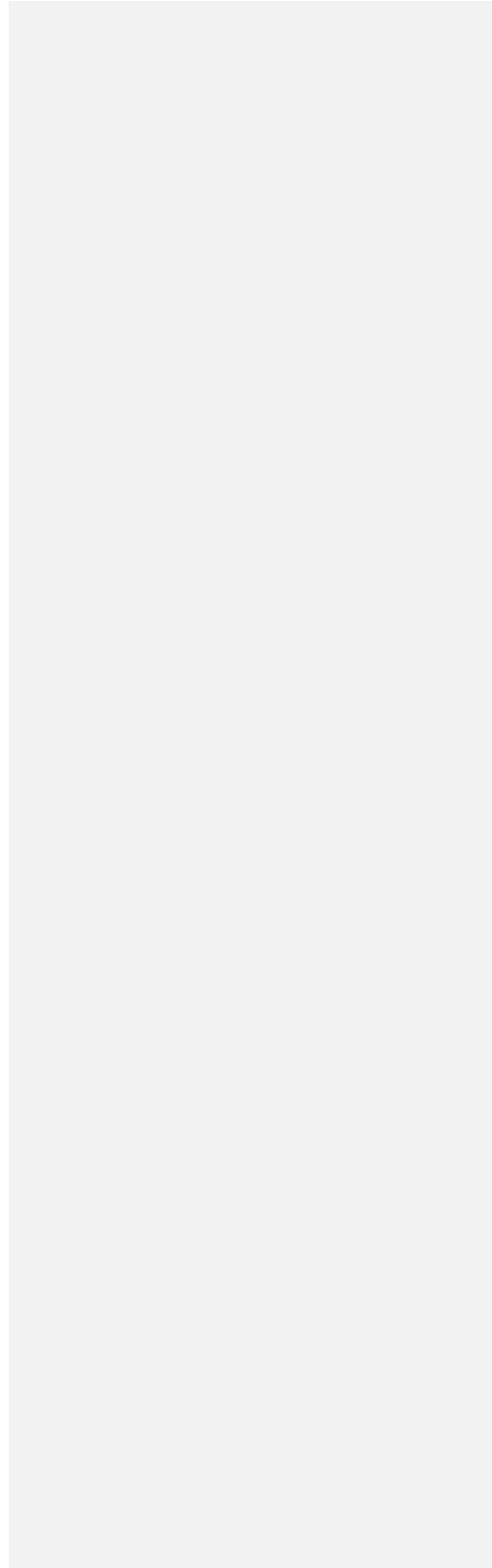




**Mr and Mrs Elliot**

# **Carr Lane, Doncaster**

Preliminary Ecological Appraisal Report







## EXECUTIVE SUMMARY

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This report presents the results of a preliminary ecological appraisal, comprising a background data search and a Phase 1 habitat survey with an assessment for protected species. The survey was carried out on 29<sup>th</sup> August 2025. This report has been produced to support a planning application for the development of an equestrian manage and solar panels. The appraisal was based on the red line boundary plan of the development site (the 'site').

The site consists of an area of hardstanding, existing menage, a pasture field, soft landscaping and a stable block.

The majority of habitats on the site will be retained with the new structures being in area of hardstanding and bare ground.

Most ecological impacts associated with the works can be managed and reduced through a combination of avoidance or mitigation such as appropriate timings of works, ecological clerk of works (ECoW) and a toolbox talk where necessary.

It is recommended that a Biodiversity Net Gain (BNG) assessment is undertaken in line with National Planning Policy.



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## 1.0 INTRODUCTION

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### 1.1 Purpose of this report

- 1.1.1 This report presents the results of a preliminary ecological appraisal (PEA), comprising a background data search and a Phase 1 habitat survey, with assessment for protected or otherwise notable species, at the Carr Lane, Doncaster (Grid Ref SK 78824 99312). The survey area included the land within the red-line boundary (the site), plus adjacent land up to 30 m; the site and survey area are shown in *Figure 1*.
- 1.1.2 The report identifies ecological constraints relevant to the project, specifies any further survey or mitigation requirements (e.g. for any Ecological Impact Assessment), gives recommendations for avoidance and protection through design changes, and suggests opportunities for ecological enhancement, in particular to deliver biodiversity net gain. The appraisal was carried out on behalf of Mr and Mrs Elliot.

### 1.2 Landscape context

- 1.2.1 The site is located at on Carr Lane, Doncaster, DN9 2LT. Carr Lane is a rural residential road located in the village of East Lound, within the parish of Haxey, North Lincolnshire. The surrounding landscape comprises a mix of detached and semi-detached rural dwellings, many with private rear gardens, mature hedgerows, and ornamental planting. The area is distinctly countryside in character, with agricultural fields and open green spaces dominating the wider setting. The land use is predominantly agricultural.
- 1.2.2 The redline boundary is dominated by an area of pasture field, a manage and associated equestrian structures.

### 1.3 Development proposals

- 1.3.1 The development proposals comprise of a new property with associated hard and soft landscaping. These are presented in *Figure 2*.



## 2.0 METHODS

### 2.1 Overview

- 2.1.1 The PEA was undertaken in line with guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM, 2017); it therefore included:
- a desk study which included a review of aerial photographs; obtaining information from the DEFRA and JNCC websites, and the Multi-Agency Geographic Information for the Countryside (MAGIC) website; and
  - a field survey that informed habitat mapping, an assessment of the possible presence of protected or priority species and the likely importance of habitat features.
- 2.1.2 The PEA report includes an ecological description of the site and information about species that may occur there. Notes and mapping of any incidental sightings of invasive non-native plant species and protected or priority fauna species are also provided.
- 2.1.3 As per CIEEM guidance it was judged that the scale and location of the proposed development are such that a data search would be unlikely to yield information needed for the assessment.
- 2.1.4 The survey was carried out on 29<sup>th</sup> August 2025 by Nick Carter. Nick is a suitably qualified and experienced ecological consultant, a full member of CIEEM, and is experienced in carrying out preliminary ecological appraisals.

### 2.2 Background data search

- 2.2.1 A search was made in October 2025 for relevant reference materials. A list of sources is given in Table 1.

Table 1 Data sources

Information obtained	Available from
MAGIC (the Multi-Agency Geographic Information website) to view statutory designated nature conservation sites	<a href="http://www.magic.gov.uk">www.magic.gov.uk</a>
Nationally designated site locations and citations	<a href="https://designatedsites.naturalengland.org.uk">https://designatedsites.naturalengland.org.uk</a>
European and Internationally designated site locations and citations	<a href="https://jncc.gov.uk/">https://jncc.gov.uk/</a>
Local Designated site locations and citations	<a href="https://designatedsites.naturalengland.org.uk">https://designatedsites.naturalengland.org.uk</a>
Designations and legal protection of noteworthy species	<a href="https://jncc.gov.uk/">https://jncc.gov.uk/</a>



Information obtained	Available from
Local planning guidance and policies	<a href="https://www.northlincs.gov.uk/planning-and-environment/planning-policy-the-north-lincolnshire-local-plan/">https://www.northlincs.gov.uk/planning-and-environment/planning-policy-the-north-lincolnshire-local-plan/</a>
Aerial photography	As a viewer only, sources include: <a href="http://www.google.com">www.google.com</a> ; <a href="http://www.bing.com">www.bing.com</a> ; Google earth. Where reproduced as figures, sources vary and be licensed through ArcGIS, as stated.

- 2.2.2 A search was made for the following international and national statutory designated sites of ecological importance within 5 km of the site boundary: Ramsar sites, Special Areas of Conservation (SAC), Special Protection Areas (SPA)<sup>1</sup>, and for Sites of Special Scientific Interest (SSSI), including consideration of SSSI risk zones, within 1 km.
- 2.2.3 A search was also made for non-statutory designated (often important in a local context) within 1 km of the site boundary.

## 2.3 Plants and habitats

### Phase 1 habitat survey

- 2.3.1 The field survey was based on the UK habitats (UK Hab) survey methodology (Version 2.0; Butcher *et al.* 2023). The UK Hab classification system is the habitat classification that underpins the DEFRA Biodiversity Metric and is therefore the favoured habitat classification to use when surveys need to inform a Biodiversity Net Gain Calculation. This field survey was undertaken in line with CIEEM 2017 and involved the following elements:
- descriptions of the broad and dominant vegetation types;
  - habitat mapping using a set of standard colour codes to indicate habitat types (Figure 2); and
  - additional notes relating to numbered locations on Figure 2, called 'target notes'.
- 2.3.2 Vascular plant species were recorded during the survey, although no attempt was made to produce an exhaustive species list (additional species would almost certainly be found during more detailed surveys or repeat surveys at various times of the year).
- 2.3.3 Plant nomenclature in this report follows Stace (2019) for native and naturalised species of vascular plant, and mosses and liverworts follow Hill *et al.* (2008). Introduced species and garden varieties were identified using relevant Floras. Plant names in the text are

<sup>1</sup> SACs and SPAs were formerly called 'European Sites' and part of the Natura 2000 network; post-'Brexit', they are now considered part of the UK's 'national site network'. Ramsar sites are sites of international importance. See Appendix A for details. Note that SPAs, SACs and Ramsar sites are also underpinned by SSSI designations whose citations/boundaries may be slightly different.



given with common names with the scientific name (in italics) immediately following the first time it is mentioned.

#### **Invasive non-native species (INNS)**

- 2.3.4 Phase 1 habitat survey does not involve exhaustive surveying for individual plant species, and various invasive species may be little in evidence at various times of year (depending on the species). A survey seeking to identify habitat types cannot therefore be relied upon to provide firm information about the presence or extent of any INNS. However, any INNS that were encountered during the habitat survey were noted, including Japanese Knotweed (*Reynoutria japonica*), Giant Hogweed (*Heracleum mantegazzianum*) and Himalayan Balsam (*Impatiens glandulifera*), as well as any invasive non-native species of animals.

## **2.4 Protected and notable animals**

### **General**

- 2.4.1 The site was assessed for its suitability to support protected or otherwise notable animals that are likely to occur in the area. Some species could be ruled out through review of existing records, species distribution, geographic location, ecological connectivity and broad habitat types. Taking into account connectivity to natural habitats in the wider landscape, the nature and extent of habitats at the site, specific assessment was also carried out for the species/species groups outlined below.

### **Invertebrates**

- 2.4.2 The site was assessed for its suitability to support notable species and/or assemblage of invertebrates, but no specific surveys were undertaken. The habitat requirements of particular invertebrates are often species-specific, so consideration was given to the presence of features and habitats that might be suitable for the notable species identified in the desk study.

### **Great crested newts**

- 2.4.3 Although standing water is essential for their breeding, great crested newts (*Triturus cristatus*) are terrestrial for most of the year and have been recorded up to 500 m from their breeding ponds. Ordnance Survey maps and aerial imagery was reviewed to identify any ponds within 500 m of the site boundary, and the site was assessed for its suitability for both terrestrial and breeding great crested newts. Optimal breeding ponds tend to be well-vegetated, relatively clean and unpolluted, free of fish and wildfowl, and retentive of water throughout most summers (but not necessarily all). Highly suitable terrestrial habitats include woodland, scrub and tussocky grassland, although great crested newts can be found in a broad range of sub-optimal habitats as well. Habitat suitability for other amphibians was similarly assessed.



### **Reptiles**

- 2.4.4 The site was assessed for its suitability for the four most widespread reptile species, with particular attention given to those features that provide suitable basking areas (e.g. south-facing slopes), hibernation sites (e.g. banks, walls, piles of rotting vegetation) and opportunities for foraging (e.g. rough grassland and scrub).
- 2.4.5 Specific habitat requirements differ between species. Common lizards (*Zootoca vivipara*) and slow-worms (*Anguis fragilis*) favour rough grassland. Grass snakes (*Natrix helvetica*) have broadly similar requirements, with a greater reliance on ponds and wetlands. Adders (*Vipera berus*) use a range of fairly open habitats with some cover but are most often found in dry heath.

### **Birds**

- 2.4.6 Birds nest, forage and roost in a wide variety of habitats including scrub, woodland, hedgerows and trees, wetland, arable and pastoral farmland and rough grassland. Some species also use open bare ground and man-made structures.
- 2.4.7 The site was assessed for its suitability to support diverse assemblages and/or uncommon species of breeding and non-breeding birds, with an emphasis on those species that are listed on Schedule 1 of the Wildlife & Countryside Act 1981 (as amended), the red and amber lists of the RSPB's Birds of Conservation Concern 5 (Stanbury *et al.*, 2021) and other notable species recorded in the BDS, including any species that are qualifying features of nearby designated sites. Consideration was given to the site's connectivity to landscape features that are likely to be of particular importance to birds, such as extensive areas of semi-natural woodland or wetlands. The presence of nests or signs of nest building were recorded, and buildings were surveyed for their suitability for barn owls and other species, with signs including nesting sites, feathers, droppings and pellets.

### **Bats**

- 2.4.8 Habitats were assessed for their suitability for foraging and commuting bats, in line with guidance provided in Collins (2023). Areas of particular interest vary between species, but generally include sheltered areas and habitats with good numbers of insects, such as woodland, scrub, rivers and species-rich or rough grassland.
- 2.4.9 Trees and man-made structures were noted if they had potential suitability for roosting bats (Collins, 2023). This involved identifying features that roosting bats may favour (e.g. holes, cracks and cavities that might be used as bat access-points or roost sites).



Table 2: Categorisation of the suitability of buildings or trees for roosting bats (Collins 2023)

Category (Potential to support roosting bats)	Description
Negligible suitability	Negligible habitat features on site likely to be used by roosting bats.
Low suitability	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential.
Moderate suitability	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely for a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High suitability	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.
Confirmed roost	Bats or evidence of bats recorded during the initial inspection surveys or during dusk/dawn surveys. A confirmed record (supplied by records centre/local bat group) would also apply.

#### Ground-Level Tree Surveys

- 2.4.10 All trees within the site were surveyed from ground level. Features that might be used by roosting bats were described and categorised according to accepted guidelines (Collins, 2023).
- 2.4.11 Trees may also be categorised as having *unknown potential* if the surveyor's view of the tree is obscured. This can be caused by dense Ivy (*Hedera helix*) covering the trunk and major limbs so as to conceal potential roosting features from view.

#### Badgers

- 2.4.12 An initial assessment was carried out to identify areas that might be used by badgers (*Meles meles*) for foraging or sett building within 30 m of all areas potentially affected by works (where access was possible). The area was systematically searched for signs of badgers including setts, foraging signs, paths (runs) and latrines where possible.

#### Water voles and otters

- 2.4.13 Waterbodies and watercourses and their surrounding habitats were assessed to determine whether they were suitable for water voles (*Arvicola amphibius*). Suitable habitats include vegetated earth banks, reed beds, flowing water and wet ditches.



Incidental signs of water vole activity, including burrows, feeding platforms, food remains and latrines, were recorded if they were encountered.

- 2.4.14 Waterbodies and watercourses on the site were also assessed for their suitability for otters (*Lutra lutra*). Otters require clean rivers and associated waterbodies with an abundant, varied supply of food and plenty of bank-side vegetation, offering secluded sites for their holts. Other suitable habitats include reed beds and interconnected ditches and streams. Incidental signs of otter activity, including holts, foraging signs, paths (runs), footprints and spraints, were recorded if they were encountered.

#### **Other species of Principal Importance**

- 2.4.15 The UK countries of England, Wales, Scotland and Northern Ireland are obliged by their individual laws to maintain lists of species and habitats of principal importance for biodiversity conservation. In England, this obligation derives from the Natural Environment and Rural Communities (NERC) Act 2006. An assessment of the suitability and likelihood of the site supporting such species was made (for example, hedgehog (*Erinaceus europaeus*)).

## **2.5 Limitations**

- 2.5.1 Field signs for protected and valuable species are often difficult to find or absent from a site. The survey conducted was not intended to be a comprehensive presence/absence survey for all species, but rather to provide an indication of the likely presence of such species based on the field signs found, and the nature of the habitats present.
- 2.5.2 All recommendations made in this report are based on the proposed site layout plan provided. If the plans change significantly, then an ecologist must be consulted, and further surveys may be required.



## 3.0 RESULTS

### 3.1 Background Data Search

#### Statutory designated sites

3.1.1 There are seven statutory sites within a 5 km radius of the site. The nearest statutory site is Hewson's Field Site of Special Scientific Interest (SSSI) which is located approximately 0.4 km to the northwest of the site. These sites are listed in Table 3. Short descriptions are given for each site.

Table 3: Statutory sites within 5 km of the site boundary

Site name	Reasons for designation	Approximate distance (m) and direction from site
Hewson's Field (SSSI)	Hewson's Field represents one of the few remaining fragments of neutral unimproved grassland in the intensively farmed landscape of South Humberside. Despite its small size, it is managed as a single agricultural unit, being separated from adjacent arable land by tall hedges and from adjacent fields by a ditch and hedge. The field has been managed traditionally for hay and pasturage.	0.4 km NW
Rush Furlong (SSSI)	Rush Furlong is an unfenced strip of hay meadow on base-rich Keuper Marl soils. It is a relict of the Isle of Axholme strip-farming system under which the land was divided into many small individually owned and separately farmed strips with few well-defined field boundaries.  The main grasses present are red fescue <i>Festuca rubra</i> , sweet vernal grass <i>Anthoxanthum odoratum</i> and quaking grass <i>Briza media</i> , with hairy oat <i>Avenula pubescens</i> , Yorkshire fog <i>Holcus lanatus</i> , yellow oat <i>Trisetum flavescens</i> and, locally, meadow foxtail <i>Alopecurus pratensis</i> . Herbs are prominent, including rough hawkbit <i>Leontodon hispidus</i> , ox-eye daisy <i>Leucanthemum vulgare</i> , adder's-tongue fern <i>Ophioglossum vulgatum</i> , green-winged orchid <i>Orchis morio</i> , cowslip <i>Primula veris</i> and yellow rattle <i>Rhinanthus minor</i> .	1.4 km NW
Owsten Ferry Castle (LNR)	On the site there is a listed monument (Owston Castle).	1.8 km NE
Axholme Line (LNR)	The reserve is a 2 km stretch of the former Axholme Joint Railway line consisting of areas of grassland, woodland and scrub.	2 km NW



Site name	Reasons for designation	Approximate distance (m) and direction from site
Mother Drain (SSSI)	Mother Drain is a drainage channel running parallel to the River Idle on the edge of the North Nottinghamshire Carr Lands. The site supports an exceptionally rich invertebrate fauna, which includes notable assemblages of dragonflies and water beetles, and a rare moth.	4.2 km S
Haxey Turbary (SSSI)	Like the complementary site at Epworth, this is a relict bog which was formerly extensively dug for peat. It is now largely colonised by birch woodland with a ground flora of bracken <i>Pteridium aquilinum</i> , <i>Dryopteris</i> ferns and honeysuckle <i>Lonicera periclymenum</i> .  Areas of open wet heathland have been retained within the reserve by management. These are dominated by purple moor-grass <i>Molinia caerulea</i> , with cross-leaved heath <i>Erica tetralix</i> , while in the depressions which mark the sites of old peat cuttings, there are patches of <i>Sphagnum</i> mosses.  The site is particularly valued for the occurrence of saw-sedge <i>Cladium mariscus</i> and royal fern <i>Osmunda regalis</i> . Other fen species include common reed <i>Phragmites australis</i> and yellow loosestrife <i>Lysimachia vulgaris</i> .  Breeding bird species include grasshopper warbler and nightingale.	4.7 km NW
Laughton Common (SSSI)	Laughton Common supports an extensive and diverse range of vegetation communities characteristic of the north Lincolnshire Coversands, including nationally notable areas of lowland acid grassland, inland dune grassland and lowland heath which are scarce in the county and restricted in their distribution across England.	4.8 km SE

## 3.2 Plants and habitats

### Phase 1 Habitat Survey

- 3.2.1 The Phase 1 habitat map is provided as *Figure 2* and shows the location of the target notes referred to in the text below.



#### **Modified grassland**

- 3.2.2 The southern end of the site is dominated by an equestrian paddock. The dominant species present are; perennial ryegrass (*Lolium perenne*), common bent (*Agrostis capillaris*), creeping buttercup (*Ranunculus repens*), dandelion (*Taraxacum Sp.*), selfheal (*Prunella vulgaris*), plantain (*Plantago*) and white clover (*Trifolium repens*).

#### **Other neutral grassland**

- 3.2.3 To the field margin there is a strip of other neutral grassland. The dominant grass species are; Timothy grass (*Phleum pratense*), yorkshire fog (*Holcus lanatus*) and cocksfoot (*Dactylis glomerata*), The dominant forbs are; curled dock (*Rumex crispus*), creeping buttercup (*Ranunculus repens*) and ribwort plantain (*Plantago lanceolata*).

#### **Ruderal/Ephemeral**

- 3.2.4 Around the areas of hardstanding and the ponds is previously bare ground that is dominated by ruderal species. The dominant species are; mugwort (*Artemisia vulgaris*), goosefoot (*Chenopodium*), false oat grass (*Arrhenatherum elatius*) and creeping thistle (*Cirsium arvense*).

#### **Vegetated Garden**

- 3.2.5 There is an area behind the existing stable block that is maintained as a vegetated garden.

#### **Ponds**

- 3.2.6 2 wildlife ponds have been recently created under grant from Wildscapes, the ponds are ephemeral and were dry at the time of survey. The vegetation is dominated by Bulrush (*Typha latifolia*) and Purple loosestrife (*Lythum salicaria*).

#### **Ditch**

- 3.2.7 There is a ditch that runs between the site and the road. The ditch was dry at the time of the survey and was occluded with ruderal vegetation. The dominant species are; willowherb (*Epilobium*), bindweed (*Calystegia sepium*), nettle (*Urtica*) and bramble (*Rubus fruticosus*).

### **3.3 Protected and notable animals**

- 3.3.1 No protected or notable species were recorded during the site survey.

#### **Invertebrates**

- 3.3.2 The habitats onsite were considered likely to support only a common assemblage of invertebrate species.



#### **Great crested newts**

- 3.3.3 There are two recently created ponds onsite, which were dry at the time of the survey. The ponds had been monitored recently by Wildscapes where eDNA analysis had been conducted which proved to be negative for GCN eDNA. Great Crested Newt is not considered to be a constraint on development, and no further survey work is necessary.

#### **Reptiles**

- 3.3.4 The site is mainly existing menage, a closely grazed paddock and hardstanding that is suboptimal for reptiles. There is some habitat around the periphery of the site which will be retained as part of the development.

#### **Birds**

- 3.3.5 The habitat for nesting birds is around the perimeter of the site and will be retained. Nesting birds can be mitigated for by allowing no works to potential nesting habitats to be carried out within the bird nesting season (which is generally March – August) unless a nesting bird survey is undertaken first.

#### **Bats**

- 3.3.6 The plans will not impact and potential bat roosting habitat therefore bats are not considered to be a constraint on development, and no further survey work is necessary.

#### **Badgers**

- 3.3.7 No badger setts, tracks, latrines, snuffle holes, hairs on boundary fences or other signs of badger activity were noted during a thorough investigation of the site for use by this species. This species is therefore likely to be absent from the site.

#### **Otter**

- 3.3.8 No suitable resting or lying up sites for otters were identified and no spraint or other evidence to suggest the presence of otters was found within or immediately adjacent to the site (within approximately 30 m).

#### **Water vole**

- 3.3.9 There were no signs of water vole using the site and the habitat is sub-optimal for this species.

#### **Other species**

- 3.3.10 Hedgehogs occupy a range of lowland habitats with enough cover to allow nesting; they are common in urban and suburban environments and gardens.



## 4.0 EVALUATION

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### **Internationally designated sites**

- 4.1.1 Seven statutory sites lie within a 5 km radius of the site. The nearest statutory site is Hewsons Field Site of Special Scientific Interest (SSSI) which is located approximately 0.4 km to the northwest of the site. An adequate area of barrier habitats such as roads and other infrastructure separates the SSSI from the proposed development site therefore there is expected to be no deleterious impact on the statutory protected sites from the development.

### **Habitats and plants**

- 4.1.2 The habitats at the site are not species-rich and have little intrinsic botanical value. They are common and widespread in the surrounding landscape.

### **Protected and other notable species**

#### **Birds**

- 4.1.3 The habitat for nesting birds is around the perimeter of the site and will be retained.

#### **Bats**

- 4.1.4 The trees onsite are being retained and the stable block has negligible potential to support roosting bats however the site may be used by foraging and commuting bats. Further mitigation in relation to bats is detailed in section 5.

#### **Badger**

- 4.1.5 Although no badger signs were recorded on site, it is possible that the site could be used periodically for foraging purposes. However, extensive areas of more suitable habitat are present within the wider landscape and it is therefore unlikely that the site is of particular importance to badgers.

### **Other mammals**

- 4.1.6 There is suitable habitat on site to support foraging and sheltering hedgehog.
- 4.1.7 Enhancement measures for birds, bats and hedgehogs are recommended, as outlined in Section 5.

## 4.2 Validity of Data

- 4.2.1 Unless the site changes significantly, the surveys carried out for this report should remain valid for at least 18 months, and potentially up to 3 years (CIEEM 2019).



## 5.0 RECOMMENDATIONS

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### 5.1 Key constraints to design and construction

#### **Birds**

- 5.1.1 Any vegetation should be removed outside of the bird nesting season (i.e. outside of the period March to August inclusive). If this is not possible, then these areas will have to be checked for nests by an ecologist immediately prior to clearance. If nests are found, they must be retained (with a suitable, species-specific buffer from works established) and protected from damage or abandonment until the young have fledged.

#### **Bats**

- 5.1.2 While it is unlikely that the site represents a critical foraging or commuting resource for bats, a sensitive lighting scheme should be maintained during and after development to maintain dark commuting corridors.

#### **Hedgehog, and other mammals**

- 5.1.3 To minimise the risk of trapping animals such as badgers and hedgehogs (if present), the following measures should be adopted:
- employ an ecological clerk of works to oversee site clearance works, conduct searches during site clearance.
  - time the works to avoid the hedgehog hibernation period of October/November to March/April.
  - avoid leaving excavations open overnight, or place 'escape ramps' in excavations left open overnight to prevent the inadvertent trapping of animals.
- 5.1.4 Precautions should be taken during any planned works to avoid adverse effects to hedgehogs. Working at night should be avoided where possible and it is also good practice to cover any excavations over night to prevent hedgehogs (and other mammals) from becoming trapped in them. If it is not possible to cover excavations then an egress route should be provided to allow animals to climb out of excavations, should they become trapped (i.e. ramps or planks of wood).
- 5.1.5 Enhancements within the proposed development to support urban hedgehog and other species populations can include unlit hedgerows and holes in garden fences to improve habitat connectivity ('hedgehog highways') (PTES, 2019). The use of pesticides, herbicides and rodenticides should be avoided on the site and vegetation clearance to ground level should only occur once the area has been walked and checks for hedgehogs and other notable species made. No further surveys for other animals such as hedgehog are considered necessary.



## 5.2 Opportunities for enhancement

- 5.2.1 In England, Biodiversity Net Gain (BNG) is becoming mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better quality natural habitat than there was before development.
- 5.2.2 From 12 February 2024, BNG will be mandatory for new planning applications for major development made under the Town and Country Planning Act (TCPA) 1990, subject to the confirmed exemptions. Major development includes residential developments with 10 or more dwellings, or where the site area is greater than 0.5 hectares.
- 5.2.3 BNG for small sites will have an extended transition period and will apply from 2 April 2024. The definition of small sites is summarised below, with the full definition found in the regulations. Small site development includes:
- Residential development where the number of dwellings is between 1 and 9, or if unknown the site area is less than 0.5 hectares
  - Commercial development where floor space created is less than 1,000 square metres or the total site area is less than 1 hectare
- 5.2.4 In light of the above policy a Biodiversity Net Gain Assessment of the site is recommended to ensure the proposals meet the required net gain.

### **Landscaping**

- 5.2.5 Many species would benefit from the provision of a semi-natural buffer between the proposed development and the adjacent landscape. This would help protect retained habitats from potential adverse effects associated with proposed development, including noise and light spill. The planting of native species including flower-, berry- and fruit-bearing species would benefit badgers, birds and other noteworthy species.

### ***Nest/Roost boxes***

- 5.2.6 Bird and bat boxes and/or bricks should be incorporated into the development design, including those suitable for a range of bat species, swift, house sparrow and/or starling, which are all species of conservation concern and are likely to be present within 1 km of the site. These features would provide additional roosting/nesting sites for these species groups and help offset impacts associated with habitat loss.

### ***Log piles and 'hedgehog highways'***

- 5.2.7 Log piles should be incorporated into quiet and varied habitats in the development to offer refuge for hedgehogs and other species. Ideally, they should be created using any logs generated from vegetation clearance, or from native and local wood. Furthermore, 'hedgehog highways' (holes approximately 13 cm<sup>2</sup>) should be provided in garden fences to improve habitat connectivity for hedgehogs.



5.2.8 The above enhancement measures could be designed and implemented on site by the ecological clerk of works.



## 6.0 CONCLUSIONS

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- 6.1.1 Most ecological impacts associated with the works can be managed and reduced through a combination of avoidance or mitigation such as appropriate timings of works, ecological clerk of works (ECoW) and a toolbox talk where necessary.
- 6.1.2 Unless the site changes significantly, the surveys carried out for this report should remain valid for at least 18 months (CIEEM 2019).



## REFERENCES

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- Beebee, T.J.C. & Griffiths, R.A. (2000), *Amphibians and Reptiles – A Natural History of the British Herpetofauna*. HarperCollins, London.
- Butcher, B., Carey, P., Edmonds, R., Norton, L. and Treweek, J. (2020), *UK Habitat Classification – Habitat Definitions V1.1* at <http://ukhab.org>
- Chartered Institute of Ecology and Environmental Management (2017), *Guidelines for Preliminary Ecological Appraisal*. Technical Guidance Series, [www.cieem.net/gpea.asp](http://www.cieem.net/gpea.asp).
- Chartered Institute of Ecology and Environmental Management (2019), *Advice Note on the Lifespan of Ecological Reports & Surveys*. CIEEM, Winchester, Hampshire.
- Cherrill, A. & McClean, C. (1999), Between-observer variation in the application of a standard method of habitat mapping by environmental consultants in the UK. *Journal of Applied Ecology*, **36**, 989-1000.
- Collins, J. (2023), *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edition). The Bat Conservation Trust, London.
- Crosher et al. (2019). *The Biodiversity Metric 2.0 Technical Supplement*. Defra.
- Edwards J, Knight M, Taylor S & Crosher I. E (2020), *Habitat Networks Maps, User Guidance v.2*. Natural England publication.
- English Nature (2001), *Great Crested Newt Mitigation Guidelines*. English Nature.
- Gilbert, G., Gibbons, D. W., & Evans, J. (1998), *Bird Monitoring Methods: A Manual of Techniques for Key UK Species*. RSPB, Sandy, Bedfordshire.
- Hill, M.O., Blackstock, T.H., Long, D.G. & Rothero, G.P. (2008), *A Checklist and Census Catalogue of British and Irish Bryophytes*. British Bryological Society, Middlewich.
- Institute of Environmental Assessment (1995), *Guidelines for Baseline Ecological Assessment*. Spon, London.
- JNCC. (2010), *Handbook for Phase 1 Habitat Survey* (revised). JNCC, Peterborough.
- Jones, J. (2000), *Impact of Lighting on Bats*. Bat Conservation Trust, London.
- MAGIC gov.uk. - interactive mapping tool run by Natural England [Accessed 21 June 2021].
- Oldham R.S., Keeble J., Swan M.J.S. & Jeffcote M. (2000), Evaluating the suitability of habitat for the Great Crested Newt (*Triturus cristatus*). *Herpetological Journal* 10 (4): 143-155.
- Poland, J. and Clement, E. (2020), *The vegetative key to the British flora* Second Edition. John Poland, Southampton.
- PTES (2019), *Hedgehog ecology and land management*. People's Trust for Endangered Species & British Hedgehog Preservation Society.



Rackham, Oliver (1986), *The History of the Countryside*. J.M. Dent, London.

Radcliffe, Derek (1977), *A Nature Conservation Review* (two volumes). Cambridge University Press, Cambridge.

RSPB (2010), *Wild birds and the law, England and Wales*. RSPB

Usher (1986), *Wildlife conservation evaluation*. Chapman & Hall, London and New York.

Stace, C.A. (2019), *A New Flora of the British Isles* (4th edition). C & M Floristics, Middlewich Green.

Stanbury, A.J., Eaton, M.A., Aebischer, N.J., Balmer, D., Brown, A.F., Douse, A., Lindley, P., McCulloch, N., Noble, D.G. & Win, I. (2021). The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. *British Birds* 114: 723-747.].



## FIGURES

Figure 1 Site Location Plan

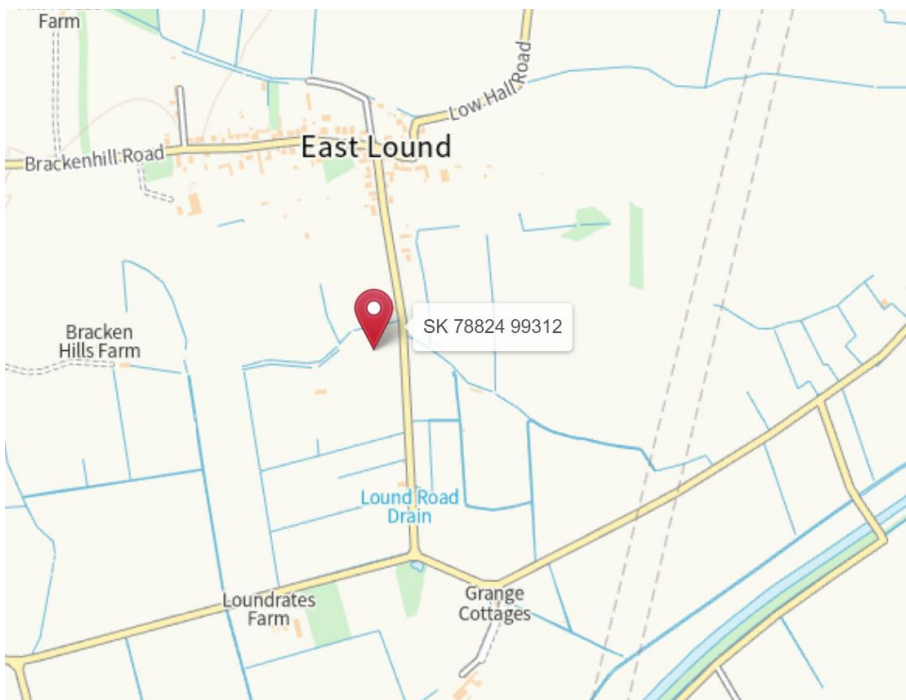




Figure 2 Habitat Map





## APPENDIX A – NATURE CONSERVATION LEGISLATION AND POLICY

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### International Legislation

The following international conventions and directives apply to biodiversity protection in the UK. Post-'Brexit', even though European Union (EU) directives no longer directly apply to the UK, the provisions therein are enshrined in both domestic legislation and international agreements. Legislation has been enacted to ensure the regulations derived from these remain in force<sup>2</sup>.

#### **The Convention on Biological Diversity 1992 *et seq.***

This multilateral treaty (<https://www.cbd.int/doc/legal/cbd-en.pdf>), signed by 150 government leaders at the 1992 Rio Earth Summit, has three main goals, of which one is the conservation of biological diversity. Article 6 requires countries to develop national biodiversity strategies, plans or programmes. In response, the UK developed the UK Biodiversity Action Plan (BAP) 1994 (<https://jncc.gov.uk/our-work/uk-bap/>) as well as county-specific BAPs. Subsequent to this, parties of the convention agreed the supplementary Nagoya Protocol 2010 (available at <https://www.cbd.int/abs/doc/protocol/nagoya-protocol-en.pdf>), adopting the Strategic Plan for Biodiversity 2011-2020. The purpose of this Strategic Plan was to provide a framework for establishing national and regional biodiversity targets (<https://www.cbd.int/doc/strategic-plan/2011-2020/Aichi-Targets-EN.pdf>).

#### **Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds (Birds Directive) 2009**

<https://www.legislation.gov.uk/eudr/2009/147>

The Birds Directive 2009 relates to the conservation of all species of naturally occurring birds in their wild state in the territory of the EU Member States (MSs) to which the treaty applies. Under the Birds Directive, the most suitable areas of conservation of the Annex I species are to be designated as Special Protection Areas (SPAs), as part of the European Natura 2000 network. Post Brexit, SPAs are no longer considered part of Natura 2000 and are instead components of the UK's 'national site network', but their highly protected status is unchanged. Maintaining a coherent network of protected sites with overarching conservation objectives is still required in order to fulfil the commitment made by government to maintain environmental protections and continue to meet the UK's international legal obligations.

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<sup>2</sup> Further information relating to England and Wales can be found here: <https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017>. A similar exercise has been undertaken in Scotland and Northern Ireland.



### **Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) 1992**

<https://www.legislation.gov.uk/eudr/1992/43>

The Habitats Directive 1992 requires EU MSs to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of community interest, which are listed under Annex I, II, IV and/or V. Species listed under Annex IV are known as 'European Protected Species' (EPS), and have retained their protected status in UK domestic legislation post-Brexit.

Under the Habitats Directive, EU Member States are required to contribute to the Natura 2000 network through the designation of Special Areas of Conservation (SACs) for natural habitat types listed in Annex I and habitats of species listed in Annex II. Post Brexit, SACs are no longer considered part of the European Natura 2000 network and are instead components of the UK's 'national site network', but their highly protected status is unchanged.

### **The Convention on Wetlands of International Importance Especially as Waterfowl Habitat 1971: the Ramsar Convention**

Accessible via <https://jncc.gov.uk/our-work/ramsar-convention/>

The Ramsar Convention is an intergovernmental treaty focused on the conservation and sustainable use of wetland, primarily as habitats for water birds. Under the convention, each ratified country is required to identify and designate sites (Ramsar sites) that meet the criteria for identifying a wetland of international importance, i.e. containing representative, rare or unique wetland types. In addition, the convention promotes international co-operation to promote the wise use of all wetlands and their resources.

### **Habitats Regulations Assessment (HRA): a note**

There is a requirement under the EU nature directives, and enshrined in country-specific domestic legislation<sup>3</sup> (see below), to undertake a screening exercise to determine whether any sites that form part of the 'national site network' (formerly Natura 2000) are likely to be significantly affected by any proposal (project or plan). The assessment must consider the proposals alone and also in combination with other plans and projects, if they result from activities that are not directly connected with, or necessary to, the management of the designated sites. If significant effects are likely, an Appropriate Assessment (AA) will need to be carried out. The screening, any AA, and any subsequent assessment, are collectively known as a Habitats Regulations Assessment (HRA). The HRA needs to take into account each of the 'Qualifying Features' (habitats or species) that justified the site being designated. Ramsar sites are treated in the same way as SACs and SPAs in HRAs, as are sites which have not been fully adopted i.e. candidate SACs (cSACs) and potential SPAs (pSPAs).

<sup>3</sup> In England and Wales: the Conservation of Habitats and Species Regulations 2017 (as amended).  
In Scotland: the Conservation (Natural Habitats &c.) Regulations 1994 (as amended).  
In Northern Ireland: the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 (as amended).  
In the UK offshore area: the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).



### **The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) 1979**

Accessible via: <https://jncc.gov.uk/our-work/the-convention-on-the-conservation-of-migratory-species-of-wild-animals/#convention-summary>

The Bonn Convention was adopted in 1979 and came into force in 1985. Contracting Parties work together to conserve migratory species and their habitats by providing strict protection for endangered migratory species (listed in Appendix I of the Convention), concluding multilateral agreements for the conservation and management of migratory species which require or would benefit from international cooperation (listed in Appendix II), and by undertaking cooperative research activities. The UK Government ratified the Bonn Convention in 1985. The current legally-binding Agreements under the Convention include EUROBATS<sup>4</sup>.

### **The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) 1979**

<https://www.coe.int/en/web/bern-convention>

The principal aims of the Bern Convention 1979 are to ensure the conservation and protection of wild plant and animal species and their natural habitats (listed in Appendices I and II of the Convention), to increase cooperation between contracting parties, and to regulate the exploitation of those species (including migratory species) listed in Appendix III. To this end, the Bern Convention imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1,000 wild animal species. The UK Government ratified the Bern Convention in 1982.

## **National Legislation**

The following pieces of domestic legislation apply to biodiversity protection in the UK.

### **The Wildlife and Countryside Act (WCA) 1981**

<https://www.legislation.gov.uk/ukpga/1981/69>

The Wildlife and Countryside Act 1981 (as amended) is the primary piece of legislation relating to nature conservation in the UK, though it has been adapted in different ways in the devolved administrations. It was initially enacted to implement the Bern Convention, Bonn Convention and the Birds Directive (described above).

The act is supplemented by provisions in the Countryside and Rights of Way (CRoW) Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006, and extended in Scotland by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011). Its equivalent in Northern Ireland is the Wildlife (Northern Ireland) Order 1985 (as amended and similarly extended). In addition to the Habitat Regulations (described below), the WCA provides protection for species listed in Schedules 1 (birds), 5 (other animals) and 8 (plants) of the Act. It provides for the notification and confirmation of Sites of

<sup>4</sup> More information available at <https://jncc.gov.uk/our-work/agreement-on-the-conservation-of-populations-of-european-bats-eurobats>



Special Scientific Interest (SSSIs) in England and Wales<sup>5</sup>. It also sets out, in other schedules, important and invasive species which are legally protected or require management.

All species of bird are protected under the WCA. The legislation makes it an offence to intentionally:

- a) kill, injure or take any wild bird;
- b) take, damage, or destroy the nest of any wild bird while that nest is in use or being built; or
- c) take or destroy an egg of any wild bird.

Those species of birds listed on Schedule 1 of the WCA are afforded additional protection, which deems it an offence to intentionally or recklessly:

- a) disturb any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- b) disturb dependent young of such a bird.

Under Section 9 of the WCA, for animals listed on Schedule 5, it is an offence in England and Wales to intentionally or recklessly:

- kill, injure or take any wild animal listed on Schedule 5\*;
- possess or control any live or dead those wild animals or anything derived from it\*;
- damage or destroy any structure or place which wild animals listed on Schedule 5 uses for shelter or protection\*;
- disturb any such animal while it is occupying a structure or place of shelter or protection;
- obstruct access to any structure or place used by any such animal for shelter or protection; and
- sell, offer or expose for sale, or have in their possession or transports for the purpose of sale, any live or dead wild animal listed on Schedule 5 or any part of, or anything derived from such an animal.

As noted above, there are minor differences between the offences in England and Wales outlined above, and those in Scotland / Northern Ireland. The three clauses marked with asterisks do not apply to EPS in England and Wales, as these offences are included in the 'Habitats Regulations' (see below). In addition, the Wildlife and Countryside Act 1981 is no longer relevant to EPS in Scotland or Northern Ireland, which instead are afforded full protection by the 'Habitats Regulations' (see below).

In addition to EPS, species commonly found on development sites include water voles (*Arvicola amphibius*) and widespread species of reptiles: common lizard (*Zootoca vivipara*); slow-worm (*Anguis fragilis*); grass snake (*Natrix helvetica*); and adder (*Vipera berus*). These four reptile species receive partial protection, which prevents the intentional or deliberate killing and injuring of reptiles or offering them for sale.

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<sup>5</sup> Duty replaced by the Nature Conservation (Scotland) Act 2004 (as amended) and the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (as amended) in those countries.



Section 14(2)<sup>6</sup> states that it is an offence to plant or otherwise cause to grow any plant in the wild at a place outside its native range.

Section 16(i) of the Act makes provision for derogation licences to be issued “for the purposes of preserving public health or public ... safety”. For confirmation of this, it would be appropriate to consult the relevant statutory nature conservation body (SNCB)<sup>7</sup>.

Until recently, there has been no provision within the Act for derogation licences to be issued for the purposes of development, although Section 10 provides a defence in cases that may be considered to be: “the incidental result of a lawful operation and could not reasonably have been avoided” if certain conditions are met.

As a result of the Environment Act 2021, the introduction of the ‘overriding public interest’ (‘OPI’) test was added to the licensing purposes in the WCA, from October 2022, though this only applies in England.

#### **The Conservation of Habitats and Species Regulations (Habitat Regulations) 2017**

<https://www.legislation.gov.uk/ukksi/2017/1012> England and Wales

#### **The Conservation (Natural Habitats, &c.) Regulations 1994**

<https://www.legislation.gov.uk/ukksi/1994/2716/contents/made> Scotland<sup>8</sup> (as amended, notably by The Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007).

#### **The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended, notably by The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2007)**

<https://www.legislation.gov.uk/nisr/1995/380/contents/made> Northern Ireland<sup>9</sup>

The Habitats Regulations 2017 consolidated the various amendments made to the 1994 Habitat Regulations, which were developed to implement the Birds Directive and Habitats Directive (see above) at a national level, though this consolidation only applies in England and Wales. As noted above, in Scotland and in Northern Ireland, the original versions of the Regulations in each region have been retained and amended to include protections for EPS that were initially provided under the WCA (or its equivalent).

The Regulations (as amended) provide for the designation and protection of the national site network (formerly ‘Natura 2000 sites’), the adaptation of planning and other controls for those sites, and the protection of EPS (listed on Schedules 2 and 5).

<sup>6</sup> In Scotland, as amended by Section 14 of the Wildlife and Natural Environment (Scotland) Act 2011.

<sup>7</sup> SNCBs are - in England: Natural England; in Wales: Natural Resources Wales; in Scotland: NatureScot; in Northern Ireland: Department of Agriculture, Environment and Rural Affairs (DAERA).

<sup>8</sup> This is the original text, and that amendments relevant to Scotland can be found here: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations/habitats-regulations>

<sup>9</sup> This is the original text, and that amendments relevant to Northern Ireland can be found here: <https://www.netregs.org.uk/legislation/northern-ireland-environmental-legislation/current-legislation/conservation/>



The 2017 Regulations (England and Wales, Reg. 43) deems it an offence to:

- a) deliberately capture, injure or kill a wild animal of a EPS,
- b) deliberately disturb wild animals of any such species,
- c) deliberately take or destroy the eggs of such an animal, or
- d) damage or destroy a breeding site or resting place of such an animal.

For the purposes of paragraph (b), disturbance of animals includes in particular any disturbance which is likely to:

- a) impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- b) to affect significantly the local distribution or abundance of the species to which they belong.

There are also restrictions on transport, possession and sale.

The Habitats Regulations 1994 which apply in Scotland with a number of amendments, provide full protection to EPS without recourse to the WCA<sup>10</sup>.

The legislation in Northern Ireland is similar to Scotland in that the protection for EPS has been transferred to the Conservation (Natural Habitats, & c.) Regulations (NI) 1995 (as amended).

It is possible to obtain a derogation licence from the relevant SNCB<sup>7</sup> to permit activities which would otherwise contravene the regulations above, including for development purposes, when certain conditions are met. Failure to satisfy the Regulations and obtain a licence where required could result in prosecution and lead to fines and possible imprisonment.

To meet the requirements in Regulation 63(1) [48(1) of the 1994 Regulations in Scotland], an HRA is required (see note in previous section).

Currently (2021), all EPS are also listed on Schedule 5 of the WCA (outlined above), as it applies in England and Wales, though only some clauses of the WCA apply (Section 9 4(b), (c) and 5). EPS often encountered on development sites include GCN (*Triturus cristatus*), all species of bats, dormice (*Muscardinus avellanarius*) and otters (*Lutra lutra*).

### **Conservation of Offshore Marine Habitats and Species Regulations 2017**

<https://www.legislation.gov.uk/ukxi/2017/1013>

The Conservation of Offshore Marine Habitats and Species Regulations 2017 transposed into national law the Habitats Directive (and the Bird Directive in the UK offshore areas). These regulations apply to the UK's offshore marine area which covers waters beyond 12 nautical miles, within British Fishery Limits and the seabed within the UK Continental Shelf Designated Area.

These regulations enable the designation and protection of areas that host habitats and species of European importance in the offshore marine area. These sites were previously defined

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<sup>10</sup> <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations/european-protected>



collectively as 'European offshore marine sites' and now, together with all other terrestrial and marine SACs and SPAs across the UK, form a network of sites known as the 'national site network'.

### **Countryside and Rights of Way Act 2000**

<https://www.legislation.gov.uk/ukpga/2000/37>

The Countryside and Rights of Way (CRoW) Act 2000 provides for public access on foot to certain land types, amends the law for public rights of way, increases protection for SSSIs, and strengthens wildlife enforcement legislation. It applies only in England and Wales.

### **The Natural Environment and Rural Communities (NERC) Act 2006; The Environment (Wales) Act 2016**

<https://www.legislation.gov.uk/ukpga/2006/16>

The Natural Environment and Rural Communities (NERC) Act 2006, Section 40 requires that any public body or statutory undertaker in England must have regard to the purpose of conservation of biological diversity in a manner that is consistent with the exercise of their normal functions. This may include enhancing, restoring or protecting a population or a habitat. The intention is to help ensure that biodiversity becomes an integral consideration in the development of policies, and that decisions of public bodies work with the grain of nature and not against it. In Wales, a similar duty has been moved to Section 6 of the Environment (Wales) Act 2016.

As part of this duty, statutory undertakers must have regard to the list of habitats and species which are of principal importance for the purpose of maintaining and enhancing biodiversity. For England, the duty to compile such a list is captured under Section 41 of the NERC Act; in Wales, under Section 7 of the Environment (Wales) Act. The lists for England are accessible online via the National Archive<sup>11</sup>; for Wales via <https://www.biodiversitywales.org.uk/>.

Commented [PR1]: Delete if not in England or Wales

### **The Hedgerows Regulations 1997**

<https://www.legislation.gov.uk/uksi/1997/1160/made>

The Hedgerows Regulations 1997 provide protection for 'important' hedgerows for which replanting is not a substitute. The 'importance' of a hedgerow depends upon several archaeological, wildlife and landscape criteria (which are outlined in the Regulations). The regulations deem it an offence to remove an 'important hedgerow' without prior notification to the relevant local planning authority.

<sup>11</sup>

<https://webarchive.nationalarchives.gov.uk/ukgwa/20140712055944/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>



### **Protection of Badgers Act 1992**

<https://www.legislation.gov.uk/ukpga/1992/51>

Badgers and their setts are protected under the Protection of Badgers Act 1992 (England, Wales and Scotland). The key part of this legislation in relation to the proposed development are in Section 3, which deems it an offence to:

- a) damage a badger sett or any part of it;
- b) destroy a badger sett;
- c) obstruct access to, or any entrance of, a badger sett;
- d) disturb a badger when it is occupying a badger sett,
- e) intend to do any of those things or be reckless as to whether those actions would have any of the consequences listed above.

Derogation licences may be obtained from the relevant SNCB<sup>7</sup> under Section 10 of the Act for the purpose of development, to permit activities which would otherwise be unlawful.

Note: there are additional provisions relating to badgers under the WCA Section 11 (Prohibition of certain methods of killing or taking wild animals).

### **The Wild Mammals (Protection) Act 1996**

<https://www.legislation.gov.uk/ukpga/1996/3>

All wild mammals are protected by The Wild Mammals (Protection) Act 1996 (as amended). This makes it an offence to mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal.

### **Invasive Alien Species (Enforcement and Permitting) Order 2019**

<https://www.legislation.gov.uk/uksi/2019/527/contents/made>

The Invasive Alien Species (Enforcement and Permitting) Order applies principally in England and Wales and the UK's offshore marine area, but also controls imports and exports from the UK (including Scotland and Northern Ireland). It lists species of concern which cannot be imported, kept, bred/grown, transported, sold, used, allowed to reproduce, or released into the environment. This Order replaces some elements relating to invasive species in the Wildlife and Countryside Act 1981 (as amended).

## **National, regional and local policy and guidance of relevance**

Planning policy relating to ecology and nature conservation is set out below.

### **National Planning Policy Framework 2021**

Access via: <https://www.gov.uk/government/publications/national-planning-policy-framework-2>

The National Planning Policy Framework (NPPF) sets out the Government's planning policy in England at the national level. It does not contain specific policies for nationally significant infrastructure projects, which are determined in accordance with the decision-making framework in the Act and relevant National Policy Statements for major infrastructure, as well as any other



matters that are relevant (which may include the NPPF). Section 15 (paragraphs 174-188) of the NPPF specifies the requirements for conserving and enhancing the natural environment through the planning and development process to minimise impacts on habitats and biodiversity.

### **Planning Practice Guidance**

Accessed via: <https://www.gov.uk/government/collections/planning-practice-guidance>

The Planning Practice Guidance is a web-resource to support the NPPF, including guidance for Environmental Impact Assessments (<https://www.gov.uk/guidance/environmental-impact-assessment>) and the Natural Environment (<https://www.gov.uk/guidance/natural-environment>). The guidance for the Natural Environment explains key issues in implementing the NPPF to protect and enhance the natural environment, including local requirements. The guidance outlines what evidence needs to be taken into account in preparing planning applications to identify and map local ecological networks. It also outlines how biodiversity can be taken into account in preparing a planning application.

### **Government's 25-Year Environment Plan 2018**

Accessed via: <https://www.gov.uk/government/publications/25-year-environment-plan>

The Government's 25-Year Environment Plan 2018 sets out how the UK Government intends to improve the natural health of the UK through improving land, air and water quality, as well as setting out how the effects of climate change will be tackled. The plan promotes the creation or restoration of wildlife-rich habitat outside the protected site network and seeks to recover threatened, iconic or economically important species of animals, plants and fungi, and where possible to prevent human induced extinction or loss of known threatened species in England. The plan sets out a number of goals and corresponding policies that look at managing land sustainably, improving and enhancing landscapes and biodiversity for both marine and terrestrial environments, improving resource efficiency and reducing waste and pollution, whilst also examining the UK's contribution to improving the global environment.



## APPENDIX B – ABBREVIATIONS

*Table 5* displays abbreviations of protected species legislation.

Code	Full Title	Explanation
Amber	Amber list	Amber listed species have a population status in the UK of medium conservation concern.
BAP	Biodiversity action plan	A plan that identifies threats to significantly important species and habitats, and sets out targets and actions to enhance or maintain biodiversity.
DA	The Deer Act 1991	All wild deer with the exception of Muntjac ( <i>Muntiacus reevesi</i> ) and Chinese Water deer ( <i>Hydropotes inermis</i> ) are protected by a closed season.
ENG BSBI RDB	A Vascular Plant Red List for England	A list published in 2014 by the Botanical Society of Britain and Ireland of the red list status of plants in England. Measured against standardised IUCN criteria.
ENG BSBI RDB(CR)	Critically endangered	A BSBI Red List designation for species at an extremely high risk of extinction.
ENG BSBI RDB(EN)	Endangered	A BSBI Red List designation for species at a very high risk of extinction.
ENG BSBI RDB(VU)	Vulnerable	A BSBI Red List designation for species at high risk of extinction.
EPS (Sch 2)	European protected species (Schedule 2)	European protected species of animals, listed on Schedule 2 of The Conservation of Habitats and Species Regulations 2017.
EPS (Sch 5)	European protected species (Schedule 5)	European protected species of plants, listed on Schedule 5 of The Conservation of Habitats and Species Regulations 2017.
GB RDB	Red data book species	Species identified in one of the UK Red Data 2001.
GB RDB(CR)	Critically endangered	An IUCN Red List designation for species at an extremely high risk of extinction.
GB RDB(EN)	Endangered	An IUCN Red List designation for species at a very high risk of extinction.
GB RDB(VU)	Vulnerable	An IUCN Red List designation for species at high risk of extinction.
HAP	Habitat action plan	A plan that identifies threats to a priority habitat and sets out targets and actions to enhance or maintain that habitat.
IUCN	International Union for Conservation of Nature and Natural Resources	A worldwide partnership and conservation network to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable.
LBAP	Local biodiversity action plan	A plan that identifies threats to locally important species and habitats, and sets out targets and actions in Species Action Plans and Habitat Action Plans to enhance or maintain biodiversity at the county or regional level.
LHAP	Local habitat action plan	A plan that identifies threats to a locally important priority habitat and sets out targets and actions to enhance or maintain that habitat.
LSAP	Local species action plan	A plan that identifies threats to locally important species, and sets out targets and actions to prevent losing that species from the local area.
Notable	Scarce and threatened invertebrates	Invertebrate species which are estimated to occur within the range of 16 to 100 10km squares but subdivision into Notable A and Notable B categories is not possible as there is insufficient information available).
Notable: A	Scarce and threatened invertebrates	Taxa which do not fall within Red Data Book categories but which are none-the-less uncommon in Great Britain and thought to occur in 30 or fewer 10km squares of the National Grid or, for less well-recorded groups, within seven or fewer vice-counties.
Notable: B	Scarce and threatened invertebrates	Taxa which do not fall within Red Data Book categories but which are none-the-less uncommon in Great Britain and thought to occur in



Code	Full Title	Explanation
		between 31 and 100 10km squares of the National Grid or, for less-well recorded groups between eight and twenty vice-counties.
NN	Nationally notable	Designation for invertebrate taxa that are thought to be notably important in the UK.
NR	Nationally rare	Species in 15 or fewer hectads in Great Britain.
NS	National scarce	Species in 16-100 hectads in Great Britain.
OSPAR	OSPAR	Species listed on The Convention for the Protection of the Marine Environment of the North-East Atlantic
Red	Red list	Red listed species have a population status in the UK with high conservation concern.
SAP	Species action plan	A plan that identifies threats to significantly important species, and sets out targets and actions to prevent losing that species to extinction.
S41	Species of principal importance	Species of Principal Importance in England under The Natural Environment and Rural Communities (NERC) Act (2006)
UKBAP	UK biodiversity action plan	A plan that identifies threats to locally important species and habitats, and sets out targets and actions in species action plans and habitat action plans to enhance or maintain biodiversity in the UK.
WCA	The Wildlife and Countryside Act 1981 (as amended)	Containing 4 Parts and 17 Schedules, the Act covers protection of wildlife (birds, and some animals and plants), the countryside, National Parks, and the designation of protected areas, and public rights of way. All wild plants in Britain are protected from intentional uprooting by an unauthorized person, but land owners, land occupiers, persons authorized by either of these or persons authorized in writing by the local authority for the area are exempt. Protection for some species may be limited to certain Sections of the Act (e.g. S13(2)).
WCA1	Schedule 1 of The Wildlife and Countryside Act 1981 (as amended)	This Schedule lists birds protected by special penalties at all times, but virtually all wild birds have some protection in law. Acts which are prohibited for all wild birds (except derogated 'pest' species) include intentional killing, injuring or taking; taking, damaging or destroying nests in use or being built; taking or destroying eggs; possessing or having control of (with certain exceptions but including live for dead birds, parts or derivative); setting or permitting certain traps, weapons, decoys or poisons. Selling, offering or exposing for sale, possessing or transporting for sale any live wild bird, egg or part of an egg or advertising any of these for sale, or dead wild bird including parts or derivatives are also prohibited. Many birds must be formally registered and ringed if kept in captivity. Schedule I WCA birds are additionally protected from intentional or reckless disturbance while building a nest, or when such a bird is in, on or near a nest containing eggs or young, or intentional or reckless disturbance of dependent young.
WCA5	Schedule 5 of The Wildlife and Countryside Act 1981 (as amended)	Schedule 5 animals are protected from intentional killing, injuring or taking; possessing (including parts or derivatives); intentional or reckless damage, destruction or obstruction of any structure or place used for shelter or protection; selling, offering or exposing for sale, possessing or transporting for the purpose of sale (alive or dead, including parts or derivatives). Protection of some species is limited to certain Sections of the Act (e.g. S9(1), S9(4a), S9(4b), S9(5)).
WCA8	Schedule 8 of The Wildlife and Countryside Act 1981 (as amended)	Plants and fungi protected from intentional picking, uprooting, destroying, trading (including parts or derivatives), etc.



## APPENDIX C – PHOTOGRAPHS

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Plate 1. Artificial unsealed surface



Plate 2. Paddock





**Plate 3. Defunct hedgerow**



**Plate 4. Equestrian menage**





**Plate 5. Recently created ephemeral pond**

