



Preliminary Ecological Appraisal Survey

Site: Dyne House, Highgate School, North Road, London, N6 4AY

Client: Highgate School

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Guidelines

This assessment has been designed to meet:

- Chartered Institute of Ecology and Environmental Management 'Guidelines for Preliminary Ecological Appraisal' (2013); and
- British Standard 42020 (2013) 'Biodiversity – Code of Practice for Planning and Development'.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

This approach is enshrined in Government planning guidance, for example, paragraph 193 of the National Planning Policy Framework for England.

The desk studies and field surveys undertaken to provide a preliminary ecological appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

In consequence of the scale and intensity of the proposed development, the low impact on ecological receptors identified through both the site survey and search of local biological records, and the passive interface with the mitigation hierarchy, this plan-led report is considered adequate and proportionate. It communicates all relevant information necessary to determine a planning application, or support the recommendations for further surveys.

Executive summary

Arbtech Consulting Ltd. undertook a Preliminary Ecological Appraisal at Dyne House, Highgate School, North Road, London, N6 4AY on 13th February 2017. The aim of the survey was to complete an extended Phase 1 Habitat Survey of the survey area (all land that will be impacted by the proposals) and review those survey findings along with a desk study.

The development proposals are for a 'three-storey front extension with single-storey new basement extension to the front of the existing Dyne House building including refurbishment and recladding of existing Dyne House building, a new bridge link and a new three-storey rear extension with a single-storey plant room.' No planning application has been submitted at the time of writing this report.

Recommendations - This is work you will need to commission (if any) to obtain planning permission or comply with legislation for other consent.

Ecological Factor	Recommendations
Bats	Please refer to the separate Preliminary Roost Assessment by Arbtech Consulting Ltd (February 2017).
Birds	Any building/tree and scrub removal should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building/trees and scrub to be removed should be undertaken immediately prior to clearance. All active nests will need to be retained until the young have fledged.

For full justification of these recommendations, please go straight to section [4.0 Conclusions, Impacts and Recommendations](#). Otherwise, the full report starts below.

Contents

1.0 Introduction and Context	5
1.1 Background	5
1.2 Site Context	5
1.3 Scope of the report	5
1.4 Project Description	6
2.0 Methodology	7
2.1 Desk Study methodology	7
2.2 Site Survey methodology	7
2.3 Suitability Assessment	7
2.4 Limitations – evaluation of the methodology	9
3.0 Results and Evaluation	10
3.1 Desk Study Results	10
3.2 Designated sites	10
3.3 Landscape	11
3.4 Historical records	13
3.5 Field Survey Results	14
3.6 Site Feature descriptions and photos	15
4.0 Conclusions, Impacts and Recommendations	21
4.1 Informative guidelines	21
4.2 Evaluation	22
Appendix 1: Phase 1 Habitat Survey Map	29
Appendix 2: Proposed Site Plan	30
Appendix 3: Desk Study Information	31
Appendix 4: Legislation and Planning Policy	34

1.0 Introduction and Context

1.1 Background

Arbtech Consulting Ltd was commissioned by Highgate School to undertake a Preliminary Ecological Appraisal (PEA) at Dyne House, Highgate School, N6 4AY. An extended Phase 1 Habitat Survey of the survey area (all land that will be impacted by the proposals).

A Preliminary Ecological Appraisal was undertaken by Arbtech Consulting Ltd in April 2015.

1.2 Site Context

The site is located at National Grid Reference TQ 2840 8752, and has an area of approximately 0.7ha. The site consists of two large school buildings with associated ornamental shrubs, overgrown tall ruderal habitat, hard standing and mature trees along the borders of the site.

1.3 Scope of the report

This report describes the baseline ecological conditions at the site; evaluates habitats within the survey area in the context of the wider environment; and describes the suitability of those habitats for notable or protected species. It identifies significant ecological impacts as a result of the development proposals; summarises the requirements for further surveys and mitigation measures, to inform subsequent mitigation proposals, achieve Planning or other statutory consent, and to comply with wildlife legislation.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. Establishing the baseline conditions for future monitoring. To achieve this, the following steps were taken:

- The desk study area and field survey area (generally 50m from the site boundary/proposed footprint and including the 'zone of influence' of the scheme) have been identified
- A desk study has been carried out, including a request for information from the Greenspace Information for Greater London GiGL
- Baseline information on the site and surrounding area has been recorded through an 'Extended Phase 1 Habitat Survey', including a Phase 1 Habitat Survey (JNCC 2010) and recording further details in relation to notable or protected habitats and species
- The ecological features present within the survey area have been evaluated where possible (CIEEM, 2006)
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act [WCA]) have been identified
- Likely impacts on features of value, resulting from the development proposals, have been identified
- Recommendations for further survey and assessment have been made
- Recommendations for mitigation and opportunities for enhancement have been provided based on current information

A survey plan is presented in Appendix 1, the proposed Project Plan is included in Appendix 2 (where available), desk study results are provided in Appendix 3, and a summary of relevant legislation can be found in Appendix 4.

1.4 Project Description

This report is prepared in support of a planning application that is being prepared for submission to Haringey Council.

The development proposals are for a “three-storey front extension with single-storey new basement extension to the front of the existing Dyne House building including refurbishment and recladding of existing Dyne House building, a new bridge link and a new three- storey rear extension with a single-storey plant room”. No planning application has been submitted at the time of writing this report.

The proposed site plan is included in Appendix 2 (where available).

2.0 Methodology

2.1 Desk Study methodology

Existing biological records data relating to the site and a surrounding 2km radius (the study area) are required to conform to national guidelines and these have been requested from Greenspace Information for Greater London (GiGL). The data search is confidential information that is not suitable for public release.

A review of the following information sources has also been undertaken to inform the assessment:

- Landscape structure using aerial images from Google Earth and OS maps
- Designated sites, habitat and granted EPSL records held on Magic.gov.uk.

2.2 Site Survey methodology

The survey was undertaken by Lauren Fear BSc (Hons) MSc (Licence number [bats] C184529; [great crested newt] C184529; [barn owls] CL29/00314) on 13th February 2017.

The methodology for the Phase 1 habitat survey is based on the best practice publication Phase 1 Habitat Survey Methodology (JNCC, 2010). All land parcels are described and mapped according to JNCC Phase 1 habitat classification (see site map in Appendix 1). Where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management.

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species. The likelihood of the presence of protected species is ranked; the habitats on site are evaluated against their likelihood to provide suitable habitat for protected species.

The ecological value of the survey area has been assessed based on the Guidelines for Ecological Impact Assessment (CIEEM, 2006), and the Handbook of Biodiversity Methods: Survey, Evaluation and Monitoring (David Hill, 2005), using geographic frames of reference. The biodiversity value of any identified designated sites, habitat types and associated species assemblages has been considered. The distribution and extent of invasive species listed on Schedule 9 of the Wildlife and Countryside Act (1981) were also noted throughout the survey area.

2.3 Suitability Assessment

The likelihood of occurrence of protected species is ranked according to the criteria listed in Table 1. The habitats on site were evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

Table 1: showing criteria considered when assessing the likelihood of occurrence of protected species

Present	Species are confirmed as present from the current survey or historical confirmed records.
High	Habitat and features of high quality for species/species assemblage. Species known to be present in wider landscape (desk study records). Good quality surrounding habitat and good connectivity.
Medium	Habitat and features of moderate quality. The site in combination with surrounding land provides all habitat/ecological conditions required by the species/assemblage. Within known national distribution of species and local records in desk study area. Limiting factors to suitability, including small area of suitable habitat, some severance/poor connectivity with wider landscape, poor to moderate habitat suitability in local area.
Low	Habitats within the survey area poor quality. Few or no records from data search. Despite above, presence cannot be discounted as within national range, all required features/conditions present on site and in surrounding landscape. Limiting factors could include isolation, poor quality landscape, or disturbance.
Negligible	Very limited poor quality habitats and features. No local records from desk study; site on edge of, or outside, national range. Surrounding habitats considered unlikely to support species/species assemblage.

2.4 Limitations – evaluation of the methodology

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape, the ecology and biology of species as currently understood, and the known distribution of species as recovered during the searches of historical biological records.

The survey was completed during the sub-optimal survey period limiting the identification of ground flora species. This is not thought to have impeded the conclusions of this report because of the absence of valuable botanical habitat on the site.

3.0 Results and Evaluation

3.1 Desk Study Results

A summary of desk study results is provided below; full details are included in Appendix 4.

3.2 Designated sites

There are three statutory designated sites within the study area. Their location and extent are illustrated in Appendix 4. Table 3 provides details of the designated sites including their reasons for notification.

Table 2: Designated sites within 2km radius of the site

Designated Site Name	Distance from Site (approx.)	Reasons for Notification from Natural England and/or BRD or LPA policy maps
Statutory Sites		
Queen's Wood - Local Nature Reserve (LNR)	740m north	'The wood is an ancient oak-hornbeam woodland. English oak and occasional beech stand above hornbeam, midland hawthorn, hazel, mountain ash, field maple, cherry, holly and both species of lowland birch. The ground flora is particularly rich for somewhere so close to central London. It includes a large population of wood anemone, native bluebells, wood goldilocks and a thriving population of wood sorrel. Over one hundred species of spiders have been spotted and a nationally rare jewel beetle is widespread.' Natural England accessed via Magic Maps on 13/02/2017.
Parkland Walk - LNR	620m north-east	'The predominant habitat at Parkland Walk is secondary woodland. A large area of naturalised wild plum is present in the Islington section of Parkland Walk. English elm is occasionally present and most abundant in the Islington section. The Islington stretch is also very important for a range of wildlife and includes the borough's only area of acidic grassland which is home to several rare plants and insects.' Natural England accessed via Magic Maps on 13/02/2017.
Hampstead Heath Woods – Site of Special Scientific Interest (SSSI)	1.2km south-west	'Hampstead Heath Woods are examples of long-established high forest woodlands with an exceptional structure comprising an abundance of old and over-mature trees providing dead wood habitat for a range of invertebrate species. The site also includes an adjacent small valley containing an acidic flush with developing bog-moss communities.' Natural England accessed via Magic Maps on 13/02/2017.

3.3 Landscape

A review of the designated sites, aerial photographs (Figure 1), the Magic database and OS maps has been undertaken. Collated together, the site's local habitat is described below:

The site is located in a residential and urban area of north London. The landscape around the site is dominated by urban development with small areas of green space, particularly to the west of the site. There are areas of ancient and semi-natural woodland located approximately 750m north of the site, which provide an excellent refuge and foraging habitat for many protected species. There are also large expanses of good quality habitats to the south-west of the site which include lowland heathland, lowland fens, good quality semi-improved grassland and deciduous woodland. The ancient woodland habitat to the north of the site is known to support a wide variety of invertebrates, and the lowland fens and heathland to the south-west will also provide good quality habitat for invertebrates, which are a food source for many protected species.

Priority habitats within 2km of the site are listed in Table 3.

Table 3: Priority Habitat Inventory within 2km (Magic.gov.uk):

Habitat	Closest distance from site
Deciduous Woodland	~112m south-east
National Forest Inventory	~30m south-east
Ancient woodland	~760m north
Woodpasture and Parkland BAP Priority Habitat	~900m west
Good quality semi-improved grassland	~840m south-west
Lowland heathland	~1km south-west
Lowland fens	~1.6km south-west



Figure 1: Aerial photo of site, showing landscape structure

3.4 Historical records

Greenspace Information for Greater London (GiGL) has provided biological records data for a 2km radius of the site. These can be provided on request and are summarised in Table 4. The biological records show that protected species have been recorded within the study area.

Table 4: Historical records within 2km of the site

Taxon Group	Common name	Scientific binomial	Record details
Bats	Serotine	<i>Eptesicus serotinus</i>	9 records which include the closest record being approximately 530m from the site, and the date of the most recent record being from 2012.
	Daubenton's bat	<i>Myotis daubentonii</i>	108 records which include the closest record being approximately 250m from the site, and the date of the most recent record being from 2012.
	Natterer's bat	<i>Myotis nattereri</i>	82 records which include the closest record being approximately 520m from the site, and the date of the most recent record being from 2012.
	Lesser noctule	<i>Nyctalus leisleri</i>	32 records which include the closest record being approximately 530m from the site, and the date of the most recent record being from 2012.
	Common noctule	<i>Nyctalus noctula</i>	229 records which include the closest record being approximately 480m from the site, and the date of the most recent record being from 2015.
	Nathusius' pipistrelle	<i>Pipistrellus nathusii</i>	15 records which include the closest record being approximately 530m from the site, and the date of the most recent record being from 2014.
	Common pipistrelle	<i>Pipistrellus pipistrellus</i>	149 records which include the closest record being approximately 320m from the site, and the date of the most recent record being from 2015.
	Soprano pipistrelle	<i>Pipistrellus pygmaeus</i>	183 records which include the closest record being approximately 320m from the site, and the date of the most recent record being from 2015.
	Brown long-eared	<i>Plecotus auritus</i>	23 records which include the closest record being approximately 530m from the site, and the date of the most recent record being from 2015.

Reptiles	Common lizard	<i>Zootoca vivipara</i>	1 record which is approximately 718m from the site dated 2002.
Amphibians	Common toad	<i>Bufo bufo</i>	37 records which include the closest record being approximately 168m from the site, and the date of the most recent record being from 2011.
	Palmate newt	<i>Lissotriton helveticus</i>	1 record which is approximately 390m from the site, recorded in 2007.
	Common frog	<i>Rana temporaria</i>	92 records which include the closest record being approximately 233m from the site, and the date of the most recent record being from 2013.
Invertebrate	Stag beetle	<i>Lucanus cervus</i>	15 records which include the closest record being approximately 650m from the site, and the date of the most recent record being from 2008.

A search of the magic database for granted European Protected Species Mitigation Licences (EPSMLs) within a 2km radius found one licenced site and details are provided in Table 5 below.

Table 5: Granted EPSMLs within 2km of the site

Case reference of granted application	Approx. distance from site	Species Effectuated	Licence Start Date:	Licence End Date:	Impacts allowed by licence
EPSM2012-4532	1.2km west	S-PIP	06/08/2012	31/08/2015	Destruction of a breeding site

3.5 Field Survey Results

The site of the proposed development include two existing buildings and areas of hard standing, ornamental planting and tall ruderal habitat, and is illustrated in the map in Appendix 1. The environmental variables recorded at the time of the survey are shown in Table 6.

Table 6: Environmental variables during the survey

Date: 13/02/2017	
Temperature	7°C

Humidity	86°C
Cloud Cover	5%
Wind	1.0km/h
Rain	None

3.6 Site Feature descriptions and photos

C3.1 Tall ruderal

Some areas of the site have become unmanaged and tall ruderals have established. This habitat is dominated by bramble *Rubus fruticosus* with examples of common nettle *Urtica dioica*, butterfly bush *Buddleja davidii* and ground ivy *Glechoma hederacea*. These areas are generally small in size or cover an area of disturbed bare ground, with poor structure and low species diversity.

B1 section B



Southern border

Photo 1: Area of disturbed land where swimming pool was situated, covered in bare ground and tall ruderal plants.



North-eastern access point to site

Photo 2: Area of tall ruderal habitat near north-eastern corner of the site.

J3.6 Buildings

There are two large school buildings within the development footprint, B1 and B2. B1 is a two storey building separated into two distinct areas 'A' and 'B' which are connected by a flat, single storey roof covered in bitumen felt. Both sections of B1 have a brick cornice across all elevations of the building, have intact brick walls with no gaps in the external walls and have metal framed windows in good condition. Overall, both sections of B1 are in good condition.

B1 section A is a two storey, brick built school building with a pitched roof which is covered in clay tiles. The tiles are in generally good condition with none that are obviously displaced or raised. Raised or displaced tiles can create crevices for bats to roost underneath. B1 section B is a two storey brick built school building with a pitched roof covered in slate tiles. The slate tiles are in good condition with none that are obviously lifted or displaced.

Southern border



Photo 3: The eastern elevation of B1 (arrow)



**North-eastern access
point to site**

Photo 4: Western elevation of B1 section A, B2 in background

B2 is a large 1960s-era school building located on a steep slope. The building has a flat roof which is inaccessible. B2 has a brick cornice across all elevations of the building and metal framed window frames in good condition. B2 has areas of stone-wash walls and exposed brick walls, all of which appear in good condition with no obvious gaps or crevices.



Photo 5: The western elevation of B2.



Photo 6: The eastern elevation of B2.

J4 Bare ground

There are areas of bare ground habitat located towards the eastern area of the site. These bare ground areas cover disturbed land on the site including an area over the pre-existing swimming pool and an access point on the north-eastern corner of the site.

Eastern border

Photo 7: Area of bare ground along eastern border.

Southern border

Photo 8: Area of bare ground over swimming pool area.

B1 section B

J4 Ornamental planting

Located around the site are area of ornamental planting.



Photo 9: Area of hard standing and ornamental planting in the middle of the site.



Photo 10: Area of ornamental planting.

J4 Hard standing

The site is dominated by hard standing habitat. This habitat is largely made of pavement slabs and concrete. There are small areas of vegetation such as dandelions *Taraxacum* sp. and some areas of hard standing are covered in *Sphagnum* sp.

B1 section B**B1 section A**

Photo 11: Area of hard standing.

4.0 Conclusions, Impacts and Recommendations

4.1 Informative guidelines

Likelihood of the presence of protected species

The habitats on site were evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat. The likelihood of occupancy of protected species is ranked according to the criteria listed in Table 1.

Where this report supports a planning application, the ecological interest of the study area (including the survey area) and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity. It will be clearly stated where a preliminary value can be given and where further information is required.

Appropriate justification for this assessment is provided in Section 2.3 and Table 1 of this report.

4.2 Evaluation

Taking the desk study and site survey results into account, the following conclusions for ecological factors has been reached.

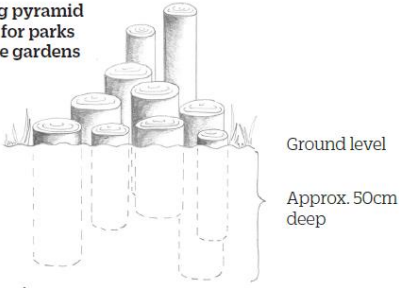
Table 7: Evaluation of site

Ecological Factor	Survey assessment conclusions (with justification)	Foreseen impacts	Recommendations	Enhancements The Local Planning Authority has a duty to ask for enhancements under the NPPF and circular 06/2005: Biodiversity and Geological Conservation. Para.99
Designated sites	The site is not subject to any designation, and there are no designated sites nearby with the potential to be affected by the proposed development.	The proposed development is not of a sufficient scale to have an impact on any nearby designated sites.	No further surveys.	N/A.
Notable habitats and plants	There are no ancient woodland or Priority habitats close to the site, within the zone of influence of the proposed works.	No impacts.	No further surveys.	N/A.
Invasive / Non-native species	No invasive and non-native species recorded on site.	N/A	No further surveys.	N/A

Bats	Both buildings were part of a detailed Preliminary Roost Assessment undertaken by Arbtech Consulting Ltd on 13th February 2017. Please consult the separate report for full details regarding bats. Both buildings were assessed as having negligible likelihood of supporting roosting bats.	Bats are very unlikely to be roosting within the buildings and as such, there are not anticipated to be any impacts on bats as a result of the proposed works.	No further surveys.	The installation of a minimum of two Schwegler bat boxes on mature trees around the site boundaries (particularly the southern boundary) will provide additional roosting habitat for bats e.g. 2F Schwegler Bat Box 1FF Schwegler Bat Box 2FN Schwegler Bat Box 1FR Schwegler Bat Tube / Habibat Bat Box inserted into the fabric of the new building during construction. Bat boxes should be positioned 3-5m above ground level facing in a south/south-westerly direction with a clear flight path to and from the entrance. Bat tubes should be positioned high on the building, close to the eaves, away from windows and other artificial light sources.
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Birds	No evidence of nesting birds was found during the survey. However birds could use the vegetation on site for nesting.	Active nests could be destroyed during building/vegetation removal. Suitable habitat, including the mature trees on the site boundaries, will be disturbed during development/removed from the site, reducing breeding resources in the local area.	Any building/tree and scrub removal should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building/trees and scrub to be removed should be undertaken immediately prior to clearance. All active nests will need to be retained until the young have fledged.	Install three Schwegler bird boxes on retained trees/buildings on site e.g. Schwegler No 17 swift nest box Schwegler 1SP Sparrow Terrace Schwegler 1B nest boxes Schwegler 2H Robin Boxes Nest boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Small-hole boxes are best placed approximately 1-3m above ground on an area of the tree trunk where foliage will not obscure the entrance hole.
Reptiles	No suitable habitat for common reptiles. The site is isolated in the landscape to allow reptiles to easily access the site.	The proposed development will have no impacts on common reptiles.	No further surveys required.	Waste materials created during the development e.g. log piles, brash, rocks etc. Can be used to create hibernacula and refugia for common reptiles. These should be positioned on the site boundaries, particularly along the southern boundary.

Amphibians	No suitable habitat on site for amphibians. There are three ponds within 500m of the development area, however these ponds are all located across urban development, reducing the likelihood that amphibians will access the unsuitable habitats on site.	No further surveys required.	No further surveys.	Waste materials created during the development e.g. log piles, brash, rocks etc. Can be used to create hibernacula and refugia for amphibians. These should be positioned on the site boundaries, particularly along the southern and eastern boundaries.
Other Terrestrial Mammals	Badgers No suitable habitat for badgers found on site e.g. foraging and refuge. Water Vole No suitable habitat. Otter No suitable habitat.	Badgers No impacts on any badger setts however precautionary approach to work should be implemented. Water Vole The proposed development will have no impact on water voles. Otter The proposed development will have no impact on otters.	Badgers No further surveys are required. Water Vole No further surveys. Otter No further surveys.	Badgers Planting fruit trees on the developed site will provide additional foraging resources for badgers. Water Vole Measures to avoid accidental pollution of the water course should be implements (COSHH). Otter N/A.

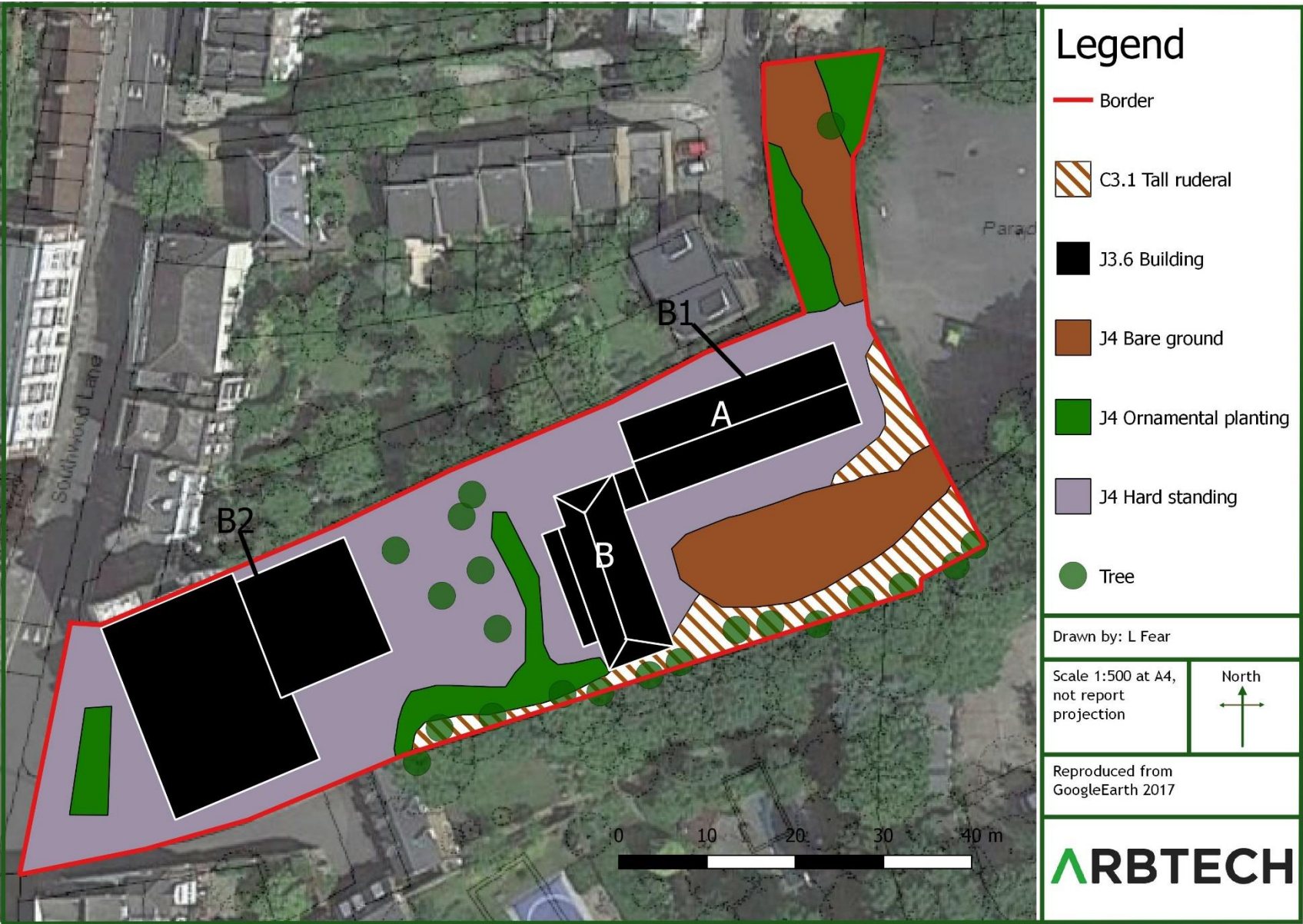
Invertebrates	Stage beetle Limited habitat value for stage beetles in the tall ruderal habitat and mature trees along the boundaries of the site. Records in the BRD.	Stag beetle The proposed development may cause injury or harm to individuals beetles, and will reduce the habitat value of the site.	Stag beetle No further surveys. Log piles should be installed along the boundary of the site, particularly the southern boundary. These will provide a refuge and breeding resource for stag beetles. Large log pyramid suitable for parks and large gardens  Ground level Approx. 50cm deep	Stag beetle Log piles will act as a compensation for loss of habitat and provide an enhancement if more than three refugia are created.
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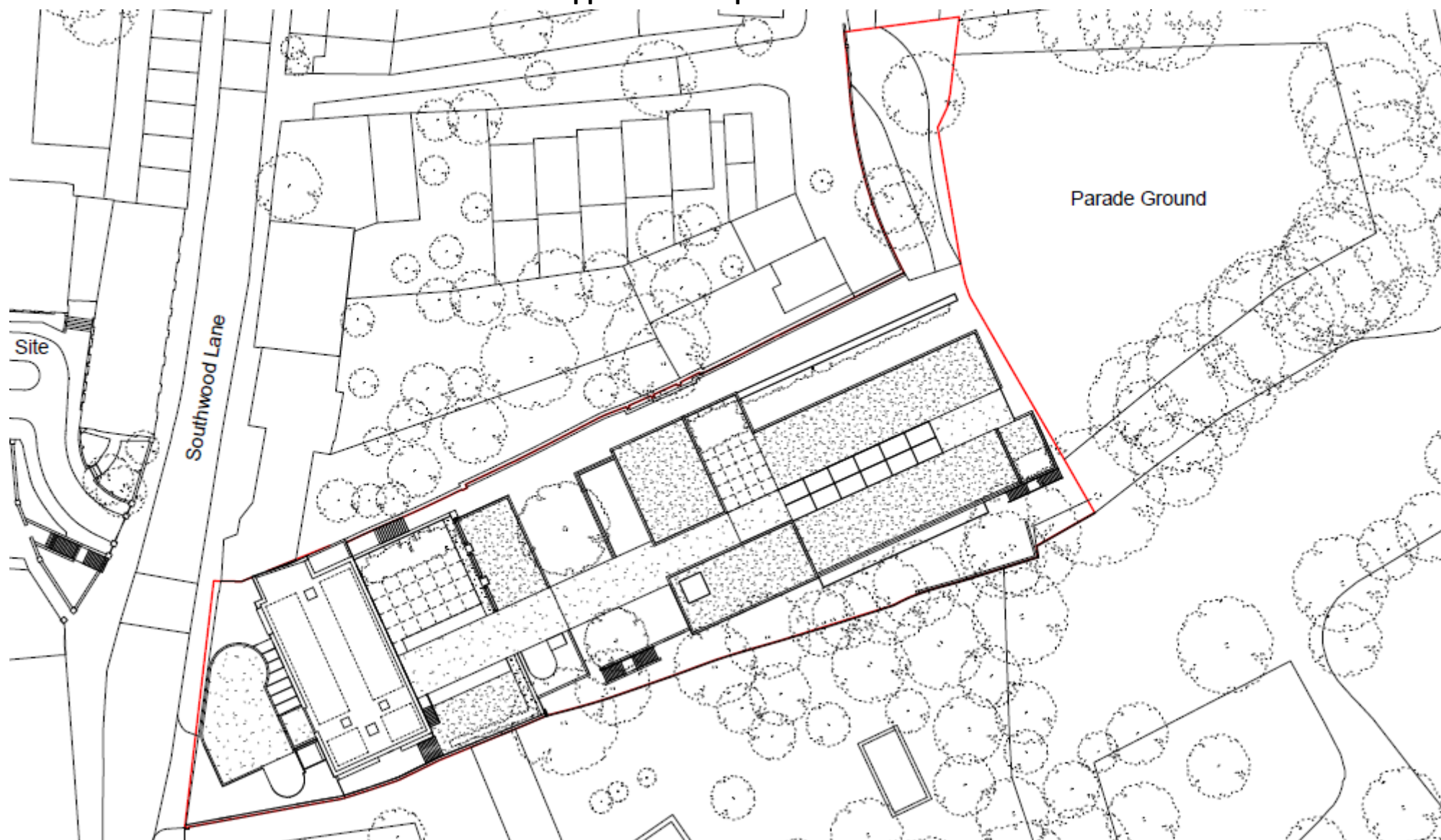
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Appendix 1: Phase 1 Habitat Survey Map



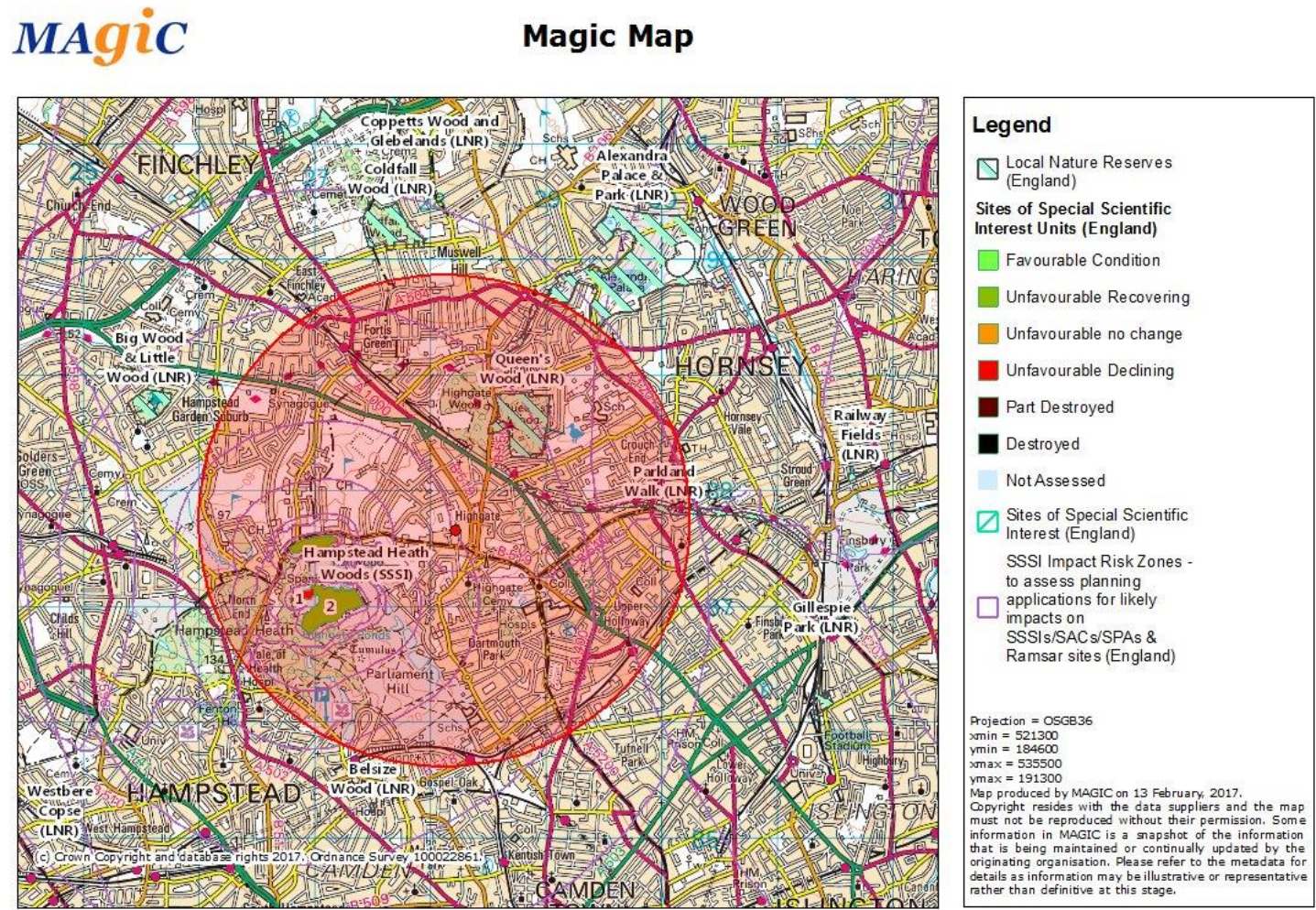
Appendix 2: Proposed Site Plan



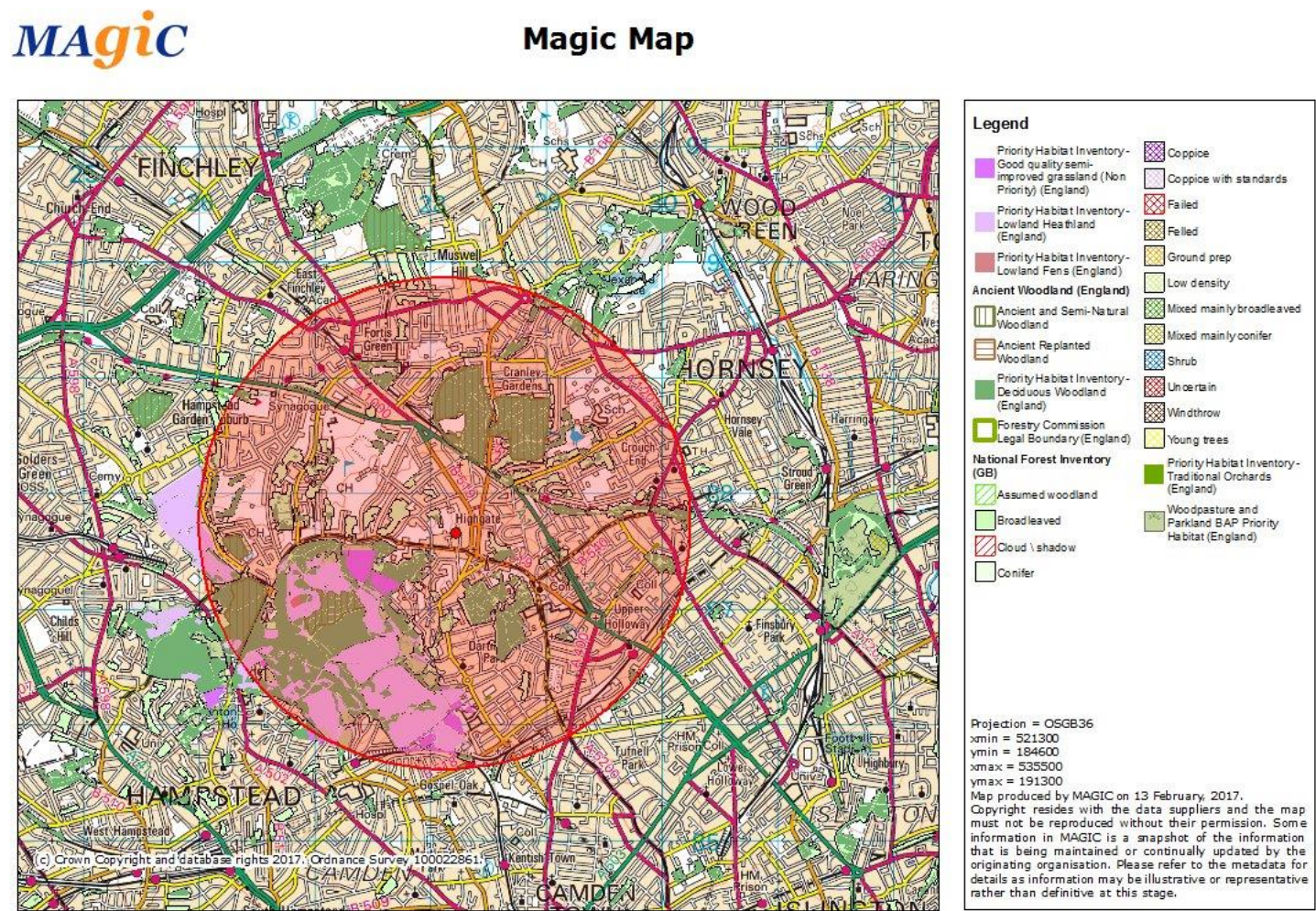
Appendix 3: Desk Study Information

Full historical records can be provided on request.

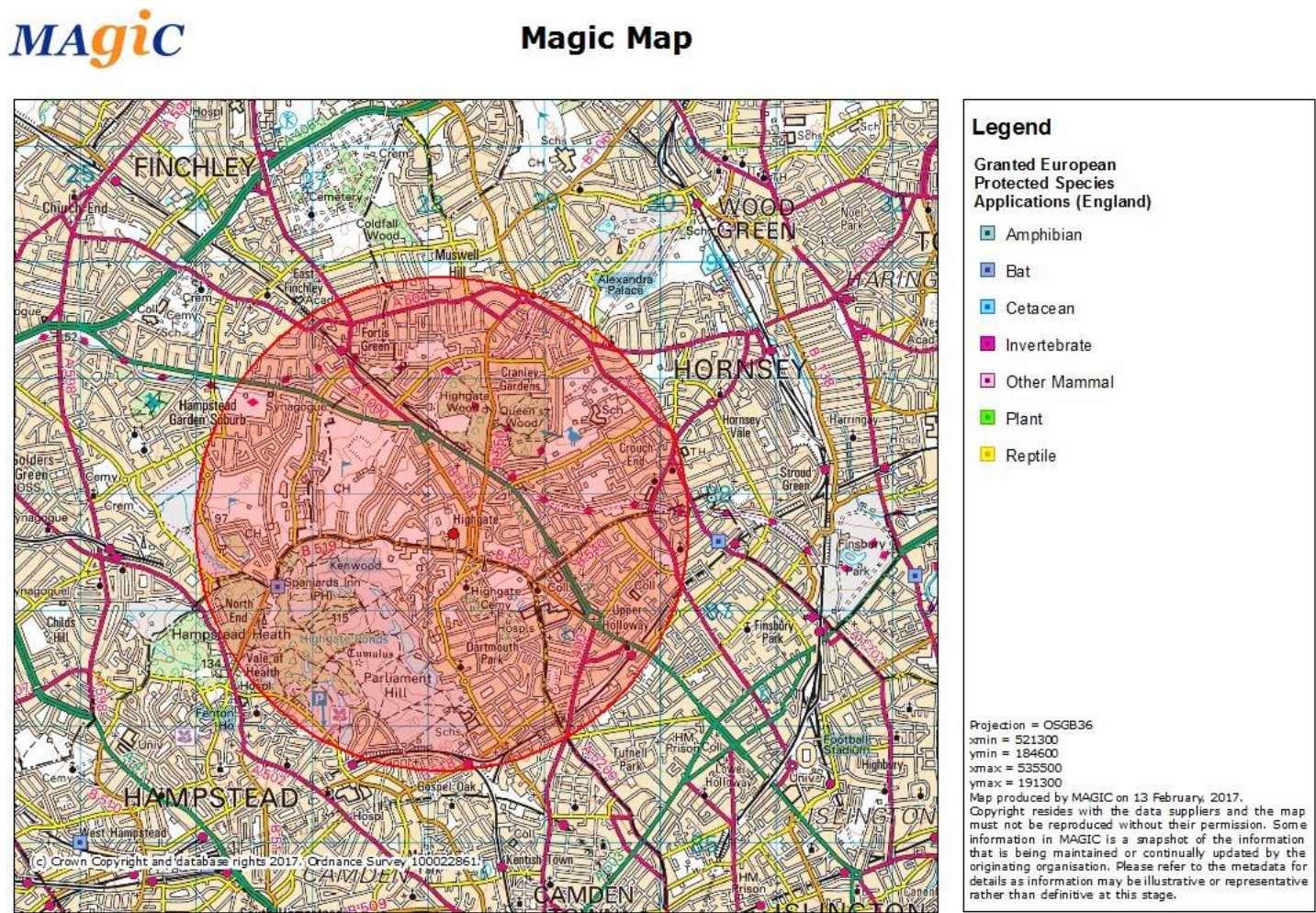
Magic Map showing designated sites:



Magic Map showing Priority habitats:



Magic Map showing EPSL records:



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive the, Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe in order to conserve the 189 habitats and 788 species (non- bird) identified in Annexes I and II of the Directive (as amended).

SPAs are classified under Article 2 of the EC Birds Directive both for rare bird species (as listed on Annex I) and for important migratory species.

SACs and SPAs up to 12 nautical miles (nm) from the coast are afforded protection in the UK under the Conservation of Habitats and Species Regulations 2010 which consolidate all amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994. In Scotland, the requirements of Habitats Directive are implemented through a combination of the 1994 and the 2010 (reserved matters) Regulations. The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a means for designating and protecting SACs in UK offshore waters (from 12-200 nm).

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres” however they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs).

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within

the European Natura 2000 network and globally. Further provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales) and the Nature Conservation (Scotland) Act 2004.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species

The Habitats Directive

The EC Habitats Directive aims to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those species of European importance. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). The following notes are relevant for all species protected under the EC Habitats Directive:

In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

The Habitats Regulations do not define the act of 'migration' and, therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.

In order to obtain a European Protected Species Mitigation (EPSM) licence, the application must demonstrate that it meets all of the following three 'tests':

the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment;

- There is no satisfactory alternative; and
- The action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CROW) Act (2000) and Nature Conservation (Scotland) Act 2004.

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

Effects on development works:

A development licence will be required from the relevant countryside agency for any development works liable to affect an active badger sett, or to disturb badgers whilst they occupy a sett.

Guidance has been issued by the countryside agency's to define what would constitute a licensable activity. It is not possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally (or recklessly in Scotland) kill, injure or take any wild bird
- Intentionally (or recklessly in Scotland) take, damage or destroy (or, in Scotland, otherwise interfere with) the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.
- Intentionally or recklessly obstruct or prevent any wild bird from using its nest (Scotland only)

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and Annex 1 of the European Community Directive on the Conservation of Wild Birds (2009/147/EC) and are commonly referred to as “Schedule 1” birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird
- In Scotland only, intentional or reckless disturbance whilst lekking
- In Scotland only, intentional or reckless harassment

Effects on development works:

Works should be planned to avoid the possibility of killing or injuring any wild bird, or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Herpetofauna (Amphibians and reptiles)

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate

- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of herpetofauna are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

Effects on development works:

A European Protected Species Mitigation (EPSM) Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

Water voles

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:

- Intentionally kill, injure or take (capture) water voles
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection
- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

Effects on development works:

If development works are liable to affect habitats known to support water voles, the relevant countryside agency must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency (e.g. Natural England) for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the

population. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

Otters

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Otters are also currently protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

An EPSM Licence issued by the relevant countryside agency (e.g. Natural England) will be required for works liable to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

Works which are liable to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Dormice

Dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Dormice are also protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

Effects on development works:

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSM licence. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White clawed crayfish

The white clawed crayfish *Austropotamobius pallipes* receives partial protection under Schedule 5 of the WCA in respect of Sections 9(1) and 9(5). This makes it an offence to:

- Intentionally take (capture) white-clawed crayfish.

Effects on development works:

The relevant countryside agency will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally (or recklessly in Scotland) picking, uprooting or destruction of any wild Schedule 8 species (or seed or spore attached to any such wild plant in Scotland only)
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
 - Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
 - Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

Effects on development works:

An EPSM licence will be required from the relevant countryside agency for works which are liable to affect species of plants listed on Schedule 5 of the Conservation of Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England and Wales to plant or cause to grow in the wild due to their impact on native wildlife. Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*
- Himalayan balsam *Impatiens glandulifera*

Effects on development works:

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site however it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

Injurious weeds

Under the Weeds Act 1959 any land owner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

NATIONAL PLANNING POLICY (ENGLAND)**National Planning Policy Framework**

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as UK Biodiversity Action Plan priority species) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act, 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.