



Nile and Villiers

Sunderland

Ecological Impact Assessment

Prepared For: TOWN

Document Reference: 100113.001

September 2023

Version 2.0

TEP
Genesis Centre
Birchwood Science Park
Warrington
WA3 7BH

Tel: 01925 844004
Email: tep@tep.uk.com

Offices in Warrington, Market Harborough, Gateshead, London and Cornwall

Project Name:	Nile and Villiers, Sunderland
Location:	Sunderland
Document Title:	Ecological Impact Assessment
Client:	TOWN
Year of Surveys:	2023
Report Prepared:	2023
Prepared by:	The Environment Partnership Ltd
Office:	Gateshead
Document Ref:	10113.001

Document history and status:

Version	Date	Description of Issue	Author	Checked	Approved
1.0	September 2023	Minor amendment following client review	PA	KM	AJP
2.0	March 2024	Final	PA	KM	AJP

The Environment Partnership Ltd is a private limited company registered in England. Registered number 7745159. Registered office: Genesis Centre, Birchwood Science Park, Warrington, WA3 7BH.

© Copyright 2023 The Environment Partnership Ltd. All Rights Reserved.

This document has been prepared by The Environment Partnership Ltd ("TEP") for sole use of our Client in accordance with the provisions of the contract between TEP and the Client. No third party may use or rely upon this document or its content. TEP accepts no liability or responsibility for any such use or reliance thereon by any third party.

The content of this document has been prepared in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) Code of Professional Conduct and is compliant with British Standard BS42020:2013 Biodiversity Code of Practice for Planning and Development.

The conclusions and recommendations contained in this document are based upon information gathered by TEP and provided by third parties. Information provided by third parties and referred to herein has not been independently verified by TEP, unless otherwise expressly stated in the document.

Nothing in this report constitutes legal opinion. If legal opinion is required, the advice of a qualified legal professional should be secured.

Contents	Page
1.0 INTRODUCTION	2
Site Location	2
Proposals	3
2.0 METHODS.....	5
Desk Study	5
Habitats and Flora	6
Fauna.....	7
Ecological Assessment Process	9
Assumptions	10
3.0 RESULTS	11
Planning Context	11
Designated Sites.....	12
Habitats and Flora	12
Fauna.....	16
4.0 ASSESSMENT OF POTENTIAL IMPACTS	20
Wildlife Sites	20
Habitats and Flora	20
Fauna.....	21
5.0 RECOMMENDATIONS.....	24
Wildlife Sites	24
Fauna.....	24
6.0 CONCLUSIONS	26

Figures

Figure 1: Site Location	3
Figure 2. Amenity grassland (TN 7)	14
Figure 3: Bare ground (TN4)	15
Figure 4: Tall ruderal (TN8)	16

Tables

Appendices

Appendix A: Ecological Desk Study

Drawings

G10113.007 Phase 1 habitat drawing

Executive Summary

Site Details	The site is located between Nile Street and Villiers Street, Sunderland and is centred on National Grid Reference NZ400 571. The site application boundary measures approximately 0.7ha.
Proposals	Construction of 52 residential properties, 10 commercial properties and associated landscaping
Designated wildlife sites	Northumbria Coast SPA, Ramsar is located 2.46km northeast of the site. Tunstall Hills & Ryhope Cutting SSSI is located approximately 2.55km south of the site, Mowbray Park Pond LWS is located 0.22km southwest of the site. Given the scale of the project, distance to site, and barriers between the site and the designated sites no direct or indirect impacts on designated sites are anticipated.
Important Ecological Features present within the site	The habitat on site with the relative-greatest value is the amenity grassland.
Recommendations	<ul style="list-style-type: none"> ■ A Precautionary Working Method Statement (PWMS) should be produced to ensure no harm or injury to protected/priority species if present on site. ■ A Sensitive Lighting Strategy should also be incorporated within proposals to avoid impacts of lighting on nocturnal species, primarily bats. ■ A bat and bird box scheme will be incorporated into the development. ■ A BNG Assessment has been undertaken (TEP ref 10113.003) and outlines the change in habitat values based on the Uxhab biodiversity net gain metric 4.0. ■ The site proposals for installation of two generators do not fall within any parameters of the IRZ of Durham Coast SSSI.
Conclusions	The habitats on site are relatively common and widespread. No ecological impact arising from the proposals are likely to be significant at more than the site level. All impacts are anticipated to be temporary and reversible in the short term. With implementation of recommended precautionary working methods, no residual significant ecological effects are expected to impact upon statutory or non-statutory wildlife sites, notable habitats or protected or notable species.

This Executive Summary is not a substitute for the full report. Refer to the full text of this report for further detail.

1.0 Introduction

- 1.1 The Environment Partnership (TEP) was commissioned by TOWN in August 2023 to undertake an Ecological Impact Assessment (EclA) to provide information on the potential ecological impacts of development proposals on land at Nile and Villiers, Sunderland (hereafter referred to as 'the site').
- 1.2 Impacts of the development are being assessed against the landscape strategy SUN-005-SK-001 draft Landscaping plan.
- 1.3 An Ecological Desk Study has been produced to support this EclA. This is provided in Appendix A.
- 1.4 This EclA report includes details of the methods employed and any limitations of the surveys undertaken. Results are provided with supporting maps, together with an evaluation of the ecological features within the site, an assessment of the potential impacts associated with the development proposals and requirements for mitigation. The assessment has been undertaken with due consideration for current best practice guidelines (CIEEM 2017a¹, 2018²).

Site Location

- 1.5 The site is located in between Nile Street and Villiers Street, Sunderland. It is centred on National Grid Reference NZ 40055 57107 and covers an area of approximately 0.7ha.
- 1.6 The site comprises predominantly mown, amenity grassland and hard standing, with small areas of tall ruderal, scattered scrub, a substation building and an area of bare ground also present. The site is bounded on all sides by residential and commercial development within the city of Sunderland.

¹ CIEEM (2017a) Guidelines for Ecological Report Writing, 2nd Edition. Chartered Institute of Ecology & Environmental Management

² CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.2. Chartered Institute of Ecology and Environmental Management, Winchester



Figure 1: Site Location

Proposals

- 1.7 The proposed development would result in the construction of 52 residential properties and ten commercial properties and associated landscaping. Proposed hard landscaping elements include buildings and areas of hard standing. Proposed soft landscaping elements include SuDS basins, rain gardens, a green roof, mown grassland, wildflower grassland, planters and scattered trees. Details of the landscape strategy are outlined in the Draft Landscaping Plan (Create streets Drawing Ref: SUN-005-SK-001).
- 1.8 This EclA considers potential ecological effects upon any protected and notable habitats or species which may be present or adjacent to the site.
- 1.9 This report provides baseline information on the habitats and protected species present on site, gathered during a desktop study and Phase 1 habitat survey undertaken in August 2023.
- 1.10 This report presents the findings of the EclA, the objectives of which are to:
 - Detail the methods and results of the aforementioned surveys;
 - Identify features of ecological value within the application site, such as legally protected species or habitats of importance to biodiversity;
 - Identify any non-native invasive species on site and provide advice regarding removal or management;

- Advise on avoidance or mitigation requirements that may be needed prior to development commencing; and
- Provide outline recommendations for biodiversity enhancement within site proposals in accordance with the National Planning Policy Framework (NPPF).

2.0 Methods

Desk Study

- 2.1 In line with current best practice (CIEEM, 2016³, 2017b⁴), information regarding designated sites, notable habitats and existing protected and notable species records of the past decade, within a 1km minimum radius of the site was collated and reviewed to inform this ecological assessment. Further detail regarding ecological zones of influence (EZOI) applied for different ecological features and the sources of information included are presented in the Ecological Desk Study (TEP Ref: 10113.002) in Appendix A.
- 2.2 In brief, key data sources included Natural England (open source data), Environment Agency (open source data); Sunderland City Council, and other relevant planning documentation such as Environmental Records Information Centre (ERIC) North East, County Durham Biodiversity Action Plan and a review of relevant (within the past 20 years) species records.
- 2.3 Statutory designated wildlife sites were searched for as follows (EZOI applied for each is indicated in brackets):
- Ramsar sites (10km);
 - National Sites Network (10km), includes Special Areas of Conservation (SAC) and Special Protection Areas (SPA);
 - Site of Special Scientific Interest (SSSI) (5km);
 - National Nature Reserve (NNR) (5km); and
 - Marine Nature Reserve (MNR) (5km); and
 - Local Nature Reserves (LNR) (2km).
- 2.4 Non-statutory designated wildlife sites were searched for within 2km of the site; these may include:
- Local Wildlife Sites (LWS); and
 - County Wildlife Sites (CWS).
- 2.5 Notable habitats were searched for within 500m of the site. Notable habitats may include those listed under any of the following:
- Ancient woodland;
 - Main rivers;
 - Habitats of principal importance (HPI) as listed by the requirements of Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act 2006⁵; and

³ CIEEM (2016) Guidelines for Accessing and Using Biodiversity Data. Chartered Institute of Ecology & Environmental Management

⁴ CIEEM (2017b) Guidelines for Preliminary Ecological Appraisal, 2nd Edition. Chartered Institute of Ecology & Environmental Management

⁵ Section 41 of the Natural Environment and Rural Communities Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England.

- Local Biodiversity Action Plan Habitats (LBAP).
- 2.6 Pre-existing records for notable species were reviewed from the combined data sources, where found from within approximately 2km of the site. Notable species include those listed under any of the following:
- Protected animal species under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (EPS);
 - Protected bird species under Schedule 1 of the Wildlife and Countryside Act 1981, as amended (WCA1);
 - Protected animal species under Schedule 5 of the Wildlife and Countryside Act 1981, as amended (WCA5);
 - Protected plant species under Schedule 8 of the Wildlife and Countryside Act 1981, as amended (WCA8);
 - Invasive non-native plant species under Schedule 9 of the Wildlife and Countryside Act 1981, as amended (WCA9);
 - Invasive non-native species under the Invasive Alien Species (Enforcement and Permitting) Order 2019 (IAS);
 - Species of principal importance (SPI) as listed by the requirements of S41 of NERC;
 - Protection of Badgers Act 1992 (PBA);
 - Red and Amber listed Birds of Conservation Concern (BRd/BAm); and
 - County Durham Local Biodiversity Action Plan Species (LBAP).

Limitations

- 2.7 Species records can provide a useful indication of the species present within the search area, although the absence of a given species from the dataset cannot be taken to represent actual absence.

Habitats and Flora

Habitat Survey

- 2.8 An extended Phase 1 habitat survey was completed by TEP Ecologist Phil Askew, certified to Level 4 under the Field Identification Skills Certification (FISC)⁶. The survey was completed on 29th August 2023. The survey was carried out in accordance with the Phase 1 habitat assessment methods (JNCC, 2010⁷) and the Guidelines for Preliminary Ecological Appraisal (CIEEM, 2017b⁴). The method records the habitat types present, within the survey area, based on the JNCC descriptions. Plant species were identified in accordance with the New Flora of the

⁶ A national skills certification scheme operated by Botanical Society of Britain and Ireland. FISC 4 is the competency level recommended for Biodiversity Net Gain (BNG) field assessments

⁷ JNCC (2010) Handbook for Phase 1 Habitat Survey – a technique for environmental audit

British Isles (Stace, 2019⁸) and recorded as target notes using the DAFOR⁹ scale, where relevant.

- 2.9 Habitats are displayed with the site boundary on Drawing G10113.008.

Limitations

- 2.10 Any ecological survey represents a snapshot of ecological conditions at the time of survey; ecological conditions may change over time. Efforts to identify dominant plant species for the purposes of characterising broad habitat types do not constitute a detailed botanical survey.

Fauna

- 2.11 Ordnance Survey maps and aerials were reviewed to identify potentially suitable habitats offsite within influence (e.g. dispersal distances for mobile species) of the site. The Ecological Desk Study identified any pre-existing records for protected and notable species within at least 2km of the site.
- 2.12 The habitat survey included an extended assessment of the habitats present for their potential to support notable or protected wildlife species, as described at paragraph 2.6. Any signs indicating the presence of these species were recorded.

Bats

Preliminary Bat Roost Assessment

- 2.13 A daytime external assessment of the building within the site boundary was carried out to determine its suitability to provide bat roost habitat. The assessment was undertaken by TEP Ecologist Phil Askew (Natural England Licence ref: 2016-26978-CLS-CLS) in conjunction with the Phase 1 Habitat Survey. The habitats on site and surrounding the site were also assessed for their potential to support roosting, foraging and commuting bats.
- 2.14 Building features commonly associated with providing bats with roosting opportunities include the following:
- Broken/slipped roof tiles including ridge tiles;
 - Fascia's and soffit boxes;
 - Gaps in masonry;
 - Loose fitting cladding/weatherboarding (wooden/tile);
 - Loose lead flashing; and
 - Gaps around window and door frames.
- 2.15 Physical evidence of use by bats may include the following
- Live or dead bats;
 - Bat droppings;
 - Feeding remains (e.g. stripped moth or butterfly wings);

⁸ Clive Stace (2019) New Flora of the British Isles

⁹ DAFOR = Dominant, Abundant, Frequent, Occasional & Rare

- Urine staining;
- Fur oil staining.

2.16 Following the assessment, the building on site was categorised in accordance with the criteria for roost habitat assessments identified in the Bat Conservation Trust (BCT) 2016 Good Practice Guidelines (Collins)¹⁰. Bat roost habitat suitability categorisation details are described in Table 2. Roost habitat suitability categorisation takes into consideration parameters such as location, habitat connectivity, materials, condition and aspect.

Table 1: Roost assessment criteria (from Table 4.1 of BCT Guidelines 2016)

Roost Suitability	Description of roosting habitat	Commuting and foraging habitats
Negligible	Negligible habitat features on site to be used by roosting bats.	Negligible habitat features on site to be used by commuting and foraging bats.
Low	A tree of sufficient size and age to contain potential roost features (PRFs) but with none seen from the ground or features seen with only very limited roosting potential. A structure with one or more potential roost sites that could be used by individual bat opportunistically. However, these potential roost sites do not provide enough space, shelter, appropriate conditions and/or appropriate surrounding habitat to be used on a regular basis or by a large number of bats.	Habitat that could be used by small numbers of commuting bats (e.g. a gappy hedgerow or an un-vegetated stream) or foraging bats (e.g. a lone tree or small patch of scrub) but which is isolated from the surrounding countryside by other habitat.
Moderate	A tree or structure with one or more potential roost features that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat, but which is unlikely to support a roost of high conservation status (maternity or hibernation).	Continuous habitat connected to the wider landscape that could be used by bats for commuting (e.g. lines of trees or scrub or linked back gardens), or foraging bats (e.g. trees, scrub, water, grassland).
High Potential	A tree or structure with one or more potential roost features that are suitable for use by larger numbers of bats on a regular basis and potentially for longer periods of time, due to their size, shelter, protection, conditions and surrounding habitat.	Continuous high-quality habitat that is strongly connected with the wider landscape that is likely to be used regularly by commuting bats (e.g. river valley, vegetated stream, woodland edge, hedgerows with trees) or foraging bats (e.g. broadleaved woodland, grazed parkland, tree-lined watercourses or ponds).

¹⁰ Collins, J. (ed.) (2016). Bat Surveys for Professional Ecologists: Good Practice Guidelines. (3rd edn). The Bat Conservation Trust, London.

Limitations

- 2.17 Ground level assessments of buildings may identify apparent potential access/roosting features (PRF's) at height, which on closer inspection may be revealed to be only superficial in extent or otherwise unsuitable for bats; conversely, cryptic PRFs at height may only be visible during an up-close inspection and may therefore be missed by a ground-based assessment. Categorisation of a given building as having Low/Moderate/High suitability to support a bat roost may be revised up or down following an at-height/climbed inspection.
- 2.18 It was not possible to access the interior of the building to complete an internal inspection. This is not considered a limitation to the survey because no potential entry points were observed externally.

Ecological Assessment Process

- 2.19 This EclA follows the published guidelines (CIEEM, 2018²) and accepted best practice approach (BS42020:2013¹¹) of the mitigation hierarchy whereby impacts are first avoided or, where this is not possible, reduced or mitigated or, as a last resort, compensated.
- 2.20 In summary, the following procedure was undertaken during this EclA:
- Describe the baseline and identify important ecological features;
 - Describe important ecological features and identify those which may potentially be affected by the Proposed Development;
 - Identify potential impacts upon important ecological features and characterise the effect of such impacts (in respect of biophysical changes and taking account of relevant aspects of ecosystem structure or function);
 - Incorporate measures to avoid or reduce these effects;
 - Determine whether residual ecological effects are considered significant after avoidance or mitigation;
 - Identify appropriate compensation measures to offset significant residual effects; and
 - Identify opportunities for ecological enhancement.
- 2.21 Important ecological features are identified and valued, ecological impacts are characterised and assessed, and recommendations for appropriate mitigation, compensation and enhancement are made, in accordance with CIEEM guidance².
- 2.22 BS42020:2013 defines a significant effect as one "*which is important, notable, or of consequence, having regard to its context*". CIEEM describes significance as "*a concept related to the weight that should be attached to effects when decisions are made*". CIEEM defines an ecological effect as significant if it is "*sufficiently important to require assessment and reporting so that the decision maker is adequately informed of the environmental consequences of permitting a project*".

¹¹ British Standards Institution (2013) BS 42020:2013: Biodiversity — Code of practice for planning and development. BSI Standards Limited, London

- 2.23 BS42020:2013 sets out a practical approach to determining the significance of an ecological effect, applicable at all levels of decision making in legal and policy terms, as follows:
- will the effect on biodiversity influence the balance of planning considerations and therefore the decision as to whether planning permission is likely to be refused or granted; and
 - if planning permission is granted, is the effect important enough to warrant the use of planning conditions and/or obligations to guarantee proposed measures or to impose restrictions, or to seek further requirements (e.g. for mitigation, compensation, enhancement, monitoring or site management).
- 2.24 Significance is therefore assessed on a case-specific basis according to the importance of the ecological feature (site, habitat or species) within the conservation hierarchy, and the effect upon it.

Assumptions

- 2.25 Information provided by third parties, including publicly available information, is assumed to be correct at the time of publication.

3.0 Results

Planning Context

- 3.1 The NPPF at *Chapter 11: Conserving and Enhancing the Natural Environment* requires that development delivers net gains in biodiversity in addition to minimising the impacts on biodiversity. The chapter highlights the need to protect and enhance valued landscapes, geological conservation interests and soils, as well as recognising the wider benefits of ecosystems.
- 3.2 The current Sunderland Local Plan was adopted by Sunderland City Council in January 2020. It is the key strategy planning document for Sunderland and will guide and support the delivery of new infrastructure, homes and jobs. It sets out the long-term vision and objectives for the area until 2035.
- 3.3 For Development Control purposes, the policies within the Sunderland Local Plan of relevance to biodiversity include:
- NE1 Green and blue infrastructure. This policy states that development should maintain and improve the Green Infrastructure Network through enhancing, creating and managing multifunctional green spaces and blue spaces that are well connected to each other and the wider countryside.
 - NE2 Biodiversity and geodiversity. This policy states that where appropriate, development must demonstrate how it will:
 - provide net gains in biodiversity; and
 - avoid (through locating on an alternative site with less harmful impacts) or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy.
 - NE3 Woodland, hedgerows and trees. This policy states that to conserve significant trees, woodlands and hedgerows, development should follow the principles below to guide the design of development where effects to ancient woodland, veteran/aged trees and their immediate surroundings have been identified:
 - avoid harm;
 - provide unequivocal evidence of need and benefits of proposed development;
 - provide biodiversity net gain;
 - establish likelihood and type of any impacts;
 - implement appropriate and adequate mitigation and compensation;
 - provide adequate buffers; and
 - provide adequate evidence to support proposals.

Designated Sites

Statutory Wildlife Sites

- 3.4 Full details regarding designated sites are provided within the Ecological Desk Study (Appendix A).
- 3.5 There are three internationally designated sites within 10km of the site. The closest of these are Northumbria Coast Special Protection Area (SPA) and Northumbria Coast Ramsar, both located approximately 2.46km to the north east of the site.
- 3.6 There are ten nationally designated sites within 5km of the site. Of these sites four are designated for biodiversity. The remaining six SSSI are designated for geological reasons. The closest sites designated for biodiversity are Tunstall Hill and Ryhope Cuttings, located 2.55km northeast of the site designated for Magnesian limestone grassland and geological features and Durham Coast SSSI 2.65km southeast of the site designated for Magnesian limestone grassland, dune habitats, wintering coastal birds and Durham argus butterfly
- 3.7 SSSI Impact Risk Zones (IRZ) highlight the potential for effects on a SSSI if certain types of development are planned within a specified radius of it. The site falls within the Impact Risk Zones (IRZ) for Durham Coast SSSI but does not fall into an impact risk criteria for the site.
- 3.8 There are no locally designated statutory sites within 2km of the site.

Non-Statutory Wildlife Sites

- 3.9 There are four non-statutory wildlife sites identified within 2km of the site. Full details of the sites are presented in the Ecological Desk Study (Appendix A).
- Mowbray Park LWS – 0.26km southwest – Area of parkland.
 - Wearmouth Riverside Park/ Wearmouth Colliery LWS – 0.39km Northwest – Mosaic of habitats on former colliery site
 - Sunderland South Docks LWS – 1.31km Northeast – Coastal scrub habitat
 - North Dock Tufa LWS – 1.46km Northeast - Designated for geological features.
- 3.10 Given the small scale of the development, nature of the proposals, the distances concerned and separation by urban environment, no significant effect would be anticipated to arise upon these non-statutory wildlife sites and they are therefore scoped out from further assessment.

Habitats and Flora

Pre-existing Data

- 3.11 The Desk Study did not identify any notable habitats or ancient woodland within or adjacent to the site. The nearest notable habitat types to site are areas of open mosaic

habitat on previously developed land, deciduous woodland and wood pasture and parkland which are present within 500m of the site.

3.12 The site comprises predominantly mown amenity grassland and hardstanding, with areas of tall ruderal vegetation, bare ground and scattered scrub. These habitats are not designated as LBAP priority habitats under the County Durham LBAP.

3.13 Flora records returned within 2km of the site as follows:

■ Protected and notable species:

- There are no records of protected (WCA8) or notable (SPI) plant species within 2km of the site.

■ Non-native invasive species:

- Wall cotoneaster (WCA9)
- Japanese knotweed (WCA9)

3.14 Habitats present on site are described below and illustrated in Drawing G10113.008. Target notes (TN) and photographs illustrative of the habitat/feature described are provided below.

Hard standing (TN1)

3.15 A significant area of the site comprises hard standing. This is made up of two car park areas and a road through the centre of the site.

Amenity grassland (TN2, TN3, TN4, TN6, TN7)

3.16 The majority of the site comprises amenity grassland. Much of the grassland area is occasionally mown (TN3, TN4, TN6, TN7). A small area in the north of the site (TN2) is not managed.

3.17 The grassland in TN2, TN3, TN4, and TN6 is dominated by perennial rye grass *Lolium perenne* and Yorkshire fog *Holcus lanatus*. Also frequently present is yarrow *Achillea millefolium*, red clover *Trifolium pratense*, dandelion *Taraxacum officinale* agg., ribwort plantain *Plantago lanceolata* and creeping thistle *Cirsium arvense*. Common speedwell *Veronica persica*, lesser trefoil *Trifolium dubium* and coltsfoot *Tussilago farfara* are occasionally present in the sward.

3.18 The grassland at TN7 is dominated by red clover with grass species and ribwort plantain occasionally present.



Figure 2. Amenity grassland (TN 7)

Bare ground (TN9)

- 3.19 An area of bare ground is present on site. This area comprises hardcore from a recently demolished building. No vegetation is present in this area.



Figure 3: Bare ground (TN4)

Tall ruderal (TN8, TN10)

- 3.20 Two narrow bands of tall ruderal vegetation are present in the southeast of the site, located between the areas of hardstanding.
- 3.21 The tall ruderal vegetation is dominated by mugwort *Artemisia vulgaris*, with abundant common nettle *Urtica dioica* and willowherb *Epilobium sp* species.

Scattered scrub

- 3.22 Scattered butterfly bush *Buddleia davidii* scrub is also present amongst the areas of tall ruderal vegetation.



Figure 4: Tall ruderal (TN8)

Building

- 3.23 A single building is present on site. This is a flat roofed substation building. Brickwork is largely intact with no gaps in brickwork. No gaps are present between the brickwork and the roof.

Notable or Invasive Flora

- 3.24 No protected native plant species (WCA8) were recorded within the site boundary at the time of survey.
- 3.25 No non-native invasive plant species (WCA9) were recorded within the site boundary at the time of survey.

Habitat Connectivity

- 3.26 The habitats on site have limited connectivity to off-site habitats, being surrounded on all sides by residential and commercial development.

Fauna

- 3.27 The potential for the site to support legally protected and notable species has been assessed using the results of the desk study and observations made during the site survey of habitats within and immediately surrounding the site.

Amphibians

- 3.28 No records of amphibians were returned in the records search.
- 3.29 A review of Natural England's open datasets returned no licence returns for great crested newts (GCN) *Triturus cristatus* within 2km of the site.
- 3.30 Review of Natural England's MAGIC map application and aerial mapping revealed the presence of no ponds within 500m of the site.
- 3.31 There are no ponds present on site or within 250m of the site and therefore no potential amphibian breeding habitat is present on site or immediately surrounding the site. The nearest pond to the site is located approximately 316m to the southwest of the site boundary, within Mowbray Gardens. The pond is separated from the site by urban development, including buildings and roads, which provide a barrier to amphibian dispersal.
- 3.32 The grassland on site provides sub-optimal terrestrial foraging habitat for amphibians as it is a short sward and does not provide any shelter. The tall ruderal vegetation with areas of scattered scrub provide limited foraging habitat for amphibians.

Badger

- 3.33 No records of badger *Meles meles* were returned in the records search.
- 3.34 No evidence of badger was recorded within the site. The habitats which dominate the site, including amenity grassland and hardstanding, do not provide suitable habitat for foraging and ranging badger. There is also no suitable habitat on site for badger sett creation.
- 3.35 The site is also in an urban area and there are high levels of disturbance in the area by vehicles and pedestrians, contributing to the sub-optimal nature of the habitat for use by badger.

Bats

- 3.36 Seven records of bats were returned in the records search, including for common pipistrelle *Pipistrellus pipistrellus* and Pipistrelle species. The closest of these records is located approximately 0.36km west of the site for *Pipistrelle* species.
- 3.37 Four Natural England mitigation licences for bats have been identified within 2km of the Scheme. The closest of these are located 0.53km to the east of the site for common pipistrelle (Licence No. EPSM2012-4789).

Roosting

- 3.38 No suitable roosting features for bats were identified on the single building within the site. The building on site has been assessed as having Negligible suitability for roosting bats. No trees are located within the site.

Foraging and Commuting

- 3.39 The mown amenity grassland, and areas of tall ruderal vegetation and scattered scrub provide low value habitat for foraging and commuting bats. The buildings and hardstanding do not provide suitable foraging or commuting habitat. Artificial lighting present on site disrupts foraging and commuting bats and lowers the overall suitability of the site for bats.

Birds

- 3.40 5095 records of birds were returned within the records search. Most of these records do not contain accurate location data. It is not possible to determine the location of the closest records.
- 3.41 The site does not provide suitable nesting habitat for breeding birds. The grassland and areas of tall ruderal vegetation with scattered scrub provide limited foraging habitat for common garden bird species.

Invertebrates

- 3.42 Twenty-nine records of invertebrates were returned in the records search across seven species (SPI). The closest record is located 0.82km east of the site.
- 3.43 On-site habitats such as the small areas of tall ruderal and scattered scrub have some limited potential to support some of the more widespread invertebrate species. However, given that the suitable vegetation on site is extremely limited in extent, the site is unlikely to support notable or important assemblages of invertebrates. These habitats are also common and widespread.
- 3.44 The habitats on site are unsuitable for the notable species identified within the desk study including dingy skipper *Erynnis tages* or cinnabar *Tyria jacobaeae* due to the lack of caterpillar food plants, such as bird's foot trefoil, and the absence of general habitats such as embankments and areas of limestone or chalk within the site.

Reptiles

- 3.45 No records of reptiles were returned in the records search.
- 3.46 The short grassland and hardstanding do not provide suitable foraging or shelter habitat for reptiles. The areas of grassland in the north of the site (TN2), tall ruderal vegetation, and scattered scrub provide suitable habitat for reptiles, although this is limited in extent. Connectivity to other habitats of value to reptiles within the wider area is limited by roads and residential areas.

Otter and Water Vole

- 3.47 Records of otter *Lutra lutra* (WCA5, SPI, LBAP) were returned within the records search. The location of the closest record has not been provided.
- 3.48 No records were returned for water vole *Arvicola amphibius* within 2km of the site.

- 3.49 There are no watercourses or riparian habitat on or adjacent to the site, therefore the site is not suitable to support otter or water vole.

Hedgehog

- 3.50 Records of hedgehog *Erinaceus europaeus* (SPI, LBAP) were returned in the records search. The closest record is located 1.9km southwest of the site.
- 3.51 The grassland and areas of tall ruderal vegetation with scattered scrub, offer suitable foraging habitat on site for hedgehog. There is no habitat on site suitable for sheltering or hibernating hedgehogs.

4.0 Assessment of Potential Impacts

- 4.1 This section assesses the potential impacts on ecological features associated with the proposed development.
- 4.2 Consideration is given to the 'mitigation hierarchy', i.e. that impacts are first avoided or where this is not practicable, mitigated and as a final resort, compensated (off-set).

Wildlife Sites

Statutory Designated Sites

- 4.3 There are three internationally important designated wildlife sites within 10km of the site; the closest of these are Northumbria Coast SPA and Northumbria Coast Ramsar, both located approximately 2.46km to the northeast of the site.
- 4.4 There are four nationally important designated wildlife sites within 5km of the site; the closest of these is Tunstall Hills and Ryhope Cuttings SSSI, located 2.55km south of the site. The site also falls within the SSSI Impact Risk Zone (IRZ) for Tunstall Hills and Ryhope Cuttings SSSI, but does not fall within the impact risk criteria of the site.
- 4.5 There are no locally designated statutory sites within 2km of the site.
- 4.6 Given the small-scale nature of the proposals and the distance to the statutory designated sites, no direct or indirect impacts are anticipated on the designated sites.

Non-statutory Designated Sites

- 4.7 There are four non-statutory locally designated wildlife sites within 2km of the site. The closest site is Mowbray Park LWS approximately 0.22km southwest of the site.
- 4.8 Given the distance from the site to non-statutory designated sites, no direct impacts are anticipated. However, there is the potential for indirect impacts on the nearby non-statutory designated sites through pollution such as dust creation during construction.

Habitats and Flora

Notable Habitats

- 4.9 There are no notable habitats or ancient woodland within the site or within 500m of the site. The nearest notable habitat is an area of open mosaic habitat on previously developed land, located approximately 80m to the east of the site across the A1018.
- 4.10 Habitats present within the site boundary comprise predominantly hard standing and areas of amenity grassland.
- 4.11 Overall, given the nature of the proposals and distance from site, no direct impacts on notable habitats are anticipated. However, there is the potential for harm to nearby notable habitats through pollution such as dust creation during construction.

Notable or Invasive Flora

- 4.12 No protected plant species (WCA8) were recorded on or adjacent to the site, and therefore no potential impacts on protected plant species are anticipated.
- 4.13 No invasive plant species (WCA9) were identified within the site or adjacent to the site, and therefore there are no implications with regards to invasive species.

Biodiversity Net Gain

- 4.14 Policy NE2 of the adopted Northumberland Local Plan (Part 1) states that:
- 4.15 Where appropriate, development must demonstrate how it will:
- provide net gains in biodiversity; and
 - avoid (through locating on an alternative site with less harmful impacts) or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy.
- 4.16 A detailed BNG assessment will be undertaken once landscaping proposals are finalised. In accordance with local planning policy and the NPPF it is likely that the proposals will be required to demonstrate a measurable net gain for biodiversity. No specific percentage gain requirement is stated within the local policy. However, the forthcoming Environment Act, which is likely to become law in Autumn 2023, will require a 10% net gain in biodiversity to be demonstrated by development.

Fauna

Amphibians

- 4.17 There are no waterbodies within the proposed development. One waterbody is present within 500m of the site. This waterbody is located approximately 316m to the southwest of the site and is separated from the site by urban development, which provides a significant barrier to amphibian dispersal. Amphibians will therefore be unable to range from this pond into the site. The habitats on site such as grassland and areas of tall ruderal vegetation with scattered scrub also provide only limited habitat for foraging amphibians.
- 4.18 Loss of habitats within the site is unlikely to have a significant impact on local amphibian populations. There are no implications to the development in relation to amphibians. Amphibians are not considered further in this report.

Badger

- 4.19 There was no evidence of badger, including badger setts or other field signs on site. There are no records of badger within 2km of the site, and the on-site habitats undergo significant disturbance by pedestrians and vehicles, therefore badger are unlikely to use the site for sett construction.

- 4.20 There are no implications to the development in relation to badger. Badger are not considered further in this report.

Bats

- 4.21 There is no suitable habitat for roosting bats on site. The building on site was assessed as having negligible bat roost suitability and will be demolished under the proposals. There are no implications to demolishing the building in relation to roosting bats.
- 4.22 No potential roosting habitat will therefore be impacted as a result of the proposals. There will be a small loss in foraging and commuting habitat on site resulting from the loss of tall ruderal vegetation with scattered scrub and amenity grassland. Given the limited extent of this habitat, this is unlikely to have a significant impact on local foraging bats.
- 4.23 Installation of additional lighting on site has the potential to result in increased disturbance to bats. However, given the limited suitability of the site for bats this is unlikely to lead to significant effects.
- 4.24 There are no implications to the proposals in relation to bats.

Birds

- 4.25 Removal of the areas of grassland and tall ruderal vegetation will result in a loss of foraging habitat for birds. Given that this habitat is limited in extent, this is unlikely to have a significant impact on local foraging bird communities.
- 4.26 No suitable nesting habitat will be lost by the development. There are no implications to the proposals in relation to nesting birds.

Invertebrates

- 4.27 The habitats on site are common and widespread and are unlikely to support a notable assemblage of invertebrates including species such as dingy skipper or cinnabar as their caterpillar food plants (bird's foot trefoil) and general habitats such as bare ground with a southern aspect, are not present on site. Therefore, this species group is given no further consideration in this report.

Reptiles

- 4.28 The areas of tall ruderal vegetation and scattered scrub provide only limited habitat on site for reptiles. Given the lack of records of reptiles, and that the site is surrounded by hardstanding and buildings which provide a significant barrier to reptile dispersal, reptiles are considered unlikely to be present on site. However, their presence cannot be ruled out. There is potential for harm or injury to reptiles, if present within scrub and tall ruderal habitats on site.

Otter and Water Vole

- 4.29 There is no suitable habitat on site to support otter or water vole present on or adjacent to the site. Therefore, these species will be absent from site. No impacts on otter or water vole are anticipated as a result of the proposals, and neither species is given further consideration in this report.

Hedgehog

- 4.30 The grassland, and areas of tall ruderal vegetation with scattered scrub, offer suitable foraging habitat for hedgehog. There are no suitable habitats on site for hedgehog hibernation or shelter. There is the potential for these species to be on site and to be harmed during construction works.

5.0 Recommendations

- 5.1 This section describes potential appropriate and proportionate measures for impact avoidance, mitigation and enhancement required or recommended to address the potential ecological effects described in Section 4.0.

Wildlife Sites

- 5.2 The standard pollution prevention and dust control measures to be included within a Construction Environmental Management Plan (CEMP) would ensure potential indirect impacts on the Mowbray Park (LWS) resulting from pollution and dust deposition during the construction period are avoided.
- 5.3 LWS are non-statutory designations made by local authorities under the Town and Country Planning system and are a material consideration when planning applications are being determined.

Biodiversity Net Gain

- 5.4 For a planning application, a Biodiversity Net Gain (BNG) Assessment will likely be required. A net gain will be required to be demonstrated in accordance with the forthcoming Environment Act. Under the act, which is anticipated to become law in Autumn 2023, all developments are required to demonstrate a measurable 10% gain in biodiversity. In order to achieve this, new landscaping will need to include habitats of biodiversity value including native wildlife meadow, native trees and hedgerows, and native scrub/shrub.
- 5.5 Where possible, development should take place on existing areas of hardstanding and buildings, which have a lower value within the context of BNG.
- 5.6 The habitat on site with the relative highest value within the context of BNG is the grassland.
- 5.7 Any losses in biodiversity will need to be compensated for through replacement planting.
- 5.8 In order to complete a BNG assessment for the site, a habitat condition assessment survey of all habitats has been undertaken.
- 5.9 A BNG Assessment will be undertaken based upon the finalised site proposals to be provided by the client.

Fauna

Birds

- 5.10 Provision of fruit and seed producing, and insect attracting plants in the landscape plans will provide suitable foraging habitat for birds to compensate for the loss of suitable foraging habitat on site.

Other Relevant Species

- 5.11 Hedgehog are Section 41 Species of Principal Importance under the Natural Environmental and Rural Communities (NERC) Act 2006.

Avoidance and Mitigation

- 5.12 The areas of tall ruderal vegetation with scattered scrub provide suitable habitat for hedgehog and will be cleared under the proposals. A pre-commencement check of these habitats for hedgehog should be undertaken prior to any vegetation clearance. If a hedgehog is found, the hedgehog should be moved to a safe area prior to commencement of vegetation clearance works. The vegetation should also be cleared to 150mm before cutting to ground level to enable hedgehog to vacate the area.
- 5.13 The following standard precautionary working measures will also be implemented during the works:
- Excavations will be boarded or otherwise suitably covered at night. Where this is not practicable, a ramp will be provided (at an angle of no more than 45°) to allow any animal that may become trapped to escape.
 - Materials for works should be stored off the ground on pallets or in bags where possible.
 - Pipes stored on site would be capped or if caps are not available, stored vertically to prevent entrapment.

6.0 Conclusions

- 6.1 The habitats on site are relatively common and widespread. The habitat of greatest relative ecological value is the amenity grassland. The remainder of the site predominantly comprises hardstanding which has minimal ecological value. The grassland habitat is common and widespread and of low intrinsic ecological value. Therefore, loss of these habitats is unlikely to have a significant negative impact on biodiversity.
- 6.2 Potential impacts upon protected or notable species have been identified, and appropriate mitigation has been proposed, including sensitive timings of works, precautionary working measures.
- 6.3 Biodiversity Net Gain will be required to be demonstrated by the proposals. A detailed BNG assessment will be produced based upon finalised landscape plans.

Appendix A

Ecological Desk Study



NILE AND VILLIERS SUNDERLAND

Ecological Desk Study

Document Reference: 10113.002

August 2023

Version 1.0

TEP
Genesis Centre
Birchwood Science Park
Warrington
WA3 7BH

Tel: 01925 844004
Email: tep@tep.uk.com

Offices in Warrington, Market Harborough, Gateshead, London and Cornwall

Project Name:	Nile And Villiers
Location:	Sunderland
Document Title:	Ecological Desk Study
Client:	TOWN
Year of Surveys:	2023
Prepared by:	The Environment Partnership Ltd
Office:	Gateshead
Document Ref:	10113.002

Document history and status:

Version	Date	Description of Issue	Author	Checked	Approved
1.0	09/23	Final	PA		

The Environment Partnership Ltd is a private limited company registered in England. Registered number 7745159. Registered office: Genesis Centre, Birchwood Science Park, Warrington, WA3 7BH.

© Copyright 2023 The Environment Partnership Ltd. All Rights Reserved.

This document has been prepared by The Environment Partnership Ltd (“TEP”) for sole use of our Client in accordance with the provisions of the contract between TEP and the Client. No third party may use or rely upon this document or its content. TEP accepts no liability or responsibility for any such use or reliance thereon by any third party.

TEP is a Registered Practice of the Chartered Institute of Ecology and Environmental Management (CIEEM). The content of this document has been prepared in accordance with the CIEEM Code of Professional Conduct and is also compliant with British Standard BS42020:2013 Biodiversity Code of Practice for Planning and Development.

The conclusions and recommendations contained in this document are based upon information gathered by TEP and provided by third parties. Information provided by third parties and referred to herein has not been independently verified by TEP, unless otherwise expressly stated in the document.

We confirm that the opinions expressed in this report are our true and professional bona fide opinions. Nothing in this report constitutes legal opinion. If legal opinion is required, the advice of a qualified legal professional should be secured.

Contents	Page
1.0 INTRODUCTION	3
Site Location	3
Context and Purpose	3
2.0 METHODS.....	4
Scope and Data Sources.....	4
Additional Supporting Data.....	Error! Bookmark not defined.
3.0 LEGISLATION AND POLICY.....	6
Local Planning Policy	7
4.0 BIODIVERSITY INITIATIVES AND STRATEGIES.....	8
Local Biodiversity Action Plans (BAP).....	8
Nature Recovery Network	8
5.0 WILDLIFE SITES.....	10
Statutory Sites	10
Non-Statutory Wildlife Sites.....	2
6.0 NOTABLE HABITATS	3
Ancient Woodland.....	3
Habitats of Principal Importance (HPI).....	3
7.0 PROTECTED AND NOTABLE SPECIES	5
Protected Species Licences	5
Pre-existing Species Records	5
Relevant Legislation	2
Relevant National Policy.....	9

Figures

Figure 1: Location of Scheme	3
Figure 2: Extract of County Durham Local Plan [Accessed 04/23]..	Error! Bookmark not defined.
Figure 5: Non-statutory wildlife sites within 2km of the site (map provided by ERIC Northeast)	2

Tables

Table 1: Scope and preliminary ecological Zones of Influence (ZOI).....	4
Table 2: Statutory wildlife sites.....	10
Table 3: SSSI Impact Risk Zones crossed by the options.....	1



Table 4: Non-statutory local wildlife sites..... 2

Table 5: Summary of pre-existing species records returned by ERIC Northeast..... 5

1.0 Introduction

1.1 The Environment Partnership (TEP) was commissioned by TOWN in August 2023 to complete an Ecological Impact Assessment (EclA) for Nile and Villiers, Sunderland. The proposals comprise the construction of 57 residential buildings and associated landscaping. To inform the ECIA, an ecological desk study was also completed.

Location of Scheme

1.2 The site is between Nile Street and Villiers street. The Scheme is within the administrative area of Sunderland City Council. The approximate central grid reference of the site is NZ400 571.



1.3

Figure 1: Location of Scheme

Contains OS data © Crown Copyright and database right 2023

Purpose

1.4 This Ecological Desk Study report details the method of data gathering and interpretation and presents the findings of the desk-based assessment.

1.5 This report is not sufficient in isolation to support a planning application.

2.0 Methods

Scope and Data Sources

- 2.1 The ecological Zone of Influence (ZOI) is an area defined by the ecological assessment within which valued ecological features may be subject to significant biophysical changes as a consequence of the proposed development under assessment.
- 2.2 For the purposes of this assessment, the preliminary ZOIs within which ecological features were searched for as part of this desk study were varied according to the geo-spatial and/or legal significance of the feature.
- 2.3 Table 1 summarises the scope and the preliminary ZOIs applied for this desk study. The preliminary ZOIs were applied by extending search radii of the respective distances from the Scheme boundary.

Table 1: Scope and preliminary ecological Zones of Influence (ZOI)

Feature	Scope	Key Source(s)	ZOI
Statutory wildlife sites:	Ramsar sites Proposed Ramsar sites Special Areas of Conservation (SAC) Possible SAC SAC with marine components Special Protection Areas (SPA) Potential SPA Marine Conservation Zones	Natural England (public sector information) Sunderland Local Plan (Adopted 2020) ^{1,2}	10km
	Sites of Special Scientific Interest (SSSI) National Parks National Nature Reserves (NNR) Marine Nature Reserves (MNR)	Natural England (public sector information) Sunderland Local Plan (Adopted 2020)	5km
	Local Nature Reserves (LNR) Country Parks Strategic Nature Areas	Natural England (public sector information)	2km
Non-statutory wildlife sites:	Local Wildlife Site (LWS)	Environmental Records Centre North East Sunderland Local Plan (Adopted 2020) Sunderland city council Local Plan Interactive Map	1km
Notable habitats:	Ancient Woodland Habitats of principal importance Durham Biodiversity Action Plan (DBAP) habitats	Natural England (public sector information) Environment Agency (public sector information)	1km

¹ County Durham Plan ADOPTED 2020

² County Durham Local Plan

Feature	Scope	Key Source(s)	ZOI
	Main rivers Habitat Network / Nature Recovery Network	North east Nature Partnership Biodiversity Action Plan (BAP) ³ Google Earth	
Protected or notable species:	Pre-existing records for protected or notable species ⁴ , non-native invasive species	ERIC North East Records Centre	1km
	Protected species licences granted by Natural England Great crested newt survey pond records (2017 – 2019) held by Natural England	Natural England (public sector information)	2km
Policy and Related Guidance	Land allocations and relevant environment / biodiversity policy Local biodiversity priority habitats and species	Sunderland Local Plan (Adopted 2020) Sunderland City Council Local Plan Interactive Map	As applicable to Scheme

2.4 An absence of records does not indicate the absence of protected species from the search area.

2.5 Geological sites are not designated for ecology reasons and is therefore excluded from further consideration in this ecological assessment.

⁴ Notable and protected species records may include those listed under any of the following:

- Protected species listed under Schedule 2 (animals) or Schedule 5 (plants) under the Conservation of Habitats and Species Regulations 2017 (EPS);
- Protected bird species under Schedule 1 of the Wildlife and Countryside Act 1981, as amended (WCA1);
- Protected animal species under Schedule 5 of the Wildlife and Countryside Act 1981, as amended (WCA5);
- Protected plant species under Schedule 8 of the Wildlife and Countryside Act 1981, as amended (WCA8);
- Invasive non-native plant species under Schedule 9 of the Wildlife and Countryside Act 1981, as amended (WCA9);
- Invasive Alien Species (Enforcement and Permitting) Order 2019 (IAS);
- Protection of Badgers Act 1992 (PBA);
- Species of principal importance (SPI) listed by requirements under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006;
- Red and Amber listed Birds of Conservation Concern (BRd/BAm); and
- Local Biodiversity Action Plan Species (LBAP).

3.0 Legislation and Policy

3.1 The following summarises the legislation and planning policy which may have relevance to the scheme. Only legislation and policy of key relevance to biodiversity are listed. Further information is provided in Annex A.

- International Conventions:
 - The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention'⁵ or 'Wetlands Convention');
 - The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention⁶);
 - The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention⁷ or CMS)
 - The Convention on Biological Diversity (Biodiversity Convention⁸ or CBD)
- Conservation of Habitats and Species Regulations 2017⁹ (the 2017 Regulations);
- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019¹⁰ (the 2019 Regulations);
- Wildlife and Countryside Act (WCA) 1981¹¹;
- Environment Act 2021¹²;
- Countryside and Rights of Way Act (CROW) 2000¹³;
- Natural Environment and Rural Communities (NERC) Act 2006¹⁴;
- Hedgerow Regulations 1997¹⁵;
- Protection of Badgers Act (PBA)1992¹⁶;
- Wild Mammals (Protection) Act (WMPA) 1996¹⁷;
- National Planning Policy Framework (NPPF) 2021¹⁸;

⁵ Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2.2.1971 <https://www.ramsar.org/>

⁶ Convention on the Conservation of European Wildlife and Natural Habitats. Bern, 1979 <https://www.coe.int/>

⁷ Convention on the Conservation of Migratory Species of Wild Animals, Bonn, June 1979 <https://www.cms.int/>

⁸ Convention on Biological Diversity, Rio de Janeiro, June 1992 <https://www.cbd.int/>

⁹ Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) <https://www.legislation.gov.uk/uksi/2017/1012/>

¹⁰ Conservation of Habitats and Species Regulations 2019 (SI 2019/579) <https://www.legislation.gov.uk/uksi/2019/579/>

¹¹ Wildlife and Countryside Act 1981 c. 69 <https://www.legislation.gov.uk/ukpga/1981/69/>

¹² Environment Act 2021 c.30 <https://www.legislation.gov.uk/ukpga/2021/30/>

¹³ Countryside and Rights of Way Act 2000 c. 37 <https://www.legislation.gov.uk/ukpga/2000/37/>

¹⁴ Natural Environment and Rural Communities Act 2006 c. 16 <https://www.legislation.gov.uk/ukpga/2006/16/>

¹⁵ The Hedgerow Regulations 1997 (SI 1997/1167) <https://www.legislation.gov.uk/uksi/1997/1160/>

¹⁶ Protection of Badgers Act 1992 c. 51 <https://www.legislation.gov.uk/ukpga/1992/51/>

¹⁷ Wild Mammals (Protection) Act 1996 c.3 <https://www.legislation.gov.uk/ukpga/1996/3/>

¹⁸ National Planning Policy Framework (2021) Ministry of Housing, Communities and Local Government www.gov.uk/government/publications

- Government Circular 06/2005¹⁹.

Local Planning Policy

- 3.2 The current Local Plan is the Sunderland City Council Plan adopted January 2020. The site is designated within the Sunderland local as a “Strategic Location for change”.
- 3.3 For Development Control purposes, the policies in the Sunderland Local Plan of relevance to biodiversity and/or the site’s allocation include:
- NE 1 Green and blue infrastructure
 - NE 2 Biodiversity and geodiversity
 - NE 3 Woodland, Hedgerow and Trees
- 3.4 The site is not designated for biodiversity within the local plan.

¹⁹ Office of the Deputy Prime Minister (2005) ‘Government Circular: Geological and Biological Conservation – Statutory obligations and their implications within the planning system’ ODPM circular 06/2005, DEFRA circular 01/2005
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf

4.0 Biodiversity Initiatives and Strategies

Local Biodiversity Action Plans (BAP)

Local Biodiversity Action Plans (LBAP)

4.1 The Northeast Nature Partnership covers the local authority areas of Durham.

4.2 The LBAP priority habitats include:

- Native Hedgerows
- Veteran Trees, Parkland and Wood Pasture
- Woodland and Scrub
(Ancient Semi-Natural Woodland including PAWS and RNWAS, Other Broadleaf Woodland, Wet Woodland, Scrub)
- Ponds, Lakes & Reservoirs
- Lowland Fen
(Reedbed, Lowland Fen habitats)
- Rivers & Streams
(Floodplain Grazing Marsh, Exposed Riverine Sediments)
- Coastal Habitats
(Maritime Grassland, Coastal Soft Cliffs and Slopes, Strandline)
- Lowland Heath
(Acid Grassland)
- Lowland Meadows & Pasture
- Magnesian Limestone Grassland
(CG8 Grassland)
- Transport Corridors
- Waxcap Grassland
- Built Structures
- *Coastal Habitats*
(Maritime Grassland, Coastal Soft Cliffs and Slopes, Strandline)
- *Lowland Heath*
(Acid Grassland)

4.3 The LBAP priority species include:

- Barn Owl
- Coastal Birds
(**updated list of species 2016:** Roseate Tern, Little Tern, Sanderling, Purple Sandpiper, Dunlin, Redshank, Lapwing, Curlew, Avocet, Cormorant, Fulmar, Golden Plover, Kittiwake, Razorbill, Ringed Plover, Shelduck, Turnstone)
- Farmland Birds
(**updated list of species 2016:** Corn Bunting, Linnet, Tree Sparrow, Skylark, Reed Bunting, Yellow Wagtail, Lapwing, Curlew, Snipe, Redshank, Peregrine, Cuckoo, Grasshopper Warbler, Grey Partridge, Kestrel, Mistle Thrush, Swallow, Yellowhammer)
- Nightjar
- Spotted Flycatcher
- Upland Birds
(**updated list of species 2016:** Black Grouse, Hen Harrier, Merlin, Yellow Wagtail, Curlew, Snipe, Redshank, Lapwing, Golden Plover)

Nature Recovery Network

- 4.4 Habitat Network maps are produced by Natural England in response to the Lawton report (*Making Space for Nature, A review of England's Wildlife Sites and Ecological Network*²⁰).
- 4.5 These maps provide a useful baseline for the development of a Nature Recovery Network (NRN) as required within the 25 Year Environment Plan and for LRNS proposed within the Environment Act.
- 4.6 The Habitat Network maps in conjunction with other datasets and local knowledge can identify opportunities for biodiversity action. The Habitat Network comprises (a) Existing Habitats (HPI and associated habitats) and (b) Network Enhancement and Expansion Zones. These latter zones include:
- Network Enhancement Zone 1: Land connecting existing habitats which is likely to be suitable for habitat creation. Action in this zone to expand and join up existing habitat patches and improve the connections between them can be targeted here.
 - Network Enhancement Zone 2: Land connecting existing habitats which is less likely to be suitable for habitat creation. Action in this zone that improves the biodiversity value through land management changes and/or green infrastructure provision can be targeted here.
 - Fragmentation Action Zone: Land within Enhancement Zone 1 that connects existing habitats patches which are currently highly fragmented and where fragmentation could be reduced by habitat creation.
 - Network Expansion Zone: Land beyond the Network Enhancement Zones with potential for expanding, linking/joining networks across the landscape.

²⁰ Lawton, J.H., Brotherton, P.N.M., Brown, V.K., Elphick, C., Fitter, A.H., Forshaw, J., Haddow, R.W., Hilborne, S., Leafe, R.N., Mace, G.M., Southgate, M.P., Sutherland, W.A., Tew, T.E., Varley, J., & Wynne, G.R. (2010) *Making Space for Nature: a review of England's wildlife sites and ecological network*. Report to Defra

5.0 Wildlife Sites

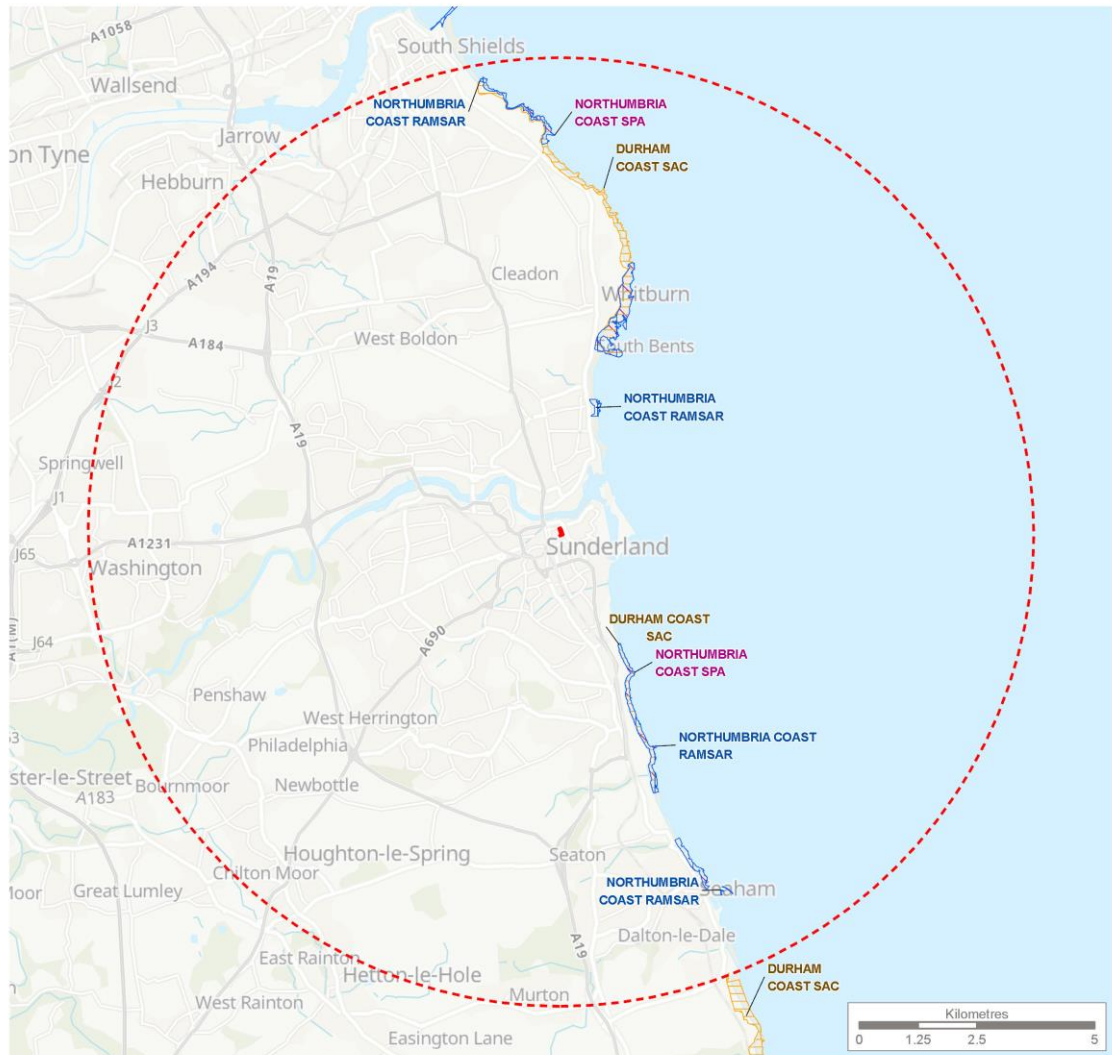
Statutory Sites

5.1 Internationally significant statutory wildlife designations within 10km are illustrated on Figure 2 and nationally significant statutory wildlife sites within 5km are illustrated on Figure 3, respectively. Regionally or locally significant statutory wildlife sites within 5km are illustrated on Figure 5. These statutory wildlife sites are summarised in Table 2 below. Distances are calculated between the closest points. Links to data forms and citations are also provided, where applicable.

Table 2: Statutory wildlife sites

Site Name	Designation & Citation Link	Distance and Direction from Scheme	Reason(s) for Designation
Statutory wildlife sites of international significance within 10km of Scheme (Drawing G10104.002)			
Northumbria Coast	SPA CITATION	2.46km northeast	Wintering and breeding coastal birds
Northumbria Coast	Ramsar CITATION	2.46km northeast	Rocky Foreshore important for wintering waders
Durham Coast	SAC CITATION	3.83km northeast	Vegetated sea cliffs on magnesian limestone exposures
Statutory wildlife sites of national significance within 5km of Scheme (Drawing G10104.003)			
* While there are 10 nationally significant sites present within 5km, only the following four are designated for biodiversity reasons			
Tunstall Hills And Ryhope Cutting	SSSI CITATION	2.55km south	Magnesian limestone grassland
Durham Coast	SSSI CITATION	2.65km southeast	Magnesian limestone grassland, dune habitats, wintering coastal birds and Durham argus butterfly
Claxheugh Rock and Ford Limestone Quarry	SSSI CITATION	3.64km west	Magnesian limestone grassland
South Hylton Pasture	SSSI CITATION	4.24km west	Unimproved Neutral grassland
Statutory wildlife sites of local significance within 2km of Scheme (Drawing G10104.003)			
<input type="checkbox"/> There are no statutory sites of local significance within 2km of the site			

5.2 The Scheme lies within a single SSSI Impact Risk Zones (IRZ) – these are zones determined by Natural England that identify likely impacts upon SSSIs, SACs, SPAs or Ramsar sites that may result from planned development.



- Key**
- Site boundary
 - Site boundary - 10km buffer
 - Ramsar
 - Special Area of Conservation (SAC)
 - Special Protection Area (SPA)

Sites searched for were as follows:

- Ramsar
- Special Protection Areas (SPA)
- Special Areas of Conservation (SAC)

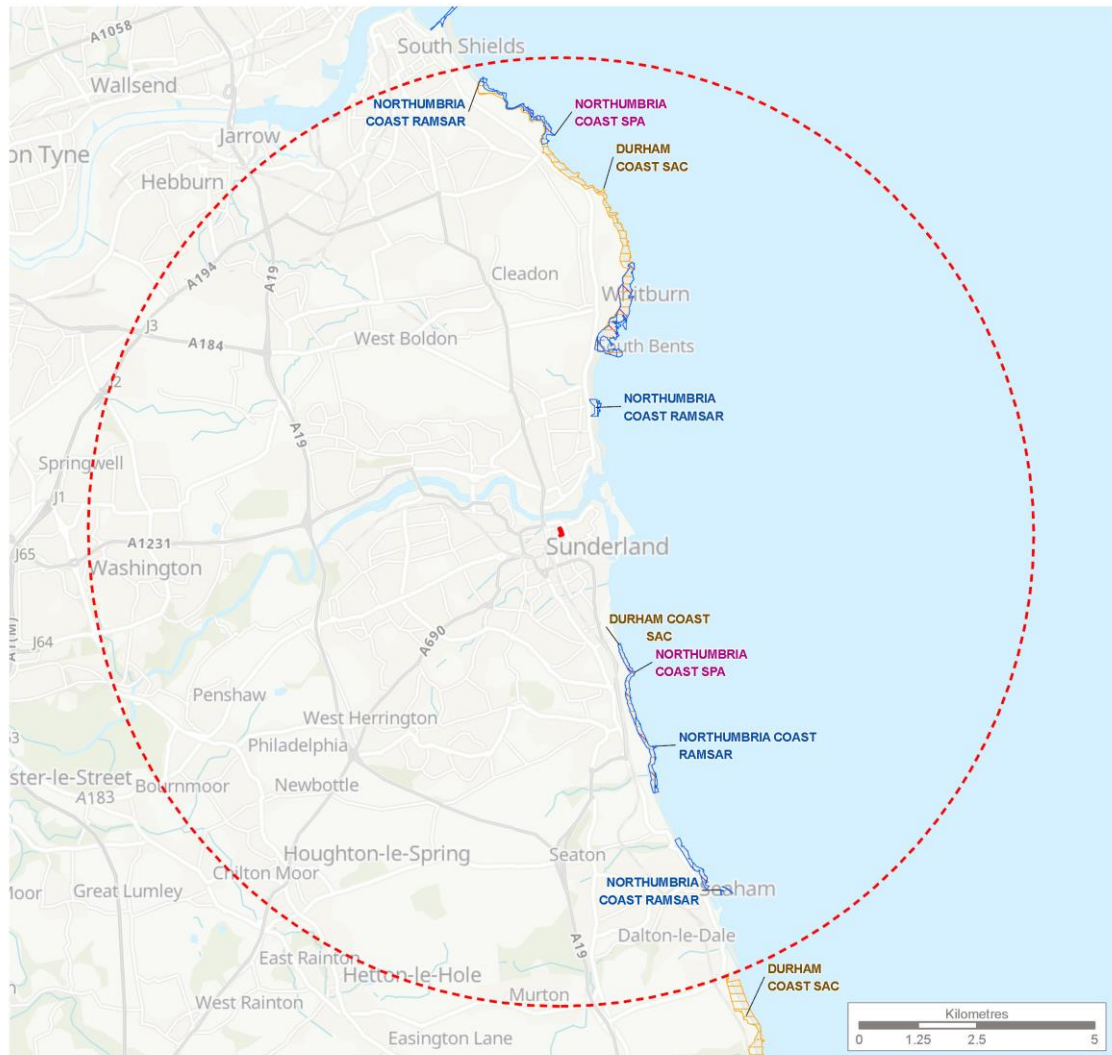
THE ENVIRONMENT PARTNERSHIP
 401 Faraday Street, Birchwood Park, Warrington, WA3 6GA
 Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project Nile and Villiers		
Title Internationally Designated Sites Within a 10km Buffer		
Drawing Number G10113.003		
Scale 1:115,000 @ A4	Date 18/09/2023	
Drawn CW	Checked BJ	Approved PA

© Natural England
 Contains public sector information licensed under the Open Government Licence v3.0.
 © Scottish Natural Heritage
 Contains public sector information licensed under the Open Government Licence v3.0.
 © Natural Resources Wales
 Contains public sector information licensed under the Open Government Licence v2.0.
 OS licence number 100019741
 Ordnance Survey Data
 Contains OS data © Crown copyright and database right 2023.
 Contains data from OS Zoomstack

5.3

Figure 2 illustrates and references the IRZs that overlap with the Scheme. The relevant IRZ and risk criteria are cross-referenced in



- Key**
- Site boundary
 - Site boundary - 10km buffer
 - Ramsar
 - Special Area of Conservation (SAC)
 - Special Protection Area (SPA)

Sites searched for were as follows:

- Ramsar
- Special Protection Areas (SPA)
- Special Areas of Conservation (SAC)

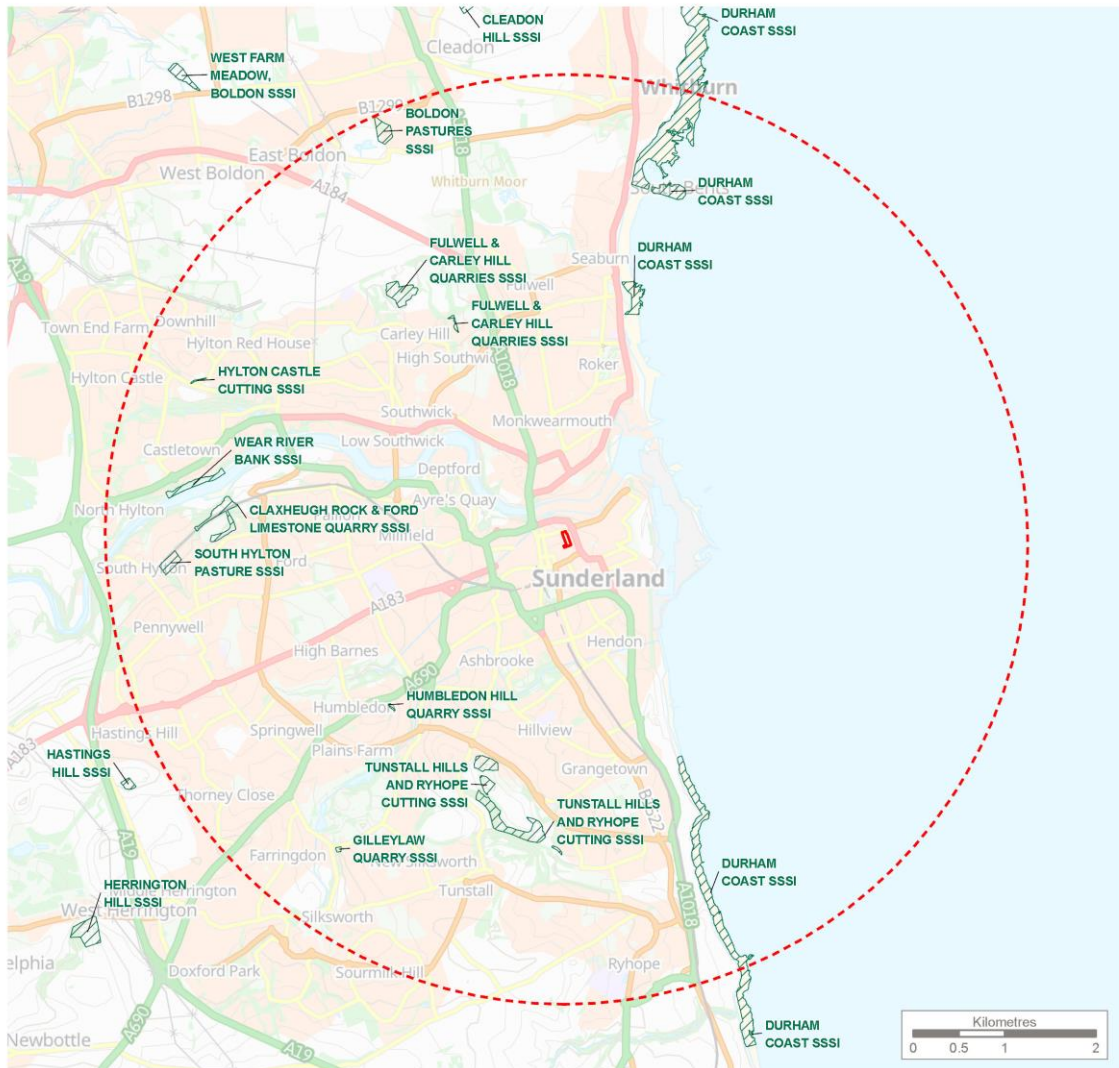
THE ENVIRONMENT PARTNERSHIP
 401 Faraday Street, Birchwood Park, Warrington, WA3 6GA
 Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project Nile and Villiers		
Title Internationally Designated Sites Within a 10km Buffer		
Drawing Number G10113.003		
Scale 1:115,000 @ A4	Date 18/09/2023	
Drawn CW	Checked BJ	Approved PA

© Natural England
 Contains public sector information licensed under the Open Government Licence v3.0.
 © Scottish Natural Heritage
 Contains public sector information licensed under the Open Government Licence v3.0.
 © Natural Resources Wales
 Contains public sector information licensed under the Open Government Licence v2.0.
 OS licence number 100019741
 Ordnance Survey Data
 Contains OS data © Crown copyright and database right 2023.
 Contains data from OS Zoomstack

5.4

Figure 2: Statutory wildlife sites of international significance within 10km of the site



- Key**
- Site boundary
 - Site boundary - 5km buffer
 - Sites of Special Scientific Interest (SSSI)

Sites searched for were as follows:

- Sites of Special Scientific Interest (SSSI)
- National Nature Reserve (NNR)
- Area of Outstanding Natural Beauty (AONB)



THE ENVIRONMENT PARTNERSHIP

401 Faraday Street, Birchwood Park, Warrington, WA3 6GA
Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project
Nile and Villiers

Title
Nationally Designated Sites Within a 5km Buffer

Drawing Number
G10113.004

Scale 1:60,000 @ A4	Date 18/09/2023
-------------------------------	---------------------------

Drawn CW	Checked BJ	Approved PA
--------------------	----------------------	-----------------------

© Natural England
Contains public sector information licensed under the Open Government Licence v3.0.

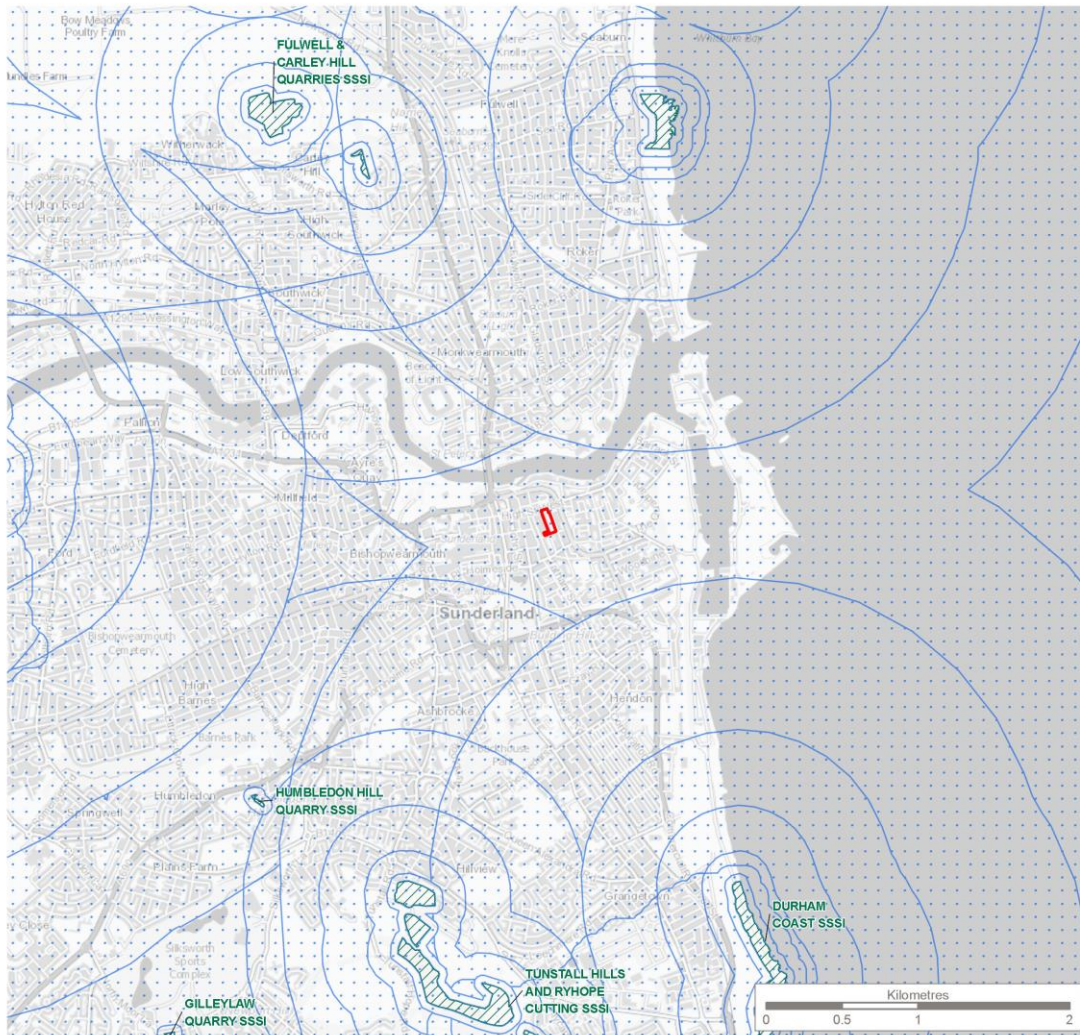
© Scottish Natural Heritage
Contains public sector information licensed under the Open Government Licence v3.0.
OS licence number 100017908

© Natural Resources Wales
Contains public sector information licensed under the Open Government Licence v2.0.
OS licence number 100019741

Ordnance Survey Data
Contains OS data © Crown copyright and database right 2023.
Contains data from OS Zoomstack



Figure 3: Statutory wildlife sites of national significance within 5km of the site



- Key**
- Site boundary
 - Sites of Special Scientific Interest (SSSI)
 - Sites of Special Scientific Interest - Impact Risk Zone

TEP | **THE ENVIRONMENT PARTNERSHIP**
 401 Faraday Street, Birchwood Park, Warrington, WA3 6GA
 Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project
Nile and Villiers

Title
Sites of Special Scientific Interest - Impact Risk Zone

Drawing Number
G10113.007

Scale	Date
1:35,000 @ A4	18/09/2023

Drawn	Checked	Approved
CW	BJ	PA

© Natural England
 Contains public sector information licensed under the Open Government Licence v3.0.
 © Scottish Natural Heritage
 Contains public sector information licensed under the Open Government Licence v3.0.
 © Natural Resources Wales
 Contains public sector information licensed under the Open Government Licence v2.0.
 OS licence number 100019741
Ordnance Survey Data
 Contains OS data © Crown copyright and database right 2023.
 Contains data from OS Zoomstack

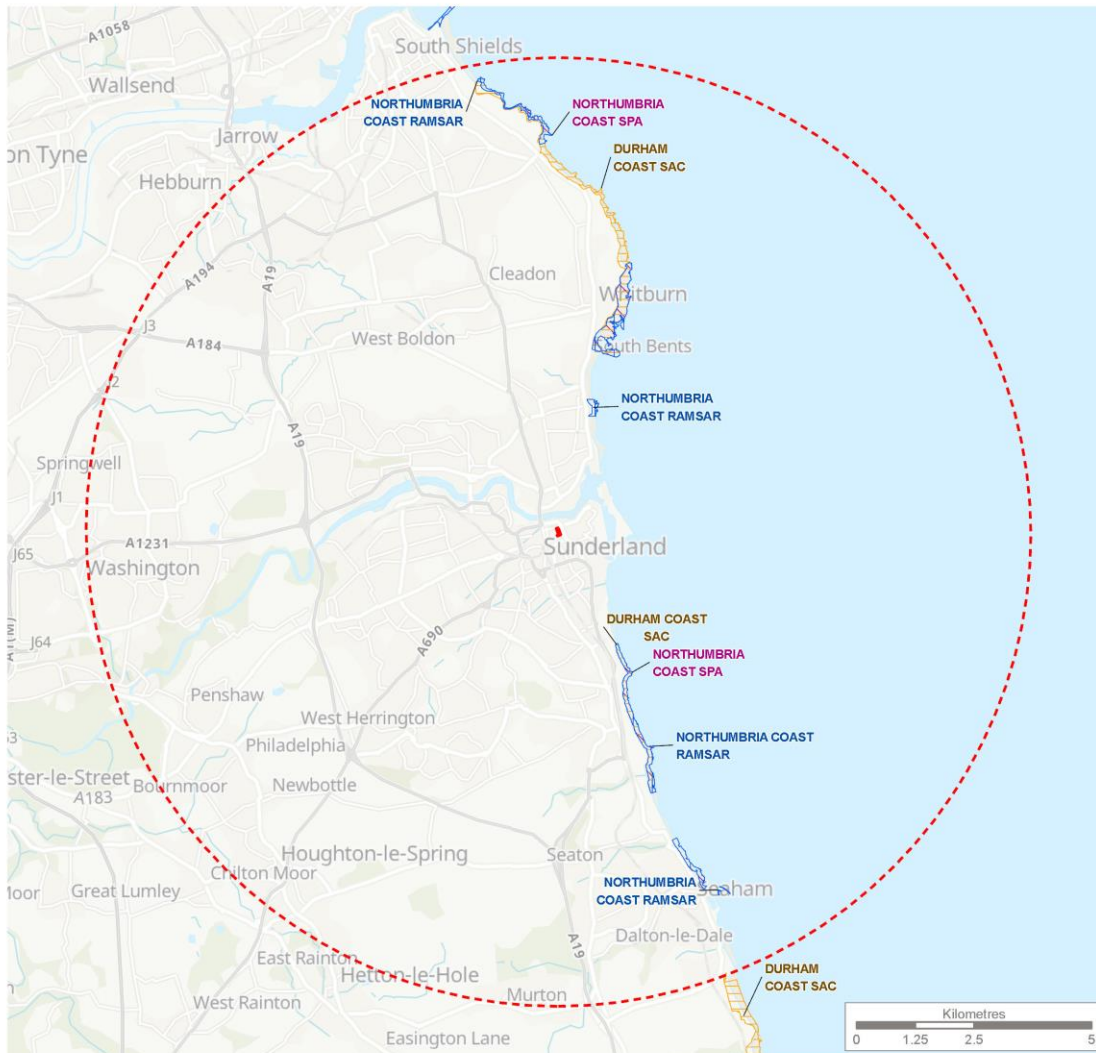
Figure 4: SSSI Impact Risk Zones crossed by the site

Contains OS data © Crown Copyright and database right 2023

5.5 Table 3.

5.6 The site proposals do not fall within the risk categories for the IRZ.





Key

- Site boundary
- Site boundary - 10km buffer
- Ramsar
- Special Area of Conservation (SAC)
- Special Protection Area (SPA)

Sites searched for were as follows:

- Ramsar
- Special Protection Areas (SPA)
- Special Areas of Conservation (SAC)

THE ENVIRONMENT PARTNERSHIP

401 Faraday Street, Birchwood Park, Warrington, WA3 6GA
 Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project
Nile and Villiers

Title
Internationally Designated Sites Within a 10km Buffer

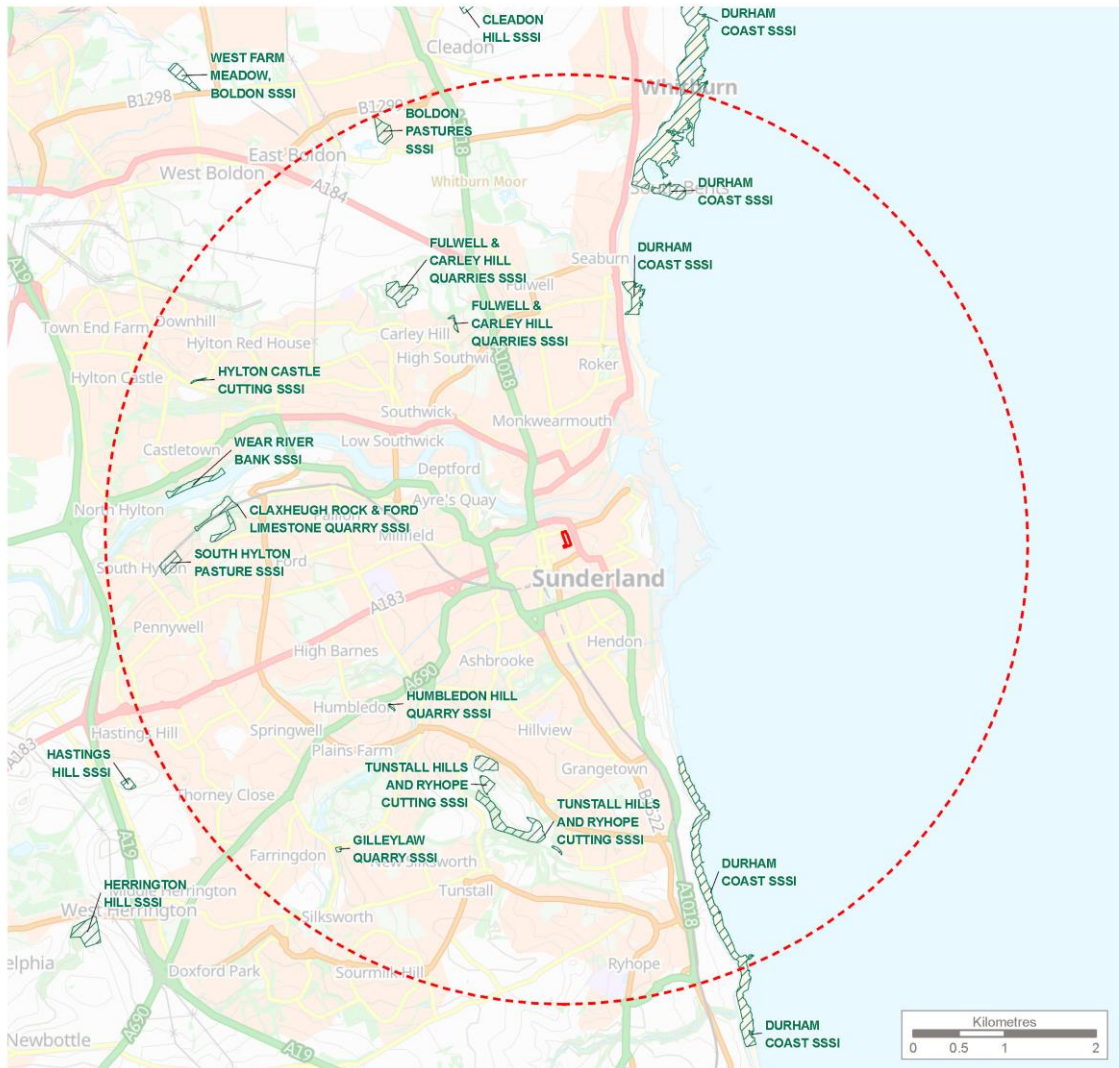
Drawing Number
G10113.003

Scale 1:115,000 @ A4	Date 18/09/2023
--------------------------------	---------------------------

Drawn CW	Checked BJ	Approved PA
--------------------	----------------------	-----------------------

© Natural England
 Contains public sector information licensed under the Open Government Licence v3.0.
 © Scottish Natural Heritage
 Contains public sector information licensed under the Open Government Licence v3.0.
 © Natural Resources Wales
 Contains public sector information licensed under the Open Government Licence v2.0.
 OS licence number 100019741
 Ordnance Survey Data
 Contains OS data © Crown copyright and database right 2023.
 Contains data from OS Zoomstack

Figure 2: Statutory wildlife sites of international significance within 10km of the site



- Key**
- Site boundary
 - Site boundary - 5km buffer
 - Sites of Special Scientific Interest (SSSI)

Sites searched for were as follows:

- Sites of Special Scientific Interest (SSSI)
- National Nature Reserve (NNR)
- Area of Outstanding Natural Beauty (AONB)



THE ENVIRONMENT PARTNERSHIP

401 Faraday Street, Birchwood Park, Warrington, WA3 6GA
Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project
Nile and Villiers

Title
Nationally Designated Sites Within a 5km Buffer

Drawing Number
G10113.004

Scale 1:60,000 @ A4	Date 18/09/2023
-------------------------------	---------------------------

Drawn CW	Checked BJ	Approved PA
--------------------	----------------------	-----------------------

© Natural England
Contains public sector information licensed under the Open Government Licence v3.0.

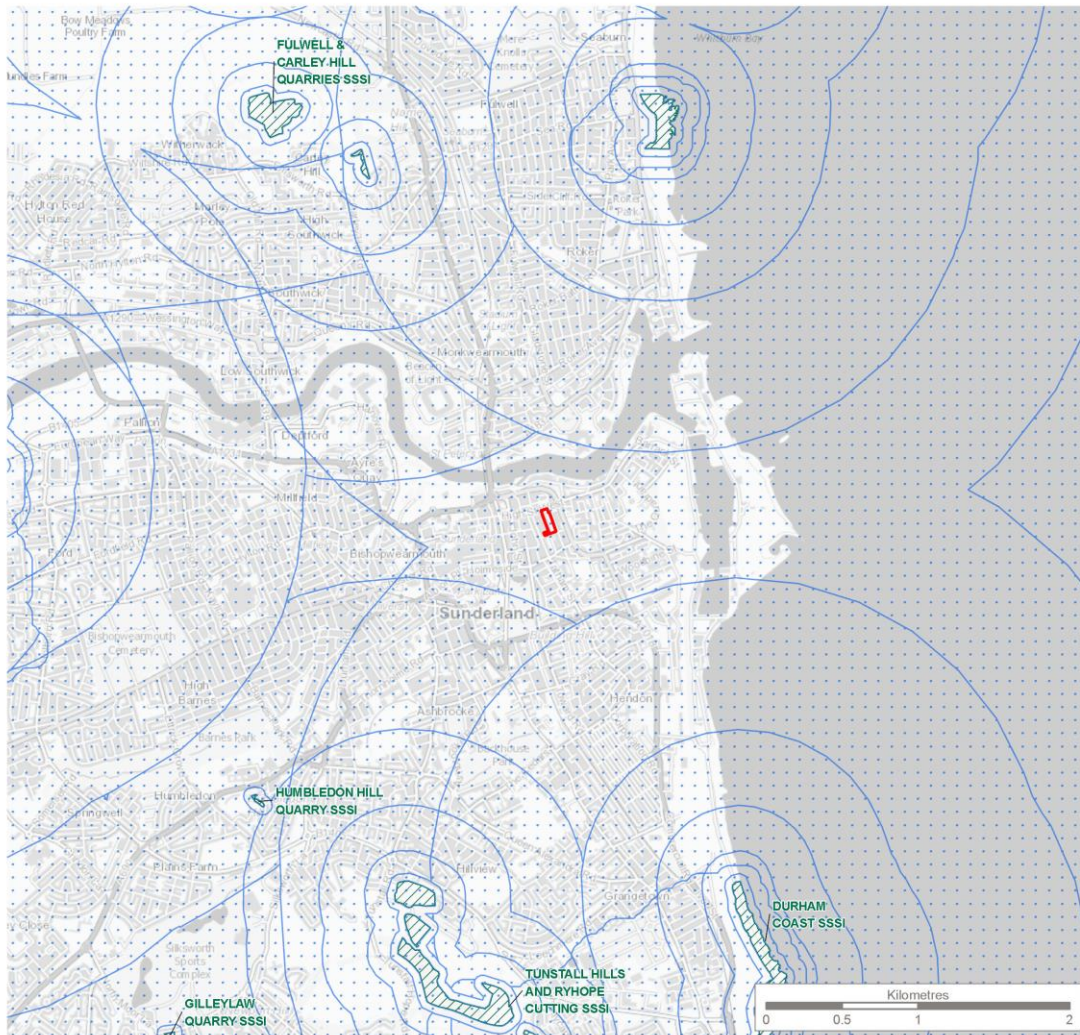
© Scottish Natural Heritage
Contains public sector information licensed under the Open Government Licence v3.0.
OS licence number 100017908

© Natural Resources Wales
Contains public sector information licensed under the Open Government Licence v2.0.
OS licence number 100019741

Ordnance Survey Data
Contains OS data © Crown copyright and database right 2023.
Contains data from OS Zoomstack



Figure 3: Statutory wildlife sites of national significance within 5km of the site



- Key**
- Site boundary
 - Sites of Special Scientific Interest (SSSI)
 - Sites of Special Scientific Interest - Impact Risk Zone

TEP | **THE ENVIRONMENT PARTNERSHIP**
 401 Faraday Street, Birchwood Park, Warrington, WA3 6GA
 Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project
Nile and Villiers

Title
Sites of Special Scientific Interest - Impact Risk Zone

Drawing Number
G10113.007

Scale	Date
1:35,000 @ A4	18/09/2023

Drawn	Checked	Approved
CW	BJ	PA

© **Natural England**
 Contains public sector information licensed under the Open Government Licence v3.0.

© **Scottish Natural Heritage**
 Contains public sector information licensed under the Open Government Licence v3.0.

© **Natural Resources Wales**
 Contains public sector information licensed under the Open Government Licence v2.0.
 OS licence number 100019741

Ordnance Survey Data
 Contains OS data © Crown copyright and database right 2023.
 Contains data from OS Zoomstack



Figure 4: SSSI Impact Risk Zones crossed by the site

Contains OS data © Crown Copyright and database right 2023



Table 3: SSSI Impact Risk Zones crossed by the options

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

1 PROPOSAL	2 LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:
IRZ	
All Planning Applications	Assessed as unlikely to affect the SSSI.
Infrastructure	Airports, helipads and other aviation proposals.
Wind & Solar Energy	Assessed as unlikely to affect the SSSI.
Minerals, Oil & Gas	Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc. Oil & gas exploration/extraction.
Rural Non Residential	Assessed as unlikely to affect the SSSI.
Residential	Assessed as unlikely to affect the SSSI.
Rural Residential	Assessed as unlikely to affect the SSSI.
Air Pollution	Any industrial/agricultural development that could cause AIR POLLUTION (incl: industrial processes, livestock & poultry units with floorspace > 500m ² , slurry lagoons & digestate stores > 750m ² , manure stores > 3500t).
Combustion	General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.
Waste	Assessed as unlikely to affect the SSSI.
Composting	Assessed as unlikely to affect the SSSI.
Discharges	Assessed as unlikely to affect the SSSI.
Water Supply	Assessed as unlikely to affect the SSSI.
Notes 1	None

GUIDANCE - *How to use the impact guidance*

5.7 The site proposals for seventeen residential properties do match the potential risk criteria for the nearby SSSI.

Non-Statutory Wildlife Sites

5.8 Table 4 summarises the non-statutory locally designated wildlife sites identified within 2km of the site. Distances are calculated between the closest points.

5.9 Data relating to local wildlife sites is provided by ERIC northeast record centre.

Table 4: Non-statutory local wildlife sites

Site Name	Status	Distance and Direction from Scheme	Key Interest Feature(s)
Mobray Park	LWS	0.22km southwest	Area of parkland
Wearmouth Riverside Park/ Wearmouth Colliery	LWS	0.39km Northwest	Mosaic of habitats on former colliery site
Sunderland South Docks	LWS	1.31km Northeast	Coastal scrub habitat
North Dock Tufa	LWS	1.46km Northeast	Designated for geological features

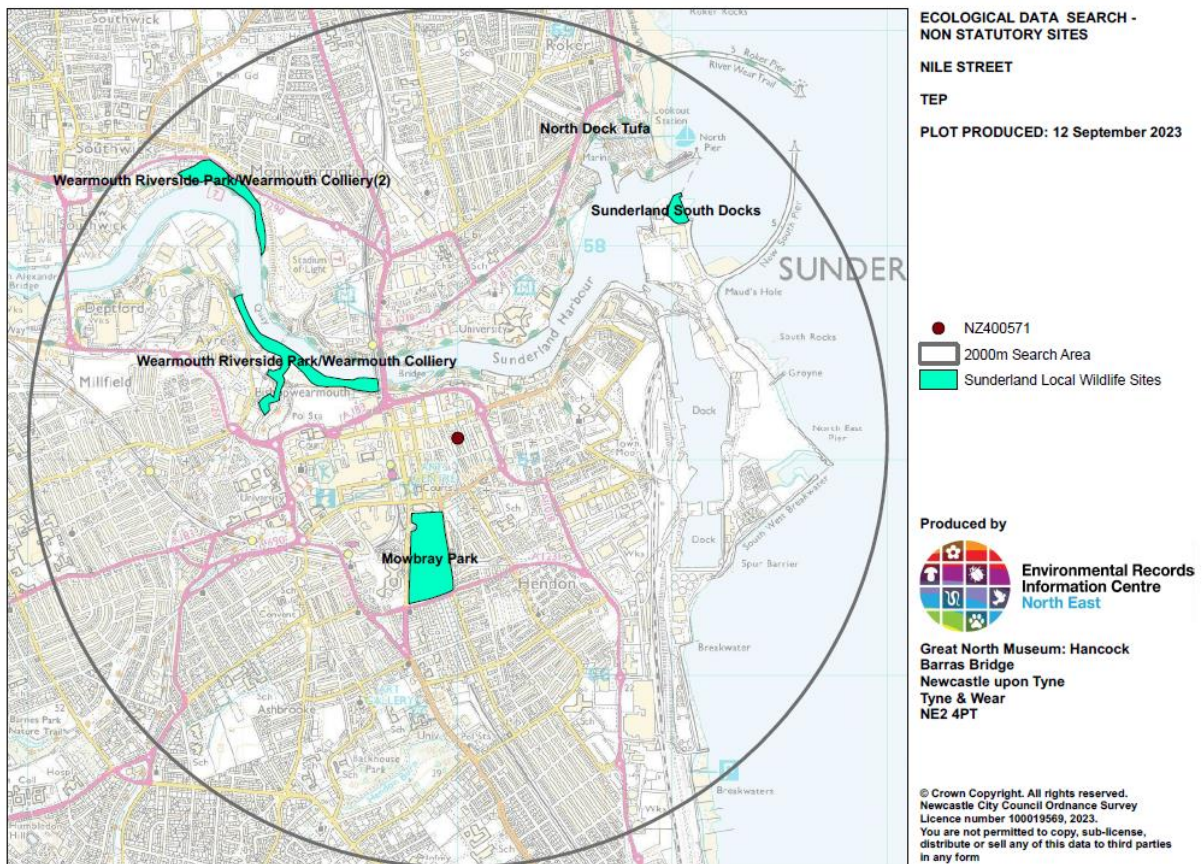


Figure 5: Non-statutory wildlife sites within 2km of the site (map provided by ERIC Northeast)

Contains OS data © Crown Copyright and database right 2023

6.0 Notable Habitats

Ancient Woodland

- 6.1 No ancient woodland is identified on Natural England's ancient woodland inventory within the Scheme boundary (**Error! Reference source not found.**) or within 500m of the site.

Habitats of Principal Importance (HPI)

- 6.2 No notable habitat type identified on Natural England's priority habitat inventories is located within the Scheme boundary (figure 6). Priority habitats within 500m of the site include wood pasture and parkland and broadleaved woodland. The closest of these is located 220m southwest of the site



- Key**
- Site boundary
 - Site boundary - 500m buffer
 - Statutory main rivers (England)
 - Deciduous woodland
 - Mudflats
 - Open mosaic habitats on previously developed land
 - Wood pasture and parkland

TEP THE ENVIRONMENT PARTNERSHIP
 401 Faraday Street, Birchwood Park, Warrington, WA3 6GA
 Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project Nile and Villiers

Title: **Notable Habitats Within and Adjacent to the Site**

Drawing Number: **G10113.006**

Scale: **1:10,000 @ A4** Date: **18/09/2023**

Drawn	Checked	Approved
CW	BJ	PA

© Natural England
 Contains Ordnance Survey data, © Crown copyright and database right 2023. OS Licence number: 100023021. Contains data created and provided by Cumbria Biodiversity Data Centre on behalf of Cumbria Wildlife Trust under a CC BY 4.0 International License. Contains Forestry Commission information licensed under the Open Government License v3.0. © Environment Agency copyright and/or database right 2015. All rights reserved.
 © Scottish Natural Heritage
 Contains public sector information licensed under the Open Government License v3.0.
 OS licence number 100017606
 © Natural Resources Wales
 Contains public sector information licensed under the Open Government License v2.0. OS licence number 100019741
 Ordnance Survey Data
 Contains OS data © Crown copyright and database right 2023.

Figure 6: Notable habitats within 2km of the site

Contains OS data © Crown Copyright and database right 2023

7.0 Protected and Notable Species

Protected Species Licences

- 7.1 A review of Natural England’s open datasets for granted protected species licences returned no class licence returns for great crested newts between 2017 and 2019 within 2km of the Scheme.
- 7.2 Four Natural England mitigation licences have been identified within 2km of the Scheme, all relating to bats. The closest of these is located approximately 0.53km to the east of the site for common pipistrelle (Licence No. EPSM2012-4789)
- 7.3 Pond survey data for great crested newts between 2017 and 2019 was not returned within 2km of the Scheme.

Pre-existing Species Records

- 7.4 Numerous species records were returned from ERIC Northeast for within 2km of the Scheme. These are summarised in **Error! Reference source not found.**

Table 5: Summary of pre-existing species records returned by ERIC North East

Name of Species	Relevant Legislation / Status (as assigned by ERIC Northeast)	Number of records (if provided)	Nearest record relevance (m)
Birds			
Sparrowhawk	BAm	84	Not provided
Sedge Warbler	BAm	2	Not provided
Common Sandpiper	BAm	17	Not provided
Mandarin Duck	WCA9	35	Not provided
Skylark	BRed, LBAP, S41	6742	Not provided
Kingfisher	WCA1	28	Not provided
Pintail	BAm	2	Not provided
Shoveler	BAm	3	Not provided
Teal	BAm	11	Not provided
Mallard	BAm	915	Not provided
Gadwall	BAm	4	Not provided
Greylag Goose	BAm	42	Not provided
Pink-footed Goose	BAm	5514	Not provided
Meadow Pipit	BAm	1096	Not provided
Tree Pipit	LBAP, BRed, S41	4	Not provided
Swift	LBAP, BRed	149	Not provided

Name of Species	Relevant Legislation / Status (as assigned by ERIC Northeast)	Number of records (if provided)	Nearest record relevance (m)
Grey Heron		22	Not provided
Turnstone	LBAP, BAm	2018	Not provided
Short-eared Owl	BAm	4	Not provided
Scaup	BRed, S41, WCA1	3	Not provided
Brent Goose	BAm	1	Not provided
Canada Goose	WCA9	146	Not provided
Barnacle Goose	BAm,	23	Not provided
Goldeneye	BRed	9	Not provided
Lapland Bunting	BAm, WCA1	3	Not provided
Sanderling	BAm, LBAP	1399	Not provided
Dunlin	LBAP, BRed	1861	Not provided
Knot	BAm	155	Not provided
Curlew Sandpiper	BAm	8	Not provided
Purple Sandpiper	BRed, LBAP, WCA1	389	Not provided
Lesser Redpoll	LBAP, S41	35	Not provided
Linnet	LBAP, BRed, LBAP	381	Not provided
Greenfinch	BRed,	237	Not provided
Common Redpoll	BRed	324	Not provided
Twite	BRed	8	Not provided
Cetti's Warbler	WCA1	1	Not provided
Little Ringed Plover	LBAP, WCA1	6	Not provided
Ringed Plover	LBAP, BRed	1186	Not provided
Black-headed Gull	BAm,	6479	Not provided
Long-tailed Duck	BRed, WCA1	10	Not provided
Stock Dove	BAm	58	Not provided
Woodpigeon	BAm	662	Not provided
Rook	BAm	119	Not provided
Bewick's Swan	BRed, S41, WCA1	2	Not provided
Whooper Swan	BAm, WCA1	66	Not provided
House Martin	LBAP, BRed	285	Not provided
Lesser Spotted Woodpecker	BRed,	2	Not provided
Reed Bunting	BAm, LBAP, S41	25	Not provided
Peregrine	LBAP, WCA1	14	Not provided
Hobby	WCA1	4	Not provided

Name of Species	Relevant Legislation / Status (as assigned by ERIC Northeast)	Number of records (if provided)	Nearest record relevance (m)
Kestrel	LBAP BAm	40	Not provided
Pied Flycatcher	LBAP, BAm	7	Not provided
Puffin	BRed,	73	Not provided
Brambling	WCA1	64	Not provided
Coot		20	Not provided
Fulmar	LBAP, BAm	12	Not provided
Snipe	BAm, LBAP	2	Not provided
Moorhen	BAm,	49	Not provided
Black-throated Diver	BAm, WCA1	4	Not provided
Great Northern Diver	BAm, WCA1	4	Not provided
Red-throated Diver	WCA1	119	Not provided
Oystercatcher	BAm	3457	Not provided
Swallow	LBAP	703	Not provided
Storm Petrel	BAm	1	Not provided
Wryneck	WCA1	1	Not provided
Red-backed Shrike	BRed, WCA1	16	Not provided
Herring Gull	BRed	15449	Not provided
Common Gull	BAm	101	Not provided
Lesser Black-backed Gull			Not provided
	BAm	143	
Black-Backed Gull	BAm	1	Not provided
Iceland Gull	BAm	111	Not provided
Glaucous Gull	BAm	5	Not provided
Great Black-backed Gull			Not provided
	BAm	4512	
Mediterranean Gull	BAm, WCA1	17	Not provided
Yellow-legged Gull	BAm	6	Not provided
Little Gull	WCA1	11	Not provided
Bar-tailed Godwit	BAm	20	Not provided
Black-tailed Godwit	BRed, WCA1	1	Not provided
Grasshopper Warbler	LBAP BRed, S41,	6	Not provided
Crossbill	WCA1	41	Not provided
Velvet Scoter	BRed, WCA1	6	Not provided
Common Scoter	BRed, S41, WCA1	999	Not provided
Smew	BRed	4	Not provided

Name of Species	Relevant Legislation / Status (as assigned by ERIC Northeast)	Number of records (if provided)	Nearest record relevance (m)
Red-breasted Merganser	BAm	16	Not provided
Bee-eater	WCA1	22	Not provided
Red Kite	LBAP, WCA1	1	Not provided
Gannet	BAm,	19	Not provided
Grey Wagtail	LBAP BAm	119	Not provided
Yellow Wagtail	BRed, LBAP	4	Not provided
Spotted Flycatcher	BRed LBAP, S41	11	Not provided
Curlew	BRed, LBAP, S41	225	Not provided
Whimbrel	BRed, WCA1	15	Not provided
Wheatear	BAm	54	Not provided
Osprey	BAm, WCA1	6	Not provided
House Sparrow	BRed, LBAP, S41	121	Not provided
Tree Sparrow	BRed, LBAP, S41	2	Not provided
Grey Partridge	LBAP, BRed, S41	80	Not provided
Shag	BRed	30	Not provided
Cormorant	LBAP	688	Not provided
Southern Cormorant	LBAP	2	Not provided
Black Redstart	BAm, WCA1	4	Not provided
Redstart	BAm	61	Not provided
Yellow-browed Warbler	BAm	49	Not provided
Willow Warbler	LBAP, BAm	52	Not provided
Snow Bunting	BAm WCA1	34	Not provided
Golden Plover	LBAP	135	Not provided
Grey Plover	BAm	7	Not provided
Slavonian Grebe	BRed, WCA1	2	Not provided
Red-necked Grebe	BRed	6	Not provided
Willow Tit	LBAP, BRed	9	Not provided
Dunnock	BAm	158	Not provided
Ring-necked Parakeet	WCA9	27	Not provided
Bullfinch	BAm	33	Not provided
Avocet	LBAP, BAm, WCA1	4	Not provided
Firecrest	WCA1	16	Not provided
Kittiwake	LBAP, BRed	25	Not provided

Name of Species	Relevant Legislation / Status (as assigned by ERIC Northeast)	Number of records (if provided)	Nearest record relevance (m)
Whinchat	BRed	32	Not provided
Woodcock	LBAP, BRed	44	Not provided
Eider	BAm	522	Not provided
Arctic Skua	BRed,	5	Not provided
Great Skua	BAm,	1	Not provided
Roseate Tern	BRed, LBAP, S41, WCA1	4	Not provided
Common Tern	BAm,	680	Not provided
Arctic Tern	BAm	32	Not provided
Sandwich Tern	BAm	44	Not provided
Little Tern	BAm, LBAP, WCA1	3	Not provided
Tawny Owl	BAm	2	Not provided
Starling	BRed LBAP	1570	Not provided
Whitethroat	BAm,	101	Not provided
Shelduck	LBAP, BAm	49	Not provided
Redshank	Bam, LBAP	3731	Not provided
Wren	BAm	170	Not provided
Redwing	BAm, WCA1	777	Not provided
Song Thrush	BAm LBAP,	220	Not provided
Fieldfare	BRed , WCA1	38	Not provided
Ring Ouzel	BRed, LBAP, S41	8	Not provided
Mistle Thrush	LBAP, BRed,	29	Not provided
Barn Owl	WCA9, LBAP, WCA1	1	Not provided
Common Guillemot	BAm,	86	Not provided
Lapwing	BRed, LBAP, S41,	1867	Not provided
Fish			
Basking Shark	S41, WCA5	Not provided	Not provided
Plants			
Wall Cotoneaster	WCA9	Not provided	671
Japanese Knotweed	WCA9	Not provided	1738
Invertebrates			
Small Heath	S41	Not provided	1812
Dingy Skipper	LBAP, S41	9	1972
Wall	S41	10	1749
Rest Harrow	S41	5	1741
Shaded Broad bar	S41	3	Not provided

Name of Species	Relevant Legislation / Status (as assigned by ERIC Northeast)	Number of records (if provided)	Nearest record relevance (m)
Buff Ermine	S41	160	1304
Cinnabar	S41	434	1962
Ramshorn Snail	S41	12	1489
Mammals			
West European Hedgehog	LBAP, S41	5	1921
Eurasian Otter	LBAP, S41, WCA5,	6	Not provided
Common Pipistrelle	EPS, S41, WCA5, LBAP	5	2062
Pipistrelle species	EPS, S41, WCA5, LBAP	2	361
Eastern Grey Squirrel	WCA9	7	224
Eurasian Red Squirrel	LBAP, S41, WCA5	18	224



Annex A

Key Ecological Legislation and National Policy

Relevant Legislation

International Conventions

- A.1 The UK is a Contracting Party to numerous environmental conventions, the commonest form of international agreements to encourage a coordinated response to managing the environment. Key environmental conventions ratified in the UK include:
- The Convention on Wetlands of International Importance especially as Waterfowl Habitat ('Ramsar Convention'²¹ or 'Wetlands Convention') - provides the only international mechanism for protecting sites of global importance;
 - The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention²²) - imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1,000 wild animal species;
 - The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention²³ or CMS) - provides strict protection for endangered migratory species. The UK has currently ratified four legally binding Agreements under the convention relating to bats (EUROBATS), African-Eurasian migratory birds (AEWA), small cetaceans in the Baltic, Irish and North Seas (ASCOBANS) and albatrosses and petrels (ACAP) in addition to five Memorandum of Understanding (MoU) and is non-party range state to a further Agreement and a further MoU;
 - The Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO World Heritage Convention) - seeks to protect both cultural and natural heritage;
 - The Convention on Biological Diversity (Biodiversity Convention²⁴ or CBD) - provides a legal framework for biodiversity conservation. Within the UK, delivery of the CBD and the Strategic Plan for Biodiversity 2011-2020²⁵ is guided by the UK Post-2010 Biodiversity Framework²⁶.
- A.2 The legal obligations of the multiple Conventions to which the UK is a Contracting Party are enacted through a suite of national environmental legislation. The most relevant are described in the following paragraphs.

²¹ Convention on Wetlands of International Importance especially as Waterfowl Habitat, Ramsar, 2.2.1971 <https://www.ramsar.org/>

²² Convention on the Conservation of European Wildlife and Natural Habitats. Bern, 1979 <https://www.coe.int/>

²³ Convention on the Conservation of Migratory Species of Wild Animals, Bonn, June 1979 <https://www.cms.int/>

²⁴ Convention on Biological Diversity, Rio de Janeiro, June 1992 <https://www.cbd.int/>

²⁵ In October 2010, at the 10th Conference of the Parties to the CBD in Nagoya, Japan, the Parties adopted a new 'Strategic Plan for Biodiversity 2011–2020' along with its 20 'Aichi targets'. <https://www.cbd.int/sp/>

²⁶ The framework is overseen by the Environment Departments of the four UK governments working through the Four Countries' Biodiversity Group. It demonstrates how the UK, through each of the four countries, contributes to achieving the 'Aichi targets', and identifies the activities required to complement the individual country biodiversity strategies <https://jncc.gov.uk/our-work/uk-post-2010-biodiversity-framework/>

Conservation of Habitats and Species Regulations

- A.3 The Conservation of Habitats and Species Regulations 2017²⁷ (2017 Regulations) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into domestic law.
- A.4 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019²⁸ (2019 Regulations) amends the 2017 Regulations to make them operable following the withdrawal of the United Kingdom from the European Union (EU). Most of the changes involve transferral of functions from European Commission to the appropriate authorities in England and Wales, also extending to Scotland and Northern Ireland and applies to Scotland and Northern Ireland (including the adjacent territorial sea to a limited degree), as regards reserved and excepted matters respectively. It also amends Section 27 of the Wildlife and Countryside Act 1981 to maintain existing protections and enforcement for species of wild birds.
- A.5 All other processes or terms in the 2017 Regulations remain unchanged and existing guidance and obligations (of a competent authority) remain relevant.

National Site Network

- A.6 Under the 2019 Regulations, Special Areas of Conservation (SAC) and Special Protection Areas (SPA) in the UK no longer form part of the EU's 'Natura 2000' ecological network, but instead (along with new SACs and SPAs designated under the 2019 Regulations) form the new National Site Network (NSN). Ramsar sites⁵ do not form part of the NSN but remain protected in the same way as SACs and SPAs.
- A.7 Proposals which may significantly affect a site belonging to the NSN and which are not connected with or necessary to the management of that site require (by Regulations 63 and 64 of the 2017 Regulations, as amended by Regulations 24 and 25 of the 2019 Regulations, respectively) competent authorities to undertake an Appropriate Assessment of the implications of the plan or project in view of that site's conservation objectives. This process is commonly referred to as a 'Habitats Regulations Assessment' (HRA). The assessment must consider the potential effects both of the plan/project itself and in combination with other plans or projects. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest (IROPI) and if the necessary compensatory measures can be secured.

²⁷ Conservation of Habitats and Species Regulations 2017 (SI 2017/1012) <https://www.legislation.gov.uk/uksi/2017/1012/>

²⁸ Conservation of Habitats and Species Regulations 2019 (SI 2019/579) <https://www.legislation.gov.uk/uksi/2019/579/>

Protected Species

- A.8 Certain animals and their breeding sites or resting places are protected under Regulation 43 of the 2017 Regulations, which makes it illegal to:
- Deliberately capture, injure or kill any such animal or to deliberately take or destroy the eggs of such an animal;
 - Deliberately disturb such an animal; and
 - Damage or destroy a breeding site or resting place of such an animal.
- A.9 Disturbance is defined in the 2017 Regulations as an activity which is likely to impair a species' ability to survive, to breed or reproduce, to rear or nurture young or, in the case of animals hibernating or migratory species, to hibernate, migrate or which may affect significantly the local distribution or abundance; of the species.
- A.10 A bat's resting place is known as a roost site. Because bats tend to be faithful to roost sites but their biology is such that different roost site characteristics are preferred at different times of the year by different species for different functions, a bat roost is considered to be afforded protection even when it is not occupied.
- A.11 Certain plant species are protected under Regulation 47 of the 2017 Regulations against deliberate picking, collecting, cutting, uprooting or destruction. It is also an offence to be in possession or control and to transport any live or dead plant or part of a plant of such a species which has been taken in the wild.
- A.12 The 2017 Regulations (Regulation 55) enables a relevant licensing body to grant a licence for certain activities that may affect animal or plant species protected by the above provisions. The purpose must conform to one of those listed under Regulation 55(2). For most development related activities, the purpose normally relates to Regulation 55(2)(e) 'preserving public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment' – commonly known as the IROPI test. Regulation 55(9) introduces two further tests that the licensing body must consider:
- There is no satisfactory alternative; and
 - The favourable conservation status of the species concerned will be maintained and/or enhanced.
- A.13 Under Regulation 9(1) of the 2017 Regulations (as amended), competent authorities "must exercise their functions which are relevant to nature conservation... so as to secure compliance with the requirements of the Directives". Regulation 9(3) requires a competent authority, in exercising any of its function, to "have regard to the requirements of the Directives so far as they be affected by the exercise of those functions." Local planning authorities must therefore consider the above three 'tests' when determining if planning permission should be granted for developments likely to cause an offence under the Regulations.

Wildlife and Countryside Act 1981

- A.14 The Wildlife and Countryside Act 1981 (as amended)²⁹ (WCA) is a major legal instrument for wildlife protection in the UK. In respect of habitats and flora, the WCA protects important habitats and/or species as Sites of Special Scientific Interest (SSSI). The designation of UK Ramsar sites⁵ has usually been underpinned through prior notification of these areas as SSSI and accordingly they receive statutory protection under the WCA.
- A.15 The obligations of the Bern Convention⁶ (the protection of wild plant and animal species and their natural habitats) are transposed into law for England and Wales³⁰ by the WCA. The legal requirement for the protection of migratory species listed by the Bonn Convention⁷ is also provided by the WCA.
- A.16 All wild birds (as defined by the WCA and with exception to species listed in Schedule 2) are protected under the WCA, which makes it illegal to:
- Intentionally kill, injure or take any wild bird;
 - Take, damage or destroy the nest (whilst being built or in use) of any wild bird; or
 - Take or destroy the eggs of any wild bird.
- A.17 Special penalties are available for offences related to birds listed in Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young. The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds. The WCA also prohibits certain methods of killing, injuring, or taking birds, restricts the sale and possession of captive bred birds, and sets standards for keeping birds in captivity.
- A.18 Certain animal species (listed under Schedule 5) of the WCA receive protection which makes it illegal (with certain exceptions) to:
- Intentionally kill, injure or take any such animal;
 - Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal;
 - Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.
- A.19 The Environment Act (EA) 2021 amends the licensing regime under Section 16 of the WCA 1981 to enable licences to be granted (in England only) for reasons of overriding public interest. This new purpose will enable those involved in development activities to apply for a derogation under the WCA for species domestically protected under Schedule 5 of the WCA 1981.

²⁹ Wildlife and Countryside Act 1981 c. 69 <https://www.legislation.gov.uk/ukpga/1981/69/>

³⁰ In Scotland by the Nature Conservation (Scotland) Act 2004 (as amended) and in Northern Ireland by Wildlife (Northern Ireland) Order 1985 and the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985.

- A.20 The amendments introduced by the EA 2021 at Section 16(3) requires that licensed may only be granted (in England) where:
- there is no other satisfactory solution, and
 - the grant of the licence is not detrimental to the survival of any population of the species of animal or plant to which the licence relates.
- A.21 Plant species listed under Schedule 8 of the WCA 1981 are protected from unauthorised intentional picking, uprooting and destruction.
- A.22 It is an offence to plant or otherwise cause to grow in the wild any plant that is included in Schedule 9.

Countryside and Rights of Way Act 2000

- A.23 Part III of the Countryside and Rights of Way Act 2000³¹ (CROW) deals specifically with wildlife protection and nature conservation. It requires that Government Departments have regard for the conservation of biodiversity, in accordance with the CBD. In addition, it requires that The Secretary of State publishes a list of living organisms and habitat types that are considered to be of principal importance in conserving biodiversity.
- A.24 CROW also amends the WCA, expanding the terms of offences to include reckless activity. It increases the legal protection of threatened species, by also making it an offence to “recklessly” obstruct access to a sheltering place used by an animal listed in Schedule 5 of the WCA or “recklessly” disturb an animal occupying such a structure or place.

Natural Environment and Rural Communities (NERC) Act 2006

- A.25 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC)³² places a duty to conserve biodiversity on public authorities in England. It requires local authorities and government departments to have regard to the purposes of conserving biodiversity in a manner that is consistent with the exercise of their normal functions such as policy and decision-making. 'Conserving biodiversity' may include enhancing, restoring or protecting a population or a habitat.
- A.26 Section 41 requires the Secretary of State to publish and maintain lists of species and types of habitats which are regarded by Natural England to be of "principal importance" for the purposes of conserving biodiversity in England.
- A.27 These habitats and species of principal importance (HPI and SPI) are drawn from earlier lists of United Kingdom Biodiversity Action Plan Priority Species and Habitats. The Section 41 (S41) lists of HPI and SPI are needed by decision-makers in local and regional authorities when carrying out their duties under Section 40 of the Act.

³¹ Countryside and Rights of Way Act 2000 c. 37 <https://www.legislation.gov.uk/ukpga/2000/37/>

³² Natural Environment and Rural Communities Act 2006 c. 16 <https://www.legislation.gov.uk/ukpga/2006/16/>

Environment Act 2021

- A.28 The Environment Act 2021³³ was passed into law in November 2021. The Act applies only to England, although many of its measures are designed to be operable across the UK with the consent of devolved administrations. The Act requires statutory long-term (15+ years) targets to be set (and monitored, reported and reviewed) in the four priority areas of waste reduction, air quality, water resources and biodiversity as well as additional targets relating to species abundance and fine particulates by 2030.
- A.29 The Environment Act amends the Town and Country Planning Act 1990³⁴ in that planning permissions granted after the provisions come into force³⁵ are deemed to be subject to a condition prohibiting the start of development before a biodiversity gain plan has been submitted to and approved by the Local Planning Authority (LPA).
- A.30 The biodiversity gain plan must demonstrate a net gain of at least 10% in the biodiversity value of the development site “as at the time the development is completed”. Biodiversity net gain must be demonstrated by calculations using the biodiversity metric (currently version 3.1 published by Natural England)
- A.31 The Environment Act introduces Local Nature Recovery Strategies (LNRS), a new system of spatial strategies for nature, covering the whole of England. LNRS are to be prepared and published by the ‘responsible authority’, namely the local authority, mayoral authority or National Park authority whose area is, or is within, the strategy area, the Broads Authority or Natural England. Section 40 of the NERC Act (duty to conserve biodiversity) makes provision about the duties of public authorities in relation to LNRS.
- A.32 A ‘responsible authority’ is to be appointed to lead each LNRS area, which could include LPAs and which in mayoral combined authorities is highly likely to be the mayor. The responsible Authority must map the most valuable existing natural habitat in its area and develop a biodiversity strategy, including specific proposals for creating or improving habitats and priorities for nature recovery.
- A.33 In addition to the above, the Environment Act Part 6 (Nature and biodiversity) will also:
- Strengthen the biodiversity duty through amendments to Section 40 of the NERC Act.
 - Impose a duty upon Local Authorities to consult on street tree felling;
 - Strengthen woodland protection enforcement measures;
 - Introduce Conservation Covenants (agreements between a landowner and a responsible body);
 - Protected Site Strategies (prepared and published by Natural England) to improve the conservation and management of a protected site (including SACs, SPAs listed before

³³ Environment Act 2021 c.30 <https://www.legislation.gov.uk/ukpga/2021/30/>

³⁴ Town and Country Planning Act 1990 c. 8 <https://www.legislation.gov.uk/ukpga/1990/8/>

³⁵ The Biodiversity Gain provision of the Environment Act requires the Secretary of State to first publish detailed regulations (see s147(3) of the Act). These are anticipated in November 2023.

exit day, Sites of Community Importance (SCI)³⁶ listed before exit day and those sites proposed before exit day as SACs).

- Species Conservation Strategies (prepared and published by Natural England) to improve the conservation status of any species of flora or fauna, with which a LPA in England and any prescribed authority must have regard so far as relevant to its functions, including when discharging its duties under the 2017 Regulations (as amended);
- Prohibit larger UK businesses from using commodities associated with wide-scale deforestation (where ‘forest’ is defined as “*an area of land of more than 0.5 hectares with a tree canopy cover of at least 10% (excluding trees planted for the purpose of producing timber or other commodities)*”, which includes “*land that is wholly or partly submerged in water whether temporarily or permanently*”);
- Require regulated businesses to establish a system of due diligence for each regulated commodity used in their supply chain, requires regulated businesses to report on their due diligence, introduces a due diligence enforcement system.

Hedgerow Regulations 1997

- A.34 Important hedgerows are protected from removal by the Hedgerows Regulations³⁷ (as amended). Regulation 3 defines the hedgerows to which the Regulations apply. Regulation 4 sets out the criteria for identifying “important hedgerows” including ecological, landscape or historical/cultural reasons. Under the Hedgerow Regulations it is against the law to remove or destroy certain hedgerows without permission from the local planning authority. Works to “important hedgerows” are exempt under the Hedgerow Regulations if planning consent is granted which allows their removal.
- A.35 The identification of important hedgerows also provides an additional means to value hedgerows aside from their botanical value (e.g. species richness) as the assessment of importance also includes characteristics relating to maturity and structure (e.g. associated features, connectivity, integrity) which will affect the functional value of the hedgerow.

Protection of Badgers Act 1992

- A.36 Badgers and their setts receive statutory protection under the Protection of Badgers Act 1992 (PBA)³⁸. This makes it an offence to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so; or to intentionally or recklessly interfere with a sett.
- A.37 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

³⁶ SCIs are established under the European Union Habitats Directive (92/43/EEC) and are (under the Habitats Directive) the pre-requisite step for establishing SACs and SPAs.

³⁷ The Hedgerow Regulations 1997 (SI 1997/1167) <https://www.legislation.gov.uk/ukSI/1997/1160/>

³⁸ Protection of Badgers Act 1992 c. 51 <https://www.legislation.gov.uk/ukpga/1992/51/>

in the legislation as “any structure or place, which displays signs indicating current use by a badger.”

Wild Mammals (Protection) Act 1996

- A.38 All UK wild mammals are afforded a degree of protection from certain cruel acts. The Act is intended to preserve animal welfare more so than nature conservation. The Act makes it an offence to use a variety of methods to intentionally cause suffering to a wild mammal. It also has exemptions including in relation to euthanasia and otherwise lawful use of certain methods of killing.

Relevant National Policy

National Planning Policy Framework

- A.39 The National Planning Policy Framework (NPPF21)³⁹ sets out the Government’s planning policies for England and how these are expected to be applied at a local level in development plans and how developers should address them. The Framework places great emphasis on plans and developments contributing to sustainable development.
- A.40 Relating to the planning and delivery of large-scale developments, Paragraph 22 requires that a vision should look at least 30 years ahead. Paragraph 73 identifies a number of considerations to help guide such large-scale proposals including consideration of opportunities presented by the scope for net environmental gains, ensuring sustainable communities, quality of places, rates of delivery and establishment of Green Belt around or adjoining new developments of significant size.
- A.41 Paragraph 174 requires that planning policies and decisions should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

³⁹ National Planning Policy Framework (2021) Ministry of Housing, Communities and Local Government
www.gov.uk/government/publications

- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- A.42 Paragraph 180 requires local planning authorities to apply the following principles when determining planning applications:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and;
 - development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”
- A.43 Paragraph 181 stipulates that the following should be given the same protection as habitats sites⁴⁰:
- potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites; and
 - sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.
- A.44 Paragraph 182 confirms 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.

⁴⁰ Defined by NPPF21 as “Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites”.

Government Circular 06/2005

- A.45 Government Circular 06/2005⁴¹ remains pertinent in national policy even though PPS9, which it originally supported, was revoked by the NPPF.
- A.46 The Circular outlines the legislative provisions relating to biodiversity and geological conservation which affect planning and development. The Circular provides guidance on the protection of designated international and national nature conservation sites, non-designated sites, the conservation of species, and advice on the related issues and statutory powers.
- A.47 Paragraphs 123 and 124 of Part IV of Circular 06/2005 state that “the likelihood of disturbing a badger sett, or adversely affecting badgers’ foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions. Although consideration of the case for granting a licence is separate from the process of applying for planning permission, a planning authority should advise anyone submitting an application for development in an area where there are known to be badger setts that they must comply with the provisions of the Act”.

⁴¹ Office of the Deputy Prime Minister (2005) ‘Government Circular: Geological and Biological Conservation – Statutory obligations and their implications within the planning system’ ODPM circular 06/2005, DEFRA circular 01/2005
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf



HEAD OFFICE

Genesis Centre,
Birchwood Science Park,
Warrington
WA3 7BH

Tel: 01925 844004
E-mail: tep@tep.uk.com

**MARKET
HARBOROUGH**

The Reynard Suite,
Bowden Business Village,
Market Harborough,
Leicestershire,
LE16 7SA

Tel: 01858 383120
E-mail: mh@tep.uk.com

GATESHEAD

Office 26, Gateshead
International Business
Centre,
Mulgrave Terrace,
Gateshead
NE8 1AN

Tel: 0191 605 3340
E-mail: gateshead@tep.uk.com

LONDON

8 Trinity Street,
London
SE1 1DB

Tel: 020 3096 6050
E-mail: london@tep.uk.com

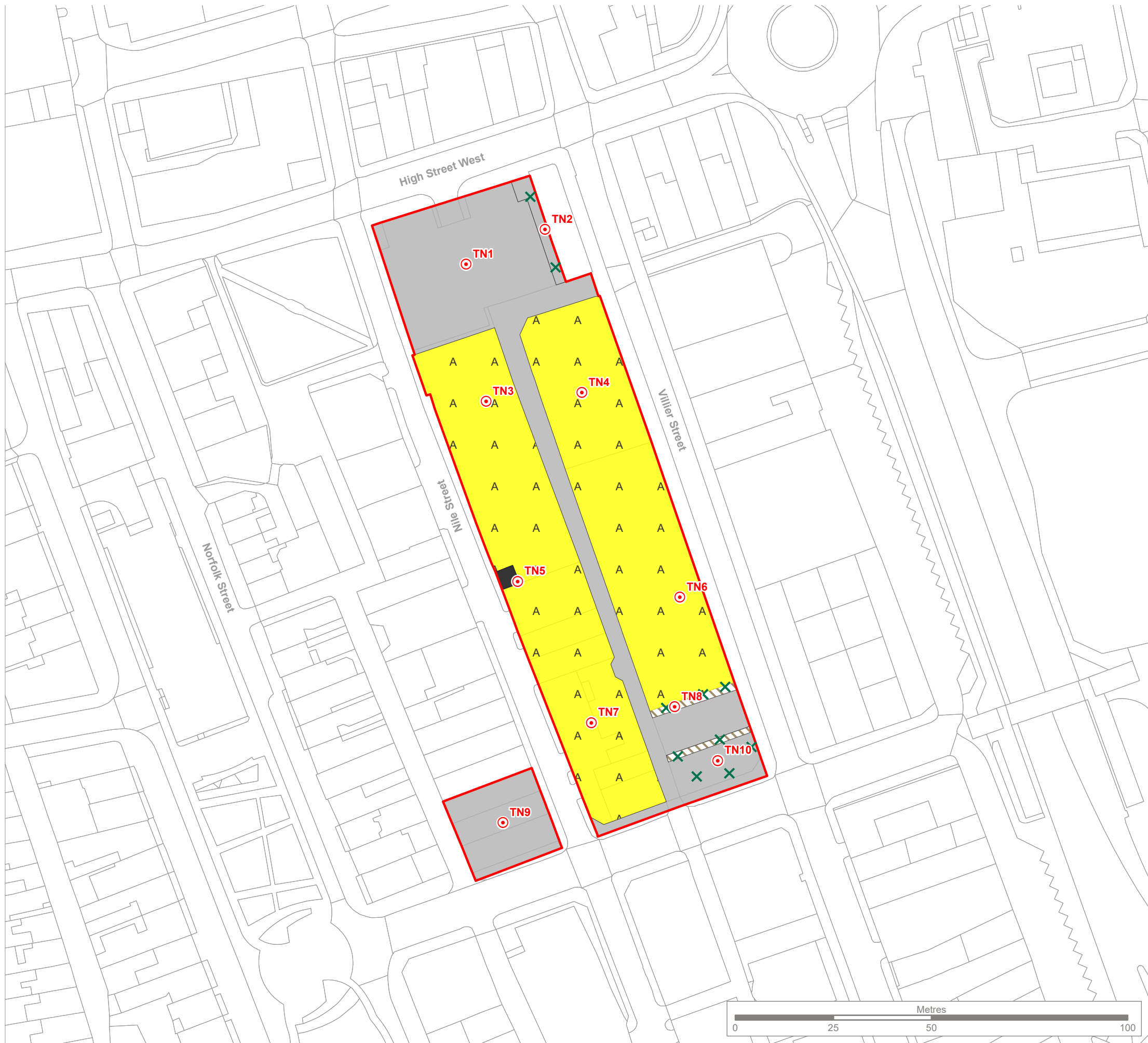
CORNWALL

4 Park Noweth,
Churchtown,
Cury,
Helston
Cornwall
TR12 7BW

Tel: 01326 240081
E-mail: cornwall@tep.uk.com

Drawings

Drawing G10113.007 Phase 1 Habitat Survey



KEY

- Site boundary
- ⊙ Target note
- X Scattered scrub
- A A Amenity grassland
- Building
- Hardstanding

Note:

The locations of habitats and habitat features are indicative.



Reproduced by permission of Ordnance Survey on behalf of HMSO.
 Contains OS data © Crown Copyright and database right 2023. All rights reserved.
 Contains data from OS Zoomstack. Licence number 0100057890.



Rev	Description	Drawn	Approved	Date



THE ENVIRONMENT PARTNERSHIP

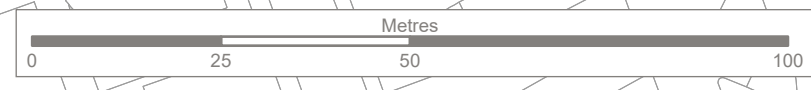
401 Faraday Street, Birchwood Park, Warrington, WA3 6GA
 Tel 01925 844004 e-mail tep@tep.uk.com www.tep.uk.com

Project
Nile and Villiers

Title
Phase 1 Habitat Survey

Drawing Number
G10113.008

Drawn	Checked	Approved	Scale	Date
CW	BJ	PA	1:1,000 @ A3	28/09/2023





HEAD OFFICE

401 Faraday Street,
Birchwood Park,
Warrington
WA3 6GA

Tel: 01925 844004
E-mail: tep@tep.uk.com

**MARKET
HARBOROUGH**

The Reynard Suite,
Bowden Business Village,
Market Harborough,
Leicestershire,
LE16 7SA

Tel: 01858 383120
E-mail: mh@tep.uk.com

GATESHEAD

Office 26, Gateshead
International Business
Centre,
Mulgrave Terrace,
Gateshead
NE8 1AN

Tel: 0191 605 3340
E-mail: gateshead@tep.uk.com

LONDON

8 Trinity Street,
London
SE1 1DB

Tel: 020 3096 6050
E-mail: london@tep.uk.com

CORNWALL

4 Park Noweth,
Churchtown,
Cury,
Helston
Cornwall
TR12 7BW

Tel: 01326 240081
E-mail: cornwall@tep.uk.com
