



**Preliminary Ecological Assessment of Land Adjacent to 1 Crescent Road, London,  
N11 3LB**

**Commissioned by Mr Yasir Shaikh**

**17<sup>th</sup> August 2023**

**Report: BWE-PEA-N113LB**

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## Executive Summary

A Preliminary Ecological Assessment was carried out at the Land adjacent to 1 Crescent Road, London, N11 3LB. The purpose was to check for any ecological issues which might affect proposed development works on site. The proposed works include demolition of the existing dilapidated wooden garages, clearing overgrown vegetation and construction of a new residential building with associated soft landscaping to the rear and front of the property.

Below is a summary of recommendations are made following the survey findings. Further details concerning the recommendations are given in the main body of the report.

Ecological factor	Summary of recommendations
Badger setts	No further surveys required.
Bat roosts	The site had no buildings/structures and trees that would provide bat roosting opportunities therefore no further surveys are required.
Bat foraging and commuting routes	It is recommended that site lighting is designed to avoid increasing lightfall onto any vegetation around the site which might be used by bats for foraging around. Lighting should be designed to avoid increased lightfall onto trees adjacent to the boundaries of the site, as additional lightfall may deter foraging bats and negatively impact other nocturnal wildlife.
Nesting birds	The survey found low to moderate probability of birds nesting on site during the nesting season (1 <sup>st</sup> March to 31 <sup>st</sup> August). Clearance of vegetation or work on building sections with potential to contain nesting birds should be carried out outside this period. Should any clearance of scrub, shrubs, trees, or demolition/works on outbuildings or building sections with potential to contain nesting birds be required during the nesting season any such areas to be cleared should first be inspected by an ecologist/supervised by an ecologist. If an active nest is then found clearance will have to be delayed within 5 metres of the nest until any chicks present have left the nest.
Dormice	No further surveys required.
Great crested newts	No further surveys required.
Reptiles	No further surveys required.
Other protected species	No further surveys required.
NERC Section 41 Species of Principal Importance	No further surveys required.
Invasive Species	One species of invasive plant listed on Schedule 9 of the Wildlife and Countryside Act (1981) was found near the site – 95 Glenthorne Road rear garden. It is illegal to cause these species to spread into the “wild”. Generally, the “wild” is considered to be any third-party land. This was Japanese Knotweed which is adjacent to the south-eastern boundary. Mitigation and Control is in progress, which is currently in third year of the five year treatment plan.
Protected Sites	The site is small scale therefore the impact to surrounding landscape is minimal however it is advised that the demolition and the construction phases eliminate/reduce dusk pollution to minimise negative impact on surrounding landscape. Annex 2 sets out several examples.
Habitats of Principal Importance	Although it is unlikely that any Habitats of Principal Importance could be added to the development, where possible other habitats of ecological value should be included in the development. It is recommended that native plants are planted, and faunal boxes installed to benefit the local wildlife.

**The report sections below should be read in full and detailed guidance given in this report must be followed to avoid breaching legislation regarding protected and invasive species.**

**This report is valid for one year from the date of the survey visit. Should works be delayed to later than one year after the survey then a further update survey of the site would be required as habitats change over time, along with their potential to support protected species.**



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# 1. Introduction

## 1.1 Site description

The site under consideration is a small rectangular pocket of land off Crescent Road, Frien Barnet. The site is located at OS grid reference TQ27939244 and covers an area of approximately 0.03 ha. The site comprises of predominately of overgrown vegetation and two dilapidated wooden garages.



Figure 1: Overview of the site

## 1.2 Local area and surrounding habitats

The site is set in a predominately urban part of Frien Barnet, London and is surrounded by residential buildings. The south-eastern site boundary is shared with Frien Barnet School and to the south of the site Oakhill Community Nursery is present. To the north, Crescent Road Allotments interconnect with Bethune Park, Bethune Nature Reserve and Railway Line (East Coast Main Line) which provide an extensive green corridor and habitats for local flora and fauna.

## 1.3 Client

Bee.Wise.Eco was commissioned by Mr Yasir Shaikh.

## 1.4 Survey scope and purpose

The survey covered all areas within the site proposal boundary. It was commissioned to identify any ecological constraints that should be considered when carrying out works in the area. Constraints could include the potential for impacts on protected or notable species or sites, and presence of invasive species. Annex 1 to this report includes details of relevant legislation and policies relating to protected species and sites and invasive species.

Further surveying or mitigation works are recommended where relevant. If works are to be carried out any later than a year after this report, then a second site visit is recommended so that an update to this report be carried out. A Preliminary Ecological Appraisal was carried out in order to provide the information required.

Its use allows habitat types on sites to be mapped. From this the ecological value of areas of a site can be ascertained. It can then be determined how likely it is that protected, or otherwise notable species might occur on site. It also determines which areas on site might support protected species.

## 1.5 Survey Date

9<sup>th</sup> August 2023.

## 1.6 Surveyor

The PEA was undertaken by Ecologist, Rita Smoldareva BSc (Hons) PGDip.

Rita Smoldareva is a qualifying member of Chartered Institute of Ecology and Environmental Management (CIEEM), and an associate member of the Landscape Institute and Institute of Environmental Management and Assessment (IEMA). Rita has 8 years' experience (within the last 8 years) and gained a wide range of ecological skills through academic and professional experiences in London and surrounding counties. She has worked in ecological consultancy during several survey seasons and has experience undertaking protected species surveys and Phase 1 Habitat Surveys. Rita gained a Great Crested Newt Licence (L1) in 2019, Bat Licence in 2022 (L1) and has been involved in multiple reptile translocation projects. Rita's qualifications include BSc (Hons) in Landscape Management (Land Use) in 2013 (University of Greenwich), Postgraduate Diploma in Landscape Ecology with GIS in 2018 (University of Greenwich) and she is presently studying MSc Connected Environments (part-time) at University College London (UCL East).

## 2 Methodology of survey

The walkover survey was conducted following the UK Habitat Classification system (UKHab). UK Habitat Classification is a standardised technique for classifying and mapping British habitats. The system categorises UK habitats into primary habitats which are arranged in five hierarchical levels of increasing detail. Levels 2 to 5 are coded with alternate letters and numbers. In UKHabs mapping rules every habitat feature must have a single Primary Habitat code. Secondary codes can then be used to give more detail on the environment, management and origin of mapped features and/or to map habitat mosaics or complexes and identify species features within the Primary habitat.

During the site visit the recording and mapping of habitat types and ecological features present on site is undertaken, including the identification of the main species present. The potential for presence of protected species is assessed as part of the overall methodology, and further advice/surveys recommended as considered appropriate based on the evidence obtained.

The survey works were undertaken in accordance with Guidelines for Preliminary Ecological Appraisal produced by the Chartered Institute of Ecology and Environmental Management (CIEEM) December 2017.

The following protected species are those most commonly found on potential development sites:

1. Bats
2. Birds
3. Great crested newts
4. Reptiles
5. Terrestrial mammals – Badgers, dormice, water voles



**Table 1: Terms used in report to indicate likelihood of species presence**

<b>Confirmed</b>	<b>Species directly observed on site</b> <b>Clear evidence of species presence observed (e.g. droppings, burrows, etc.)</b>
<b>High</b>	Important structures or features of use for breeding or refuge present. For instance, ponds for newts, old trees for bats. Significant amount of high-quality foraging habitat present Site adjacent to surrounding areas of suitable habitat, or connected by linear features of use to commuting species (e.g. river) Site close to known offsite species populations
<b>Medium</b>	Some features suitable for breeding or refuge present. Some suitable foraging habitat available Site connected to suitable offsite areas of habitat
<b>Low</b>	Small amounts of low-quality areas for refuge or breeding Small areas suitable for foraging Site not connected to suitable offsite habitats or species not likely to enter site.
<b>Negligible</b>	No suitable habitats on site

The likelihood of species being present ranges in a continuum from extremely unlikely to highly likely. The judgement of the surveyor combined with knowledge of habitats present, signs and sightings of animals and evidence from records is used to give an estimated likelihood of presence.

### 3 Desk Study

#### 3.1 MAGIC search

A desktop study was undertaken through MAGIC (Multi-Agency Geographic Information System for Countryside). The search looked to identify the presence of statutory designated sites within a 2km radius (e.g. Special Areas of Conservation (**SACs**), Sites of Special Scientific Interest (**SSSI**), National Nature Reserves (**NNR**) and Local Nature Reserves (**LNR**).

A search of the MAGIC ([magic.defra.gov.uk](http://magic.defra.gov.uk)) website was carried out to determine if any European Protected Species Mitigation Licences had been granted in the same search area.

#### 3.2 Local Records Centre search

A Local Records Centre (LRC) data search was not undertaken due to the low impact and small-scale nature of the development. Current proposals suggest no land will be lost or linear features severed. The overall impact on biodiversity is likely to be localised and of low significance. It is very unlikely that the development will have any impact outside the footprint of the works. The data search results are considered unlikely to impact the decision-making process, and there is limited potential for key information to have been missed.

This approach is consistent with CIEEM's Guidelines for Accessing and Using Biodiversity Data (2020), which states that in low impact/small-scale scenarios, such as an extension to a residential property. A LRC search may not be required.

#### 3.3 Non-Statutory Nature Conservation Sites search.

A search for non-statutory designated sites was undertaken through Greenspace Information for Greater London (GiGL) to search for Sites of Importance for Nature Conservation (**SINC**)<sup>1</sup> within a 1km radius.

<sup>1</sup>[https://www.london.gov.uk/sites/default/files/39\\_sites\\_of\\_importance\\_for\\_nature\\_conservation\\_statement\\_1.pdf](https://www.london.gov.uk/sites/default/files/39_sites_of_importance_for_nature_conservation_statement_1.pdf) (accessed on 7th November 2022).

## 4 Desk Study Results

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised below:

**Table 2: Designations in proximity to the site**

Site Name	Designation	Proximity to Survey Area
Friary Park	SINC – Grade L	~ 480 m north-west
New Southgate Cemetery	SINC – Grade BII	~ 840 m north-east
Coppett's Wood and Scrublands Local Nature Reserve	SINC – Grade BI/LNR	~ 620 m south-west
Coldfall Wood	LNR	~ 920 m north-west

The Site is within SSSI Impact Zone however due to small scale of the development; it is believed that no opposing impact will be caused to habitats and species associated with nearby SSSI sites.

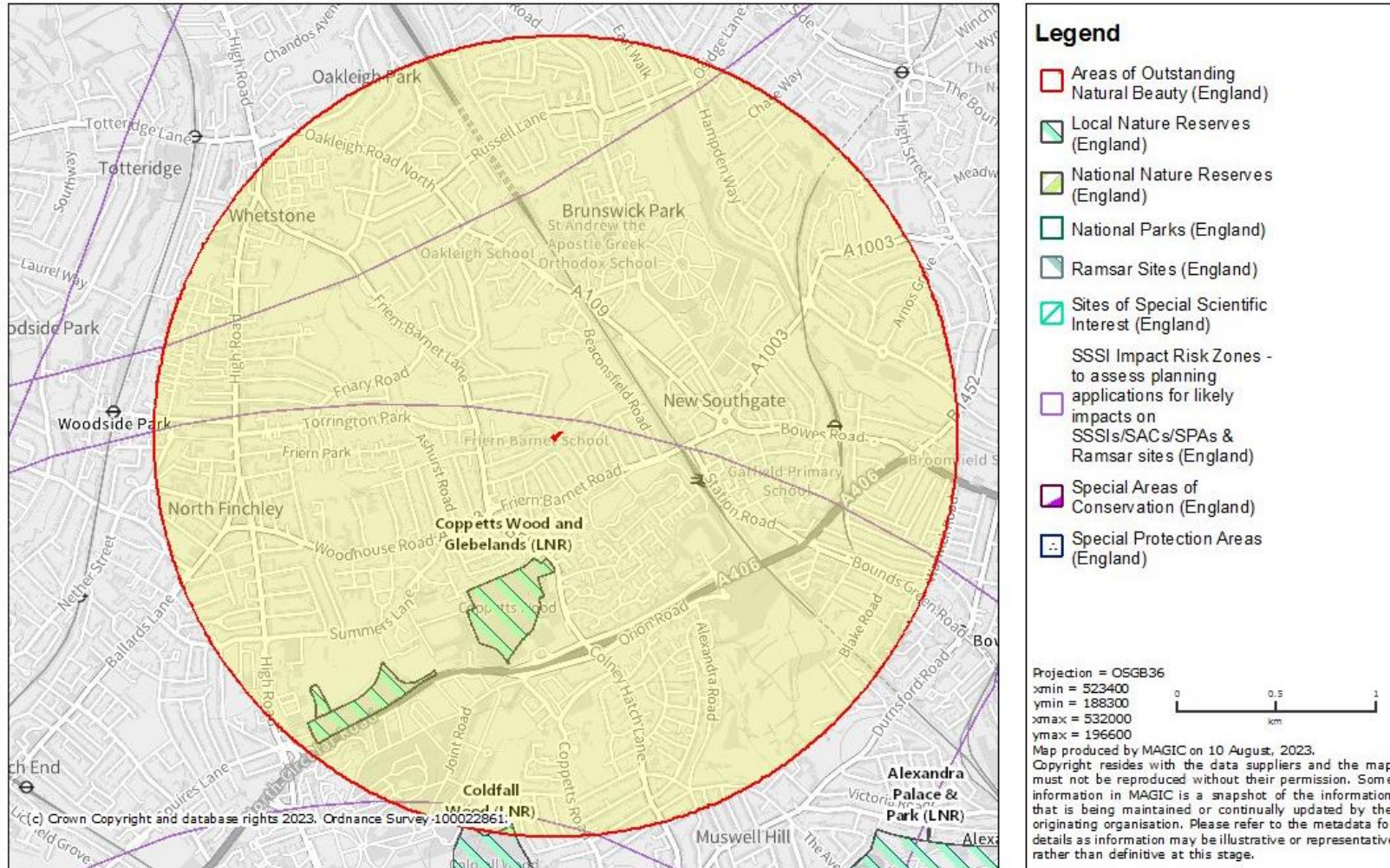
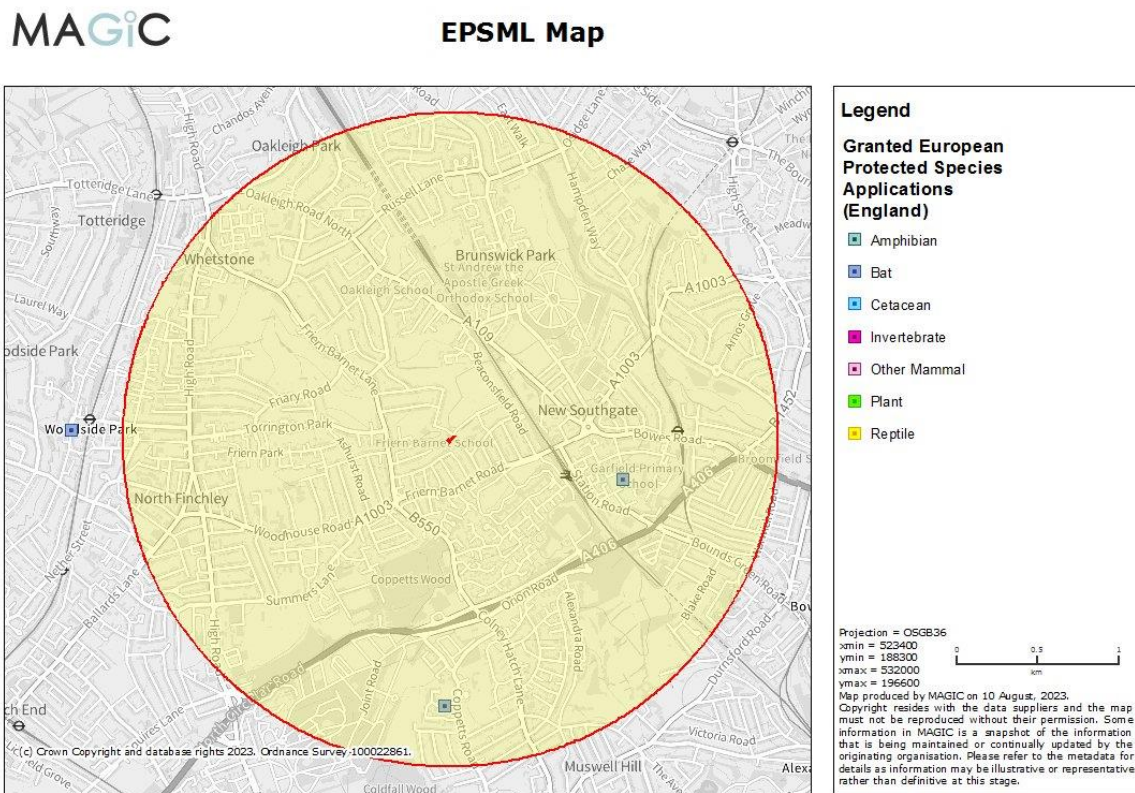


Fig 2: Statutory Nature Conservation Sites within 2km radius



The magic map search revealed four European protected species mitigation licences in a 2km radius relating to bat species. These were relating to Common Pipistrelle (*Pipistrellus pipistrellus*) bats.



**Fig. 3: Locations of sites within 2 km for which European Protected Species Licenses have been issued.**

## 5 Survey Results

### 5.1 Weather conditions during site visit

Weather conditions are shown below:

- Precipitation: None
- Temperature: 24°C
- Cloud cover: 10 %
- Wind (Beaufort Scale): 0

### 5.2 Constraints to surveying



All works areas were visible and accessible. Therefore, there were no constraints to surveying.

### 5.3 Habitats found on site

The proposed development area was found to contain the habitats described below.



**Table 3: Habitats found on site**

Habitat type	Description
<p><b>Hardstanding – u1b sealed surface (231 – Permeable paving, 80 unmanaged) and u1b6 – Other developed land (garages) (80 unmanaged)</b></p>	<p>The entrance to the site is comprised of concrete and aggregate materials leading towards the wooden garages. The concrete path was unmanaged and dominated plant species were noted establishing.</p> <p>The wooden garages were in disrepair and had undergone further damage to the flat bitumen roof recently, caused by falling tree branches. The garages showed no evidence of roosting bats as well as nesting birds.</p> <div style="text-align: center;">  <p><b>Entrance to the site</b></p>  <p><b>Overview of the garages</b></p> </div>
<p><b>H3d – bramble scrub (330 scrub, 80 unmanaged, 17 ruderal/ephemeral edges)</b></p>	<p>To the rear of the wooden garages, bramble scrub was establishing along with small patches of tall ruderal/ephemeral edges.</p> <p>Species recorded: Bramble (<i>Rubus sp.</i>) and rosebay willowherb (<i>Chamerion angustifolium</i>) with occasional common nettles (<i>Urtica dioica</i>).</p>



**Rosebay willowherb**

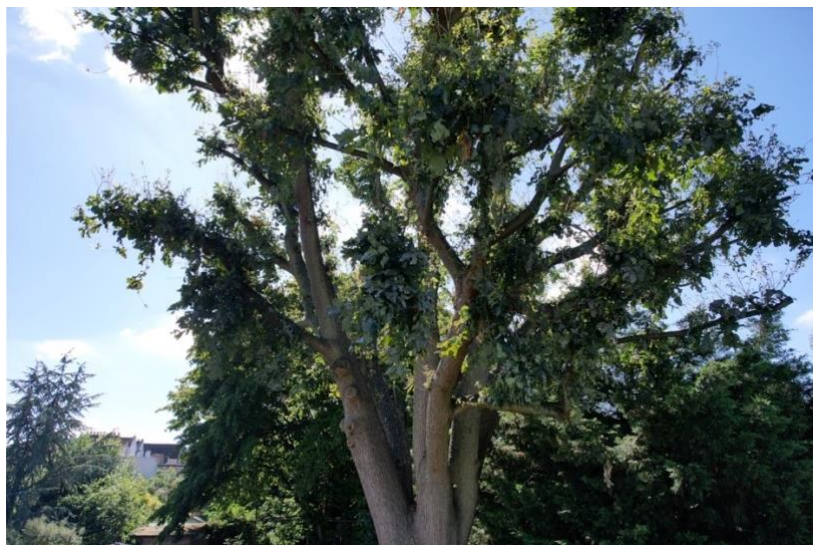


**Bramble to the rear**

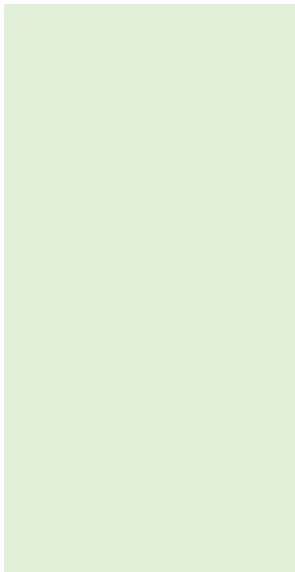
**u1 – Trees (11 – Scattered) (outside site boundary)**

Mature single oak (*Quercus robur*) was noted offsite, in the neighbouring garden at 95 Glenthorne Road. The tree was pruned therefore reduced in canopy size. The other tree was mature silver birch (*Betula pendula*) which was located on the neighbouring land.

The trees showed no potential to support roosting bats due to absence of any natural or artificial features. The trees are to be retained.



**Mature oak (off-site)**

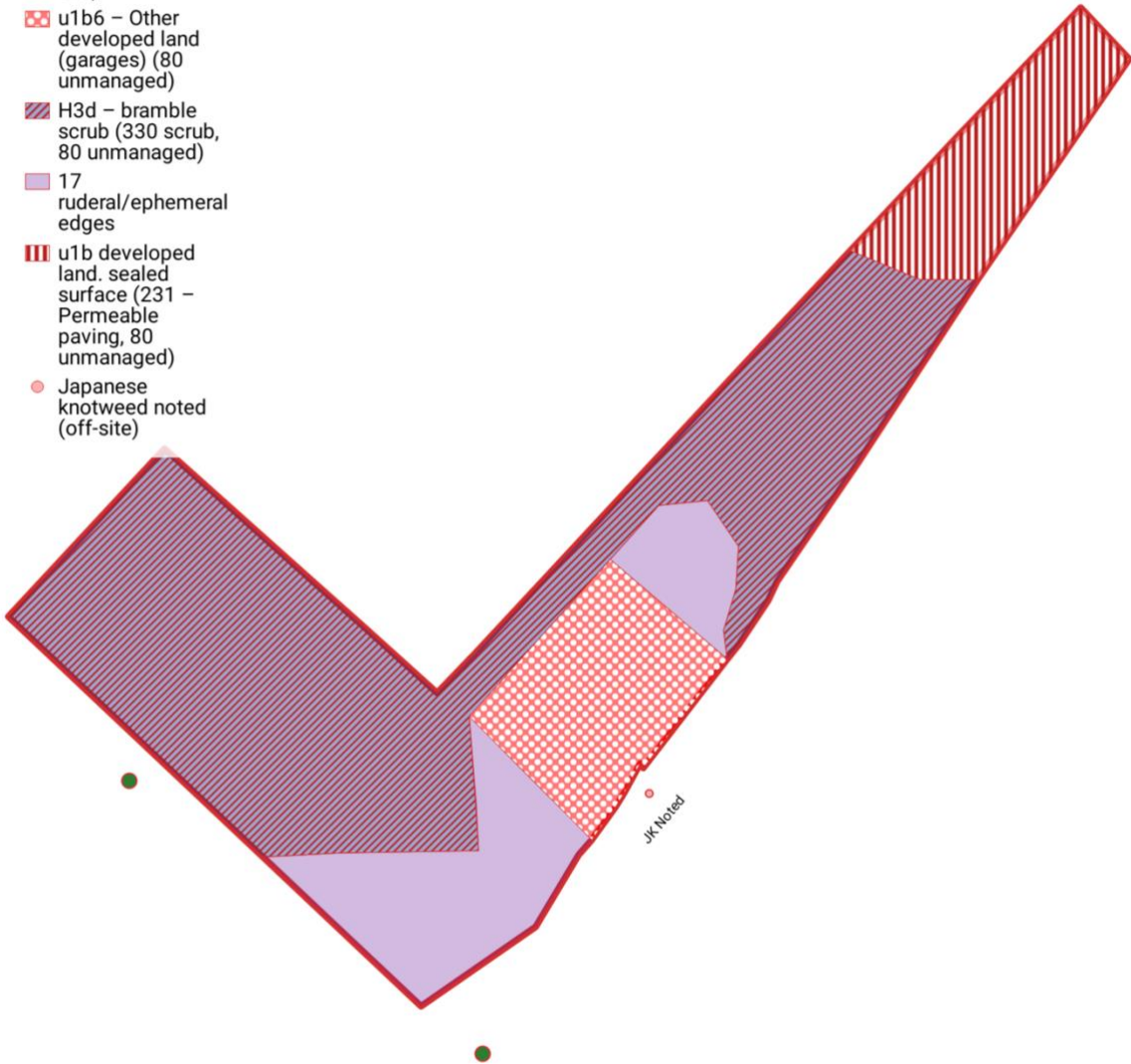


Silver birch (off-site)

# UKHab Map - August 2023

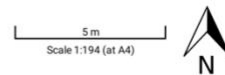


- Site Boundary
- u1 - Trees (11 Scattered) (off-site)
- ▣ u1b6 – Other developed land (garages) (80 unmanaged)
- ▨ H3d – bramble scrub (330 scrub, 80 unmanaged)
- 17 ruderal/ephemeral edges
- ▩ u1b developed land, sealed surface (231 – Permeable paving, 80 unmanaged)
- Japanese knotweed noted (off-site)



Produced on Aug 17, 2023.  
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Site: Land Adjacent to  
1 Crescent Road,  
London, N11 3LB



## 5.4 Recommendations relating to protected species and sites and invasive species

Table 4: Discussion of results and recommendations

Protected species or features	Potential for presence	Discussion
<b>Badger setts</b>	<b>Potential- Negligible</b>	Areas surrounding the site are suitable for badgers as they contain suitable foraging and commuting grounds. No signs of badger activity were found on site and no setts were seen.
<b>Recommendations regarding badger setts:</b> The survey found a negligible probability of badgers being present on site. As a result, no further surveying or mitigation for badgers is recommended.		
<b>Bat roosts</b>	<b>Potential- Negligible</b>	The trees to the rear of the site showed no potential roosting features therefore are classed as negligible to provide roosting opportunities for bats. No further effort is recommended for the trees.
<b>Recommendations regarding roosting bats:</b> No further survey required.		
<b>Bat foraging and commuting routes</b>	<b>Likely importance of area for foraging and commuting bats – Low to Moderate</b>	Bats may use the site for foraging and commuting. Habitats adjacent to the site could be used for foraging or
<b>Recommendations regarding foraging and commuting bats:</b> It is recommended that site lighting is designed to avoid increasing lightfall onto trees around the site which might be used by bats for foraging around. Lighting should be designed to avoid increased lightfall onto trees adjacent to the boundaries of the site, as additional lightfall may deter foraging bats and negatively impact other nocturnal wildlife.		
Guidance on bats and lighting can be found in this link - <a href="https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/">https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/</a>		
<b>Nesting birds</b>	<b>Potential - Low to Moderate</b>	The site contained buildings suitable for nesting birds. Building demolition should be undertaken outside bird nesting season.
<b>Recommendations regarding nesting birds:</b> The survey found a low to moderate probability of birds nesting on site during the nesting season (1 <sup>st</sup> March to 31 <sup>st</sup> August). Clearance of vegetation or work on building sections with potential to contain nesting birds should be carried out outside this period. Should any clearance of scrub, shrubs, trees, or demolition/works on outbuildings or building sections with potential to contain nesting birds be required during the nesting season any such areas to be cleared should first be inspected by an ecologist/supervised by an ecologist. If an active nest is then found clearance will have to be delayed within 5 metres of the nest until any chicks present have left the nest.		
<b>Dormice</b>	<b>Potential- Negligible</b>	No habitats suitable for dormice occur on site. Surrounding habitat is suitable for dormice however the development site is very small to have a negative impact on local dormice population.
<b>Recommendations regarding dormice:</b> The survey found a negligible probability of dormice being present on site. As a result, no further surveying or mitigation for dormice is recommended.		
<b>Great crested newts</b>	<b>Potential – Negligible</b>	The site contains no suitable waterbodies on site for breeding newts. The site contains areas of suitable terrestrial habitat for newts. There are known suitable breeding ponds within 250 metres of the site however the absence of suitable terrestrial habitat for great crested newts on site indicates that no negative impact is foreseen.

Protected species or features	Potential for presence	Discussion
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**Recommendations regarding great crested newts:** The survey found a negligible probability of great crested newts being present on site. As a result, no further surveying or mitigation for great crested newts is recommended.

Reptiles	Potential – Negligible	No habitats suitable for reptiles occur on site.
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**Recommendations regarding reptiles:** The survey found a negligible probability of reptiles being present on site. No further surveying or mitigation for reptiles is recommended.

Other protected species	Potential – Negligible	No habitats suitable for water voles, otters, or other protected species not mentioned above.
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**Recommendations for other protected species:** None required

Species of Principal Importance under NERC Section 41	Potential - Moderate-High	Habitats likely to support Species of Principal Importance (such as toads, hedgehogs, stag beetles, etc.) found.
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**Recommendations relating to Species of Principal Importance:**

Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each workday to prevent animals entering/becoming trapped.

Stag beetles are likely to be present within 1km of the site. Therefore, where present large pieces of dead wood on site should be left in place undisturbed as these may contain stag beetle larvae along with other notable or rare xylophagous beetles. Also, consideration should be given to leaving large cut logs on site to provide additional places for stag beetle larvae and other xylophagous fauna and fungi to feed. If existing large dead wood is present on site and needs to be moved it should be carefully moved to a safe area on site and left.

Invasive species	Found near the site boundary	Small patches of Japanese Knotweed, currently undergoing treatment, were noted along the south-eastern boundary. These strands are within 1 meter from the site therefore mitigation is needed prior to any construction works starting.
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**Recommendations relating to invasive species:** One species of invasive plant listed on Schedule 9 of the Wildlife and Countryside Act (1981) was found near to the site – this is on adjacent land in the garden of 95 Glenthorne Road. It is illegal to cause these species to spread into the “wild”. Generally, the “wild” is considered to be any third-party land. This was Japanese Knotweed (JK) which is adjacent to the south-eastern boundary. It is noted that the current strands of JK are undergoing treatment and are in their third year of the five year treatment plan.

Protected sites	None of site or adjacent to site	There several SINC sites within 1km radius of the site therefore special precautions are recommended during demolition and construction to limit negative impacts on nature conservation sites.
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**Recommendations relating to Protected Sites:** It is recommended to limit the dust during demolition and construction phase however due to small scale development, no major negative impacts are anticipated. Annex 2 outlined examples of environmental management.

Habitats of Principal Importance	None of site or adjacent to site	The site does not contain any NERC Section 41 Habitats of Principal Importance.
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**Recommendations:** Although it is unlikely that any Habitats of Principal Importance could be added to the development, where possible other habitats of ecological value should be included in the development. These could include native planting to enhance the site for local wildlife including installation of faunal boxes.



## 6 Impact Assessment and recommendations

### 6.1 Impact assessment

If the suggested enhancements are carried out the development will result in a net gain of biodiversity.

### 6.2 Mitigation and compensation

It is recommended to include habitat and faunal boxes enhancements to connect the site with wider landscape, provide resting and feeding opportunities for local fauna and flora.

### 6.3 Recommended Enhancements

Ecological enhancements post construction is recommended as follows:

***Invertebrates:*** It is recommended for the bee bricks to be built in to create a permanent feature for invertebrates and pollinators. Nectar-rich wildflowers should be planted within close proximity to the bee brick to provide new opportunities for pollinators.

***Terrestrial Mammals Including Hedgehog:*** A Hedgehog home is to be placed in a suitable location on-site. The home should be located in an area of low disturbance surrounded by refuge habitat (i.e. within a hedgerow).

***Wildlife Friendly Planting:*** New planting to comprise of a green roof with living walls. This will create permanent features for wildlife friendly planting to be utilised by the local fauna.

The provision of artificial features is to increase the ability of the site to support key species. The following species groups are considered as part of this Biodiversity Enhancement Plan:

- Hedgehogs and,
- Invertebrates.

#### **Aims**

- To ensure long-term provision of habitat features for small mammals and invertebrates.

#### **Objectives**

- Ensure ongoing favourable condition of insect boxes for invertebrates





Invertebrate Enhancement	Notes	Invertebrate Box Image
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**Woodstone Insect Block**

6 no.

These bricks act as an ideal nesting site for solitary bees making a garden look aesthetically pleasing, as well as being a viable option to replace a standard brick in construction which creates more habitat for non-swarming solitary bees. This brick comes in a variety of colours to make an accommodating nesting site for red mason and leafcutter bees, amongst others to suite any bee friendly garden, allotment or building.

Materials: Made in Cornwall from concrete, using up to 75% recycled material from the Cornish China clay industry.

Dimensions: 215mm x 105mm x 65mm

Weight: 2.9 kg (unpackaged)

Positioning: The Bee Brick should be positioned in a warm sunny spot, south facing, with no vegetation in front of the fascia. Ideally placed at least 1 metre from the ground with no upward limit.



Notes: Images obtained from <https://www.wildcare.co.uk/concrete-bee-brick.html>

\*or suitable alternative depending on availability.

**Hedgehog** numbers have dramatically declined in recent years and one of the reasons are due to restricted movement due to an increase in number of solid walls and fences erected in gardens. Creating holes in a wall or fence will allow local hedgehogs to forage and commute easily. One of other reasons are due to predation and lack of suitable hibernation nests within outdoor urban environments. Therefore, hibernation homes installation will ensure that hedgehogs safe hibernation.

One hibernation home should be installed for hedgehogs along with one hedgehog passes installed along the northern fence line. Drawing 1 shows the proposed location.

No external lighting should be situated near to the hedgehog boxes. If external lighting is required within close proximity to the boxes, the lighting should be directed away from the boxes in order not to deter hedgehogs.

Hedgehog House and passes	Notes	Hedgehog Box and Passes Image
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**Hedgehog House**

1 no.

Hedgehog house specially design to protect from predators and disturbance. Underneath the textured brushwood finish there is a sturdy steel frame covered with a waterproof felt lining. The wooden entrance floor is manufactured from FSC wood and forms a short predator defence tunnel, small enough to deter access by mammals and large pets. The edges of the house can be pegged down using tent pegs to provide extra security.

Recommended to locate in an area with limited disturbance and to be covered with leaves for extra camouflage.

Dimensions: (H) 210



## 6.4 Habitat Gains

The proposed redevelopment of the site to construct a new residential dwelling to replace the existing garage structures with a proposed residential dwelling with associated soft landscaping, green roof and living wall. The existing hardstanding and bramble scrub habitats which will be lost to facilitate the development proposals. Existing hardstanding currently on site provides limited / no value for biodiversity on site. The bramble scrub and the tall ruderal vegetation loss will be compensated with a proposed green roof and a living wall.

Species conservation measures will be installed on site to ensure the long-term provision of habitat features and enhance its value for hedgehogs and invertebrates.

Overall, it is considered that the proposed development will have a positive impact on site biodiversity while meeting the housing demands.

## 6.5 Summary of Contribution of Development to Biodiversity Targets

The proposed development will make the following contributions to national and local biodiversity targets:

- New green roof and living wall planting designed to maximise benefit to biodiversity such as providing opportunity for pollinators.

Overall, it is considered that the proposed development will result in a net increase in the biodiversity value of the site, which is considered to be in keeping with the key principals of the National Planning Policy Framework.



## 7 References

UK Biodiversity Action Plan ([www.jncc.defra.gov.uk](http://www.jncc.defra.gov.uk))  
Bat Conservation Trust (2016) Bat Survey Guidelines  
English Nature (2001) Great Crested Newt Mitigation Guidelines, English Nature, Peterborough  
English Nature (2006) Bat Mitigation Guidelines. English Nature, Peterborough  
HMSO, 1981. The Wildlife and Countryside Act 1981 (as amended). The Stationery Office, Norwich.  
HMSO, 1992. Protection of Badgers Act (1992).  
HMSO, 1994. The Conservation (Natural Habitats, &c) Regulations 1994. The Stationery Office, Norwich.  
MAGIC ([www.defra.gov.uk](http://www.defra.gov.uk))

## 8 Annexes

### Annex 1: Relevant Legislation and Planning Policies

#### Badgers

Badgers and their setts are protected under the Protection of Badgers Act 1992. All the following are criminal offences: to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so; to intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it. A badger sett is defined in the legislation as 'any structure or place which displays signs indicating current use by a badger'. Badger setts can be disturbed by a multitude of operations which include excavation and coring. (English Nature, 2002).

#### Bats

All species of British bat are listed in Appendix II of the Berne Convention and various annexes of the Habitats Directive. They are protected under Schedule 5 of the Wildlife and Countryside Act 1981 and Schedule 2 of the Conservation (Natural Habitats, etc) Regulations 2017 (Regulation 43). It is therefore illegal to kill, injure or handle any bat or obstruct access to, destroy or disturb any site that they use. A £5000 fine and/or 6 months imprisonment per offence is the maximum penalty. Where a bat roost will be affected by development a licence to carry out the work will be required (issued by Natural England). This will be granted only if suitable mitigation for any adverse impacts on bats is to be carried out.

#### Nesting Birds

Under the Wildlife and Countryside Act (1981) it is a criminal offence to disturb nesting birds. The breeding season for most species is generally considered to extend between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, although some species may breed slightly earlier in the year or later. Site operations should be phased where possible to occur outside the breeding season. Within this period, clearance of structures and vegetation can only take place if either:

- 1) Affected areas are first checked by an ecologist or other suitably qualified person and no nesting is found to be occurring.
- 2) All parts of the vegetation or structures are clearly visible, and no sign of nesting can be seen. If nests are found, work will have to be delayed in that area until chicks have left any nests.

For birds listed on Schedule 1 of the Wildlife and Countryside Act the protection is increased and it is also an offence to disturb them whilst in the process of nest building or at a nest containing eggs or young. It is an offence also to disturb dependent young. Bird species included in Schedule 1 include kingfishers, black redstarts, barn owls and red kites among others.



## Dormice

The hazel dormouse is protected under the Wildlife and Countryside Act 1981 (as amended). It is also a European Protected Species and as has additional protection in the UK under Regulation 43 of the Conservation of Habitats and Species Regulations 2017. It is an offence to intentionally kill, injure or take a hazel dormouse, possess or control any live or dead specimen or anything derived from a hazel dormouse, intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a hazel dormouse (including their habitat). It also an offence to intentionally or recklessly disturb a hazel dormouse while it is occupying a structure or place used for shelter or protection. A £5000 fine or six months custodial sentence per offence applies.

## Great crested newts

Great crested newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It is also a European Protected Species and has additional protection under Regulation 43 of the Conservation of Habitats and Species Regulations 2017. It is an offence to intentionally kill, injure or take a great crested newt, possess or control any live or dead specimen or anything derived from a great crested newt, intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a great crested newt (in practice this means breeding sites and terrestrial habitat). It is an offence to intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for shelter or protection. A £5000 fine or six months custodial sentence per offence applies.

## Otters

Otters are legally protected by the Conservation (Natural Habitats, &c.) Regulations 2017(as amended) - "the Habitats Regulations". They are therefore classed as European Protected Species. Under these Regulations they are given the highest level of species protection. In summary it is illegal to:

- deliberately or recklessly kill, injure or take (capture) an otter;
- deliberately or recklessly disturb or harass an otter;
- damage, destroy or obstruct access to a breeding site or resting place of an otter (i.e. an otter shelter).

Otter shelters are legally protected whether or not an otter is present.

## Reptiles

All native reptiles are protected under the Wildlife and Countryside Act 1981 (as amended). They are protected against killing or injuring even during lawful development. A £5000 fine or six months custodial sentence per offence applies.

## Water voles

Water voles are fully protected under the Wildlife and Countryside Act 1981 (as amended). Water voles are protected against intentional killing, capture or injury and intentional or reckless disturbance, obstruction, damage or destruction of their burrows. A £5000 fine or six months custodial sentence per offence applies.

## Other protected species

There is a list of species of principle importance as set on in section 42 of Natural Environment and Rural Communities Act 2006 (NERC 2006). These species are regarded a material consideration in planning applications and are usually protected by planning policies.

## Invasive Plant Species

Some plants, such as Japanese knotweed are listed under Schedule 9, Part 2 of the Wildlife and Countryside Act 1981. This states that it is an offence to "plant or otherwise cause to grow in the wild"



any plant listed in the schedule. "In the wild" is generally taken to mean any area outside the landowner's site. It is therefore an offence to allow it to spread onto neighbouring sites or to allow some listed plants to be removed offsite without proper disposal, as this could also allow them to spread offsite.

### Hedgerows

The Hedgerow Regulations 1997 provide protection for some types of hedgerows. Under the regulations most hedges require submission of a 'hedgerow removal notice' and approval by the local authority before they can be removed. All 'important' hedgerows are to be retained and protected from destruction and damage. There are a number of rules determining how a hedgerow is classified as 'Important'. In most cases the hedgerow is required to be in excess of 30 years old and to contain specific indicator plants. An individual hedge, or more likely, the trees within a hedge can also be subject to a Tree Preservation Order, or TPO, under the Town and Country Planning Act 1990.

### Protected/priority habitats

There is a list of habitats of principle importance as set on in section 41 of Natural Environment and Rural Communities Act 2006 (NERC 2006). These habitats are regarded a material consideration in planning applications and are usually protected by planning polices

### National Planning Policy

In July 2021, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018 and 2019. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives. Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

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

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

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged. In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

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

- the statutory basis for seeking to conserve and enhance biodiversity;



- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of biodiversity net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

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



## Annex 2: Environmental Management Plan Example

The mitigation measures focus on controlling fugitive releases of construction-phase dust and include, but are not limited to:

- Dust generating activities (e.g., cutting, grinding, and sawing) will be minimised and weather conditions considered prior to conducting potentially dust emitting activities.
- Fine material will not be stockpiled to an excessive height to prevent exposure to wind and/ or dust nuisance.
- Roads and accesses will be kept clean.
- Where possible, plant will be located away from construction site boundaries that are close to residential areas.
- Water will be used as a dust suppressant, where applicable.
- Drop heights of material will be kept to a minimum.
- Distances from crushing plant to stockpiles will be kept to the minimum practicable to control dust generation associated with the fall of materials.
- Skips will be securely covered whilst on site and during transport to and from the site.
- Soiling, seeding, planting, or sealing of completed earthworks will be completed as soon as reasonably practicable following completion of earthworks.
- Dust suppression and the maintenance of the surface of access routes will be appropriate to avoid dust as far as practicable, considering the intended level of trafficking.
- Wheel Wash facilities at major site exits to minimise track out of dust.
- Material will not be burnt on site; and
- Engines will be switched off when not in operation.