



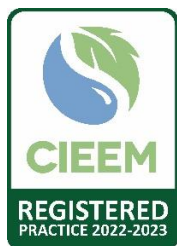
PRELIMINARY ECOLOGICAL APPRAISAL REPORT

Client: Haringey Sixth Form College

Site: Haringey Sixth Form College, London

26.06.2022

Version 001



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DOCUMENT HISTORY AND STATUS

Document Control			
Project Title	Haringey Sixth Form College, London		
Surveyor(s)	Charlie Gardiner BSc (Hons)		
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Approver	Sarah Lyne CEnv BSc (Hons) MCIEEM NE Bat Class Licence: WML-CL17 Accredited Agent, NE Bat Class Licence: WML-CL18 NE Great Crested Newt Licence: WML-CL08		
Revision Details			
Version	Date of Issue	Pages affected	Comments
001	26.06.2022	N/A	Issued to client.
Life Span of Survey Data and Report			
Report	This report remains valid for 12 to 18 months from date of issue. The report, conclusions and recommendations are valid for current development plans only. Should this change, the report should be reviewed and, if necessary, further survey work and desk study review undertaken.		
Survey Data	Survey data are valid for 12 to 18 months from the date the survey was undertaken.		

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The information which we have prepared and provided is true and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct.

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1. Summary

Site Details
- Site Address: Haringey Sixth Form College, White Hart Lane, London, N17 8HR. - OS grid reference: TQ 3342 9151. - Approximate Area of Site: 875 m².
Scope of Works
- aLyne Ecology Ltd. was commissioned by Haringey Sixth Form College to undertake a Preliminary Ecological Appraisal (PEA), comprising an online data search and field survey to assess the baseline ecological conditions of the site and its potential to support protected species and species of conservation concern. - An indication of the number of baseline biodiversity units for the site has been calculated based on the Small Sites Biodiversity Metric 3.1 (Defra, 2022), with the objective of achieving biodiversity net gain once the development proposals have been finalised (see Appendix 1 for further details).
Development Proposals
The development proposals are for a small classroom block.
Key Ecological Constraints and Opportunities
- The habitats recorded on site are as follows: modified grassland, other developed land, developed land; sealed surface, dense scrub (see Figure 1). - Lee Valley Special Protection Area (SPA)/Ramsar is located approximately 2 km to the south-east of the site. SPAs are European designated sites protected in the UK by Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Ramsar sites are afforded the same level of protection. - There are four types of Priority Habitats located within 1 km of the site, namely deciduous woodland, ponds, rivers/streams, and traditional orchards. Priority Habitats are listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act, 2006. Under the NERC Act, 2006, Local Planning Authorities are required to give due regard to biodiversity. - The scrub and tree habitats could support nesting birds. Under the Wildlife and Countryside Act, 1981 (as amended), it is illegal to take, damage or destroy the nests of wild birds whilst being built or in use. - Active fox earths were found on site. Foxes receive some protection against cruelty through the Wild Mammals (Protection) Act, 1996. - The total number of baseline biodiversity units for the site is 0.2048.

Recommendations for Avoidance, Mitigation and Enhancement

- An Ecological Clerk of Works (ECoW) should be present on site during any site clearance activities, to ensure foxes can escape unharmed. Fox earths should be carefully destroyed with the ECoW present, using hand tools, if possible.
- Any removal of vegetation should be undertaken outside of the bird breeding season (March to August inclusive) to avoid destruction/disturbance of nesting birds.
- The trees on site should ideally be retained.

Below is a summary of measures, which should be implemented on site to achieve biodiversity net gain, i.e., following development, the site continues to support the same broad habitat types, or habitats of higher distinctiveness, totalling more than 0.2048 biodiversity units:

- Installing garden planters, containing wildflowers and plant species of known benefit for wildlife.
- The inclusion of a small wildlife pond.
- Installation of a green wall or biodiverse roof.
- The installation of appropriate bird boxes.

Further Survey Requirements

- None required,

2. Introduction

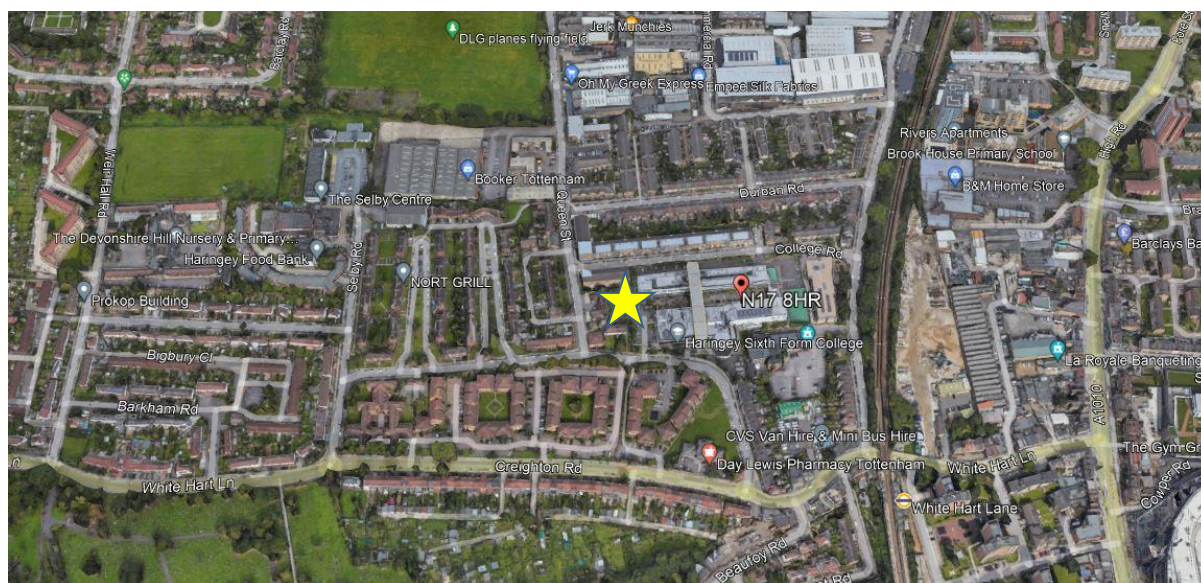
2.1 Site Details

Table 1 provides details of the site, intended as a summary of key features, derived from the online data search using www.magic.gov.uk. The habitats recorded on site during the field survey are shown on Figure 1. Photographs of the site are provided in Appendix 2. A full species list, with target notes, is provided in Appendix 3.

Table 1. Site Details

Site Name	Haringey Sixth Form College, London
Site Address	Haringey Sixth Form College, White Hart Lane, London, N17 8HR
OS Grid Reference	TQ 3342 9151
Total Area of Site	875 m ²
Landowner and Local Authority	Haringey Sixth Form College, London Borough of Haringey
Geology and Soils	Freely draining slightly acid loamy soils
Hydrology	Freely draining
Nature Conservation Designations	None on site
Other Designations	None on site
The Woodland Trust Ancient and Notable Tree Inventory	None on site
Biodiversity Opportunity Area	None on site
National Habitat Network	None on site
Primary Habitats	Modified grassland, dense scrub and developed land, sealed surface
Protected Species	Breeding birds, foxes
Current Land Use	Abandoned wildlife area

An aerial plan showing the location of the site is provided below.



Site Location (© Google Earth Pro, accessed 21st June 2022).

2.2 Site Context

Table 2 provides details on the context of the site in terms of habitats, land use and connectivity to the wider landscape.

Table 2. Site Context

Surrounding Habitats and Land Use	Located in the grounds of Haringey Sixth Form College, with buildings on all aspects. Built-up area, with residential and light industrial buildings. Playing fields and Tottenham Cemetery present in the wider landscape.
Urban Context / Locality	The site is located on the west side of Tottenham, with Lee Valley and Walthamstow Wetlands London Wildlife Trust to the east.
Connectivity to Wider Landscape	Poor connectivity via small urban gardens.
Priority Habitats within 1 km	• Deciduous woodland. • Ponds. • Traditional orchards. • Rivers/streams.
Ancient Woodland within 1 km	None
Statutory Designated Sites within 1 km	None
European Designated Sites within 5 km	• Lee Valley SPA/Ramsar.
European Protected Species Licence (EPSLs) within 1 km	Destruction and damage of resting place for common pipistrelles (<i>Pipistrellus pipistrellus</i>), located approximately 830 m to the north-west.

2.3 Proposed Development

The development proposals are for a small classroom block.

2.4 Brief and Objectives

2.4.1 Preliminary Ecological Appraisal

- Map and identify the existing habitats within the survey area, using the UK Habitat Classification (UKHab) system.
- Check for evidence of protected species and assess the potential for protected species to be present on site.
- Check for evidence of invasive species.
- Identify potential ecological impacts and constraints relating to the proposed works.
- Make recommendations for further survey work, as appropriate.
- Propose mitigation measures to avoid, mitigate or compensate for ecological impacts, as appropriate.

2.4.2 Biodiversity Net Gain

The objective is to achieve biodiversity net gain on site, as described in Appendix 1 of this report, through the delivery of habitat enhancements and creation, following the implementation of the mitigation hierarchy. The approach to Biodiversity Net Gain on site will be aligned with local, regional, and national planning policy and guidance, as detailed in Section 3.2 in this report.

Where possible, biodiversity net gain for the site will be based on the Biodiversity Metric 3.1 (Defra, 2022) and will take into account habitats and protected species relevant to the site. However, where a site is very small and/or of low ecological value, the Small Sites Biodiversity Metric 3.1 (Defra 2022) will be used.

3. Relevant Legislation and Planning Policy

This section provides a summary of legislation and planning policy for designated sites, Priority Habitats, ancient woodland, trees, and protected species, which are assessed to be present or potentially present on site, as detailed in Table 6, Section 6.

The legislation and planning policy detailed in this section is intended to be a summary only. The relevant pieces of legislation and planning policy should be referred to for full information. Legislation and planning policy pertaining to protected habitats and species can be found at the following websites:

- The Birds Directive 2009/147/EC:
http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm
- The Habitats Directive 1992/43/EEC:
http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm
- Water Directive Framework: https://ec.europa.eu/environment/water/water-framework/info/intro_en.htm
- Wildlife and Countryside Act, 1981 (as amended):
<http://www.legislation.gov.uk/ukpga/1981/69>
- Conservation of Habitats and Species (Amendment) (EU Exit) Regulations, 2019:
http://www.legislation.gov.uk/uksi/2010/490/pdfs/uksi_20100490_en.pdf
- Countryside Rights of Way Act, 2000: <http://www.legislation.gov.uk/ukpga/2000/37/contents>
- Natural Environment and Rural Communities Act, 2006:
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- National Planning Policy Framework, 2021:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf
- OPDM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf
- Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69446/pb13583-biodiversity-strategy-2020-111111.pdf
- The London Plan, 2016:
https://www.london.gov.uk/sites/default/files/the_london_plan_2016_jan_2017_fix.pdf
- London Borough of Haringey Development Management DPD, Adopted July 2017:
https://www.haringey.gov.uk/sites/haringeygovuk/files/final_haringey_dmp_dtp_online.pdf

The valued ecological receptors, which could be impacted on by development are highlighted in blue in Table 3 and further details on relevant legislation and planning policy are provided in Appendix 4. A list of abbreviations is provided in Appendix 5.

3.1 Legislation and Planning Policy Relating to Valued Ecological Receptors

Table 3. Legislation and Planning Policy Relating to Valued Ecological Receptors

Key Ecological Receptor	Legislation and Planning Policy										
	Annex I (Habitats) Habitats Directive, EC Council Directive 92/43/EEC	Annex II (Species) Habitats Directive, EC Council Directive 92/43/EEC	Annex I of Birds Directive 2009/147/EC	Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019	The Wildlife and Countryside Act, 1981 (as amended), Schedules 1, 5, 9	Countryside and Rights of Way Act, 2000	The Protection of Badgers Act, 1996	NERC Act, 2006	NPPF	Relevant Regional Planning Policy (London Plan)	Relevant Local Planning Policy (London Borough of Haringey Development Management DPD)
Statutory Designated Sites – SACs and SPAs	✓	✓		✓					✓		Policy DM19: Nature Conservation
Statutory Designated Sites – SSSIs					✓	✓			✓		Policy DM19: Nature Conservation
Statutory Designated Sites – LNRs									✓		Policy DM19: Nature Conservation
Non-Statutory Designated Sites – SINCS / LWSs								✓	✓		Policy DM19: Nature Conservation
Priority Habitats								✓	✓		Policy DM19: Nature Conservation
Ancient Woodland									✓		Policy DM19: Nature Conservation
Trees											Policy DM19: Nature Conservation
Priority Species – Plants								✓			Policy DM19: Nature Conservation
Invasive Plant Species					✓ (Schedule 9)						Policy DM19: Nature Conservation
Priority Species – Invertebrates								✓	✓		Policy DM19: Nature Conservation

Key Ecological Receptor	Legislation and Planning Policy										
	Annex I (Habitats) Habitats Directive, EC Council Directive 92/43/EEC	Annex II (Species) Habitats Directive, EC Council Directive 92/43/EEC	Annex I of Birds Directive 2009/147/EC	Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019	The Wildlife and Countryside Act, 1981 (as amended), Schedules 1, 5, 9	Countryside and Rights of Way Act, 2000	The Protection of Badgers Act, 1996	NERC Act, 2006	NPPF	Relevant Regional Planning Policy (London Plan)	Relevant Local Planning Policy (London Borough of Haringey Development Management DPD)
Great Crested Newts (<i>Triturus cristatus</i>)		✓		✓	✓ (Schedule 5)			✓	✓		Policy DM19: Nature Conservation
Common Toads (<i>Bufo bufo</i>)								✓	✓		Policy DM19: Nature Conservation
Reptiles					✓			✓	✓		Policy DM19: Nature Conservation
Breeding Birds					✓				✓		Policy DM19: Nature Conservation
Priority Species – Birds								✓	✓		Policy DM19: Nature Conservation
Protected Bird Species					✓ (Schedule 1)				✓		Policy DM19: Nature Conservation
Roosting, Foraging and Commuting Bats		✓		✓	✓ (Schedule 5)			✓	✓		Policy DM19: Nature Conservation
Hazel Dormouse (<i>Muscardinus avellanarius</i>)		✓		✓	✓ (Schedule 5)			✓	✓		Policy DM19: Nature Conservation
Badger (<i>Meles meles</i>)					✓		✓				Policy DM19: Nature Conservation
European Hedgehog (<i>Erinaceus europaeus</i>)								✓	✓		Policy DM19: Nature Conservation

Key Ecological Receptor	Legislation and Planning Policy										
	Annex I (Habitats) Habitats Directive, EC Council Directive 92/43/EEC	Annex II (Species) Habitats Directive, EC Council Directive 92/43/EEC	Annex I of Birds Directive 2009/147/EC	Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019	The Wildlife and Countryside Act, 1981 (as amended), Schedules 1, 5, 9	Countryside and Rights of Way Act, 2000	The Protection of Badgers Act, 1996	NERC Act, 2006	NPPF	Relevant Regional Planning Policy (London Plan)	Relevant Local Planning Policy (London Borough of Haringey Development Management DPD)
Brown hare (<i>Lepus europaeus</i>)								✓			Policy DM19: Nature Conservation
European Otter (<i>Lutra lutra</i>)		✓		✓	✓ (Schedule 5)			✓	✓		Policy DM19: Nature Conservation
Water Vole (<i>Arvicola amphibius</i>)					✓ (Schedule 5)			✓	✓		Policy DM19: Nature Conservation.

3.2 Biodiversity Net Gain

The NPPF, 2021 sets out policies for, inter alia, biodiversity and geological conservation directing those schemes should seek to protect and enhance, where possible, designated, and non-designated nature conservation sites and features.

Section 41 of the NERC Act, 2006 requires public bodies “to have regard to” the importance of conserving biodiversity in England when undertaking their functions. Local planning authorities should use the list of species and habitats of principal importance (section 41) to identify those that require special consideration when making decisions.

Circular 06/05 on Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England.

The following is a summary of relevant local planning policy and guidance, which relates to biodiversity enhancement and the achievement of biodiversity net gain on development sites.

3.2.1 The London Plan, 2016:

Policy 5.3 of the London Plan (Sustainable Design and Construction) encourages the use of green roofs, further details of which, are provided in the Mayor of London’s Sustainable Design and Construction Supplementary Planning Guidance (April 2014). The Mayor’s Supplementary Planning Guidance on Sustainable Design and Construction and on Housing reflect key sustainable design principles and outline the standards that are applicable to all developments.

Chapter 2.8 (Nature Conservation and Biodiversity) of The Mayor’s Supplementary Planning Guidance on Sustainable Design and Construction promotes the creation of additional habitat including ecologically sensitive landscaping, water features, green roofs, ponds wetlands (including SuDS), bird and bat boxes and insect habitats. Chapter 3.3 (Increasing Green Cover and Trees) encourages the use of green roofs, green walls, rain gardens and street trees. Green roofs should meet the standard set out in GLA Guidance in the Living Roofs and Walls Report.

Policy 5.11 of the London Plan states that Boroughs should promote the use of green roofs in smaller development sites.

Policy 7.19 of the London Plan (Biodiversity and Access to Nature) states that development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation, and management of biodiversity and prioritise assisting in achieving targets in Biodiversity Action Plans (BAPs).

3.2.2 London Borough of Haringey Development Management DPD:

Enhancing biodiversity is supported through Policy DM19 of the London Borough of Haringey Development Management DPD, which states:

“Development proposals on sites which are, or are adjacent to, internationally designated sites, Sites of Special Scientific Interest, Local Nature Reserves, Sites of Importance for Nature Conservation or Ecological Corridors, should protect and enhance the nature conservation value of the site”.

4. Methods

This report has been produced with reference to current guidelines for Preliminary Ecological Appraisals (CIEEM, 2017) and BS42020:2013: Biodiversity – Code of Practice for Planning and Development.

4.1 Online Data Search

The following published materials were consulted:

- The Multi-Agency Geographical Information for the Countryside (www.magic.gov.uk) (accessed 21st June 2022).
- Section 41: Priority Species in England (NERC Act, 2006) (www.jncc.defra.uk, accessed 21st June 2022).
- The London Plan 2016 (accessed 21st June 2022).
- London Borough of Haringey Development Management DPD (accessed 21st June 2022).

4.2 Field Survey

A field survey, using the UKHab system was undertaken of the site by Charlie Gardiner BSc (Hons) on 24th June 2022. The weather conditions during the survey were 20°C, wind force 1, and 10% cloud and dry. The site boundary is shown in Figure 1.

The field survey technique used is detailed in the UK Habitat Classification User Manual, Version 1.0. The UK Habitat Classification Working Group, May 2018. The principle aim of the UK Habitat Classification (UKHab) system is to provide a rapid system for recording and classifying habitats, which can be used for both earth-based and field-based surveys. The system comprises a principal hierarchy (the Primary Habitats), which include ecosystems, broad habitats, Priority Habitats and Annex 1 habitats, and non-hierarchical Secondary Codes.

The UKHab 'Professional Edition' has been used, with the use of Level 5 Primary Habitats and Secondary Codes, as detailed in the UK Habitat Classification-V1 (May 2018) Excel workbook. Primary Habitats and Secondary Codes follow the UK Habitat Classification – Habitat Definitions – V1.0 (May 2018). The Secondary Codes selected are appropriate to the site and habitats recorded. The Minimum Mapping Unit used is 25 m² and 5 m in length.

Where possible, prior to carrying out the field survey, habitats on site were identified using www.magic.gov.uk, Google Earth Pro, 2020 and previous surveys reports, if available. Pre-survey maps were compiled using QGIS 3.16 Hannover. Evidence of habitat management was also noted.

During the field survey, habitat types were recorded using QField on a tablet (Samsung Galaxy Tab S6). GIS symbology used is as recommended in the UK Habitat Classification symbology files for QGIS, presented as Level 4 Primary Habitat, with Level 5 labelled as a code.

4.3 Protected Species Assessment

As part of the PEA, the site was assessed for its potential to contain protected or notable species. The assessment was made based on the habitats present within the site and their suitability for protected species (information on the legislation of protected species can be found in Section 3 and Appendix 4). Protected species assessed for, but not limited to, were:

- Plants of conservation concern.

- Invertebrates of conservation concern.
- Great crested newts.
- Common toad.
- Reptiles.
- Breeding birds.
- Bats.
- Hazel dormice.
- Badgers.
- European hedgehog.
- Brown hare.
- Otters.
- Water voles.

In addition, a search was undertaken for evidence of non-native, invasive species.

4.4 Survey Limitations

The data search should not be taken as a definitive list of the protected species and species of conservation concern that occur within the search area.

The site was visited over the period of one day, as such seasonal variations cannot be observed and only a selection of all species that potentially occur within the site have been noted. Therefore, the survey provides a general assessment of potential nature conservation value.

The field survey was undertaken at the optimal time of year. There were no limitations to the survey in terms of the following:

- The site could be fully accessed.
- Weather conditions (dry and sunny).
- Personal competence (qualifications, training, skills, and experience).
- Time spent surveying.

5. Baseline Ecological Conditions

5.1 Online Data Search

Designated Sites

There are no statutory designated sites located within 1 km of the site. Lee Valley SPA/Ramsar is located approximately 2 km from the site. The European Site Conservation Objectives for Lee Valley SPA/Ramsar are for great bittern (*Botaurus stellaris*), gadwall (*Anas strepera*) and northern shoveler (*Anas clypeata*).

Ancient Woodland

The site is not located within an area of ancient woodland or plantation on ancient woodland. Ancient woodland is absent from within 1 km of the site.

Priority Habitats

Six types of Priority Habitats are located within 1 km of the site, as detailed in Table 4.

Table 4. Priority Habitats within 1 km of the Site

Habitat Type	Approximate Number of Land Parcels	Nearest Land Parcel to Site (m)
Deciduous woodland	7	330
Traditional orchards	2	850
Pond	2	575
Rivers/Streams	1	1000

5.2 Field Survey – Habitats

The results of the field survey undertaken on 24th June 2022 are presented in map form on Figure 1 and described in Table 5. Priority Habitats are in bold, where applicable. Photographs of the site are provided in Appendix 2 and a full list of species, with scientific names, is provided in Appendix 3. The following habitats (Level 5 Primary Habitat labels and codes, where applicable) were recorded on site:

- Modified grassland – g4.
- Dense scrub – h3
- Developed land, sealed surface – u1b.
- Other developed land – u1b6.
- Line of trees – w1g6.

Table 5. Results of Field Survey – Habitats

Primary Habitat Level 4 Label and Code	Primary Habitat Level 5 Label and Code	Approximate Area (m ²) / Length (m)	Location in Site	Main Common Plant Species	Rare/Scarce or Protected Plant Species	Secondary Code – Habitat Mosaic	Secondary Code – Habitat Complex	Secondary Code – Origin	Secondary Code – Management	Secondary Code – Land Use	Secondary Code – Green Infrastructure	Signs of and Potential for Protected Species
Modified grassland – g4	N/A	74 m ²	Western aspect of site, bordered by dense scrub and other developed land	Cock's-foot, annual meadow-grass, false oat-grass	None recorded	Scattered scrub (11)	N/A	Non-native (48)	Neglected (77)	N/A	Introduced shrub (1160)	None recorded
Dense scrub – h3	N/A	438 m ²	Surrounds other developed land	Bramble, butterfly-bush	None recorded	Scattered scrub (11)	N/A	Non-native (48)	Neglected (77)	N/A	Introduced shrub (1160)	Fox earths recorded at target notes 1, 2 and 5, Figure 1
Developed land; sealed surface – u1b	N/A	217 m ²	Eastern site boundary, leading to Academia Way	None	None recorded	Scattered scrub (11)	N/A	Non-native (48)	Neglected (77)	N/A	Introduced shrub (1160)	None recorded
Developed land; sealed surface – u1b	Other developed land – u1b6	146 m ²	Forms centre of site	N/A	None recorded	Scattered scrub (11)	N/A	Non-native (48)	Neglected (77)	N/A	Introduced shrub (1160)	None recorded

5.3 Field Survey – Species

Species were not recorded during the survey.

6. Ecological Constraints and Opportunities Assessment

Table 6 sets out known and potential ecological constraints to development, derived from the online data search and field survey, including designated sites, ancient woodland, Priority Habitats, and protected species/species of conservation concern. Where a potential ecological constraint has been identified, further survey work and/or appropriate avoidance, mitigation, and compensation (as appropriate) is likely to be required to address the issue. **Further survey and/or mitigation measures are required for the valued ecological receptors highlighted in blue.**

Table 6. Ecological Constraints and Opportunities Assessment

Valued Ecological Receptor	Potentially Present / Known to be Present on Site	Assessment and Justification for Potential/Likely Impacts of Development on Value Ecological Receptor
Designated Sites	None	There are no statutory designated sites located within 1 km of the site. Lee Valley SPA/Ramsar is located approximately 2 km from the site. The development should not result in significant adverse impacts on statutory designated sites for nature conservation for the following reasons: • The proposed development site is separated from the nearest statutory designated site by 2 km of existing urban development, including dwellings, gardens, and roads. • The proposed development will be confined to the site, and the site is isolated within a heavily built-up area. • The proposed development will comply with legislation relevant to reducing the impacts of construction, namely the Control of Pollution Act, 1974, the Environmental Protection Act, 1990, The Clean Air Act, 1993, The Environment Act, 1995 and the Pollution Prevention and Control Act, 1999. • The proposed development will conform to British Standards on noise and vibration (BS 5228-2009. Code of Practice for Noise and Vibration Control on Construction and Open Sites). For the above reasons, statutory designated sites for nature conservation should not be impacted upon by the development and further survey and avoidance/mitigation measures are not required in relation to the proposed development and statutory designated sites.

Valued Ecological Receptor	Potentially Present / Known to be Present on Site	Assessment and Justification for Potential/Likely Impacts of Development on Value Ecological Receptor
Priority Habitats	None on site	For the reasons provided for statutory designed sites, the development should not result in adverse ecological effects on Priority Habitats, and further survey and avoidance, mitigation and enhancement measures are not required in relation to the development and Priority Habitats.
Ancient woodland	None present	The site is not located within an area of ancient woodland or plantation on ancient woodland and there are no areas of ancient woodland located within 1 km of the site. Therefore, further survey and avoidance/mitigation measures are not required in relation to the proposed development and ancient woodland.
Trees	Present on site	Two cherry trees are located on site. In the absence of avoidance and mitigation measures, construction and development operation activities could result the loss of these trees. Recommendations for avoidance and mitigation measures relating to trees have, therefore, been provided (see Section 7.1).
Plants of conservation concern	Negligible potential	No protected or notable rare plant species were noted during the survey. The site comprises modified grassland and scrub, which have negligible potential to support plants of conservation concern. Therefore, plants of conservation concern are considered to be absent from the site and further survey and avoidance/mitigation measures are not required in relation to the proposed development and plants of conservation concern.
Invasive plant species such as rhododendron, Japanese knotweed (<i>Reynoutria japonica</i>) and giant hogweed (<i>Heracleum mantegazzianum</i>)	None recorded	Plant species listed under Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended) were not recorded on site. Therefore, further survey and avoidance/mitigation measures are not required in relation to the proposed development and invasive plant species.
Invertebrates of conservation concern	Negligible potential	No invertebrates of conservation concern were noted during the survey. The site comprises modified grassland and scrub, which have negligible potential to support invertebrates of conservation concern. Therefore, invertebrates of conservation concern are considered to be absent from the site, and further survey and avoidance/mitigation measures are not required in relation to the proposed development and invertebrates of conservation concern.
Great crested newts	Negligible potential	There are no ponds on site. The site is isolated by heavily built-up areas. Therefore, great crested newts are considered to be absent from the site, and further survey and avoidance/mitigation measures are not required in relation to the proposed development and great crested newts.
Common toads	Negligible potential	There are no ponds on site. The site is isolated by heavily built-up areas. Therefore, common toads are considered to be absent from the site, and further survey and avoidance/mitigation measures are not required in relation to the proposed development and common toads.
Reptiles (such as slow worms- <i>Anguis fragilis</i> , common lizards - <i>Zootoca vivipara</i> , and grass snakes- <i>Natrix helvetica</i>)	Negligible potential	The site is isolated by heavily built-up areas. Therefore, reptiles are considered to be absent from the site, and further survey and avoidance/mitigation measures are not required in relation to the proposed development and reptiles.

Valued Ecological Receptor	Potentially Present / Known to be Present on Site	Assessment and Justification for Potential/Likely Impacts of Development on Value Ecological Receptor
Nesting birds	Potentially present	The site comprises trees, and scrub, which could support common species of nesting birds. As nesting birds are protected, recommendations to avoid disturbing nesting birds are provided in Section 7.2.
Birds of conservation concern (such as barn owl – <i>Tyto alba</i> , peregrine falcon – <i>Falco peregrinus</i> and black redstart – <i>Phoenicurus ochruros</i>)	Negligible potential	Avoidance measures for breeding birds are provided in Section 7.4, which also relate to birds of conservation concern. Measures to retain and protect the trees, as detailed in Section 7.1, will also ensure that nesting bird habitats are avoided and protected.
Bats	Negligible potential	The trees and shed on site have negligible potential for roosting bats. The site is isolated by heavily built-up areas. Therefore, roosting/foraging/commuting bats are considered to be absent from the site, and further survey and avoidance/mitigation measures are not required in relation to the proposed development and roosting/foraging/commuting bats.
Badger	Not recorded on site	No signs of badgers were recorded during the survey. Therefore, badgers are considered to be absent from the site and further survey and avoidance/mitigation measures are not required in relation to the proposed development and badgers.
Hazel dormouse	Negligible potential	The site is isolated by heavily built-up areas and is absent of habitats, which could support the hazel dormouse. Therefore, the hazel dormouse is considered to be absent from the site, and further survey and avoidance/mitigation measures are not required in relation to the proposed development and the hazel dormouse.
Brown hare	Negligible potential	The site does not contain any habitats, which could support the brown hare, i.e., agricultural fields and open pasture. Therefore, the brown hare is considered to be absent from the site, and further survey and avoidance/mitigation measures are not required in relation to the proposed development and brown hares.
Water vole and European otter	Negligible potential	The site does not contain any habitats, which could support the water vole and European otter, i.e., rivers and streams. Therefore, the water vole and European otter are considered to be absent from the site, and further survey and avoidance/mitigation measures are not required in relation to the proposed development and water voles and European otters.
European hedgehog	Potentially potential	The site is isolated by heavily built-up areas and is absent of habitats, which could support the European hedgehog. Therefore, the European hedgehog is considered to be absent from the site, and further survey and avoidance/mitigation measures are not required in relation to the proposed development and the European hedgehog.
Other (i.e., fox and rabbit)	Fox earths present on site	Recommendations have been made in Section 7.3, to ensure that foxes are not needlessly injured during site clearance works. Foxes are afforded some protection against cruelty under the Wild Mammals (Protection) Act, 1996.

7. Recommendations for Avoidance and Mitigation

7.1 Trees

Trees should be retained, where possible and any trees lost as a result of the proposed development, should be replaced with equivalent numbers of native species.

To prevent damage to retained trees during development, a buffer zone should be put in place to protect the rooting area (Root Protection Area, which is calculated in accordance with British Standard 5837, 'Trees in Relation to Construction'), in which no construction activities should be permitted.

7.2 Nesting Birds

If works, which are likely to damage bird nests need to be carried out during the nesting period, there is potential that nesting birds could be harmed and disturbed. To ensure legal compliance, a check should be undertaken by an ecologist within 48 hours of works commencing, to confirm the presence/absence of nest sites. If nests sites are identified, works to that feature should be delayed until the nest site becomes inactive (species specific, but approximately 4-6 weeks maximum).

7.3 Foxes

An Ecological Clerk of Works (ECoW) should be present on-site during site clearance activities, to ensure that foxes can be allowed to move away into adjacent habitats unharmed, of their own accord.

8. Recommendations for Further Ecological Surveys

Further ecological surveys are not required.

9. Biodiversity Net Gain

Table 7 provides an indication of the baseline biodiversity units for the site, based on the field survey, calculated using the Small Sites Biodiversity Metric 3.1 (Defra, 2022); see Appendix 1 for further details. Approximate areas have been calculated using QGIS 3.16 Hannover. The completed calculation tool can be supplied on request.

Table 7. Baseline Biodiversity Units

Baseline Type	Habitat	Approximate Area (m ²) / Length (m)	Habitat Distinctiveness	Habitat Condition	Strategic Significance	Ecological Connectivity	Baseline Biodiversity Units	Key Ecological Features	Suggested Actions to Address Habitat Loss
<i>Site Habitat Baseline</i>									
Grassland – modified grassland		74 m ²	Low	Moderate	Low	Low	0.0296	None	Same distinctiveness or better habitat required
Urban – developed land; sealed surface		363 m ²	Very low	N/A	Low	Low	0	None	Compensation not required
Dense scrub (bramble)		438 m ²	Medium	Poor	Low	Low	0.1752	Breeding birds	Same broad habitat or a higher distinctives habitat required
Total							0.2048 (Baseline Units)		

Below are a set of measures, which should be implemented on site to achieve biodiversity net gain. These suggestions take into account current planning policy and guidance, as detailed in Section 3.2 of this report. These measures are in addition to avoidance measures for habitats, as detailed in Section 7.

- Installing garden planters, containing wildflowers and plant species of known benefit for wildlife.
- The inclusion of at least one biodiverse roof (where possible), which can help to enhance habitat linkage across the site, particularly for invertebrates and birds.
- The installation of RSPB Robin and Wren Diamond Nest boxes and Apex Open-Front Nest boxes on buildings and trees would be beneficial to garden bird species. These nest boxes can be purchased from www.rspb.co.uk.
- The installation of a small wildlife pond planted with native aquatic plant species.

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11. Figure 1 – Results of Field Survey



12. Appendix 1 – Biodiversity Net Gain

12.1 Introduction

12.1.1 What is Biodiversity Net Gain?

Biodiversity Net Gain is defined as: “*Development that leaves biodiversity in a better state than before, and an approach where developers work with local governments, wildlife groups, landowners and other stakeholders in order to support their priorities for nature conservation*” (Baker, 2019). The UK’s Good Practice Principles for Biodiversity Net Gain provides a framework for development projects to show that they are following good practice (see Baker, 2019).

Biodiversity Net Gain has been described as a measurable target for development projects, where impacts on biodiversity are outweighed by a clear mitigation hierarchy approach to first avoid and then minimise impacts, including through restoration and/or compensation. Adhering to these Biodiversity Net Gain principles will help in underpinning good practice for achieving and sustaining Biodiversity Net Gain. Biodiversity compensation should be planned for a sustained net gain over at least the lifetime of the development (often 25-30 years), with the objective of Biodiversity Net Gain management continuing in the future.

Biodiversity Net Gain should be proportionate to the scale of the development and scale of biodiversity impact, fit in with the project’s lifespan and have the appropriate level of detail for the complexity of the Biodiversity Net Gain targets.

12.1.2 Legislation and Policy Drivers

For some time, the requirement to include ecological enhancements in development projects has been supported by the National Planning Policy Framework (NPPF, 2021) and the Natural Environment and Rural Communities (NERC) Act, 2006. Both place a requirement on Local Planning Authorities to thread ecological enhancement requirements through regional and local planning policy.

The forthcoming Environment Bill will make the implementation of Biodiversity Net Gain mandatory for development projects. Part 3(1) of Schedule 15 of the Environment Bill makes it clear that planning authorities will only approve a Biodiversity Net Gain plan if they are satisfied with the following:

1. The existing pre-development biodiversity value of the site is identified.
2. The proposed post-development biodiversity value of the site is as specified in the Biodiversity Net Gain plan.
3. That any required off-site Biodiversity Net Gain is formally registered and allocated and delivers sufficient gain.
4. That any biodiversity credits specified in the plan have been purchased.
5. Overall, the Biodiversity Net Gain objective has been met.

Local Planning Authorities will be required to prepare Local Nature Recovery Strategies (LNRS), which will provide the local framework for the delivery of Biodiversity Net Gain and inform the development planning process. In the meantime, Biodiversity Net Gain plans should be aligned to existing local plan biodiversity targets and Supplementary Planning documents.

12.2 Biodiversity Net Gain Principles

The following principles are taken from Biodiversity Net Gain. Good Practice Principles for Development (CIRIA, 2016).

12.2.1 Principle 1 – Applying the Mitigation Hierarchy

Do everything possible to first avoid and then minimise impacts on biodiversity. Only as a last resort, and in agreement with external decision-makers where possible, compensate for losses that cannot be avoided. If compensating for losses within the development footprint is not possible or does not generate the most benefits for nature conservation, then offset biodiversity losses by gains elsewhere.

12.2.2 Principle 2 – Avoid Losing Biodiversity that cannot be Offset by Gains Elsewhere

Avoid impacts on irreplaceable biodiversity - these impacts cannot be offset to achieve No Net Loss or Net Gain.

12.2.3 Principle 3 – Be Inclusive and Equitable

Engage stakeholders early, and involve them in designing, implementing, monitoring, and evaluating the approach to Net Gain. Achieve Net Gain in partnership with stakeholders where possible and share the benefits fairly among stakeholders.

12.2.4 Principle 4 – Address Risks

Mitigate difficulty, uncertainty, and other risks to achieving Net Gain. Apply well-accepted ways to add contingency when calculating biodiversity losses and gains in order to account for any remaining risks, as well as to compensate for the time between the losses occurring and the gains being fully realised.

12.2.5 Principle 5 – Make a Measurable Net Gain Contribution

Achieve a measurable, overall gain for biodiversity and the services ecosystems provide while directly contributing towards nature conservation priorities.

12.2.6 Principle 6 – Achieve the Best Outcomes for Biodiversity

Achieve the best outcomes for biodiversity by using robust, credible evidence and local knowledge to make clearly justified choices when:

- Delivering compensation that is ecologically equivalent in type, amount and condition, and that accounts for the location and timing of biodiversity losses.
- Compensating for losses of one type of biodiversity by providing a different type that delivers greater benefits for nature conservation.
- Achieving Net Gain locally to the development while also contributing towards nature conservation priorities at local, regional, and national levels.
- Enhancing existing or creating new habitat.
- Enhancing ecological connectivity by creating more bigger, better, and joined areas for biodiversity.

12.2.7 Principle 7 – Be Additional

Achieve nature conservation outcomes that demonstrably exceed existing obligations (i.e., do not deliver something that would occur anyway).

12.2.8 Principle 8 – Create a Net Gain Legacy

Ensure Net Gain generates long-term benefits by:

- Engaging stakeholders and jointly agreeing practical solutions that secure Net Gain in perpetuity.
- Planning for adaptive management and securing dedicated funding for long-term management.
- Designing Net Gain for biodiversity to be resilient to external factors, especially climate change
- Mitigating risks from other land uses.
- Avoiding displacing harmful activities from one location to another.

- Supporting local-level management of Net Gain activities.

12.2.9 Principle 9 – Optimise Sustainability

Prioritise Biodiversity Net Gain and, where possible, optimise the wider environmental benefits for a sustainable society and economy.

12.2.10 Principle 10 – Be Transparent

Communicate all Net Gain activities in a transparent and timely manner, sharing the learning with all stakeholders.

12.3 Exclusions

Biodiversity Net Gain does not apply to statutory designated sites (i.e., Sites of Special Scientific Interest – SSSIs) or irreplaceable habitats (i.e., ancient woodlands).

12.4 Biodiversity Net Gain Processes and Pathways

The following is a summary of the process of designing a Biodiversity Net Gain plan, once the feasibility of the plan has been tested, the mitigation hierarchy has been applied to the project and the pre and post development baseline biodiversity of a sites' individual features have been measured.

- Consider and justify choices for delivering Biodiversity Net Gain, including whether to deliver the same or different type of habitat, locating either within or outside of the site, enhancing existing habitats, or creating new habitats, creating more, bigger and better linked habitats, improving the quality of local wildlife sites, optimising social and economic benefits and being additional.
- Deliver like-for-like or better (trading in kind, trading between low distinctiveness habitats, trading carefully between moderate distinctiveness habitats, trading up where possible and appropriate and not trading between high distinctiveness habitats).
- Designing enhancement measures to deliver local biodiversity objectives and achieve net gains in features affected by the development in ways which contribute towards strategic policies.
- Avoid or minimise time-lags between losses and delivery.
- Avoid or minimise risks to delivering Biodiversity Net Gain.
- Measure the predicted net gain for individual habitats using the same metrics throughout.
- Specify timescales for the long-term.
- Develop a Biodiversity Net Gain management and monitoring plan.

12.5 Measuring Biodiversity Net Gain

Defra have produced a biodiversity metric 3.1 (Defra, 2022) to measure Biodiversity Net Gain. The metric is based on the following parameters. Full details can be found in Natural England Joint Publication JP029 – The Biodiversity Metric 3.1 Technical Supplement.

- Habitat condition.
- Distinctiveness.

A summary of these parameters is provided in the following sections:

12.5.1 Habitat Condition

The 'condition' component of quality measures the biological 'working-order' of a habitat type judged against the perceived ecological optimum state for that particular habitat. It is – therefore – a means of measuring variation in quality of patches of the same habitat type (i.e., an 'intra-habitat' quality measure)

rather than a measure of quality between habitat types (i.e., an 'inter-habitat' quality measure) – which is assessed through the 'distinctiveness' of habitats. Full details of how habitat condition is assessed is provided in Natural England Joint Publication JP029.

12.5.2 Distinctiveness

In biodiversity metric 3.1 habitats have been assigned to distinctiveness bands based on the following criteria of distinguishing features:

- Total amount of remaining habitat in England (its rarity).
- Percentage of habitat protected in SSSI: where less is protected in SSSI's, it is considered of higher distinctiveness.
- UK Priority Habitat Status: Priority Habitats area classed as High or Very High.
- European Red List Categories for the habitat.

Distinctiveness categories are as follows:

Distinctiveness Band	Criterion Threshold
Very High Distinctiveness	Small amount of remaining habitat with a lot of it unprotected by designation. Endangered or Critical European red List habitats.
High Distinctiveness	Remaining Priority Habitats not in very high distinctiveness band & other red list of habitats.
Medium Distinctiveness	Non-Priority Habitats with significant wildlife benefit and 1 replaceable Priority Habitat (Arable field Margins).
Low Distinctiveness	Agricultural and Urban land use of lower biodiversity value.
Very Low Distinctiveness	Urban – with artificial structure which are un-vegetated, unsealed surface or built linear features of very low biodiversity value.

12.5.3 Strategic Significance

The following options are available in the Biodiversity Metric 3.0 for Strategic Significance:

- Within area formally identified in local strategy (high strategic significance).
- Local ecologically desirable, but not in local strategy (medium strategic significance).
- Area/compensation not in local strategy/no local strategy (low strategic significance).

12.6 Management and Monitoring

Costed management and monitoring plans are essential to the success of Biodiversity Net Gain. Plans should keep track of timing, extent, quality, and condition.

The purpose of monitoring is to determine success or failure, gives an early warning system when aspects of management are not working and provides an opportunity to plan for remedial measures (adaptive management). Monitoring needs to take into consideration frequency, duration, timing, and costs. The results of monitoring need to be clearly documented.

Management and monitoring plans should set out activities over at least 5 years, with objectives for the longer-term.

The responsibility for management can fall to the main contractor, a broker, a local stakeholder, or a third-party company.

13. Appendix 2 – Site Photographs



Photograph 1 — Eastern site boundary, leading to Academia Way.



Photograph 2 — Dilapidated shed on site.



Photograph 3 — Centre of site, showing bulrush.

14. Appendix 3 – Full Species List and Target Notes

Habitat/Species	Common Name	Species Name
Grassland	Annual meadow-grass	<i>Poa annua</i>
	Bulrush	<i>Typha latifolia</i>
	Cat's-ear	<i>Hypochaeris radicata</i>
	Cock's-foot	<i>Dactylis glomerata</i>
	Creeping cinquefoil	<i>Potentilla reptans</i>
	Dandelion	<i>Taraxacum officinale</i>
	False oat-grass	<i>Arrhenatherum elatius</i>
	Field bindweed	<i>Convolvulus arvensis</i>
	Hedge bindweed	<i>Calystegia sepium</i>
	Ivy	<i>Hedera helix</i>
	Ribwort plantain	<i>Plantago lanceolata</i>
	Rose	<i>Rose</i> sp.
	Willowherb	<i>Epilobium</i> sp.
	Yorkshire-fog	<i>Holcus lanatus</i>
Trees	Bird cherry	<i>Prunus padus</i>
Scrub	Ash (saplings)	<i>Fraxinus excelsior</i>
	Bramble	<i>Rubus fruticosus</i> agg.
	Butterfly-bush	<i>Buddleja davidii</i>
	Dog-rose	<i>Rosa canina</i>
	Silver birch (saplings)	<i>Betula pendula</i>
	Sycamore (saplings)	<i>Acer pseudoplatanus</i>

Target Note	Notes
1	Fox (<i>Vulpes vulpes</i>) earth
2	Fox earth
3	Butterfly-bush
4	Ivy growing against boundary wall
5	Fox earth

15. Appendix 4 – Legislation and Planning Policy

15.1 Habitats Directive, EC Council Directive 92/43/EEC

The following information has been taken from ec.europa.eu.

Natura 2000 is a network of sites selected to ensure the long-term survival of Europe's most valuable and threatened species and habitats. How a site is chosen depends on what it aims to protect.

Under the Habitats Directive (Art. 3 and 4), Member States designate Special Areas of Conservation (SACs) to ensure the favourable conservation status of each habitat type and species throughout their range in the EU. Under the Birds Directive (Art. 4), the network must include Special Protection Areas (SPAs) designated for 194 particularly threatened species and all migratory bird species.

Member States designate Special Protection Areas (SPAs) according to scientific criteria such as '1% of the population of listed vulnerable species' or 'wetlands of international importance for migratory waterfowl'.

The choice of sites is based on scientific criteria specified in the directive, to ensure that the natural habitat types listed in the directive's Annex I and the habitats of the species listed in its Annex II are maintained or, where appropriate, restored to a favourable conservation status in their natural range.

15.2 The Birds Directive 2009/147/EC

The following information has been taken from ec.europa.eu.

The Birds Directive aims to protect all of the 500 wild bird species naturally occurring in the European Union. The 500 wild bird species naturally occurring in the European Union are protected in various ways:

- **Annex 1:** 194 species and sub-species are particularly threatened. Member States must designate Special Protection Areas (SPAs) for their survival and all migratory bird species.
- **Annex 2:** 82 bird species can be hunted. However, the hunting periods are limited, and hunting is forbidden when birds are at their most vulnerable: during their return migration to nesting areas, reproduction, and the raising of their chicks.
- **Annex 3:** overall, activities that directly threaten birds, such as their deliberate killing, capture or trade, or the destruction of their nests, are banned. With certain restrictions, Member States can allow some of these activities for 26 species listed here.
- **Annex 4:** the directive provides for the sustainable management of hunting, but Member States must outlaw all forms of non-selective and large scale killing of birds, especially the methods listed in this annex.
- **Annex 5:** the directive promotes research to underpin the protection, management, and use of all species of birds covered by the Directive, which are listed in this annex.

15.3 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

Under these Regulations, the UK Government and Devolved Administrations are required to establish a network of important high-quality conservation sites that will make a significant contribution to conserving the habitats and species identified in Annexes I and II, respectively, of European Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, known as the Habitats Directive. The listed habitat types and species are those considered to be most in need of conservation at a European level (excluding birds). Of the Annex I habitat types, 78 are believed to

occur in the UK. Of the Annex II species, 43 are native to, and normally resident in, the UK (www.jncc.gov.uk). Special Areas of Conservation (SACs), together with Special Protection Areas (SPAs), are the UK's contribution to the Bern Convention's Emerald Network of protected areas, known as Areas of Special Conservation Interest (ASCIs).

15.4 The 1949 National Parks and Access to the Countryside Act

Section 21 of the National Parks and Access to the Countryside Act, 1949 provides discretionary powers to enable local authorities to establish and manage Local Nature Reserves (LNRs). Under the Conservation of Habitats and Species (Amendment) (EU Exit) 2019 Regulations, these powers have been extended from preserving flora and fauna to include enabling or facilitating its recovery or increase.

15.5 The Wildlife and Countryside Act, 1981 (As Amended)

The following information was taken from www.jncc.gov.uk and www.ukwildlife.com.

The Wildlife and Countryside Act, 1981 (as amended) is the primary national legislation, which protected animals, plants, and habitats in the UK. The act contains four parts and 17 schedules, which cover:

- Part 1: Wildlife (includes protection of birds, animals, and plants; and measures to prevent the establishment of non-native species which may be detrimental to native wildlife).
- Part 2: Nature conservation, the countryside, and National Parks (including the designation of protected areas).
- Part 3: Public rights of way.
- Part 4: Miscellaneous provisions of the act.

All naturally occurring wild birds in Great Britain are protected from persecution. It is illegal to kill, injure or 'take' any wild bird, take, or damage the nest of any wild bird whilst in use or being built. The eggs of all wild birds are also protected. If you have in your possession any live wild birds, egg(s), or any part of a wild bird you are committing an offence. The birds listed in Schedule 1 of the Wildlife and Countryside Act 1981 are further protected by Special Penalties all year round for those in Part 1 and during a specified closed season for those listed in Part 2.

Schedule 5 lists Animals Species that are protected under Section 9. Section 9 prohibits the intentional killing, injuring, or taking of the species listed in Schedule 5 and also prohibits their possession and the trade in the wild animals listed. The species listed are also further protected from disturbance by prohibiting actions that affect places they use for shelter.

Animals listed in Schedule 6 are protected from being killed or taken by certain methods under Section 11(1) of the Wildlife and Countryside Act 1981. The methods listed are self-locking snares, bows, crossbows, explosives (other than ammunition for a firearm), or live decoys. The species listed are also protected from the following activities: trap, snare or net, electrical device for killing or stunning, poisonous, poisoned, or stupefying substances or any other gas or smoke, automatic or semi-automatic weapon, device for illuminating a target or sighting device for night shooting, artificial light, mirror or other dazzling device, sound recording, and mechanically propelled vehicle in immediate pursuit.

Under the Wildlife and Countryside Act 1981 (as amended), the country nature conservation bodies have a duty to notify any area of land which in their opinion is 'of special interest by reason of any of its flora, fauna, or geological or physiographical features' – these areas are known as Sites of Special Scientific Interest (SSSIs).

15.6 Countryside & Rights of Way Act, 2000

The CROW Act gives a public right of access to land mapped as 'open country' (mountain, moor, heath and down) or registered common land. The protection of Sites of Special Scientific Interest (SSSIs) is strengthened in this legislation. The CROW Act also allows for the prosecution of third parties that damage or destroy a SSSI.

15.7 Hedgerow Regulations 1997

These regulations fall under the local authority and are intended to protect important hedgerows from removal. Owners and managers must request permission from their local authority before removing a hedgerow, and permission may not be granted if it supports a diverse range or protected species.

15.8 The Protection of Badgers Act, 1992

Badgers are fully protected in the UK by the Protection of Badgers Act, 1992 and by Schedule 6 of the Wildlife and Countryside Act, 1981 (as amended). This makes it an offence (amongst other things) to:

- Wilfully kill, injure, take, possess, or cruelly treat a badger.
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett.
- Disturb a badger while it is occupying a sett.

15.9 Natural Environment and Rural Communities (NERC) Act, 2006

The site comprises deciduous woodland, which is a Priority Habitat. Priority Habitats are listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act, 2006. Section 40 (1) of the NERC Act, 2006 imposes a duty to conserve biodiversity:

- *“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 conserving biodiversity.”*

Section 40(3) of the Act explains that:

- *“Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat”.*

The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting, and requiring actions that may also restore or enhance biodiversity.

15.10 National Planning Policy Framework (NPPF) 2021

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

Section 15 of the NPPF (paragraphs 174 to 182) considers the conservation and enhancement of the natural environment including habitats and biodiversity (paragraphs 179-182) Paragraph 174 states that planning and decisions should contribute to and enhance the natural and local environment by:

- “Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

- Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and
- Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”

Paragraph 175 states that plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value; 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.

Paragraph 179 states that in order to protect and enhance biodiversity and geodiversity, plans should:

- “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
- Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”

When determining planning applications, Paragraph 1780 states that local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”

As stated in paragraph 181 the following should be given the same protection as habitats sites:

- Potential Special Protection Areas and possible Special Areas of Conservation;
- Listed or proposed Ramsar sites; and
- Sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”

Paragraph 182 states that the presumption in favour of sustainable development does not apply where the planned project is likely to have a significant effect on a habitat site (alone or in combination with other plans or projects) unless an appropriate assessment has concluded the plan or project will not adversely affect the integrity of the habitats site.

15.11 Office of the Deputy Prime Minister (ODPM) Circular 06/2005

ODPM Circular 06/05 provides guidance on applying legislation in relation to nature conservation and planning in England. Part I considers the legal protection and conservation of internationally designated sites (namely candidate Special Areas of Conservation (cSACs), SACs, potential Special Protection Areas (pSPAs), SPAs and Ramsar sites) and Part II considers the legal protection and conservation of nationally designated sites, namely Sites of Special Scientific Interest (SSSIs).

Part III considers the protection of habitats and species outside of designated areas (particularly UK Biodiversity Action Plan species and habitats, which it states are capable of being a material consideration in the preparation of local development documents and the making of planning decisions.

Part IV considers species protected by law and states that the presence of a protected species is a material consideration in the consideration of a development proposal that, if carried out, would be likely to result in harm to the species or its habitat and that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.

15.12 Water Framework Directive

The Water Framework Directive (Directive 2000/60/EC) became law in England and Wales in 2003 via the Water Environment (WFD) (England and Wales) Regulations. The Water Framework Directive has four main goals: (1) to prevent deterioration in water status, (2) all water bodies achieve good ecological status, good chemical status, and good groundwater status (or potential), (3) reduce and eliminate sources of pollution and (4) contribute to achieving objectives of sites protected by other EU legislation.

15.13 Bern Convention

The Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) was ratified by the UK Government in 1982. The principal aims of the Convention are to ensure 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 Convention imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1,000 wild animal species.

15.14 Wild Mammals (Protection) Act, 1996

The Wild Mammals (Protection) Act 1996, makes provision for the protection of wild mammals from certain cruel acts by stating that any person who mutilates, kicks, beats, nails or otherwise impales, stabs, burns, stones, crushes, drowns, drags or asphyxiates any wild mammal with intent to inflict unnecessary suffering shall be guilty of an offence.

16. Appendix 5 – List of Abbreviations

BAP	Biodiversity Action Plan
CSZ	Core Sustenance Zone
CWS	County Wildlife Site
EclA	Ecological Impact Assessment
EPSL	European Protected Species Licence
GCN	Great Crested Newt
NERC	Natural Environment and Rural Communities Act
NPPF	National Planning Policy Framework
PEA	Preliminary Ecological Appraisal
SSSI	Site of Special Scientific Interest
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SNCI	Site of Nature Conservation Importance
SPA	Special Protection Area
UKHab	UK Habitat Classification System