

Preliminary Ecological Appraisal

Land at Sillinghurst Farm

Castle Hill Road, Bury

January 2026

Prepared for: Mr D Taylor

Report prepared by: Verity Webster BSc (Hons) MSc CEcol CMIEEM



EXECUTIVE SUMMARY

- On 11th December 2025 a Preliminary Ecological Appraisal was undertaken on land at Sillinghurst Farm, Castle Hill Road, Bury. The site supports modified grassland, tall forb, small trees and developed land; sealed surface (agricultural building).

Ecological constraints relate to the following:

Great crested newt

- Great crested newt are in known to be present in the wider locality and although the proposals are very unlikely to significantly impact the population or individual animals, reasonable avoidance measures are proposed to reduce the risk of harm to negligible.

Avoidance mitigation for other species

- Reasonable avoidance measures are recommended to take into consideration the potential presence in the locality of nesting birds, badger, common toad, common reptiles and hedgehog.

Enhancement

- The proposals provide the opportunity to enhance the site for wildlife through planting of native tree species.

Verity Webster

Ecology and Protected Species Consultancy



1 Introduction

1.1 Application Site

- 1.1.1. This report details a Preliminary Ecological Appraisal of land at Sillinghurst Farm, Castle Hill Road, Bury, BL9 6UN. Ordnance Survey grid reference (centre of site): SD 82051283.
- 1.1.2. Mr D Taylor commissioned Verity Webster Ltd to undertake a Preliminary Ecological Appraisal to inform the planning application.

1.2 Objectives

- 1.2.1 The objectives of the Preliminary Ecological Appraisal are to determine:
- The potential for protected species and/or habitats of importance within and surrounding the site.
 - The presence of any designated sites within the surrounding area, or if the site is designated.
 - How the proposed works might impact protected species and/or habitats of importance.
 - How the proposed works might impact designated sites within the surrounding area.
 - How any impacts might be avoided, mitigated and/or ameliorated, including recommendations for further survey work if required.
 - Potential for enhancement of the site for protected species, habitats of conservation interest and overall biodiversity.

1.3 Proposals

- 1.3.1 The proposals comprise the demolition of an existing agricultural building and the construction of a larger agricultural building.

1.4 Ecologist

- 1.4.1 The Ecological Assessment was undertaken by Verity Webster. Verity is a Chartered Ecologist and a full member of the Chartered Institute of Ecology and Environmental Management. She has a class 2 bat licence, class 1 great crested newt licence and botanical skills FISC level 4, suitable for NVC survey.
- 1.4.2 Verity has worked as an ecological consultant for over 18 years. She has undertaken Ecological Assessments and protected species surveys for a large variety of projects and schemes, producing the required impact assessment and subsequent mitigation schemes and method statements when necessary.



2 Site Location and Description

2.1 Site Location

- 2.1.1 The survey site is located in a rural location approximately 700m northeast of the outskirts of Bury residential area and approximately 330m east of the M65 motorway which runs north to south.
- 2.1.2 Open countryside surrounds the property, encompassing grazed pasture and arable land with tree lines and small woodland copses. There are also scattered waterbodies and small waterways, including Gypsy Brook, which lies approximately 12m to the south of the site. See Figures 1 and 2.

2.2 Site Description

- 2.2.1 The survey site encompasses a portion of the wider farmstead and comprises an agricultural building and area of modified grassland with a small patch of tall forb.
- 2.2.2 See UK Habitat Classification Plans, Figure 3.

Agricultural Building

- 2.2.3 The agricultural building is rectangular, oriented east to west. It is constructed of wood panelling with a pitched, corrugated metal sheet roof. The beams are wooden. Internally, the space is well-sealed aside from ventilation fans in the walls.



Agricultural Building



Figure 1: Ordnance survey map showing the location of the proposed development site.

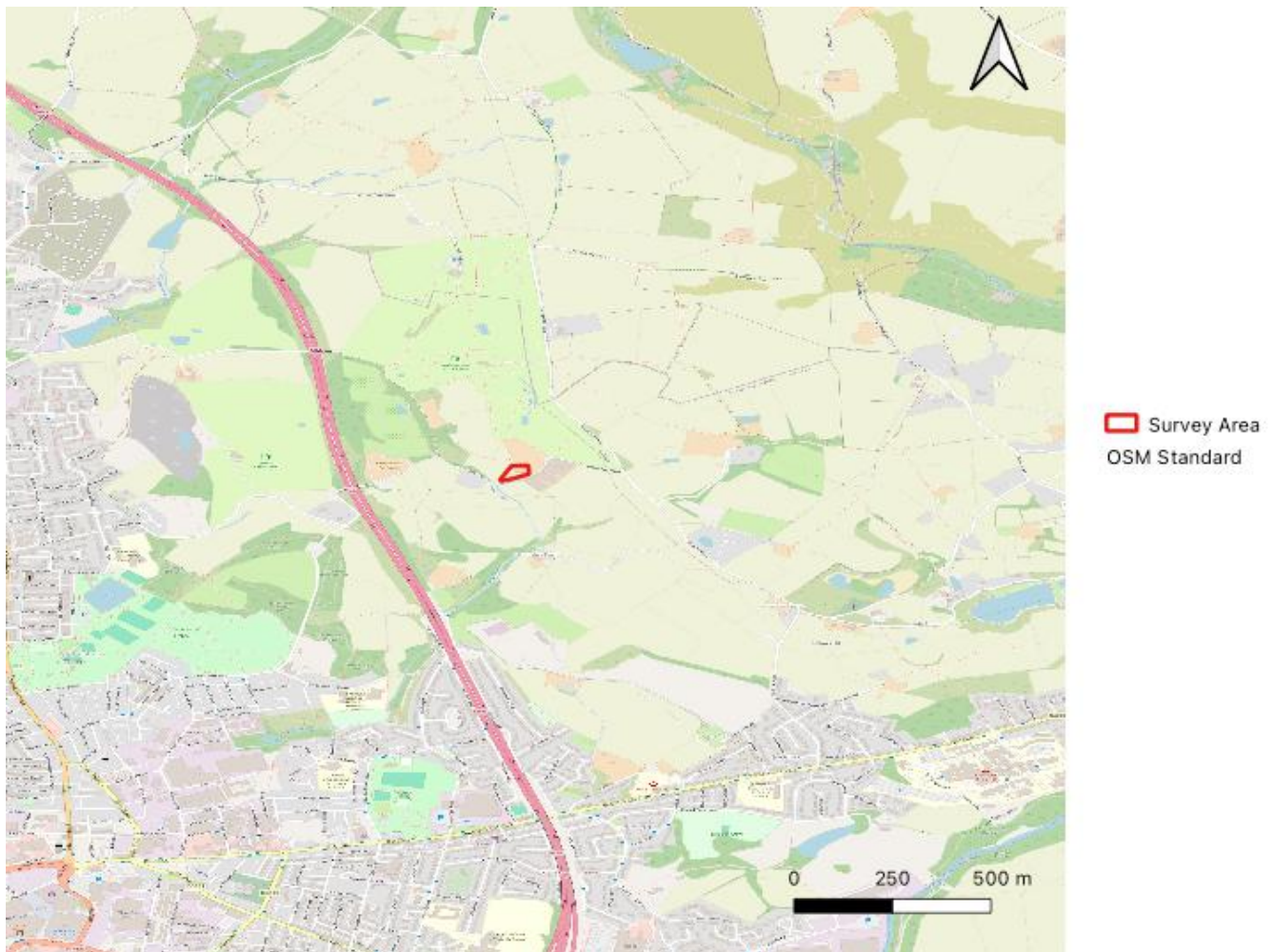




Figure 2: Aerial image showing the proposed development site and immediate surroundings





3 Legislation

Relevant legislation is listed here. For full details, refer to Appendix A.

3.1 Bats

3.1.1 All UK bats receive full protection under the Wildlife and Countryside Act 1981 and are also protected under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regs).

3.1.2 This makes it an offence to:

- Capture, injure or kill any bat,
- Disturb a bat of any species,
- Damage or destroy a breeding site or resting place of a bat (ie. The roost)
- Possess any bat, or part of a bat
- Offer for sale or trade any bat, or part of a bat

3.2 Badger

3.2.1 Under the Badger Act 1992, it is an offence to:

- Take, injure or kill a badger, or attempt to do so
- Cruelly ill-treat a badger
- Interfere with a badger sett including:
 - Damaging a badger sett or any part of it
 - Destroying a sett
 - Obstructing access to, or entry to a sett
 - Causing a dog to enter a sett; or
 - Disturbing a badger whilst it is occupying a sett.

3.3 Reptiles

3.3.1 Smooth snake and sand lizard receive full protection under the Wildlife and Countryside Act 1981 and are also protected under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regs).

3.3.2 This makes it an offence to:

- Capture, injure or kill one of these species,
- Disturb these species,
- Damage or destroy a breeding site or resting place of these species.
- Possess one of these species, or part of one
- Offer for sale or trade one of these species, or part of one

3.3.3 Common lizard, adder, grass snake and slow-worm are partially protected under the Wildlife and Countryside Act 1981. This makes it an offence to:

- Kill or injure one of these species.
- Offer for sale or trade one of these species, or part of these animals.

3.4 Amphibians

3.4.1 Great crested newts receive full protection under the Wildlife and Countryside Act 1981 and are also protected under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regs).

3.4.2 This makes it an offence to:

- Capture, injure or kill one of these species,
- Disturb these species,
- Damage or destroy a breeding site or resting place of these species.



- Possess a great crested newt, or part of this animal
- Offer for sale or trade a great crested newt, or part of this animal.

3.4.3 Common lizard, adder, grass snake and slow-worm are partially protected under the Wildlife and Countryside Act 1981. This makes it an offence to:

- Kill or injure one of these species.
- Offer for sale or trade one of these species, or part of these animals.

3.4.4 Common toad, common frog, palmate newt and smooth newt are protected from sale or trade only.

Schedule 1 Birds

3.4.5 In addition to the above, special penalties are available for offences related to birds listed on Schedule 1. Barn owl is included on this schedule.

3.4.6 It is an offence to disturb any Schedule 1 bird at the nest, or to disturb their dependent young.

3.5 Section 41 Habitats and Species of Principal Importance

3.5.1 Section 41 Habitats and Species of Principal Importance (NERC Act 2006) are a material consideration for planners. The list is derived from the UK Biodiversity Action Plan list and supports species and habitats of conservation concern.

3.5.2 Species relevant to this report include hedgehog and common toad.

3.6 Designated Sites

3.6.1 Sites of conservation interest can be designated on a statutory or non-statutory basis.

3.6.2 Statutory sites can be designated under UK legislation (the Wildlife and Countryside Act 1981), European Law (the Habitats Regulations 2017) or International law (Ramsar Convention).

3.6.3 Non-statutory sites can be designated by the Local Planning Authority, and different counties have different ways of designating local wildlife sites. Examples are Local Wildlife Sites and Biological Heritage Sites.

3.7 Planning Policy and Legislation

Biodiversity Net Gain

3.7.1 In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This is referred to as biodiversity net gain in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

3.7.2 Under the statutory framework for biodiversity net gain, every grant of planning permission is deemed to have been granted subject to a general biodiversity gain condition to secure the biodiversity gain objective. This objective is to deliver at least a 10% increase in relation to the pre-development biodiversity value of the development granted permission. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits (Gov.Uk Biodiversity Net Gain, 2023).



The NERC Act, 2006

- 3.7.3 Under the NERC Act 2006, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site before they make a decision on the planning permission.
- 3.7.4 The National Planning Policy Framework (NPPF, 2021) encourages Local Planning Authorities to conserve and enhance biodiversity. This was updated in December 2023.

Chapter 15, Para 180 of NPPF states: *"The planning system should contribute to and enhance the natural and local environment by:*

- a) ***protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils....***
- d) ***minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"***.

Para 181 states: *"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."*

Para 185 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:

- a) ***"Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and***
- b) ***Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and peruse opportunities for securing measurable net gains for biodiversity."***

Para 186 states that *"when determining planning applications, local authorities should apply the following principles:*

- a) ***if significant harm to biodiversity from a development cannot be avoided...,adequately mitigated, or, as a last resort compensated for, then planning permission should be refused"***

- 3.7.5 The local planning authority has a responsibility, therefore, to obtain all information regarding the potential for protected species on a site prior to making a decision about a proposal.



4 Survey Methodology

4.1 Desk Study

4.1.1 The following data sources used to establish background information about protected species and their likely presence in the locality:

- Magic Map, Natural England (2018)
- Bing Maps (2019)
- Records data from Greater Manchester Ecology Unit (GMEU) (2025)

4.1.2 Online mapping facilities, including MAGIC (Defra 2015), Google earth (for aerial mapping) and Ordnance Survey maps for the area were consulted to assess the site in relation to the surrounding landscape and any statutory and non-statutory designated sites.

4.1.3 Records data from GMEU includes records of protected species and habitats of conservation interest within 1km of the survey site.

4.2 Site Survey

4.2.1 The survey site was walked in daylight on 11th December 2025, and during the visits the habitat was assessed for potential for protected species. The surveyor searched for signs of the presence of protected species where appropriate, including pathways, burrows / nests / resting places, scratch markings, footprints and droppings etc. The presence of all animals and birds, if seen or heard, was recorded.

4.2.2 Habitats on site were assessed and described in accordance with UK Habitat Classification (UK Hab Ltd, 2023) and a list of conspicuous species recorded.

4.2.3 Consideration is also given to the surrounding landscape with respect to protected species including badger, birds, amphibians and reptiles.

4.3 Survey Limitations

4.3.1 The survey work was undertaken in December 2025.

4.3.2 Species such as reptiles and amphibians are not active at this time of the year, although an assessment of the likelihood of presence is based upon the habitat present and not sightings of animals.

4.3.3 A proportion of higher plants are visible in December, but some species are more conspicuous or only present at some times of the year, and some species may have been missed. The species list constructed is not comprehensive, but given the habitat types expected, is sufficient to inform the appropriate habitat categorisation and recommendations for mitigation in this case.



5 Findings: Surrounding Designated Sites

- 5.0.1 Sites of conservation interest can be designated on a statutory or non-statutory basis.
- 5.0.2 The protection over European designated sites (or Natura 2000) sites and Ramsar sites require any potential direct and indirect impacts are assessed within at least a 5km radius of the survey site.
- 5.0.3 The protection over UK statutory sites (Sites of Special Scientific Interest and Local Nature Reserves) requires that any potential direct and indirect impacts from a development are assessed within at least a 2km radius of the survey site.
- 5.0.4 Any potential direct or indirect impacts upon non-statutory sites are assessed within 2km of the survey site.

5.1 Statutory Sites

- 5.0.5 The protection over UK statutory sites (Sites of Special Scientific Interest) requires that any potential direct and indirect impacts from a development are assessed within at least a 2km radius of the survey site, whilst the protection over European designated sites (or Natura 2000) sites and Ramsar sites require any potential direct and indirect impacts are assessed within at least a 5km radius of the survey site.
- 5.1.1 There are no EU statutory designated sites within 5km. There is one UK designated site within 2km:
 - **Chesham Woods Local Nature Reserve (LNR)** located approximately 500m southwest of the survey site.

Chesham Woods LNR

- 5.1.2 The Chesham Woods LNR is designated due to the mix of habitat present including semi-natural woodland, scrub, neutral grassland and an orchard.

5.2 Non-statutory sites

- 5.0.6 There are no non-statutory Local Wildlife Sites (LWS) within 1km of the survey site.



5.3 Assessment of Impact

- 5.3.1 The LNR is significantly distanced from the survey site, located beyond the M65. The habitat within the survey site is dissimilar from that within the LNR. For this reason, any direct or indirect impacts are considered very unlikely.

Statutory Site Designations

Local Nature Reserve (LNR) Local Nature Reserves (LNRs) are a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 by principal local authorities. LNRs are areas of natural space for people and wildlife. They can be designated on the basis of wildlife and biodiversity, or for geological reasons.



6 Findings: Habitat Survey

6.1 Habitat Assessment

Data Search

- 6.1.2 The data from GMEU contain records of a single plant species within 1km recorded on Section 41 if the NERC Act, 2006; floating water-plantain (*Luronium natans*).
- 6.1.3 Floating water-plantain is associated with clean waterbodies with fluctuating water levels. This species is not expected within the survey site as there is no suitable habitat.
- 6.1.4 The lack of records of other species is a reflection of the lack of recording in the locality rather than the absence of a species.

Survey Site

- 6.1.5 The survey site supports modified grassland, tall forb and developed land; sealed surface. There are two trees/shrubs under 7.5cm DBH.
- 6.1.6 The UK Hab classifications are as follows:
- g4 108 - Modified grassland; regularly mown
 - g4 16 – Tall forb
 - u1b5 - Developed land; sealed surface (buildings)
 - u1b6 – Developed land; sealed surface (other)
- 6.1.7 Refer to the UK Habitat Classification Plan (Figure 3) below.

g4 108 - Modified grassland

- 6.1.8 The majority of the site comprises regularly mown modified grassland. The stand is composed of rye grass (*Lolium perenne*) with cock's-foot grass (*Dactylus glomerata*) with rare creeping buttercup (*Ranunculus repens*). There are a hawthorn and a holly on the southeast boundary which are under 7.5cm DBH.



Modified grassland; regularly mown

g4 16 – Tall forb

- 6.1.9 The tall forb habitat is confined to the southwest corner of the site. This comprises cock's-foot grass, broad-leaved dock (*Rumex obtusifolius*), common nettle (*Urtica dioica*) and soft rush (*Juncus effusus*).



Tall forb

u1b5 - Developed land; sealed surface (building)



6.1.10 This comprises the existing agricultural building.

u1b6 - Developed land; sealed surface (other)

6.1.11 This comprises an area of hard standing to the west of the agricultural building.

Assessment

6.1.12 The habitats present within the survey area are common and composed of common and widespread plant species.

6.1.13 **The proposals are considered very unlikely to have a negative impact upon plant species or habitats of interest within the locality. The proposed development will be situated on areas that are regularly mown and upon the footprint of the existing building.**

6.1.14 **The proposals provide the opportunity to enhance the habitat on site as part of Biodiversity Net Gain requirements and recommendations for this have been made.**

Figure 3: The Survey Site – UK Habitat Classification Plan



7 Findings: Protected Species

Mammals

7.1 Bats

Potential for Bats

- 7.1.1 At a landscape level, the area surrounding the survey site is very good for bats. Refer to Figure 2.
- 7.1.2 A mix of surrounding habitat types including grassland, arable line, woodland copses, waterbodies and brooks will support a variety of bat species including widespread species such as common and soprano pipistrelle bat (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* respectively). Species that favour open habitats such as Leisler's (*Nyctalus leisleri*) and noctule bat (*Nyctalus noctula*) would also be expected, especially as these bats travel some distance to forage. Species that favour wooded habitat, such as brown long-eared bat (*Plecotus auritus*), Natterer's bat (*Myotis nattereri*), whiskered bat (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*) may also be present, but are likely to be less abundant as there are not large, substantial areas of woodland in close proximity.

Data Search

- 7.1.3 Data from GMEU include records of two bat species within 1km of the survey site:
- Common pipistrelle (*Pipistrellus pipistrellus*)
 - Soprano pipistrelle (*Pipistrellus pygmaeus*)
- 7.1.4 The records are concentrated on the residential outskirts of Bury, where it is likely bats have been recorded more frequently. The lack of records of other species is likely to reflect a low surveyor effort rather than a reflection of the absence of species.



The Conservation Status of Bats in the Area

7.1.5 The conservation status of bats in the area is shown in Table 1.

Table 1: *The Conservation Status of Bats in the area at a Local, County and Regional Level*

Species	Local	County	Regional
<i>Common pipistrelle</i>	Likely to be common in the area. There are records of this species in the area (10km).	Common and widespread Frequently recorded.	Common and widespread Frequently recorded across the Northwest
<i>Soprano pipistrelle</i>	Likely to be present due to the presence of riparian habitat.	Widespread. Frequently recorded.	Common and widespread Frequently recorded across the Northwest
<i>Nathusius's pipistrelle</i>	Likely to be rare in the area.	Infrequently recorded, but this may be due to low survey effort. Not yet recorded breeding in the county.	Rare across the northwest. A migratory species.
<i>Brown long-eared bat</i>	Likely to be in the area. There is a recent record of this species within 10km of the site.	Common and widespread Frequently recorded.	Common and widespread Frequently recorded across the Northwest.
<i>Natterer's bat</i>	Likely to be in the area, although this species favours woodland habitat, which is infrequent in the landscape.	Frequently recorded	Widespread and scattered across the Northwest.
<i>Noctule</i>	Present	Widespread and frequently recorded.	Common and widespread. Frequently recorded in the Northwest.
<i>Whiskered bat</i>	Present but likely rare	Present	Widespread.
<i>Brandt's bat</i>	Rare / absent	Present	Widespread.
<i>Alcathoe's bat</i>	Unknown	Unknown	Widespread. Likely under-recorded.
<i>Daubenton's</i>	Presence is likely due to the riparian habitat present.	Widespread, frequently recorded near water.	Widespread
<i>Serotine</i>	Rare / absent	Unknown	Restricted to south and southwest Britain, rarely recorded in the northwest.
<i>Leislars</i>	Rare	Unknown	Rare, but widespread in Britain. Present in the northwest.
<i>Barbastelle</i>	Unlikely to be present in the area. This species is a woodland-specialist and there is a lack of this habitat present.	Unknown	Present south of a line from North Wales to the Wash.



Preliminary Roost Assessment

Agricultural building

- 7.1.6 **The agricultural building is considered to have no suitability for bats.**
- 7.1.7 There are no obvious potential roost opportunities for bats externally or internally. The walls of the structure are single skin and do not provide any concealed or safe roost crevices.
- 7.1.8 The roof structure is well-sealed with no potential roost features.
- 7.1.9 There is a gap around the ventilation fans that might allow entry of bats into the interior space, but the space is not large, too small for bats to easily fly.
- 7.1.10 No evidence of bats including droppings or feeding remains were found during the inspection. Overall, the building is considered to be unfavourable for roosting bats.



The internal structure of the agricultural building

Habitat for foraging and commuting bats.

- 7.1.11 The modified grassland within the survey site provides limited potential foraging opportunities for bats. Loss of a small area of modified grassland is unlikely to be of significance to foraging or commuting bat species given the extensive surrounding habitat that provides extensive and more favourable foraging opportunities.
- 7.1.12 **Negative impacts on foraging and commuting bats are considered unlikely.**



7.2 Badger

Data Search

- 7.2.1 Data from GMEU does not include any records of badger (*Meles meles*) within 1km of the survey site.

Survey and Assessment

- 7.2.2 The habitat in the wider area, including the pasture and woodland, has suitability for badger, which are considered likely to be present in the locality.
- 7.2.3 The survey site has some suitability for foraging badger, which favour grassland to feed, but no evidence of badger (setts, tracks, latrines, snuffle holes) was found within the survey site.
- 7.2.4 The proposals are not expected to have any negative impact upon badger or their setts. However, due to the suitability of surrounding habitat, the potential for badger to cross the site upon occasion cannot be ruled out.
- 7.2.5 **Reasonable avoidance measures during works are proposed to reduce the risk of harm to individuals that may cross the site upon occasion.**

7.3 Brown Hare

Data Search

- 7.3.1 Data from GMEU does include records of brown hare (*Lepus europaeus*) within 1km of the survey site.

Survey and Assessment

- 7.3.2 Some of the habitat wider habitat surrounding the survey site comprising fields of pasture provides very good habitat for brown hare, which favours less intensively grazed pasture and moorland that is tussocky and provides cover.
- 7.3.3 Although hare may well be present in the area, the survey site, supporting regularly mown modified grassland is suboptimal for this species, providing little cover.
- 7.3.4 **The proposals are considered very unlikely to have any negative impact upon this species. No further survey work or mitigation is considered necessary.**



7.4 Hedgehog

Data Search

- 7.4.1 Data from GMEU include a single record of hedgehog (*Erinaceus europaeus*) within 1km of the survey site.

Survey and Assessment

- 7.4.2 Hedgehog are a Species of Principal Importance under the NERC Act, 2006 (also known as UK Biodiversity Action Plan species).
- 7.4.3 The survey site and wider habitat is suitable for hedgehog, which are likely to be present.
- 7.4.4 **The proposals are unlikely to have a significant negative impact upon populations of this species, but since this species is present in the locality, and may be present within the site, precautionary mitigation to ensure the protection of hedgehog during works are proposed.**

7.5 Reptiles

Data Search

- 7.5.1 The data from GMEU do not include any records of reptiles within 1km of the survey site.

Survey and Assessment

- 7.5.2 The records for reptiles in the northwest are generally low. Reptiles are of very low distribution and found at low density even in ideal habitats such as rough grassland with scrub.
- 7.5.3 Habitat within the wider area, including pasture with waterbodies and small waterways has potential for common reptiles such as grass snake (*Natrix helvetica*).
- 7.5.4 The habitat within the survey site, comprising regularly mown modified grassland is suboptimal for this species, which favour rough grassland with scrub or tall vegetation.
- 7.5.5 **The survey site is considered very unlikely to support reptiles, but there is a low risk that mobile species, such as grass snake may enter the works area from adjacent, suitable habitat. Precautionary measures of work are proposed to reduce the risk of harm of individual animals to negligible.**



7.6 Amphibians

Great crested newt

Data Search

- 7.6.1 The data from GMEU includes records of great crested newt (*Triturus cristatus*) within 1km of the survey site.

Survey and Assessment

- 7.6.2 Great crested newt, which have the highest protection of all amphibians under UK and EU law, favour still water bodies, such as ponds with good vegetation. They breed in ponds, but spend much of the year terrestrially, within habitat such as rough grassland and woodland, which provides good foraging and hibernacula. Great crested newts are known to travel, usually, within a 250m radius of breeding ponds, but can travel up to 500m.
- 7.6.3 According to the relevant Ordnance Survey and aerial maps there are four waterbodies within 500m and just one of these within 250m. See Figure 4.
- WB1 located approximately 170m to the north.
 - WB2 located approximately 360m to the northwest.
 - WB3 located approximately 340m to the east.
 - WB4 located approximately 430m to the southwest.
- 7.6.4 The waterbodies are all to the north and northwest of the survey site lie within Walmersley Golf Club. There are positive records of great crested newts from within WB2 and waterbodies further to the north of this, but outside the 500m radius of the survey site. WB1 is located within 500m of WB2 and is connected by suitable habitat, suggesting it is likely to support great crested newts. WB3 is located around 400m from WB1 and beyond Castle Hill Road. This too could be within the same metapopulation.
- 7.6.5 WB4, is relatively isolated to the south, over 500m from WB2. This waterbody is less likely to support great crested newt.
- 7.6.6 The survey site supports regularly mown modified grassland, which has some limited suitability as terrestrial habitat for great crested newts, but there are no waterbodies within the survey site, nor elsewhere to the south of the survey site. This lack of waterbodies to the south lowers the likelihood that great crested newt would naturally migrate in the direction of the survey site. Connective habitat to the northeast is more likely to be utilised in the interim between the breeding seasons.
- 7.6.7 Assessment of the risk to great crested newts is based upon knowledge of potential risks to great crested newts as a result of the proposed development procedures, reflecting the Natural England Rapid Risk Assessment (Natural England, 2000). The following factors are considered:
- The degree of impact upon breeding ponds
 - The degree of impact upon suitable terrestrial habitat within 250m of breeding



ponds.

- Risk of harm to individual great crested newts during works.
- Potential indirect risk on individual animals following development (eg potholes, increased traffic or creating a barrier to dispersal).

7.6.8 In the knowledge that great crested newt are present in the locality, the following applies:

The degree of impact upon breeding ponds

7.6.9 No waterbodies will be impacted as a result of the proposals.

The degree of impact upon suitable terrestrial habitat within 250m of the breeding ponds

7.6.10 The proposed development will result in the loss of 0.1ha of mown modified grassland and 0.06ha of developed land; sealed surface and developed land, habitats which are suboptimal for great crested newt.

7.6.11 The Natural England Rapid Risk Assessment (Natural England, 2000) indicates that loss of up to 0.5ha of land within 100-250m of a breeding pond (assuming WB1 supports great crested newt) is 'highly unlikely' to result in an offence if the waterbodies are not impacted.

Risk of harm to individual great crested newts during works

7.6.12 Works are considered unlikely to impact individual great crested newts, but due to the known presence of this species in the locality, works will take place with Reasonable Avoidance Measures (RAMS in place to minimise the risk of harm to individual animals (Appendix C).

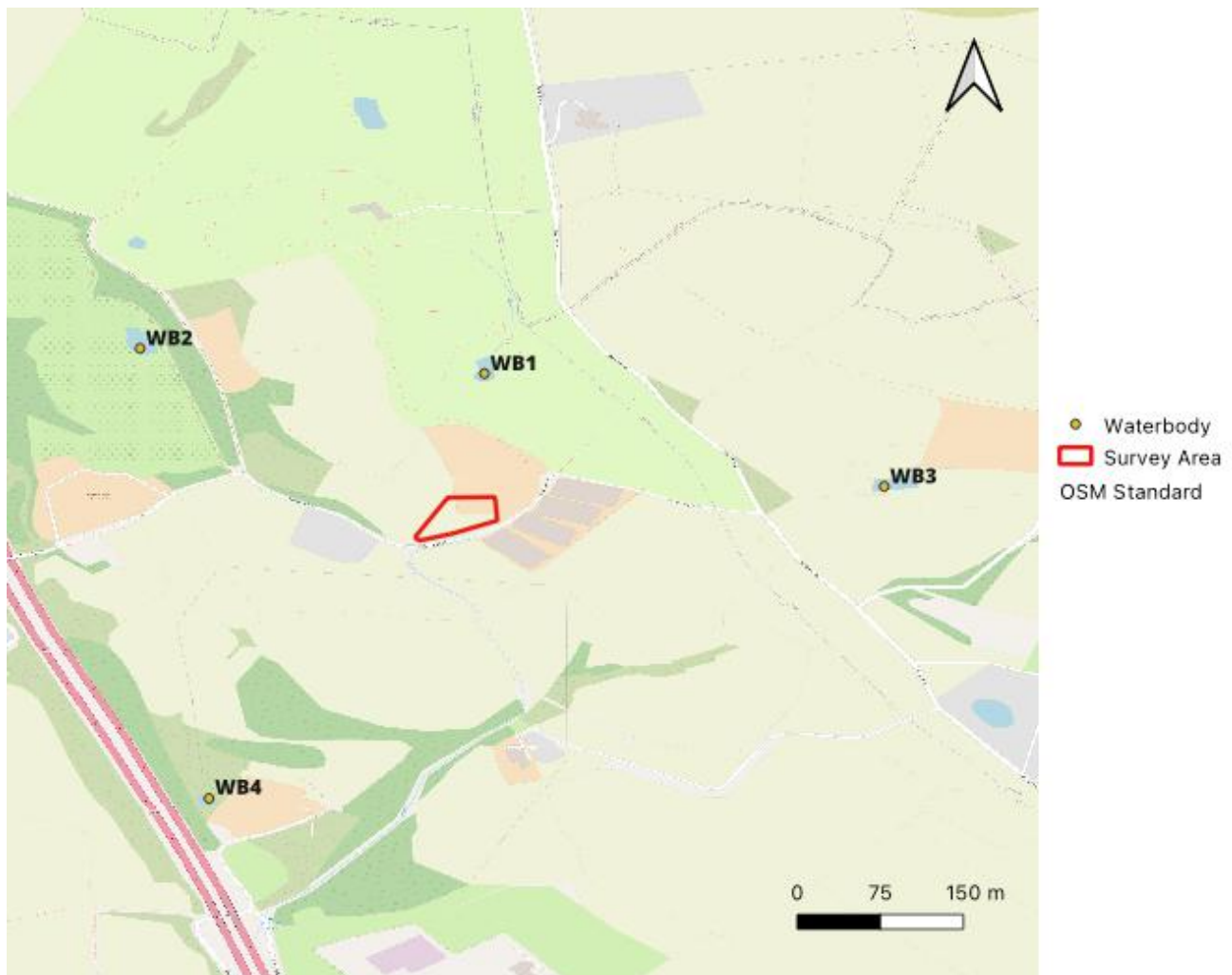
Potential indirect risk on individual animals following development (eg potholes, increased traffic or creating a barrier to dispersal).

7.6.13 No potential indirect negative impacts are anticipated. The proposed development will not result in any long-term alteration to the accessibility of the surrounding landscape to great crested newt.

7.6.14 **Overall, the proposed development works are considered unlikely to have a significant impact upon the viability of populations of great crested newt in the locality. The likelihood of impact upon foraging or resting individuals of this species is considered to be negligible and can be further minimised by employing reasonable avoidance measures are employed during works (See Appendix B). Further survey work in this instance is not considered necessary.**



Figure 4: The Survey Area in relation to nearby waterbodies



Common Toad

Data Search

- 7.1.1 Data from GMEU does includes many records common toad (*Bufo bufo*) within 1km of the survey site.

Survey and Assessment

- 7.1.2 Common toad are a Species of Principal Importance under the NERC Act, 2006 (also known as UK BAP species).
- 7.1.3 The survey site, comprising regularly mown modified grassland, has potential to support common toad. Common toad is a mobile species and will regularly travel long distances to reach breeding ponds; they may travel across the site regularly.
- 7.1.4 **The proposals for the site are not expected to impact upon populations of this species, but**



precautionary measures are proposed during works to avoid unnecessary harm to individual animals.

7.7 Birds

Data Search

- 7.7.1 Data from GMEU includes records of thirteen bird species within 1km of the survey site. One of these species, barn owl (*Tyto alba*) is listed on Schedule 1 of the Wildlife and Countryside Act, 1981.
- 7.7.2 The other twelve species are Species of Principal Importance under Section 41 of the NERC Act, 2006. These comprise bullfinch (*Pyrrhula pyrrhula*), curlew (*Numenius arquata*), dunnoek (*Prunella modularis*), herring gull (*Larus argentatus*), house sparrow (*Passer domesticus*), lapwing (*Vanellus vanellus*), linnet (*Carduelis cannabina*), redpoll (*Acanthis flammea*), skylark (*Alauda arvensis*), song thrush (*Turdus philomelos*), starling (*Sturnus vulgaris*), tree sparrow (*Passer montanus*) and wood warbler (*Phylloscopus sibilatrix*).
- 7.7.3 These species are also all on the Red or Amber List of Birds of Conservation Concern (BoCC).

Survey and Assessment

- 7.7.4 The habitat within the survey site has limited suitability for breeding birds, comprising mown grassland with little cover. The small hawthorn and holly on the southeast boundary could potentially support nesting passerine birds in the spring and summer months. However, the structure on site has no potential for nesting birds.
- 7.7.5 **Precautionary methods of work are proposed to avoid disturbance to birds that may nest in the small trees on site.**

***Birds of Conservation Concern (BoCC):** These lists indicate the population status of birds in the UK, Channel Islands and the Isle of Man.

- BoCC Red list: Includes species globally threatened, a historical population decline in the UK, a severe 9at least 50% decline in the UK breeding population over the last 25 years or long-term period. A severe (at least 50%) contraction of the UK breeding range over the last 25 years or the longer term.
- Amber list: Includes species with unfavourable conservation status in Europe, a historical population decline, moderate (25-50%) decline in the UK breeding population over the last 25 years, moderate (25-50%) contraction in UK breeding or non-breeding range, rare breeders (1-300 breeding pairs in UK), rare non breeders, localised rare breeders or non-breeders, internationally important breeders or non-breeders.



7.8 Invertebrates

Data Search

- 7.8.1 Data from GMEU include a records of two invertebrate species within 1km of the survey site; Wall butterfly (*Lasimmata megera*) and cinnabar moth (*Tyria jacobaeae*). This will be a reflection of the lack of survey effort rather than the absence of species of interest. The surrounding landscape with waterbodies, brooks and ancient woodland will support a range of invertebrates of interest.
- 7.8.2 Wall butterfly is associated with open grassland where the turf is broken or stony such as coastal habitats and derelict land. Cinnabar moth is a species whose larvae feed primarily on ragwort (*Senecio jacobaea*). Ragwort is associated with arable and grazed fields and disturbed ground, but was not recorded within the survey site. The wall butterfly and cinnabar moth are not expected within the survey site.

Survey and Assessment

- 7.8.3 The soft habitat within the survey site is composed of common and widespread plant species and will support common and widespread invertebrates. No invertebrates that are rare and/or protected are expected on site.
- 7.8.4 **The proposals are not expected to be of significance to invertebrates either rare or of conservation interest. No further survey work or mitigation is recommended.**

7.9 Other protected species and habitats.

- 7.9.1 Other protected species, including red squirrel (*Sciurus vulgaris*) white-clawed crayfish (*Austropotamobius pallipes*) are not expected on or near the site as there is no suitable habitat.

8 Conclusion

- 8.0.1 The land at Sillinghurst Farm supports modified grassland, two small trees, developed land; sealed surface and a small area of tall forb.
- 8.0.2 The habitats on site are common and widespread. The loss of a small area of modified grassland is not considered likely to be of significance to local flora. Sixteen small native trees will be planted to compensate for the loss and enhance the immediate area as part of the biodiversity net gain proposals.
- 8.0.3 Reasonable avoidance measures are also proposed in relation to potential for nesting birds, badger, hedgehog, common reptiles, common toad and great crested newt.



9 Recommendations

9.1 Reptiles, common toad and hedgehog

9.1.1 In order to reduce the risk of harm to hedgehog, individual reptiles, common toad during works, the following Reasonable Avoidance Measures are recommended.

- Machinery or materials are stored on existing hard standing where possible.
- Materials on site are stored on pallets to prevent reptiles and amphibians hiding in them.
- The grassland within the proposed works area is kept short up to and during works.
- Care must be taken when clearing topsoil rubble/debris piles. If any wildlife is found, for example common toad or hedgehog, they can be moved to a safe place away from the area of works where there is vegetative cover.

9.2 Great Crested Newt

9.1.2 There is a small risk of the presence of the amphibian great crested newt on site. Although protection for this species will be partially covered with the above recommendations for common toad, reptiles and hedgehog, in order to reduce the risk of harm to individual great crested newt to negligible, a toolbox talk as well as specific Reasonable Avoidance Measures are recommended. Refer to Appendix B and C.

9.3 Badger

9.3.1 There is potential for badger to cross the site upon occasion and for this reason, the following is recommended to prevent harm to individual animals during works:

- Any holes or ditches created during works are covered over-night to prevent badger and other animals falling into them.
- If this is not possible, a plank or other can be placed in the hole/ditch to enable animals to climb out.

9.4 Nesting Birds

9.4.1 Birds may nest in the vegetation on site in the spring and summer months. In order to prevent disturbance and/or harm to nesting birds, is recommended that:

- Initial works to vegetation and ground works close to small trees/shrubs are timed to



avoid the bird breeding season (breeding season: March – September).

- If this is not possible, a suitably qualified ecologist should check the structures on site to determine the presence / absence of nesting birds prior to the start of any works.
- If birds are found actively nesting on site, the nest and immediate surrounds (5m) must be left undisturbed until the young have fledged.

9.5 Enhancement for Biodiversity

9.5.1 The proposals provide the opportunity to retain and enhance the existing biodiversity.

Small rural trees

9.5.2 As part of biodiversity net gain, sixteen small native trees, such as rowan (*Sorbus aucuparia*), birch (*Betula pendula*) and hazel (*Corylus avellana*) will be planted.

9.5.3 Planting trees will improve local habitat structure and would benefit smaller birds such as dunnock.



Rowan tree



Pendulous Birch



10 References

- Bing Maps (Accessed 2024) <https://www.bing.com/maps/>
- Butcher, B., Carey, P., Edmonds, R., Norton, L. and Treweek, J. (2023). UK Habitat Classification V2.0 – Advance publication of selected Habitat Definitions at <http://ukhab.org>
- CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management.
- Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London. ISBN-978-1-7395126-0-6
- Eaton, M.A., Aebischer, N.J., Brown, A., Hearn, R.D., Lock, L., Musgrove, A.J., Noble, D.G., Stroud, D.A., & Gregory, R.D. (2015). Birds of Conservation Concern 4: the population status of birds in the UK, Channel Islands and Isle of Man. *British Birds*, 108: 708-746.
- E2S (2022) Guide to audible signals from E2S). <https://www.e2s.com/product-advice/advice-alarm-sounders>
- European Commission (2000). Managing Natura 2000 Sites. The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. Office for the Official Publications of the European Communities.
- Gillings, S. & Fuller, R. J. (1999) winter ecology of golden plovers and lapwings: A review and consideration of extensive survey methods. *British Trust for Ornithology*.
- Google maps (Accessed 2024) <https://www.google.co.uk/maps>
- Lowen, J., Liley, D., Underhill-Day, J. & Whitehouse, A.T. (2008) Access and Nature Conservation Reconciliation: supplementary guidance for England.
- Liley, D., Cruickshanks, K., Waldon, J. & Fearnley, H. (2011). Exe Estuary Disturbance Study. *Footprint Ecology*
- MAGIC Map (Accessed 2024) <http://www.magic.gov.uk/MagicMap.aspx>. DEFRA.
- Natural England (Accessed 2000) Method Statement Template for Great Crested Newt Mitigation Licence. <https://www.gov.uk/government/publications/great-crested-newts-apply-for-a-mitigation-licence>
- NBN (2019) National Biodiversity Network.
- UKHab Ltd (2023). UK Habitat Classification Version 2.0 (at <https://www.ukhab.org>)



- Saunders, C., Selwyn, J., Richardson, S., May, V. & Heeps, C. (2000) A Review of the Effects of Recreational Interactions within UK European Marine Sites. UK CEED & Bournemouth University
- The ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations & Their Impact Within the Planning System details the requirements of the local authority with regard to the Habitats Regulations.
- Tyldesley, D. & Chapman, C. (2013) The Habitats Regulations Assessment Handbook, July 2013 edition UK. DTA Publications Limited.
- Underhill-Day, J.C. (2005) A Literature Review of Urban Effects on Lowland Heaths and Their Wildlife. English Nature, Peterborough.



• APPENDIX A: Wildlife Legislation and Planning Policy

1.0 UK AND EU LEGISLATION

KEY LEGISLATION

- In the UK, the following legislation relates to wildlife and habitats:
- Wildlife and Countryside Act 1981 (as amended)
 - The Countryside and Rights of Way Act (CROW), 2000
 - The Badger Act 1992
 - The Natural Environment and Rural Communities Act (NERC, 2006)
 - Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations (2017)
 - The Hedgerow Regulations (1997)

1.1 WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

1.1.1 The Wildlife and Countryside Act 1981 consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the conservation of wild birds (Birds Directive) in Great Britain (NB Council Directive 79/409/EEC has now been replaced by Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version)).

BIRDS

1.1.2 The Act makes it an offence (with exception to species listed in Schedule 2) to intentionally:

- kill, injure, or take any wild bird,
- take, damage or destroy the nest of any wild bird while that nest is in use or being built (also [take, damage or destroy the nest of a wild bird included in Schedule ZA1] under the Natural Environment and Rural Communities Act 2006), or
- take or destroy an egg of any wild bird.

Schedule 1 birds

1.1.3 Special penalties are available for offences related to birds listed on Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young, for example Barn Owl and Red Kite.

Areas of Special Protection for Birds

1.1.4 The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds.

Other offences

1.1.5 The Act 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.

OTHER ANIMALS

1.1.6 The Act makes it an offence (subject to exceptions) to intentionally ([or recklessly] - only under the Nature Conservation (Scotland) Act 2004) kill, injure or take any wild animal listed on Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places. The Act also prohibits certain methods of killing, injuring, or taking wild animals.

1.1.7 For animals listed in Schedule 5 of the act, it is an offence under:

- Section 9(1) to kill, injure or take the animal by any method
- Section 9(2) to possess or control a dead or live animal (or part or derivative).
- Section 9(4)(a) to cause damage to, destruction of, obstruction of access to any structure or place used by a scheduled animal for shelter or protection.
- Section 9(4)(b) to disturb any animal on the schedule occupying such as structure or place.
- Section 9(4)(c) to obstruct access to any structure or place which any such animal uses for shelter or protection.
- Section 9(5)(a) to sell, offer or expose for sale, possess or transport for the purpose of sale, any live or dead wild animal, or part or derivative of an animal included in Schedule 5.



- Section 9(5)(b) to publish or cause to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things.

Species that receive FULL PROTECTION under the act:

- All UK bats
- Otter
- Water vole
- Dormouse
- Red squirrel
- Wildcat
- Reptiles – Smooth snake and sand lizard
- Amphibians – Great crested newt, Natterjack toad, Pool frog
- Invertebrates – some including, but not restricted to Swallowtail butterfly, Marsh fritillary butterfly, Large copper butterfly, Heath fritillary butterfly, Large blue butterfly, Barberry carpet moth, Rainbow leaf beetle, Violet click beetle, Medicinal leech.

Species that protected from intentional KILLING, INJURY and SALE only:

- Reptiles – widespread species; Common lizard, Slow-worm, Grass snake and Adder.

Species protected from TAKING and SALE only:

- Atlantic stream (white-clawed) crayfish

Species protected from SALE only:

- Common toad
- Common frog
- Palmate newt
- Smooth newt
- Invertebrates – Some including 18 butterflies such as Chalk hill blue butterfly, Adonis blue butterfly, Large tortoiseshell butterfly.

Vascular Plants, Bryophytes, Lichens and Fungi (PLANTS)

1.1.8 For any vascular plant, bryophyte, lichen or fungi listed in Schedule 8 of the Act, it makes it an offence under:

- Section 13(1)(a) to Intentionally pick, uproot or destroy plants in Schedule 8.
- Section 13(1)(b) to undertake unauthorised intentional uprooting of any wild plant not included in Schedule 8.
- Section 13(2)(a) to sell, offer for sale, possess or transport for the purpose of sale any plant (live or dead, part or derivatives) on Schedule 8.
- Section 13(2)(b) to publish or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things.

1.1.9 Species with protection under Schedule 8 include, but are not restricted to:

1.1.10 Bluebell, Wood calamint, Rock cinquefoil, Early spider orchid, Spring gentian, Stinking goosefoot, Small hare's-ear, Alpine copper moss (*Mielichhoferia mielichoferi*), Goblin lights lichen (*Catolechia wahlenbergii*).

Non-Native Species

1.1.11 Species listed in Schedule 9 of the Act are non-native species, which the establishment of in the wild may be detrimental to native wildlife. Species listed in Schedule 9 include Japanese knotweed, Himalayan Balsam and Giant hogweed.

1.1.12 For species listed in Schedule 9 of the act it is an offence:

- Under Section 14(1) if any person releases or allows to escape into the wild any animal which—

(a) is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or

(b) is included in Part I of Schedule 9,

- Under Section 14ZA (1) to sell, offers or exposes for sale, or has in his possession or transports for the purposes of sale an animal or plant to which this section 14 applies, or anything from which such an animal or plant can be reproduced or propagated.



- Under Section 14ZA (2) to publish or cause to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell an animal or plant to which this section applies, or anything from which such an animal or plant can be reproduced or propagated.

1.1.13 Section 14ZB gives the Secretary of State the power to issue codes of practice, or approve a code of practice issued by others, relating to non-native animal and plant species. It is intended that the codes will be used to provide recommendations, advice and information on how to stop the damage caused by non-native animals and plants.

1.2 SITES OF SPECIAL SCIENTIFIC INTEREST (SSSIs) AND OTHER PROTECTED AREAS

1.2.1 Sections 28 to 33 of Part 2 of the Wildlife and Countryside Act detail the law regarding SSSIs.. Sections 34 to 53 deal with other protected areas within Great Britain.

- The Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) – these sites are identified for their flora, fauna, geological or physiographical features – by the country conservation bodies in England (Natural England) and Wales (Natural Resources Wales).
- The Act also contains measures for the protection and management of SSSIs.
- The Act provides for the making of Limestone Pavement Orders, which prohibit the disturbance and removal of limestone from such designated areas
- The Act provides means for the designation of Marine Nature Reserves.
- The Act prohibits the undertaking of agricultural or forestry operations on land within National Parks which has been either moor or heath for 20 years, without consent from the relevant planning authority.

1.3 THE COUNTRYSIDE AND RIGHTS OF WAY (CROW) ACT 2000

1.3.1 The Countryside and Rights of Way Act 2000 strengthened the Wildlife and Countryside Act 1981 in the following ways:

Schedule 12

1.3.2 Schedule 12 of the Act amends the species provisions of the Wildlife and Countryside Act 1981 and strengthens the legal protection of species by:

- Providing provisions to make certain offences 'arrestable'
- Changing the term 'intentional' to 'reckless' with regard to disturbance offences, such that ignorance of the law is no longer a defence.
- Conferring greater powers to police and wildlife inspectors for entering premises and obtaining wildlife tissue samples for DNA analysis, and;
- Enabling heavier penalties on conviction of wildlife offences.

Schedule 9

1.3.3 Schedule 9 of the Act amends SSSI provisions of the Wildlife and Countryside Act 1981, including provision to change SSSIs and providing increased powers for their protection and management, placement of a duty on public bodies to further the conservation and enhancement of SSSIs and increases in penalties on convictions where the provisions are breached.

1.4 THE BADGER ACT 1992

1.4.1 Under the Badger Act 1992, it is an offence to:

- Section 1 – Take, injure or kill a badger, or attempt to do so
- Section 2 – Cruelly ill-treat a badger, inclusive of digging for a badger
- Section 3 – Interfere with a badger sett. A person is guilty of an offence if, except as permitted by or under this Act, he interferes with a badger sett by doing any of the following things—

(a)damaging a badger sett or any part of it;

(b)destroying a badger sett;

(c)obstructing access to, or any entrance of, a badger sett;



(d) causing a dog to enter a badger sett; or

(e) disturbing a badger when it is occupying a badger sett,

- Section 4 – To sell or possess a live badger.
- Section 5 – To mark or ring a badger unless under licence to do so.

1.5 THE HEDGEROWS REGULATIONS, 1997

1.5.1 The Hedgerows Regulations, 1997 ensure the protection from damage or destruction of 'important' hedgerows. Criteria within the regulations determine the importance.

1.6 THE CONSERVATION OF HABITATS AND SPECIES AND PLANNING (VARIOUS AMENDMENTS) (ENGLAND AND WALES) REGULATIONS 2017

1.6.1 In addition to the Wildlife and Countryside Act 1984, certain species have additional protection under European Law.

1.6.2 The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 (the Habitats Regs) consolidate the amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994 in England and Wales. The Regulations transpose the Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora (EC Habitats Directive) into UK law.

1.6.3 The Habitats Regulations 2010 provide protection for 'European Protected Species' and protection and designation for 'European Protected Sites'.

Schedule 2: European Protected Species of Animals

- All UK bats
- Dormice
- Otter
- Large blue butterfly
- Wild cat
- Sand lizard
- Smooth snake
- Great crested newt
- Natterjack toad
- Fishers estuarine moth
- Lesser whirlpool ram's horn snail
- Sturgeon
- Marine turtles
- All dolphins, porpoises and whales.

1.6.4 For species listed in Schedule 2, Under Part 3 Regulation 41(1) it is an offence to

- (a) deliberately capture, injure or kill any wild animal of a European protected species,
- (b) deliberately disturb a wild animal 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,

1.6.5 Under Part 3 Regulation 41 (2) For the purposes of paragraph (1)(b), disturbance of animals includes in particular any disturbance which is likely—

- (a) to impair their ability—
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - (ii) 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.

Under Part 3 Regulation 41.(3) It is an offence for any person—

- (a) to be in possession of, or to control,
- (b) to transport,
- (c) to sell or exchange, or
- (d) to offer for sale or exchange any animal in Schedule 2.

Schedule 5: European Protected Species of Plants

- Shore dock
- Killarney Fern



- Early Gentian
- Lady's-slipper
- Creeping marshwort
- Slender naiad
- Fen orchid
- Floating-leaved water plantain
- Yellow-marsh saxifrage.

1.6.6 For species listed in Schedule 2, Under Part 3 Regulation 45(1) It is an offence deliberately to pick, collect, cut, uproot or destroy a wild plant of a European protected species.

1.6.7 Under Part 3 Regulation 45(1) (2) It is an offence for any person

- (a) to be in possession of, or to control,
- (b) to transport,
- (c) to sell or exchange, or
- (d) to offer for sale or exchange any plant in Schedule 5

European Designated Sites

1.6.8 These include:

- Special Protection Areas – SPAs are classified in accordance with Article 4 of the EC Birds Directive for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species
- Special Areas of Conservation – SACs are classified in accordance with Article 3 of the EC Habitats Directive. SACs are designated to establish a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive (as amended).

1.6.9 Natura 2000 is the name of the European Union-wide network of nature conservation sites established under the EC Habitats and Birds Directives. This network will comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Marine Natura 2000 sites contribute to our ecologically coherent network of marine protected areas.

1.7 NATURAL ENVIRONMENT AND RURAL COMMUNITIES (NERC) ACT 2006

Planning Authorities: A Duty to Conserve Biodiversity

1.7.1 Under this legislation, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site *before* they make a decision on the planning permission.

1.7.2 Part 2, Section 40 confers on the planning authorities a duty to conserve biodiversity and states:

"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of biodiversity"

Species of Principal Importance

1.7.3 Part 3, Section 41 requires the Secretary of State to "*publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of **principal importance** for the purpose of conserving biodiversity*".

1.7.4 This requirement lead to production of a list of species and habitats of Principal Importance, which should be a material consideration during the planning process.

1.8 DESIGNATED SITES OF CONSERVATION INTEREST

1.8.1 Sites of conservation interest can be designated on a statutory or non-statutory basis.

Statutory Sites

1.8.2 Statutory sites can be designated under UK legislation (the Wildlife and Countryside Act 1981), European Law (the Habitats Regulations 2010) or International law (Ramsar Convention).

1.8.3 The designated sites are referred to under the relevant legislation above.

1.8.4 UK designated sites include Sites of Special Scientific Interest (SSSIs).

1.8.5 European designated sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).



1.8.6 Ramsar sites are wetlands of international importance designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971.

1.8.7 Local Nature Reserves (LNRs): Under the National Parks and Access to the Countryside Act 1949 LNRs may be declared by local authorities after consultation with the relevant statutory nature conservation agency. LNRs are declared and managed for nature conservation, and provide opportunities for research and education, or simply enjoying and having contact with nature.

1.8.8 National Nature Reserves (NNRs): are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981.

Non-Statutory Sites

1.8.9 Local authorities for any given area may designate certain areas as being of local conservation interest. The criteria for inclusion, and the level of protection provided, if any, may vary between areas. Most individual counties have a similar scheme, although they do vary.

1.8.10 These sites, which may be given various titles such as 'Listed Wildlife Sites' (LWS), 'Local Nature Conservation Sites' (LNCS), 'Sites of Importance for Nature Conservation' (SINCs), 'Biological Heritage Sites' (BHS) or 'Sites of Nature Conservation Importance' (SNCIs), together with statutory designations, are defined in local and structure plans under the Town and Country Planning system and are a material consideration when planning applications are being determined.

2.0 Plans and Policies

In the UK, the following plans and policies relate to wildlife and habitats:

- o National Planning Policy Framework (NPPF, 2021)
- o The Natural Environment White Paper 'The Natural Choice: Securing the Value of Nature'
- o Biodiversity – The UK Action Plan (1994, and subsequent revisions)
- o Local Biodiversity Action Plans where applicable
- o Neighbourhood plans where applicable

NATIONAL PLANNING POLICY FRAMEWORK

2.1.1 In March 2012 the Government introduced the National Planning Policy Framework (NPPF). This was revised in December 2023.

Chapter 15: Conserving and Enhancing the Natural Environment

Chapter 15, Para 180 of NPPF states: *"The planning system should contribute to and enhance the natural and local environment by:*

- b) ***protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...***
- e) ***minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"***.

Para 181 states: *"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."*

Para 185 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:

- c) ***"Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and***
- d) ***Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and peruse opportunities for securing measurable net gains for biodiversity."***

Para 186 states that *"when determining planning applications, local authorities should apply the following principles:*

- b) ***if significant harm to biodiversity from a development cannot be avoided...,adequately mitigated, or, as a last resort compensated for, then planning permission should be refused"***



- c) **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;
- d) **Development result in the loss of deterioration of irreplaceable habitats (such as ancient woodland or ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensatory strategy exists; and**
- e) **Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.**

Para 188 states "the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined."

2.2 ODPM CIRCULAR 06/2005: BIODIVERSITY AND GEOLOGICAL CONSERVATION

- 2.2.1 This document, to be read in conjunction with NPPF provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It makes it clear that it is the intention of the government that local authorities and developers consider protected species at the earliest possible stage in the planning process. Any planning application that is likely to affect protected species should come with details of the surveys which have been undertaken and should include, if necessary, recommendations for mitigation. Applications which do not include sufficient data should be rejected.

2.3 The Natural Environment White paper

- 2.3.1 The Natural Environment White Paper 'The Natural Choice: Securing the Value of Nature' states that 'We want to create a resilient and coherent ecological network at national and local levels across England... To make this happen the government will put in place a clear institutional framework to support nature restoration. This means: establishing Local Nature Partnerships... Creating new Nature Improvement Areas (NIAs) and strengthening support through the planning system.'

Biodiversity Offsetting

- 2.3.2 Biodiversity offsetting is described in the Natural Environment White Paper as 'conservation activities designed to deliver biodiversity benefits in compensation for losses in a measurable way. Good developments incorporate biodiversity considerations in their design but are still likely to result in some biodiversity loss. One way to compensate for this loss is by offsetting: the developer secures compensatory habitats elsewhere.'
- 2.3.3 The level of biodiversity offsetting required could be determined by means of assessments undertaken in accordance with the Department for Environment, Food and Rural Affairs (DEFRA) metric contained in Biodiversity Offsetting Pilots published in March 2012 as applied in the Defra offsetting pilot projects. Biodiversity offsetting could be delivered by developers in partnership with various partners including conservation organisations, local landowners and the borough council.

2.4 Biodiversity Action Plan (Local or UK)

UK Biodiversity Action Plan

- 2.4.1 Biodiversity: The UK Action Plan outlines how the UK plans to address biodiversity conservation in response to the Rio Convention on Biological Diversity (1992). In 2004 a UK Biodiversity Steering Group was formed and discussions resulted in the publication of 'Biodiversity: the UK Steering Group Report – meeting the Rio challenge', which established a framework and criteria for identifying species and habitats of conservation concern. From this list, action plans for 391 species and 45 broad habitat types were prepared. In 2007, the UK List of Priority Species and Habitats was reviewed and the revised list identifies 1149 species and 65 habitats requiring conservation action.
- 2.4.2 These species are now listed in Section 41 of the NERC Act, 2006 and referred to as Habitats and Species of Principal Importance (HPI or SPI).



- 2.4.3 Outcome 3 of the Government's Biodiversity 2020 strategy (DEFRA, 2011) contains an ambition to ensure that *"By 2020, we will see an overall improvement in the status of our wildlife and will have prevented further human-induced extinctions of known threatened species"*. Protecting and enhancing England's Species and Habitats of Principal Importance is key to delivering this outcome.

Local Biodiversity Action Plans

- 2.4.4 Local Biodiversity Action Plans (LBAPs) are a means for delivering UK Biodiversity Action Plan targets at a local level. LBAPs were launched in 1997 by a partnership of conservation groups, government agencies and local authorities. They set out a framework for nature conservation in the specified area. This framework includes priority species and habitats and sets targets to maintain and enhance their conservation status.

2.5 Other Species Lists of Species of Conservation Concern

- 2.5.1 Species lists of Species of Conservation Concern also considered within this assessment are as follows:

- Birds of Conservation Concern: Based on an assessment of the conservation status of British birds. Following an assessment of data on population and trends against established criteria, there are red, amber and green lists of BoCC. The latest review was BOCC 4 (Eaton et al, 2015)

Red Data Book Species: In 1999 the Species Status Assessment project (JNCC) assigned conservation status to the UK flora and fauna using the internationally approved IUCN Red Data Book criteria and categories. The reviews were published in a series of data sheets and assigned a conservation status to each species.



• APPENDIX B: Great Crested Newts Reasonable Avoidance Measures

There is potential for great crested newts to be present in the surrounding area. In order to reduce the risk of harm to individual great crested newts to negligible, the following must be undertaken:

- A Toolbox Talk (See Appendix C) on great crested newts, identifying the potential risk of presence, the legislation covering the species, how to proceed with works and what to do if great crested newts are found will be delivered to site operatives by a suitably qualified ecologist prior to the start of works.
- Initial ground clearance works will be undertaken with care. Where possible removal of paving or debris will be undertaken with hand whilst top-soil can be removed with a mini-digger with care whilst checking for the presence of great crested newts and other wildlife.
- Amenity grassland at the north of the site will be maintained at the existing short length to deter wildlife from entering the area of works.
- If great crested newts are discovered, works must stop and an ecologist must be contacted for advice.
- Construction materials will be stored on pallets or hard standing where possible. This minimises the risk of great crested newts utilising the stored materials for shelter.

Please note that if great crested newts are found during works, all works must stop and it may be necessary to obtain a European Protected Species Mitigation (EPSM) licence prior to proceeding.

The Reasonable Avoidance Measures undertaken for great crested newts will also ensure the protection from harm of common reptiles and common toad.



• APPENDIX C:

Toolbox Talk: Great Crested Newts

What are Great Crested Newts?

Great crested newts (*Triturus cristatus*) are amphibians native to Europe. They are found across the UK.

Being amphibious, they breed in water (ponds), but spend the majority of their life cycle on land. They are found in lowland areas where there is a network of water bodies.

The terrestrial habitat they like includes grassland, woodland and scrub.

They are nocturnal and so move around at night.

They hibernate in the winter months in cracks and crevices in the ground, including places like under paving slabs and grass hummocks.

Why do we need to do this?

Great crested newts are our most strictly protected amphibian. They are protected under the Wildlife and Countryside Act 1981, which is UK law, and are also protected under the Habitats Regulations 2017, which is European law.

They are protected because they have undergone considerable decline in the last century across Europe. The UK is a strong hold for this species, which is why so many people are surprised to find that they seem to be 'everywhere' but this is all the more reason to protect them.

The reason they are declining is because of:

- Destruction of ponds
- Pond loss through natural succession (poor management)
- Chemical pollution and nitrification of breeding sites
- Loss of terrestrial habitat
- Habitat fragmentation (or creation of barriers)
- Habitat management that renders the environment unsuitable for this species.

To counter these factors, there is a need to conserve and enhance great crested newt populations.



How do we identify great crested newts?

There are three species of newts in the UK:

Smooth newt



Approx. life size

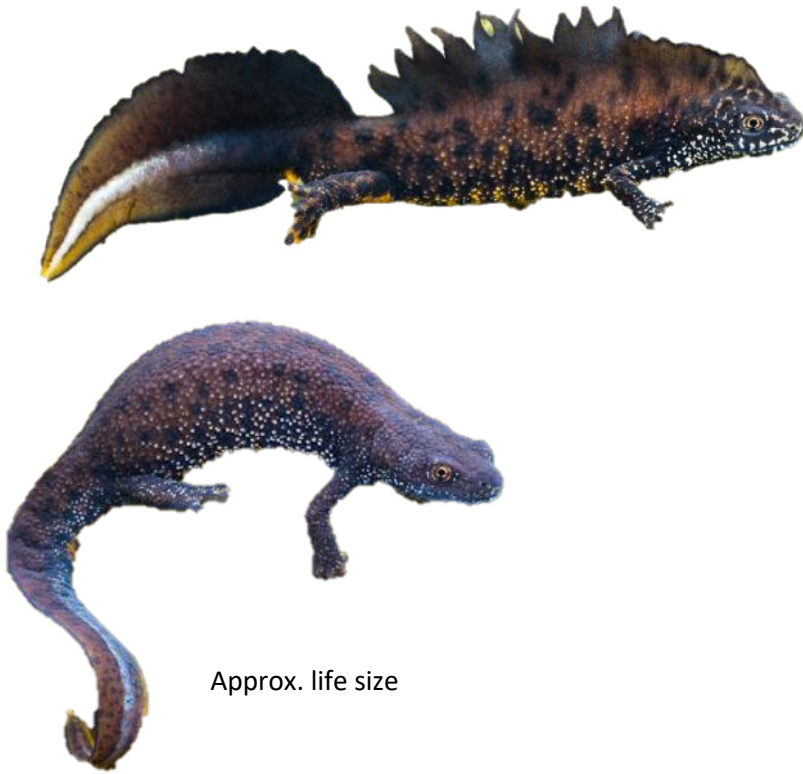
Palmate newt (usually found near woodland)



Approx. life size



Great crested newt



Approx. life size



How do we undertake the work to minimise the risk of harm?

The aim is to minimise the risk of harm to amphibians.

The easiest way to minimise harm is to have all operatives aware of the species and to ensure the majority of works are undertaken by hand.

Use of machinery should be avoided if at all possible.

The reasonable avoidance methods for this site are as follows:

- Grass within the northern portion of the site is maintained at its existing short length during the period of works.



- The longer grassland at the southern area of the site which is to be retained must be protected with Heras fencing during works.
- All works to remove ground vegetation, debris or materials such as paving slabs on the ground will take place where possible by hand, with care.
- Construction materials must be stored on pallets or hard standing where possible. This will minimise the risk that great crested newts will use them to find shelter or to hibernate.
- The movement of any machinery on the grassland will be restricted to mown areas and the area used will be minimised to reduce ground disturbance.
- A plank or other material must be placed in all holes or ditches created and left over-night to enable any animals to climb out.

What do I do if I find a great crested newt or another animal?

Leave it alone if you can, let it move into cover of its own volition – if it is in an area that you will no longer be working in.

If it doesn't move, or there is risk you will disturb the animal again, you can move it by hand into a suitable location out of the way of the works.

A suitable area would be long grass with some scrub and some cover / protection.

Always contact an ecologist if you are concerned that you have found a great crested newt.