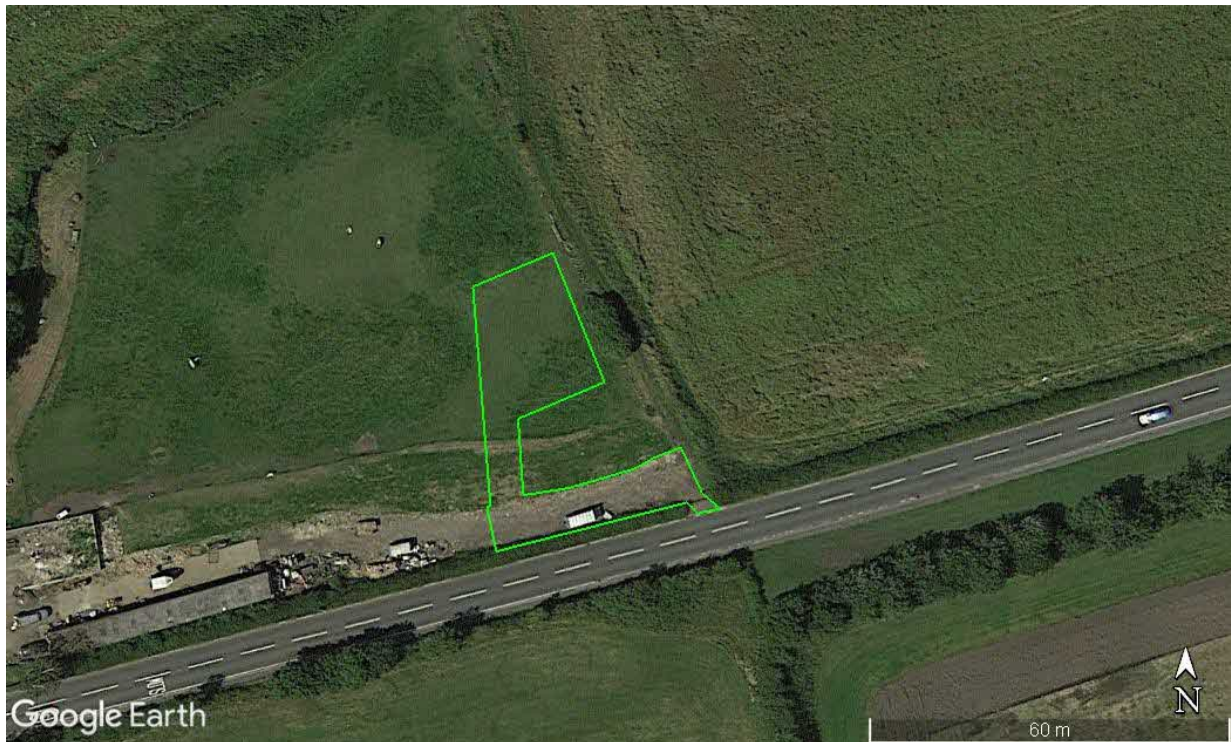
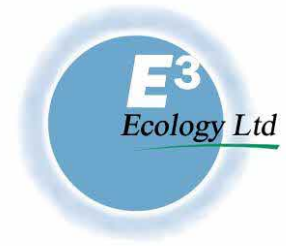


# BIODIVERSITY NET GAIN ASSESSMENT LAND AT WHEATLEY HILL, COUNTY DURHAM



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## A. INTRODUCTION

E3 Ecology Ltd was commissioned to complete a Biodiversity Net Gain (BNG) assessment using DEFRA's Statutory Biodiversity Metric to calculate the anticipated net change in biodiversity value of the site as a result of the proposed development. A BNG baseline condition assessment was undertaken on 22<sup>nd</sup> February 2024 in order to inform this assessment.

The site is located in Wheatley Hill, County Durham, at an approximate central grid reference of NZ 38777 39445. The site boundary and setting are illustrated in the figures below.



**FIGURE 1: SITE BOUNDARY**  
(Google Earth Pro)



**FIGURE 2: 500M SITE SETTING**  
(Google Earth Pro)

The proposed development is for the creation of a new stable block within the field with associated hard standing and gravel access track. The development proposals are shown in the figure below:

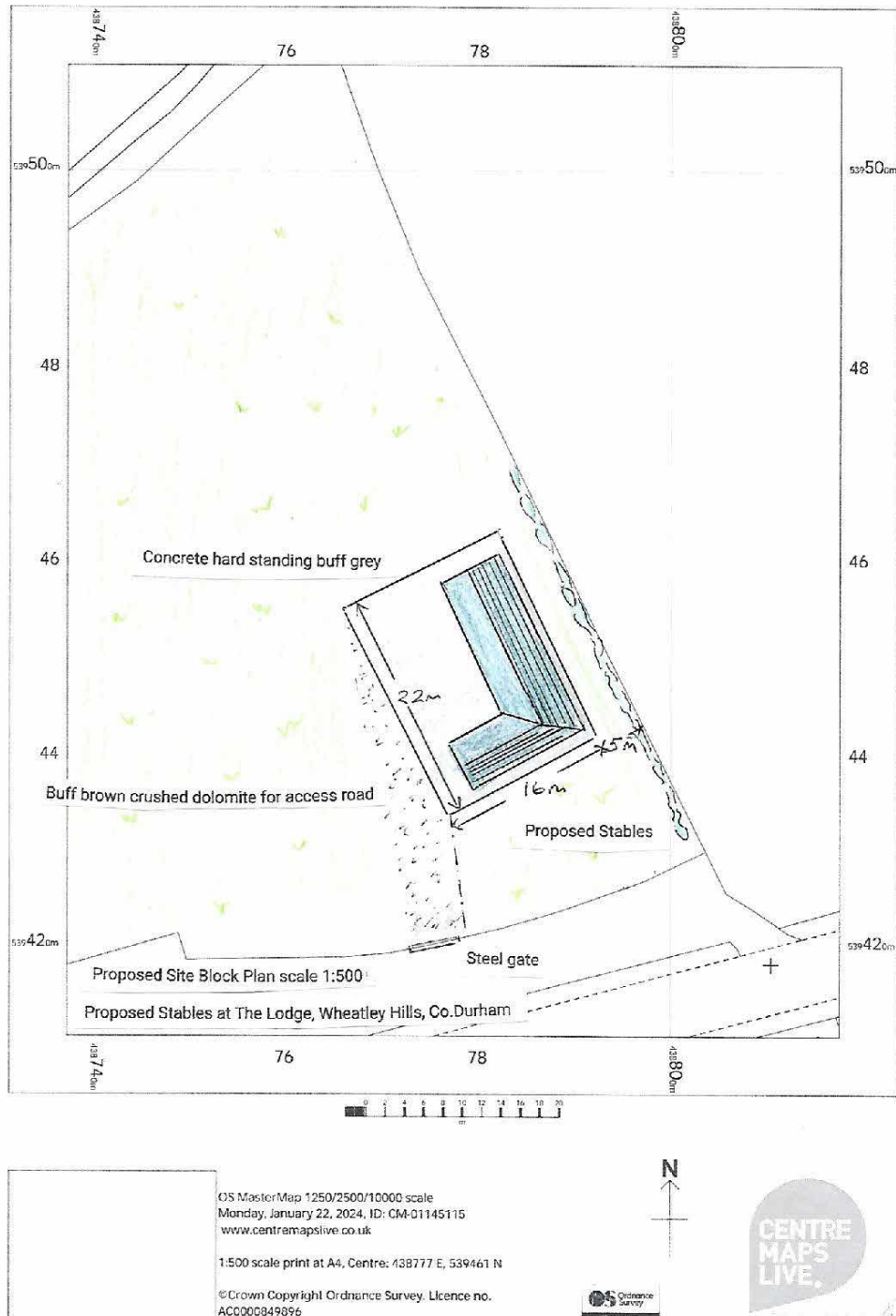


FIGURE 3: DEVELOPMENT PROPOSALS

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## B. METHODOLOGY

### B.1 HABITAT CONDITION ASSESSMENTS & BIODIVERSITY METRIC

The Biodiversity Metric provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change.

Firstly a desk study was completed using historic aerial imagery to assess whether habitats on site have significantly changed prior to survey, so that sites which may have been purposely degraded or “de-risked” ahead of a planning application submission are not rewarded for doing so, in accordance with DEFRA requirements.

Existing (baseline) and proposed (created or enhanced) habitat types, areas and other associated relevant information were used to inform the metric. UKHabs<sup>1</sup>. was used to record the baseline habitats onsite. All measurements are in hectares and kilometres and to at least two decimal places. Pre-development areas and post development areas were provided by the Architect.

Condition assessment was undertaken for all habitats, following the guidance provided in the Statutory Biodiversity Metric Condition Assessments. This was also used to assess enhancement opportunities for the habitats that are to be retained.

To assign strategic significance, the Local Planning Authority (LPA) website has been searched for local plans or other accessible resources that would define if any habitats on site are important for their potential biodiversity value or if they form wildlife corridors. DEFRA’s MAGIC website<sup>2</sup> has also been consulted for Natural England designated Network Enhancement Zones (1 or 2) and Fragmentation Action Zones. Where habitats within the site have been identified using these resources, they have been classified as “within an area formally identified in local strategy”. Where habitats have been classified as ecologically desirable, this has been assessed by E3 Ecology, based on professional judgement using the company’s knowledge of the site and adjacent land, for example if it supports key species, habitat types that are limited in the local area or priority habitats. Otherwise, habitats are assessed as “Area/compensation not in local strategy / no local strategy”.

This assessment comprised a BNG assessment only. The metric only assesses direct (temporary or permanent) habitat impacts. Where there are potential indirect or species-related impacts, these would usually be assessed in a separate Ecological Impact Assessment report, however, following consultation with the LPA ecologist, it was determined that an Ecological Impact Assessment was not required.

The metric design aims to encourage enhancement, not transformation, of the natural environment<sup>3</sup>. Where possible, habitat created to compensate for loss of a natural or semi-natural habitat aims to be of the same broad type (e.g. new woodland to replace lost woodland) unless there is a good ecological reason to do otherwise (e.g. to restore a heathland habitat that was converted to woodland for timber in the past). Consideration has been given to the BNG Good Practice principles for development<sup>4</sup> as found within the appendices.

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<sup>1</sup> UKHab Ltd (2023). UK Habitat Classification Version 2.0 (at <http://ukhab.org>)

<sup>2</sup> <https://magic.defra.gov.uk/magicmap.aspx>

<sup>3</sup> Natural England Joint Publication JP039 – Statutory Biodiversity Metric: User Guide (2024)

<sup>4</sup> Biodiversity Net Gain: Good practice principles for development, CIEEM, CIRIA, IEMA, 2016

Individual trees, where present on site, have been classified using the 'tree helper tool' within the metric. The Statutory Biodiversity Metric: User Guide provides examples of individual tree sizes (table 14). The following reference has been used for size classification:

TABLE 1: INDIVIDUAL TREE SIZE REFERENCES		
Size class	Diameter at Breast Height (cm)	Metric area equivalent (ha)
Small	≥ 7.5 to ≤ 30	0.0041 ha
Medium	> 30 to ≥ 60	0.0163 ha
Large	> 60 to ≥ 90	0.0366 ha
Very Large	> 90	0.0765 ha

Habitats have been assessed in accordance with the criteria listed in the relevant habitat condition assessment sheets where possible and, if necessary, using surveyors' professional judgement to supplement the condition assessments.

## B.2 CONSTRAINTS AND ASSUMPTIONS

The survey used to inform baseline habitat condition assessments was completed at a suboptimal time of year for botanical identification. However, this has been taken into account when assessing the condition of habitats against the relevant criteria and a precautionary approach has been adopted.

Due to the small size of the site, and following consultation with the LPA ecologist, an Ecological Impact Assessment was not undertaken, however nothing of note was recorded within the survey boundary.

The following assumptions have been made during the assessment:

Planted tree species have not been confirmed but it is assumed they will comprise a suitably rich mix of native species and will oversail vegetation in order to reach target condition.

## C. RESULTS

### C.1 EXISTING AND PROPOSED HABITATS

#### C.1.1 PRE-DEVELOPMENT

With the exception of the access track to the south (created in 2014), historic aerial imagery shows that the site has remained largely unchanged since at least 2001.

The following habitats were recorded on the proposed development site:



**FIGURE 4: HABITAT MAP**  
(Google Earth Pro)

The above habitats were categorised based on the methodology of the UKHab Habitat Classification V2, as outlined in their habitat classification system<sup>5</sup>.

The 0.105ha site provides 0.42 habitat units. Baseline habitats are detailed below, with the achieved condition assessment criteria indicated in **bold text**.

0.07ha of modified grassland – assessed as good condition as it meets six of the seven criteria:

- **There are 6-8 vascular plant species per m<sup>2</sup> present, including at least 2 forbs. Note that this criterion is essential for achieving moderate or good condition.**

<sup>5</sup> UKHab Ltd (2023). UK Habitat Classification Version 2.0 (at <http://ukhab.org>)



- **Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for vertebrates and invertebrates to live and breed.**
- **Some scattered scrub (including bramble *Rubus fruticosus agg.*) may be present, but scrub accounts for less than 20% of total grassland area.**
- **Physical damage is evident in less than 5% of total grassland area. Examples of physical damage include excessive poaching, damage from machinery use or storage, erosion caused by high levels of access, or any other damaging management activities.**
- Cover of bare ground is between 1% and 10%, including localised areas (for example, a concentration of rabbit warrens).
- **Cover of bracken *Pteridium aquilinum* is less than 20%.**
- **There is an absence of invasive non-native plant species (as listed on Schedule 9 of WCA).**

0.035ha artificial unvegetated, unsealed surface (gravel access track) – condition assessment N/A.

The site lies within Durham County Council's planning area. Searches of the council's local plans and DEFRA's MAGIC map application determined that all baseline habitats were assessed as "Area/compensation not in local strategy / no local strategy".

#### C.1.2 POST DEVELOPMENT

The post development plans include the creation of a new stable block situated on a hardstanding base with an associated new access track linking to the existing track along the south of the site.

#### C.1.3 HABITAT RETENTION & ENHANCEMENT

0.035ha of the artificial unvegetated, unsealed surface (gravel access track) habitat on site will be retained.

The remainder of the habitats on site (0.07ha) will be lost to the development.

#### C.1.4 HABITAT CREATION

Post development habitats are based upon the development proposals *Proposed Site Layout Plan\_scale 1-500-page-001* (Figure 3), with area measurements provided by the planning consultant.

The following habitats will be created, with the targeted condition assessment criteria indicated in **bold text**.

0.0352ha of developed land; sealed surface (building and hardstanding) – condition N/A.

0.0348ha of artificial unvegetated, unsealed surface (gravel access track) – condition N/A.

All post development habitats were assessed as "Area/compensation not in local strategy / no local strategy".

## C.2 OFFSITE COMPENSATION

Offsite compensation is required to meet the target BNG score. The off-site area used for compensation comprises the wider area of the grassland field within the blue line boundary where the site is located. A total of 35 individual rural trees will be planted within the area of modified grassland.

The following habitats used for compensation recorded within the blue line boundary were:



FIGURE 5: OFF-SITE HABITATS

### C.2.1 PRE-DEVELOPMENT

The 0.65ha offsite area provides 3.66 habitat units, and 0 hedgerow units. Baseline habitats are detailed below, with the achieved condition assessment criteria indicated in **bold text**.

0.65ha of modified grassland – assessed as good condition as it meets six of the seven criteria:

- **There are 6-8 vascular plant species per m<sup>2</sup> present, including at least 2 forbs. Note that this criterion is essential for achieving moderate or good condition.**
- **Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for vertebrates and invertebrates to live and breed.**
- **Some scattered scrub (including bramble *Rubus fruticosus agg.*) may be present, but scrub accounts for less than 20% of total grassland area.**
- **Physical damage is evident in less than 5% of total grassland area. Examples of physical damage include excessive poaching, damage from**

**machinery use or storage, erosion caused by high levels of access, or any other damaging management activities.**

- Cover of bare ground is between 1% and 10%, including localised areas (for example, a concentration of rabbit warrens).
- **Cover of bracken *Pteridium aquilinum* is less than 20%.**
- **There is an absence of invasive non-native plant species (as listed on Schedule 9 of WCA).**

The site lies within Durham County Council's planning area. Searches of the council's local plans and DEFRA's MAGIC map application determined that all baseline habitats were assessed as "Area/compensation not in local strategy / no local strategy".

### C.2.2 POST DEVELOPMENT

All 0.61 ha of good condition modified grassland will be retained.

The following habitats will be created, with the targeted condition assessment criteria indicated in **bold text**.

0.1425ha of rural trees comprising 35 small sized trees (calculated in addition to the total site area) – assessed as moderate condition based on them meeting three of the six criteria.

- **The tree is a native species (or at least 70% within the block are native species).**
- **The tree canopy is predominantly continuous, with gaps in canopy cover making up <10% of total area and no individual gap being >5 m wide (individual trees automatically pass this criterion).**
- The tree is mature (or more than 50% within the block are mature).
- **There is little or no evidence of an adverse impact on tree health by human activities (such as vandalism, herbicide or detrimental agricultural activity). And there is no current regular pruning regime, so the trees retain >75% of expected canopy for their age range and height.**
- Natural ecological niches for vertebrates and invertebrates are present, such as presence of deadwood, cavities, ivy or loose bark.
- **More than 20% of the tree canopy area is oversailing vegetation beneath.**

### C.3 METRIC SUMMARY

The post development site and additional off-site compensation will provide a total of 4.10 units for habitats. The table below provides the headline data from the metric. The excel spreadsheet is provided in digital form for separate review by the LPA.

On-site baseline	Habitat units	0.42		
	Hedgerow units	0.00		
	Watercourse units	0.00		
On-site post-intervention <small>(Including habitat retention, creation &amp; enhancement)</small>	Habitat units	0.00		
	Hedgerow units	0.00		
	Watercourse units	0.00		
On-site net change <small>(units &amp; percentage)</small>	Habitat units	-0.42	-100.00%	
	Hedgerow units	0.00	0.00%	
	Watercourse units	0.00	0.00%	
Off-site baseline	Habitat units	3.66		
	Hedgerow units	0.00		
	Watercourse units	0.00		
Off-site post-intervention <small>(Including habitat retention, creation &amp; enhancement)</small>	Habitat units	4.10		
	Hedgerow units	0.00		
	Watercourse units	0.00		
Off-site net change <small>(units &amp; percentage)</small>	Habitat units	0.44	11.90%	
	Hedgerow units	0.00	0.00%	
	Watercourse units	0.00	0.00%	
<b>FINAL RESULTS</b>				
Total net unit change <small>(Including all on-site &amp; off-site habitat retention, creation &amp; enhancement)</small>	Habitat units	0.02		
	Hedgerow units	0.00		
	Watercourse units	0.00		
Total net % change <small>(Including all on-site &amp; off-site habitat retention, creation &amp; enhancement)</small>	Habitat units	3.73%		
	Hedgerow units	0.00%		
	Watercourse units	0.00%		
Trading rules satisfied?	Yes ✓			
<b>Unit Type</b>	<b>Target</b>	<b>Baseline Units</b>	<b>Units Required</b>	<b>Unit Deficit</b>
Habitat units	1.00%	0.42	0.42	0.00
Hedgerow units	1.00%	0.00	0.00	0.00
Watercourse units	1.00%	0.00	0.00	0.00

Based on the above values, the metric indicates a predicted net gain of 0.02 habitat units, constituting a change of +3.73%.

#### C.4 BIODIVERSITY MANAGEMENT, MONITORING, TIMINGS AND REPORTING PROPOSALS

Developing BNG guidance requires on-site gains (e.g. habitat creation and enhancements) to be delivered within 12 months of the start of construction. If this is not possible, they must be provided before occupation, or otherwise the metric must be revised to incorporate such delays and this may require additional habitat creation and enhancement.

As habitat creation includes tree planting only, a full Biodiversity Management and Monitoring Plan is not considered essential. Management requirements include:

Planting is best undertaken in mid-autumn to late winter, during periods when the soil is easily workable and bare-root stock is available (November to March).

All species will be of local provenance and native cultivars.

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Within the first 5 years, newly planted trees should be monitored to ensure successful establishment. Any failed, dead, or dying trees will be replaced on a like for like basis, utilising native species sourced from a local provenience where necessary.

There should be no regular pruning regime so that trees retain >75% of the expected canopy for their age range and height.

Monitoring is to be agreed with the LPA.

## **D. CONCLUSIONS**

The BNG assessment demonstrates an anticipated net gain of 3.73% in the biodiversity value of the site.

The proposals referenced in this assessment (if approved) must be correctly implemented and their management should be secured via appropriate management, including provisions for monitoring of the success of habitat creation/enhancement measures, providing feedback to the LPA and identifying contingency measures to address any failures.

Based on this assessment it is anticipated that the proposals may contribute to local and national conservation targets and are compliant with the relevant planning policies within the National Planning Policy Framework.

Additional enhancements are proposed which are not considered within the metric, including:

Installation of bird nest boxes and bat boxes in the trees on site. The exact number, types and locations are to be agreed with the council prior to installation.

Creation of hedgehog/reptile/amphibian hibernacula or habitat piles.

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## APPENDICES

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## D.2 APPENDIX 2 – BNG GOOD PRACTICE PRINCIPLES FOR DEVELOPMENT

<b>Principle</b>	<b>Description</b>
Principle 1. Apply the Mitigation Hierarchy	Do everything possible to first avoid and then minimise impacts on biodiversity. Only as a last resort, and in agreement with external decision-makers where possible, compensate for losses that cannot be avoided. If compensating for losses within the development footprint is not possible or does not generate the most benefits for nature conservation, then offset biodiversity losses by gains elsewhere.
Principle 2. Avoid losing biodiversity that cannot be offset by gains elsewhere	Avoid impacts on irreplaceable biodiversity - these impacts cannot be offset to achieve No Net Loss or Net Gain.
Principle 3. Be inclusive and equitable	Engage stakeholders early, and involve them in designing, implementing, monitoring and evaluating the approach to Net Gain. Achieve Net Gain in partnership with stakeholders where possible, and share the benefits fairly among stakeholders
Principle 4. Address risks	Mitigate difficulty, uncertainty and other risks to achieving Net Gain. Apply well-accepted ways to add contingency when calculating biodiversity losses and gains in order to account for any remaining risks, as well as to compensate for the time between the losses occurring and the gains being fully realised
Principle 5. Make a measurable Net Gain contribution	Achieve a measurable, overall gain <sup>1</sup> for biodiversity and the services ecosystems provide while directly contributing towards nature conservation priorities.
Principle 6. Achieve the best outcomes for biodiversity	Achieve the best outcomes for biodiversity by using robust, credible evidence and local knowledge to make clearly-justified choices when: <ul style="list-style-type: none"> <li>Delivering compensation that is ecologically equivalent in type, amount and condition, and that accounts for the location and timing of biodiversity losses</li> <li>Compensating for losses of one type of biodiversity by providing a different type that delivers greater benefits for nature conservation</li> <li>Achieving Net Gain locally to the development while also contributing towards nature conservation priorities at local, regional and national levels</li> <li>Enhancing existing or creating new habitat</li> <li>Enhancing ecological connectivity by creating more, bigger, better and joined areas for biodiversity</li> </ul>
Principle 7. Be additional	Achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e. do not deliver something that would occur anyway).
Principle 8. Create a Net Gain legacy	Ensure Net Gain generates long-term benefits by: <ul style="list-style-type: none"> <li>Engaging stakeholders and jointly agreeing practical solutions that secure Net Gain in perpetuity</li> <li>Planning for adaptive management and securing dedicated funding for long-term management</li> <li>Designing Net Gain for biodiversity to be resilient to external factors, especially climate change</li> <li>Mitigating risks from other land uses</li> <li>Avoiding displacing harmful activities from one location to another</li> <li>Supporting local-level management of Net Gain activities</li> </ul>
Principle 9. Optimise sustainability	Prioritise Biodiversity Net Gain and, where possible, optimise the wider environmental benefits for a sustainable society and economy
Principle 10. Be transparent	Communicate all Net Gain activities in a transparent and timely manner, sharing the learning with all stakeholders

<sup>6</sup> Biodiversity Net Gain: Good practice principles for development, CIEEM, CIRIA, IEMA, 2016

## D.3 APPENDIX 5 - PLANNING POLICY AND LEGISLATIVE CONTEXT

### NATIONAL PLANNING POLICY

The table below details the key paragraphs from the National Planning Policy Framework (NPPF)<sup>7</sup> relating to the natural environment:

TABLE 3: NATIONAL PLANNING POLICY FRAMEWORK: CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT	
Statement	Paragraph
<p>Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <ul style="list-style-type: none"> <li>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);</li> <li>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;</li> <li>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</li> <li>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;</li> <li>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 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</li> <li>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate</li> </ul>	174
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 <sup>8</sup> ; 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.	175
Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads <sup>9</sup> . The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.	176
When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development <sup>10</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: <ul style="list-style-type: none"> <li>a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;</li> <li>b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and</li> <li>c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated</li> </ul>	177
Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.	178

<sup>7</sup> National Planning Policy Framework (July 2021), Department for Communities and Local Government,

<sup>8</sup> Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

<sup>9</sup> English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.

<sup>10</sup> For the purposes of paragraphs 177 and 178, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.



TABLE 3: NATIONAL PLANNING POLICY FRAMEWORK: CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT	
Statement	Paragraph
<p>To protect and enhance biodiversity and geodiversity, plans should:</p> <ul style="list-style-type: none"> <li>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<sup>11</sup>; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation<sup>12</sup>; and</li> <li>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.</li> </ul>	179
<p>When determining planning applications, local planning authorities should apply the following principles:</p> <ul style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>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<sup>63</sup> and a suitable compensation strategy exists; and</li> <li>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.</li> </ul>	180
<p>The following should be given the same protection as habitats sites:</p> <ul style="list-style-type: none"> <li>a) potential Special Protection Areas and possible Special Areas of Conservation;</li> <li>b) listed or proposed Ramsar sites<sup>13</sup>; and</li> <li>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.</li> </ul>	181
<p>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.</p>	182

Section 40 of the Natural Environment and Rural Communities Act 2006, places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity.

Planning Practice Guidance<sup>14</sup> states:

Planning authorities need to consider the potential impacts of development on protected and priority species, and the scope to avoid or mitigate any impacts when considering site allocations or planning applications. (para. 016)

<sup>11</sup> Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

<sup>12</sup> Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

<sup>13</sup> Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

<sup>14</sup> Planning Practice Guidance: Natural Environment ([www.planningguidance.communities.gov](http://www.planningguidance.communities.gov)) Updated July 2019

Information on biodiversity and geodiversity impacts and opportunities needs to inform all stages of development (including site selection and design, pre-application consultation and the application itself). An ecological survey will be necessary in advance of a planning application if the type and location of development could have a significant impact on biodiversity and existing information is lacking or inadequate. (para. 018)

Even where an Environmental Impact Assessment is not needed, it might still be appropriate to undertake an ecological survey, for example, where protected species may be present or where biodiverse habitats may be lost. (para. 018)

As with other supporting information, local planning authorities should require ecological surveys only where clearly justified. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. (para. 018)

The National Planning Policy Framework encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. (para. 022)

#### PROTECTED SPECIES LEGISLATION

The table below details the relevant legislation for the protected species covered within the scope of the survey.

<b>TABLE 4: SUMMARISED SPECIES LEGISLATION</b>		
<b>Species</b>	<b>Relevant Legislation</b>	<b>Level of Protection</b>
<b>Bats (All species)</b>	Protection under the Wildlife and Countryside Act (WCA) (1981) (Listed on Schedule 5) - as amended Classified as protected species under The Conservation of Habitats and Species Regulations 2017 (as amended) Bats are also protected by the Wild Mammals (Protection) Act 1996	The WCA (1981) and The Conservation of Habitats and Species Regulations 2017 (as amended) make it an offence to: Intentionally kill, injure, or take any species of bat Intentionally or recklessly disturb bats Intentionally or recklessly damage destroy or obstruct access to bat roosts
<b>Otter</b>	Protection under the Wildlife and Countryside Act (WCA) (1981) (Listed on Schedule 5) - as amended Classified as protected species under The Conservation of Habitats and Species Regulations 2017 (as amended) Otters are also protected by the Wild Mammals (Protection) Act 1996	The WCA (1981) and The Conservation of Habitats and Species Regulations 2017 (as amended) make it an offence to: intentionally kill, injure, or take otters intentionally or recklessly disturb otters intentionally or recklessly damage destroy or obstruct access to otter holts or any place used by the animal for shelter or protection
<b>Great Crested Newt</b>	Protection under the Wildlife and Countryside Act (WCA) (1981) (Listed on Schedule 5) - as amended Classified as protected species under The Conservation of Habitats and Species Regulations 2017 (as amended)	The WCA (1981) and The Conservation of Habitats and Species Regulations 2017 (as amended) make it an offence to: intentionally kill, injure, or take great crested newts intentionally or recklessly disturb great crested newts intentionally or recklessly damage destroy or obstruct access to any place used by the animal for shelter or protection
<b>Red Squirrel</b>	Full protection under the Wildlife and Countryside Act (WCA) (1981) (Listed on Schedule 5) - as amended	The WCA (1981) makes it an offence to: intentionally kill, injure, or take red squirrels intentionally or recklessly damage destroy or obstruct access to any place used by the

TABLE 4: SUMMARISED SPECIES LEGISLATION		
Species	Relevant Legislation	Level of Protection
	Red squirrels are also protected by the Wild Mammals (Protection) Act 1996	animal for shelter or protection or disturb red squirrels whilst they are using such a place.
<b>Birds</b>	Protection under the Wildlife and Countryside Act (1981) as amended with the exception of some species listed in Schedule 2 of the Act	The WCA (1981) makes it an offence to (with exceptions for certain species): Intentionally kill, injure or take any wild bird Intentionally take, damage or destroy nests in use or being built (including ground nesting birds) Intentionally take, damage or destroy eggs Species listed on Schedule 1 of the WCA or their dependant young are afforded additional protection from disturbance whilst they are at their nests
<b>White-clawed Crayfish</b>	Partially protected by the Wildlife and Countryside Act (1981)	The WCA (1981) makes it an offence to: Take a white-clawed crayfish from its habitat Sell, offer for sale, advertise for sale, possess or transport for the purposes of selling any live or dead white clawed crayfish
<b>Badger</b>	Protection of Badgers Act 1992 Badgers are also protected by the Wild Mammals (Protection) Act 1996	The Protection of Badgers Act (1992) makes it an offence to intentionally or recklessly: Damage a badger sett or any part of it Destroy a badger sett Obstruct access to, or any entrance of a badger sett Disturb a badger whilst it is occupying a badger sett
<b>Water Vole</b>	Full protection under the Wildlife and Countryside Act (WCA) (1981) (Listed on Schedule 5) - as amended Water voles are also protected by the Wild Mammals (Protection) Act 1996	The WCA (1981) makes it an offence to: intentionally kill, injure, or take water voles intentionally or recklessly damage destroy or obstruct access to any place used by the animal for shelter or protection or disturb water voles whilst they are using such a place
<b>Common reptiles (Slow-worm, Adder, Grass Snake, Common Lizard)</b>	Partially protected by the Wildlife and Countryside Act	The WCA (1981) makes it an offence to: intentionally kill or injure these animals sell, offer for sale, advertise for sale, possess or transport for the purposes of selling any live or dead animals or part of these animals
<p><i>Under the Countryside and Rights of Way Act 2000 (CROW Act) the offence in section 9(4) of the Wildlife and Countryside Act 1981 of damaging a place of shelter or disturbing those species given full protection under the act is extended to cover reckless damage or disturbance.</i></p>		

#### INVASIVE SPECIES LEGISLATION

The table below details the legislation in relation to invasive species and lists those invasive species most likely to be found in this region.

**TABLE 5: SUMMARISED INVASIVE SPECIES LEGISLATION**

Relevant Legislation	Description of Offence	Species <i>(Covered by the Legislation and most likely to be found in this Region)</i>
Listed on Part II of Schedule 9 of the Wildlife and Countryside Act (1981 as amended)	Section 14 of the WCA (1981) states: if any person plants or otherwise causes to grow in the wild any plant which is included in Part II of Schedule 9, he shall be guilty of an offence.	Himalayan balsam Cotoneaster Montbretia Japanese knotweed Giant hogweed Rhododendron Pirri-pirri bur New Zealand pygmyweed Giant rhubarb Japanese rose

## PROTECTED SITE LEGISLATION

### CONTEXT IN REGARD TO THE UK'S EXIT FROM THE EUROPEAN UNION

As of 1<sup>st</sup> January 2021, the UK is no longer bound by the Birds Directive and Habitats Directive. However, the Conservation of Habitats and Species Regulations still applies, which formerly acted to transpose the Birds Directive and the Habitats Directive into English and Welsh law. These are still referred to below for contextual purposes, as designated site citations and conservation objectives may not have been updated following the changes to applicable legislation and may still refer to the Directives.

### STATUTORILY DESIGNATED SITES

#### Ramsar Site

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention recognises wetlands as important ecosystems and includes a range of wetland types from marsh to both fresh and salt water habitats. The wetlands can also include additional areas adjacent to the main water-bodies such as river banks or coastal areas where appropriate.

#### Special Protection Area (SPA)

SPAs are classified by the UK Government under the EC Birds Directive and comprise areas which are important for both rare and migratory birds.

#### Special Areas of Conservation (SAC)

SACs are designated under the EC Habitats Directive and are areas which have been identified as best representing the range and variety of habitats and (non-bird) species listed on Annexes I and II to the Directive. SACs are designated under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 unless they are offshore.

#### Sites of Special Scientific Interest (SSSI)

SSSIs are designated as sites which are examples of important flora, fauna, or geological or physiographical features. They are notified under the Wildlife and Countryside Act 1981 with improved provisions introduced by the Countryside and Rights of Way Act 2000.

#### National Nature Reserve (NNR)

NNRs are designated by Natural England under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981 and support important ecosystems which are managed for conservation. They may also provide important opportunities for recreation and scientific study.

#### Country Parks

Country Parks are statutorily designated and managed by local authorities in England and Wales under the Countryside Act 1968. They do not necessarily have any nature conservation importance, but provide opportunities for recreation and leisure near urban areas.

### Local Nature Reserves (LNR)

LNRs are designated under the National Parks and Access to the Countryside Act 1949 by local authorities in consultation with Natural England. They are managed for nature conservation and used as a recreational and educational resource.

### NON-STATUTORILY DESIGNATED SITES

#### Non-Governmental Organisation Property

These are sites of biodiversity importance which are managed as reserves by a range of NGOs. Examples include sites owned by the RSPB, the Woodland Trust and the Wildlife Trusts.

#### Local Wildlife Site (LWS)

These are sites defined within the local plans under the Town and Country Planning system and are material considerations of any planning application determination. They are designated by the local authority although criteria for designation can vary between authorities.

### PRIORITY SPECIES

Although not afforded any legal protection, national priority species (species of principal importance, as listed in Section 41 of the NERC Act (2006)), and local and regional priority species, as detailed within the relevant biodiversity action plans, are material considerations in the planning process and as such have been assessed accordingly within this report.

The tables below detail the species/species groups and habitats listed as priorities within the biodiversity action plans of the main Local Planning Authorities' within the north-east of England.

<b>TABLE 6: BIODIVERSITY ACTION PLANS</b>					
<b>Northumberland Biodiversity Action Plan</b>					
<b>Species</b>			<b>Habitats</b>		
Barn Owl	Bats	Black Grouse	Blanket Bog	Built Environment	Brownfield Land
Coastal Birds	Common Seal	Dingy Skipper	Calaminarian Grassland	Coastal heathland	Fen, Marsh & Swamp
Dormouse	Farmland Birds	Freshwater Fish	Gardens & Allotments	Heather Moorland	Lowland Heathland
Freshwater Pearl Mussel	Garden Birds	Great Crested Newt	Lowland Meadows & Pastures	Maritime Cliffs & Slopes	Native Woodland
Grey Seal	Hedgehog	Otter	Ponds, Lakes & Reservoirs	Recreational & Amenity Space	Reedbed
Red Squirrel	River Jelly Lichen	Upland Waders	Rivers & Streams	Rocky Shore, Reefs & Islands	Saline Lagoons
Violet Crystalwort	Water Rock- bristle	Water Vole	Saltmarsh & Mudflat	Sand Dunes	Transport Corridors
White-Clawed Crayfish			Trees & Hedgerows	Upland Hay Meadows	Whin Grassland
<b>Durham Biodiversity Action Plan</b>					
<b>Species</b>			<b>Habitats</b>		
Barn Owl	Coastal Birds	Farmland Birds	Native Hedgerows	Veteran Trees, Parkland and Wood Pasture	Woodland and Scrub
Nightjar	Spotted Flycatcher	Upland Birds	Ponds, Lakes & Reservoirs	Lowland Fen	Rivers & Streams
Urban and Garden Wildlife	Freshwater Fish	Grass Snake	Blanket Bog and Upland Wet Heath	Calaminarian Grassland	Upland Calcareous Grassland
Great Crested Newt	Reptiles	Chalk Carpet Moth	Upland Dry heath and Acid Grassland	Upland Haymeadows	Upland Scree and Rock Habitats
Cistus Forrester	Dark Green Fritillary	Dingy Skipper	Brownfield Sites	Built Structures	Coastal Habitats

TABLE 6: BIODIVERSITY ACTION PLANS					
Glow Worm	Grayling	Green Hairstreak	Lowland Heath	Lowland Meadows & Pasture	Magnesian Limestone Grassland
Least Minor Moth	Mud Snail	Northern Brown Argus	Transport Corridors	Waxcap Grassland	
Northern Dart	Round Mouthed Whorl Snail	Small Pearl-bordered Fritillary			
White Clawed Crayfish	White-letter Hairstreak	Badger			
Bats	Brown Hare	Dormouse			
Harvest Mouse	Hedgehog	Otter			
Pine Marten	Polecat	Red Squirrel			
Water Vole	Water Shrew	Black Poplar			
Juniper	Pale Bristle-Moss	Yellow Marsh Saxifrage			
<b>Newcastle and North Tyneside Biodiversity Action Plan</b>					
<b>Habitats</b>			<b>Species</b>		
Brownfield Land	Transport Corridors	Open Water & Wetland	Amphibians	Dingy Skipper	Otter
Rivers and Watercourses	Managed Urban Greenspace	Native Woodland	Urban Birds	Water Vole	Red Squirrel
Lowland Grassland	Scrub, Shrub & Hedgerow	Buildings and Structures	Hedgehog	Slow Worm	Bumblebee
Estuary & Coastal			Brown hare	Farmland Birds	Bats
<b>Tees Valley Biodiversity Action Plan</b>					
<b>Species</b>			<b>Habitats</b>		
Barn Owl	Ringed Plover	Grey Partridge	Tree Sparrow	Traditional Orchards	Semi-natural Broadleaved Lowland Woodland
Little Tern	Corn Bunting	Shelduck	Wagtail Yellow	Reedbeds	Rivers & Streams
Bittern	Swift	Purple Milk-vech	Water Violet	Arable field Margins	Roadside Verges
Globeflower	Pepper saxifrage	Tufted Sedge	Knotted hedge-parsley	Lowland Meadows	Sand Dunes
Yellow Star of Bethlehem	Burnt Orchid	Green Winged Orchid	Strawberry Clover	School Grounds	Maritime Cliffs and Slopes
Flat Sedge	Small Leaved Lime	Black Poplar	Lyme Grass	Grazing Marsh	Hedgerows
Scarlet Wax Cap	White-letter Hairstreak	Grayling	Dingy Skipper	Gardens and Allotments	Saline Lagoons
Blomer's Rivulet	Crescent Striped	Forester	Large Red-Belted Clearwing	Marsh and Saltmarsh	Ponds, Lakes & Reservoirs
Fen Wainscot	Shore Wainscot	Eccentric Grass Snail	Moss Chrysalis Snail	Parks and Recreation Grounds	Lowland Heath
Moss Chrysalis Snail	Bats (except common pipistrelle)	Brown Hare	Harvest Mouse	Brownfields	Churchyards and Cemeteries
Harbour Seal	Water Vole	Common Lizard	Slow Worm		
Great Crested Newt	Bullhead	Salmon	Brown Trout		
European Eel	Brook Lamprey	Sea Lamprey	River Lamprey		
<b>Cumbria Biodiversity Action Plan</b>					
<b>Species</b>			<b>Habitats</b>		
Red Wood Ant	Wall Mason Bee	a ground beetle <i>Dyschirius angustatus</i>	Rivers	Lakes, Ponds and Tarns	Hedgerows
a ground beetle <i>Bembidion testaceum</i>	Oxbow Diving Beetle	Barn Owl	Traditional Orchards	Wood-Pasture & Parkland	Semi-natural Woodland

**TABLE 6: BIODIVERSITY ACTION PLANS**

Song Thrush	Pearl Bordered Fritillary	High Brown Fritillary	Lowland Dry Acid Grassland	Calcareous Grassland	Hay Meadows and Pastures
Marsh Fritillary	Netted Carpet	Least Minor	Coastal and Floodplain Grazing Marsh	Heathland	Fen, Marsh and Swamp
a caddisfly <i>Glossosoma intermedium</i>	Freshwater Crayfish	Variable Damselfly	Bogs	Montane Habitats	Rock habitats
White-faced Dragonfly	Atlantic Salmon	Schelly	Calaminarian Grasslands	Previously developed land	Coastal Habitats above High Water
Vendace	Southern silver Stiletto-fly	Northern Silver Stiletto-fly	Coastal Intertidal Habitats	Coastal Saline lagoons	Coastal Subtidal Habitats
River Jelly Lichen	a lichen <i>Lobaria amplissima</i>	Pink Waxcap			
Medicinal Leech	Whiskered Bat	Brandt's Bat			
Natterer's Bat	Daubenton's Bat	Noctule			
Common Pipistrelle	Soprano Pipistrelle	Brown Long-eared Bat			
Red Squirrel	Water Vole	Hazel Dormouse			
Sandbowl Snail	a whorl snail <i>Vertigo geyeri</i>	Slender Green Feather-moss			
Great Crested Newt	Natterjack Toad	Pillwort			
Juniper	Northern Hawksbeard	Small White Orchid			