxinus excelsior*) and beech (*Fagus sylvatica*) also occurring occasionally. The understorey was sparse, mostly comprising of bare earth and ivy, however, cow parsley (*Anthriscus sylvestris*), wild privet (*Ligustrum vulgare*), snowdrops and crocus were also present in a limited capacity.

Secondary codes for this habitat include line of trees (33) and bare ground (510).

3.2.6 Habitats Summary

3.2.6.1 Priority Habitats (Section 41 NERC)

The Section 41 list is used to guide authorities in implementing their duty to have regard to the conservation of biodiversity.

The UK Habitat Classification survey recorded the presence of other broadleaved woodland w1g which is a Habitat of Principal Importance, as listed under Section 41 of the NERC Act (2006). However, no works to this habitat are anticipated.

3.2.6.2 LBAP and HAP

Three habitats are noted within the Habitat Action Plans (HAP's) for Newcastle upon Tynes Local Biodiversity Action Plan (LBAP) including buildings and structures (u1b5), native woodland (w1g) and scrub, shrub and hedgerow (h3 and h3a), however, it is anticipated that no negative impacts will occur to the woodland and scrub habitats from the proposed development and that Benton House will not be significantly altered, therefore, these habitats have not been considered further.

The garage and shelter to be demolished have been appropriately assessed for their potential to support roosting bats (see Section 3.3).

3.2.6.3 Other Habitats

The other habitats present including modified grassland (g4) and developed sealed surface (u1b) are common and widespread.

3.3 Protected and Priority Species

Target notes related to protected or notable species are provided in Drawing 2.

3.3.1 Notable Plants

Only one species listed under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) was listed in the data search. This included four records of bluebell (*Hyacinthoides non-scripta*), with the closest being over 1km from Site. This protection means that digging up the plant or bulb in the wild is prohibited, as is the selling of dug up bluebells.

No protected or notable plant species were identified at the Site and only plants typical of grassland, scrub and woodland communities were recorded during the survey. However, given the sub-optimal timing of the habitat survey the potential exists for notable plant species to have been missed, particularly within the woodland, however, given the age and understorey present it is unlikely that any species of note are present.



Additionally, a search of Plantlife⁵ identified no Important Plant Area (IPA's) within 2km of the Site.

3.3.2 Invasive Species

The data search returned numerous records of terrestrial and aquatic invasive non-native species as listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). Only terrestrial species have been included here as waterbodies are absent from Site. These included: Japanese knotweed (*Fallopia japonica*), giant hogweed (*Heracleum mantegazzianum*), Himalayan balsam (*Impatiens glandulifera*), Japanese Rose (*Rosa rugosa*), rhododendron and two cotoneaster species. Only a limited number of distances were provided for these species within the data search, but where they were provided none were found within the Site or within 500m.

Rhododendron (Drawing 2; Target Note 8 and 9) was recorded on Site which is a Schedule 9 invasive species. Additionally, a cotoneaster species (Drawing 2; Target Note 7) was also recorded. The identification of cotoneaster to species-level is difficult and it was not possible to confirm the exact species, however, it was considered likely that it was wall cotoneaster (*Cotoneaster cf. horizontalis*). Therefore, it has been assumed that both species are listed on Schedule 9 of the Wildlife and Countryside Act making it an offence to plant or otherwise cause these species to grow in the wild.

3.3.3 Invertebrates

The data search provided numerous records of invertebrates within 2km of the Site which are either red list, BAP or notable species. Of these records none were found within 500m of the Site and a search of Buglife⁷ identified no important invertebrate areas within 2km.

On the Site, the majority of the habitats were of negligible value to invertebrates. The lack of flowering herbs within the grassland and the built infrastructure makes suitable habitat sparse. The areas of scrub would provide some value to invertebrate species, however given how small these areas are, and the predominantly built landscape in the surrounding area, it is unlikely that the site has any notable invertebrate assemblages.

3.3.5 Bats

A number of bat records were returned from the data search from within 2km of the Site including pipistrelle, myotis and nyctalus species. The most abundant species recorded were pipistrelle species with the closest record being a common pipistrelle (*Pipistrellus pipistrellus*) c.180m away.

A search of Defra's MAGIC map for Granted European Protected Species licence applications found two licences granted for bats. The closest licence was located near Newcastle University, c.1.2 km south of the Site from 2015 - 2020 to damage a resting place for common and soprano pipistrelle (*Pipistrellus pygmaeus*). The second licence was granted 2019 - 2025 for damage of a resting place for common pipistrelle, c.1.3km west of the Site located near West Farm Avenue.



3.3.5.1 Daytime Bat Walkover

A DBW of the Site identified a number of trees with ivy cover, however, the species of tree along with their general maturity and health signified that PRF's were unlikely to be present beneath the ivy and the ivy itself was not considered significant enough in size to act as its own PRF. Additionally, it is anticipated that these trees will remain in situ and are unlikely to be impacted by works.

The DBW was used to gain a general assessment of Benton House, however, a full PRA was not undertaken here as works that may disturb PRF's are not anticipated given their superficial nature. The general assessment of the building identified PRF's such as lifted roof tiles that may be used by roosting bats. Therefore, if the scope of works changes to include works to the roof or roof void then a targeted PRA would be required with the potential for further surveys.


The DBW assessed the Site for its potential to support foraging and commuting bats. The habitats on Site do offer some suitability for commuting and foraging bats, however, this would likely be in a limited capacity for common species given its placement in the wider landscape, limited linear habitats for commuting and limited availability of foraging habitat. Their presence cannot be discounted; therefore, the developments impact of commuting and foraging bats is considered further within this report.

3.3.5.2 Ground Level Tree Assessment


A targeted GLTA was undertaken of the two trees identified in the Arboricultural report^{Error! Bookmark not defined.} as requiring removal. Including a Lawsons cypress and a common lime (*Tilia x europaea*). Further details of these are shown in Table 3-2 **Summary of Ground Level Tree Assessment** with their locations shown in Drawing 3.

Given that the common lime (Drawing 3; T2) will be removed and has some limited potential to support roosting bats it has been considered further within this report.

Table 3-2 Summary of Ground Level Tree Assessment

Tree Number	Grid Reference	Photo	Species	PRF	Category
T1	NZ 27226 68391		Lawsons Cypress	No PRF's present	Negligible



Tree Number	Grid Reference	Photo	Species	PRF	Category
T2	NZ 27292 68388		Common Lime	1x South facing rot hole on dead branch, extensive decay on tree, 1x South facing broken branch at 4m high, unable to observe if hollow. 1x Southwest facing broken branch with cavity.	PRF-I (Low)

3.3.5.3 Preliminary Roost Assessment

A targeted PRA was undertaken of the garage as this will be demolished to facilitate a multi-use games area. The location of the garage is shown in Drawing 3.

The garage was a single storey, four-sided pebble dashed garage with a metal door, apex roof with wooden frames and corrugated slate roof sheet. The windows were blocked by wood with one completely open.

There were frequent gaps under the roof and window which appeared to be permanently open which could provide access and egress points into the garage. However, there was no double cavity in the wall material, no roof void present and the inside of the garage was very light, therefore, roosting potential was considered negligible, and the garage does not require further consideration with regards to bats.

3.3.6 Amphibians

The data search returned records of three amphibian species including common toad (*Bufo bufo*), palmate newt (*Lissotriton helveticus*) and common frog (*Rana temporaria*), with the closest being common frog found c.1.5km away.

A search of Defra's MAGIC map for Granted European Protected Species licence applications within 2km of the Site found no GCN surveys or licence applications within 2km of the Site.

MAGIC revealed no ponds within 500m of the Site boundary and the Site was considered unsuitable for GCN and other amphibians due to its position in the wider landscape and lack of aquatic habitat within or near to the Site. Four small log piles (some of which also consisted of brash) were recorded on Site (Drawing 2; Target Notes 1, 2, 4 and 5) which offer some limited suitability as hibernacula habitat. However, these areas are not extensive, and the absence of other suitable habitat makes it unlikely that amphibians would be present here. Therefore, amphibians have not been considered further.



3.3.7 Reptiles

Two unconfirmed records of Red-eared Terrapin were recorded within 2km of the Site, no other reptiles have been recorded within 2km.

The habitat at the site was largely unsuitable for reptiles and the vegetation was mown short, offering little cover or shelter for the species. Although there was some scrub at the site, these areas offer only a limited amount of isolated habitat. Four small log piles (some of which also consisted of brash) were recorded on Site (Drawing 2; Target Notes 1, 2, 4 and 5), which may provide some suitability for basking and hibernacula potential, however, given the Site's location in the surrounding landscape and the limited suitable habitats available reptiles have been considered absent and are not considered further.

3.3.8 Birds

The desk study returned records of a number of notable bird species, although only some of these are associated with the habitats on the site. Priority species or birds of conservation concern recorded within the nearby area that may be present at the Site include lesser redpoll (*acanthis cabaret*), swifts (*Apus apus*), house sparrow (*Passer domesticus*), tree sparrow (*Passer montanus*), dunnoek (*Prunella modularis*), bullfinch (*Pyrrhula pyrrhula*), starling (*Sturnus vulgaris*), wren (*Troglodytes troglodytes*), song thrush (*Turdus philomelos*) and mistle thrush (*Turdus viscivorus*).

Given the limited amount of suitable habitat on the Site, it is unlikely that any notable assemblage of bird species is present here, however it is possible that low numbers of birds nest within the scrub and trees. Additionally, two unidentified bird nests were recorded on Site (Drawing 2; Target note 3 and 6), therefore, nesting birds are considered further.

3.3.9 Other Mammals

Numerous other notable terrestrial mammals were returned in the data search, of these records only West European hedgehog (*Erinaceus europaeus*) was considered as having potential to be present at the Site.

The habitats on Site were generally unsuitable for hedgehog with the exception of the limited areas of scrub and the four small log piles (some of which also consisted of brash) were (Drawing 2; Target Notes 1, 2, 4 and 5), which may provide some suitability hibernating hedgehogs. Consequently, the site may be used in a limited manner by hedgehog, therefore, the species is discussed further in this report.



4.0 Ecological Constraints and Opportunities

4.1 Constraints

4.1.1 Species

4.1.1.1 Invasive Species

Two Schedule 9 invasive plant species, rhododendron and a cotoneaster species (likely wall cotoneaster), were recorded. Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to plant or otherwise cause these species to grow in the wild.

Currently it is not anticipated that the development will affect the areas where these species are located, therefore, avoidance measures are recommended. Avoidance measure should be put in place to reduce the risk of translocating these species to other areas (or outside) of the Site. Avoidance measure will be included within the recommended EMP which would include strategies such as heras fencing around the areas where invasive species are present.

4.1.1.2 Bats

Roosting

The removal of a common lime (Drawing 3; T2) is anticipated in line with recommendations within the arboricultural report^{Error! Bookmark not defined.}. The survey identified this tree as PRF-I suggesting it has low potential to support roosting bats, therefore, no further surveys are required. However, it is recommended that that the tree is subject to soft / sectional felling. If no felling takes place within 12months of the date of this report then the tree should be reinspected.

No works to Benton House that could disturb roosting bats are anticipated (such as works to the roof or roof voids), however, if the scope of works change then a targeted PRA of the building should be undertaken, and further bat surveys may be required.

The garage was of negligible potential for bats and no further surveys of this structure are required.

Foraging and Commuting

The habitats on Site do offer some suitability for commuting and foraging bats, however, it is considered unlikely that the proposed alterations are likely to impact bat behaviour.

It should be noted that if lighting is to change at the Site then a suitable lighting scheme is recommended to ensure the Site and the surrounding landscape is not directly lit. In particular, the woodland area and Benton House should not be subject to additional light spill. An ecologically sensitive lighting strategy should follow guidance from The Institution of Lighting Professionals and Bat Conservation Trust for artificial lighting¹⁰. Principles of an appropriate lighting strategy will be provided within the EMP.

4.1.1.3 Birds

The Site has potential to support nesting birds within the woodland and scrub, however, no clearance of these habitats is anticipated.

¹⁰ The Institute of Lighting Professionals and Bat Conservation Trust (2023). *Guidance Note GN08/23 Bats and Artificial Lighting at Night*. <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>



If these habitats do require removal then further mitigation will be required. To avoid the killing/injury of birds and damage/destruction of active nests during vegetation clearance and construction, site clearance of suitable scrub and trees will ideally take place outside of the main bird breeding season (which for most species extends from March to August inclusive). If this is not feasible, a nesting bird check via a search for active nests would first be undertaken by a suitably qualified ecologist within the 24 hours prior to vegetation clearance.

Should any active nests be identified then works in the vicinity of the nest then an appropriate exclusion zone must be established. The nest should then be left undisturbed until the young have naturally fledged.

4.1.1.4 Other Mammals

The removal of log piles (Drawing 2; Target Notes 1, 2, 4 and 5), should not be undertaken within the hedgehog hibernation period (typically November to March but dependant on temperature), thus minimising the risk of any hedgehogs hibernating within the development site (British Hedgehog Preservation Society (2009). However, where this is not possible then removal should be undertaken by hand. Where a hedgehog is found hibernating it should be immediately relocated to another suitable area of the Site (i.e. within scrub) within a hibernation shelter. Details of hedgehog hibernation shelters will be provided within the Sites EMP.

4.2 Opportunities

4.2.1 Site Enhancement

This development has been identified as a 'minor development' by the council and therefore does not require a biodiversity net gain assessment. However, given North Tyneside's Local Planning Policy for biodiversity the development does require evidence that a net gain to biodiversity will be delivered. Therefore, it is recommended that an Ecological Management Plan (EMP) is undertaken which will address strategies to enhance the Site for biodiversity with regards to species that have the potential to currently be using the Site. This includes strategies for, bats, birds, hedgehogs and invertebrates. In addition, it will detail strategies to avoid the non-native species that are present on Site.

4.4.3 Invertebrates

Although the Site only has limited value for common species of invertebrates there is potential for the Site to increase its biodiversity value for the species by introducing a greater number of flowering species to the areas of modified grassland which would encourage pollinators. Additionally, enhancements such as insect houses could be placed at the Site which could offer some shelter. Details of these enhancements would be provided in the EMP for the Site.

4.2.2 Bats

Bat boxes should be implemented within the woodland. All boxes should be sheltered from strong winds and exposed to the sun for part of the day (usually south, south-east or south-west). Away from artificial light sources (to protect them from predation) and ideally at least 4m above the ground. Details will be included within the site's EMP.

4.2.3 Birds

Enhancement opportunities will be provided in the form of additional scrub planting which would provide additional bird foraging and nesting habitat. Additionally, a variety of nest boxes will be provided. The nest boxes shall comprise a mixture of different specifications to suit locally occurring bird species, including species such as tree sparrow, and shall be



made from durable, weather-proof material. All boxes will face east, away from the prevailing wind, in sheltered locations, close to suitable habitat, away from areas of high disturbance, and not positioned directly above windows and doors. Details will be included within the site's EMP.

4.4.7.3 Other Mammals

Additional scrub planting is recommended within the woodland which would provide further foraging and sheltering habitat for hedgehogs. Additionally, It is recommended that a hibernation shelter is provided at the Site, details of which will be provided within the EMP.

4.2.4 General Recommendations

Wherever possible, grassland should be left unmown with pathways mown through, to promote better quality habitat for a variety of species including invertebrates and birds or a no mow period between May and July should be undertaken.

Log piles should be created (or relocated) onsite and located in the woodland and scrub to provide additional habitat for invertebrates.





Drawings

**Drawing 1: Site Location
Proposed Site Layout Plan; Revision G
Drawing 2: UKHabitat Map
Drawing 3: Tree Location Map**

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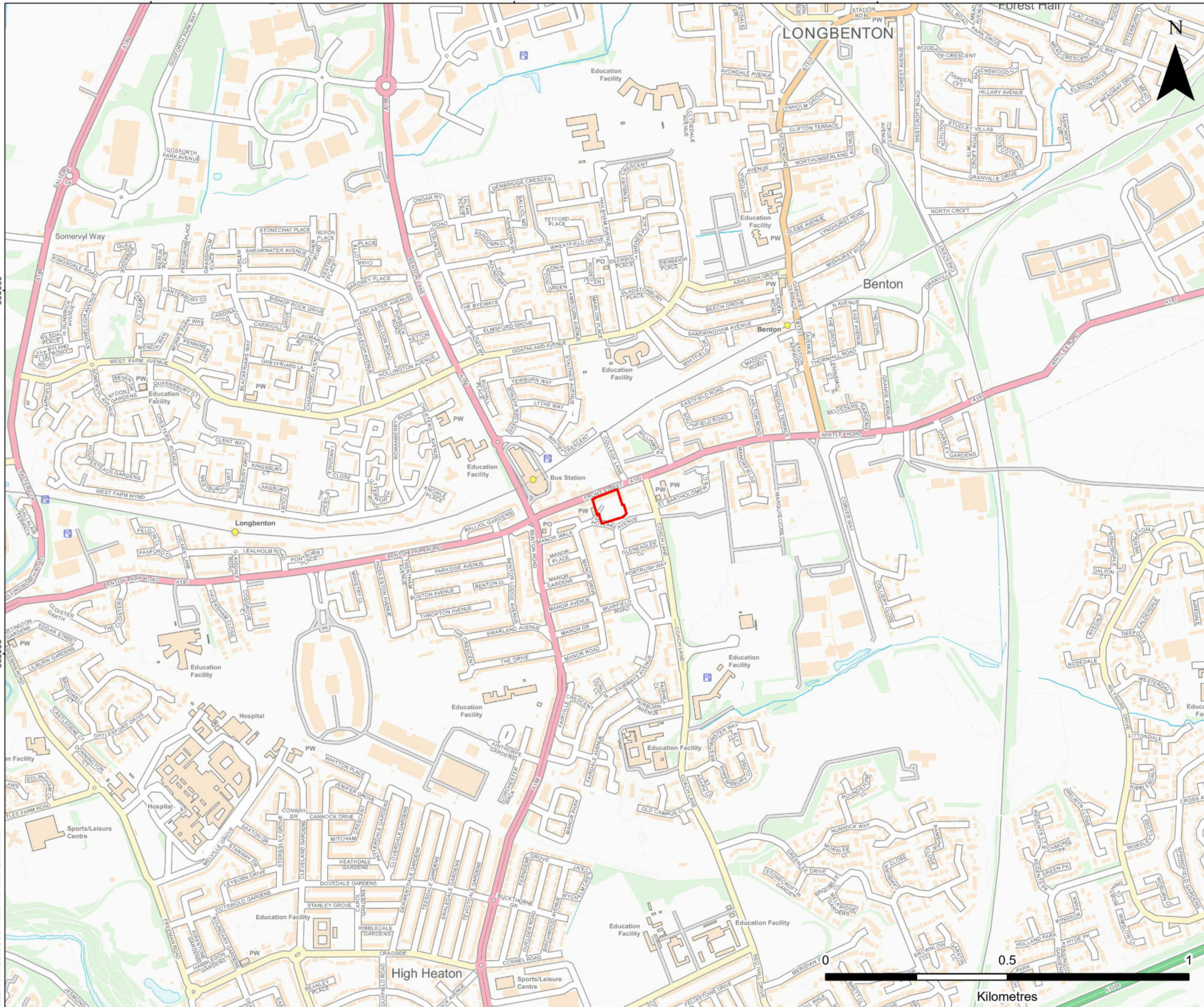
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42.064829.00001.0 Site Location



LEGEND

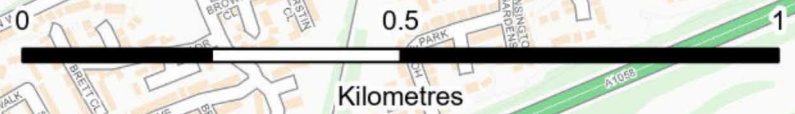
Site Boundary

N



FRONT STREET, BENTON, NEWCASTLE
 PRELIMINARY ECOLOGICAL APPRAISAL
SITE LOCATION
DRAWING 1

Scale 1:10,000 @ A3 Date FEBRUARY 2024



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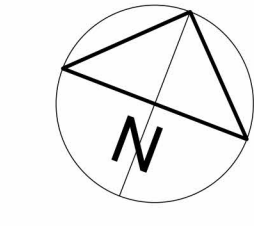
Dimensions are in millimetres unless otherwise specified.

Rev	Description	Date	By	Check
A	bicycle shelter added	01.11.23	mjd	mjd
B	'missing' areas of topography added	10.11.23	mjd	mjd
C	tree survey added generally updated	15.12.23	mjd	mjd
D	minor correction to red outline etc	16.01.24	mjd	mjd
E	tree shading omitted key for trees added	17.01.24	mjd	mjd
F	drawing status changed to PLANNING APPLICATION	23.01.24	mjd	mjd
G	minor amendments	24.01.24	mjd	mjd



KEY:

- existing tree canopy and trunk position based on Arboriculturalist's survey
- indicates 2.4 metre high green palisade fence with matching gates



0 1 2 3 4 5 10 20

PLANNING APPLICATION

Space
architecture and design limited

The Studio
Lake House
Backmoorfoot Road
Huddersfield
HD7 5TR

t 01484 841623
t 01484 847757
e: md@spacearchitecture.net
w: www.spacearchitecture.net

Client
Outcomes First Group Ltd

Project
Conversion of Benton House into a Specialist School
Front Street, Benton, Newcastle
NE7 7UJ

Drawing Title
Proposed Site Layout Plan

Scale	# A1	Scale	# A3	Date	Drawn	Checked	Drawing Number	Revision
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427200

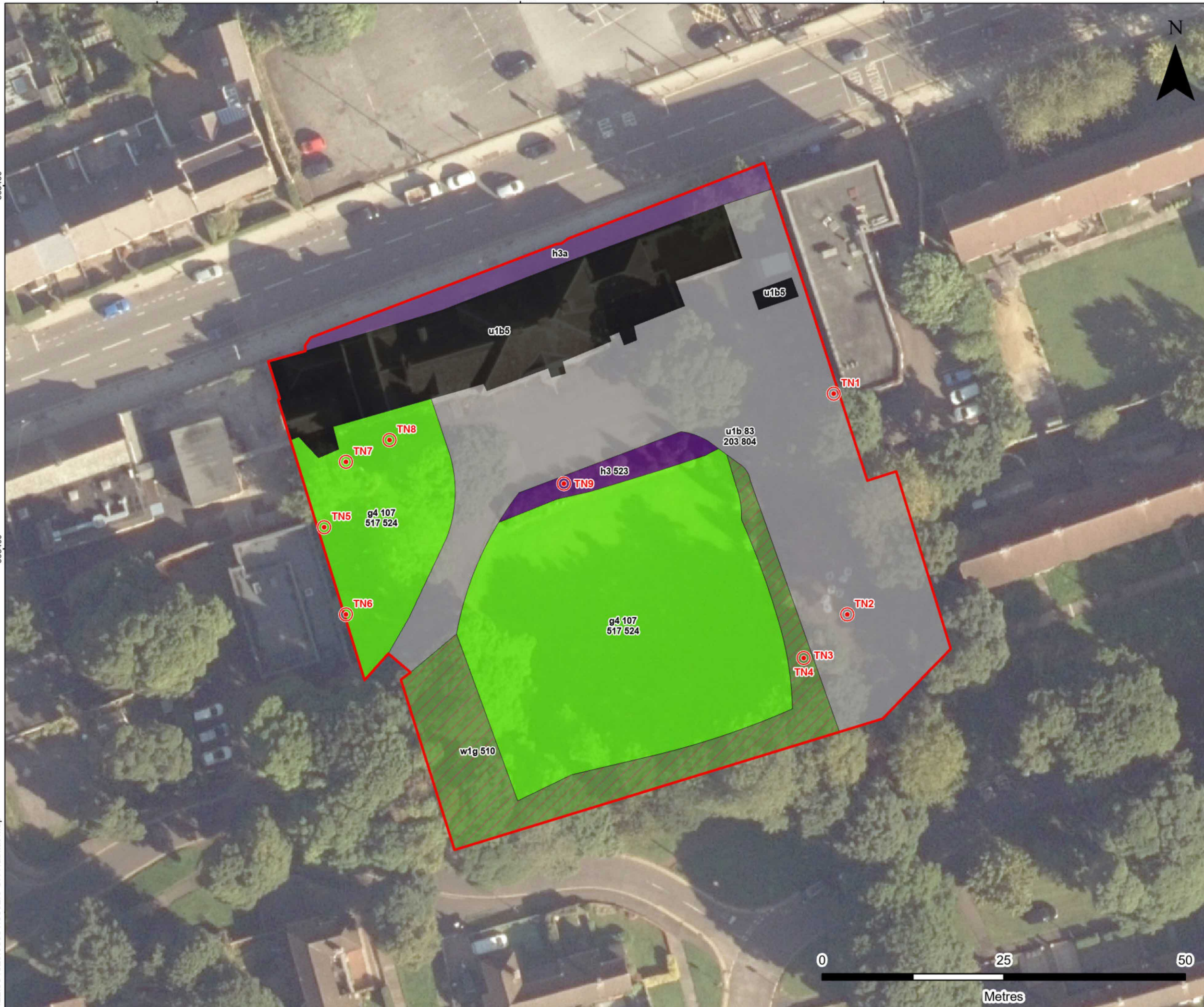
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422.064829.00001.0002.0 UK Habitat Map



LEGEND

- Site Boundary
- Target Note

UK Habitat Classification

- g4 - Modified Grassland
- h3 - Dense Scrub
- h3a - Blackthorn Scrub
- u1b - Developed Land; Sealed Surface
- u1b5 - Building
- w1g - Other Woodland; Broadleaved

Secondary Code

- 81 - Ruderal or Ephemeral
- 107 - Mown and Collected
- 203 - Mature Tree
- 517 - Recent Management
- 521 - Unmanaged
- 523 - Non-native
- 524 - Invasive Non-native Species
- 804 - Car Park



FRONT STREET, BENTON, NEWCASTLE
 PRELIMINARY ECOLOGICAL APPRAISAL
UK HABITAT SURVEY

DRAWING 2

Scale 1:500 @ A3 Date FEBRUARY 2024



427200

427250

427300

568450

568400

422.064829.00001.0003.0 Tree Location Map



LEGEND

- Site Boundary
- Potential Roosting Feature (PRF) Result - Tree**
 - PRF-I
 - Negligible
- PRF Result - Building**
 - Negligible

Note
No potential roosting features found in other trees on site



FRONT STREET, BENTON, NEWCASTLE
PRELIMINARY ECOLOGICAL APPRAISAL
POTENTIAL ROOSTING FEATURE SURVEY

DRAWING 3

Scale 1:500 @ A3 Date FEBRUARY 2024





Appendix A Legislation and Policy

Relevant Legislation and Planning Policy

Legislation

A summary of legislation relevant to (onshore) biodiversity in England and Wales is provided below. Note that the summary provided here is intended for general guidance only and the original legislation should be consulted for definitive information.

Environment Act (2021)

The Environment Act has wide ranging provisions including those around:

- Environmental governance;
- Environmental regulation;
- Waste and resource efficiency;
- Air quality and environmental recall;
- Water;
- Nature and biodiversity;
- Conservation covenants.

Of particular relevance is Part 6 of the Act which introduces “biodiversity gain in planning” and will apply in England to planning applications under the Town & Countryside Act and the Planning Act. Schedule 14 now requires that biodiversity gain be a condition of planning permission in England. These changes will be enacted through subsequent secondary legislation or regulations. This part of the Act also changes the responsibilities that Government or public bodies have by strengthening the existing NERC Act biodiversity duty. Public authorities are now required to seek to conserve and enhance biodiversity in the exercise of their functions.

Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. Under the Habitats Regulations it is an offence to deliberately capture, kill or disturb wild animals listed under Schedule 2 of the Regulations as well as damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time). European Sites, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), are also protected under the Habitat Regulations, and any proposal that could affect them will require an Habitats Regulations Assessment (HRA).

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017

Part 3 of the regulations provide for the protection of areas of habitats or species where maintenance of the status of water is an important factor. Under the regulations additional consideration may need to be given to sites in the form of a Water Framework Directive (WFD) assessment where a project lies in proximity to a water body or to linked water bodies which could be affected. This includes consideration of whether water bodies are WFD receptors in particular those of high status or have high status morphology.

Natural Environment & Rural Communities (NERC) Act 2006

Section 40 of the NERC Act 2006 places a duty on public authorities to have regard to the purpose of conserving biodiversity in the exercise of their functions. Public authorities include government departments, local authorities and statutory undertakers.

Section 41 of the Act (Section 42 in Wales) requires the publication of a list of habitats and species which are of principal importance for the purpose of conserving biodiversity. The Section 41 list is used to guide authorities in implementing their duty to have regard to the conservation of biodiversity.

Note that Sections 40 and 42 were superseded in Wales by the Environment (Wales) Act 2016 (see below).

Protection of Badgers Act 1992

The Protection of Badgers Act 1992 makes it illegal to kill, injure or take a badger or to intentionally or recklessly interfere with a badger sett. Sett interference includes disturbing badgers whilst they are occupying a sett or obstructing access to it.

Wildlife & Countryside Act 1981

The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way (CRoW) Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:

Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, or its dependent young while it is nesting;

Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act;

Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act;

Intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;

Pick or uproot any wild plant listed under Schedule 8 of the Act; or

Plant or cause to grow in the wild any plant species listed under Schedule 9 of the Act.

Planning Policy

A summary of national planning policy relevant to (onshore) biodiversity in England and Wales is provided below. Note that the summary provided here is intended for general guidance only and the original policy documents should be consulted for definitive information. For local planning policy relevant to biodiversity the relevant local plans should be consulted.

National Planning Policy (England)

The National Planning Policy Framework (NPPF) sets out guidance for local planning authorities and decision-makers in how to apply planning policies when drawing up plans and making decisions about planning applications. Along with Government Circular 06/052, the broad policy objectives in relation to the protection of biodiversity and geological conservation in England through the planning system are set out. Specific policies relating to habitats and biodiversity are set out in paragraphs 174 and 179-182 of the NPPF.

Paragraph 174 states that:

“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;
- e) 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 f) 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
- F) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate”.

Paragraph 179 states that:

“To protect and enhance biodiversity and geodiversity, plans should:

- a) 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
- b) 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.”

Paragraph 180 states that:

“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.”

Paragraphs 181-182 relate to European sites (referred to as habitats sites) and state:

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

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites; and
- c) 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.”

North Tyneside Local Plan Policy - Policy: DM5.5 Managing effects on Biodiversity and Geodiversity

All development proposals should:

- a) Protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links; and,
- b) Maximise opportunities for creation, restoration, enhancement, management and connection of natural habitats; and,
- c) Incorporate beneficial biodiversity and geodiversity conservation features providing net gains to biodiversity, unless otherwise shown to be inappropriate.

Proposals which are likely to significantly affect nationally or locally designated sites, protected species, or priority species and habitats (as identified in the BAP), identified within the most up to date Green Infrastructure Strategy, would only be permitted where:

- d) The benefits of the development in that location clearly demonstrably outweigh any direct or indirect adverse impacts on the features of the site and the wider wildlife links; and,
- e) Applications are accompanied by the appropriate ecological surveys that are carried out to industry guidelines, where there is evidence to support the presence of protected and priority species or habitats planning to assess their presence and, if present, the proposal must be sensitive to, and make provision for, their needs, in accordance with the relevant protecting legislation; and,
- f) For all adverse impacts of the development appropriate on site mitigation measures, reinstatement of features, or, as a last resort, off site compensation to enhance or create habitats must form part of the proposals. This must be accompanied by a management plan and monitoring schedule, as agreed by the Council.

Proposed development on land within or outside a SSSI likely to have an adverse effect on that site would only be permitted where the benefits of the development clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the SSSI national network.



Appendix B Habitat Plates

Habitat and Target Note Plates




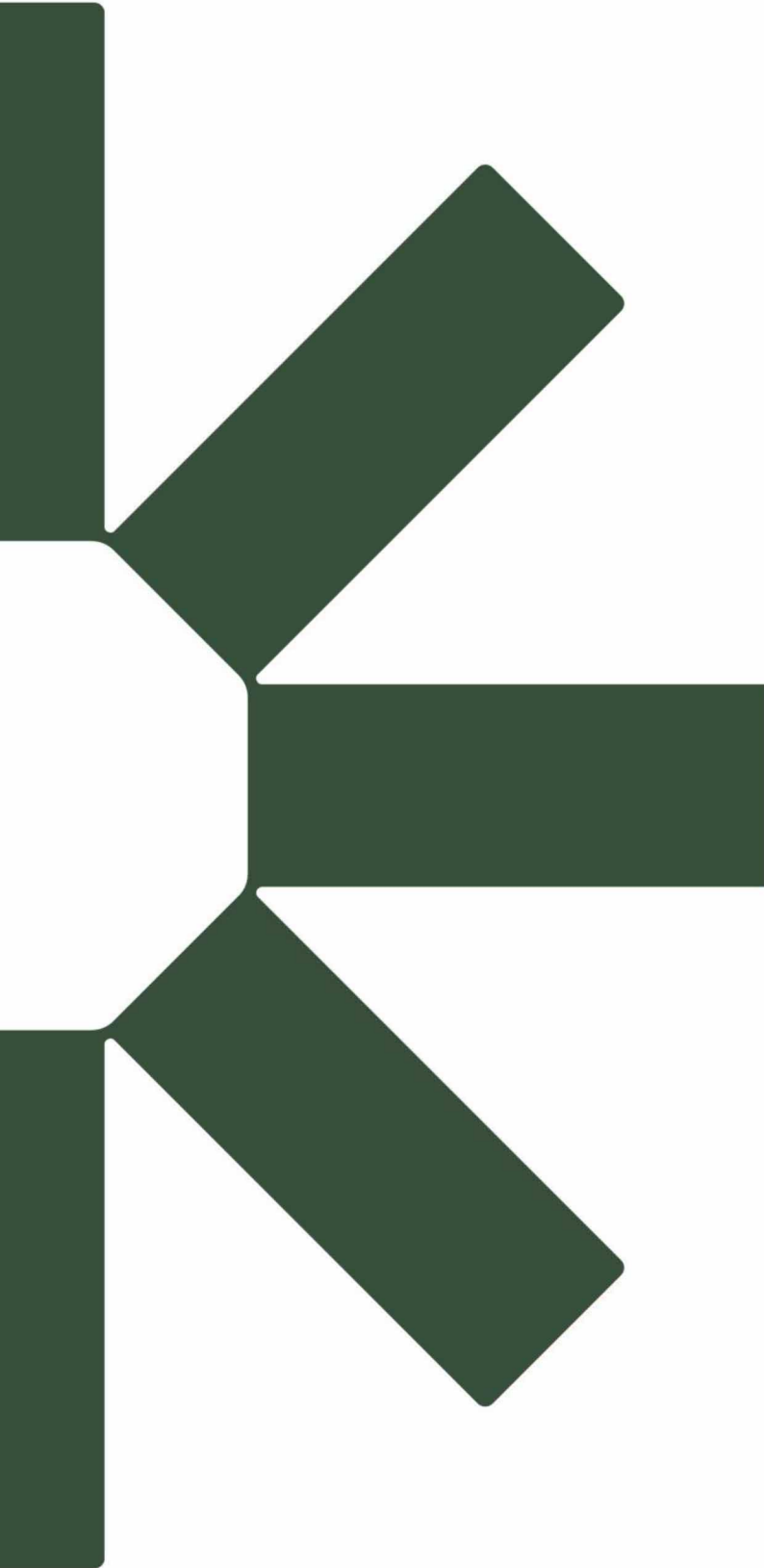
Plate Number	Habitat Type	Habitat Image
1	Benton House (u1b5)	
2	Garage (u1b5)	
3	Access road and car park (u1b)	

Plate Number	Habitat Type	Habitat Image
4	Modified grassland (g4)	
5	Dense scrub (h3)	
6	Blackthorn scrub (h3a)	

Plate Number	Habitat Type	Habitat Image
7	Other broadleaved woodland (w1g)	



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