

Our Lady's RC High School, Manchester

Preliminary Ecological Appraisal & BNG

Assessment

2024



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ECOLOGY

Client Jay Thomas

Project Title Our Lady's RC High School, Manchester

Project Reference RHE.3055.02

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Executive Summary

Development Details

The client is proposing educational/sports development at Our Lady's RC High School, Manchester, hereafter referred to as the 'site'.

This report describes the ecological features of the site and its surroundings and assesses the potential impacts of the development on the ecological interest. Recommendations are provided so that the development is compliant with biodiversity policy and legislation.

Ecological Interest

The site has a low to moderate level of ecological interest. Ecological features of interest include amenity grassland, scattered trees, and a tree line. Baseline habitats score 4.51 habitat units and 0.51 hedgerow units.

Outcomes

No further ecological survey work is required.

Post-development habitats score 5.13 habitat units (**13.78%** gain) and 1.35 hedgerow units (**60.59%** gain)

Appropriate mitigation measures including wildflower grassland creation and tree planting as well as bird and bat box integration and recommended within the report.



1. Introduction

1.1 Project Brief

- 1.1.1 Rachel Hacking Ecology Limited was commissioned in 2024 by Mr Jay Thomas of Our Lady's High School to carry out an updated ecological assessment and a biodiversity net gain assessment at Our Lady's High School, Blackley, Manchester. The site is located at O.S. grid reference: SD 85440 04542 (see Figure 1).



Figure 1. Map showing the location of the site

- 1.1.2 The proposed development site is a patch of species-poor amenity grassland that is currently in use as two football fields adjacent to the main body of the school.

Description of Development

- 1.1.3 The site will be the subject of a planning application for the clearance of a majority of the amenity grassland to allow the development of two synthetic turf football pitches.

Relevant Planning History

- 1.1.4 The site benefits from planning permission for the erection of a 2-storey educational building (1,245 sqm) to provide additional teaching space for the existing school (planning reference: 129587/FO/2021). Previous ecological surveys were undertaken at the site by Rachel Hacking Ecology Ltd in 2021, to inform the application.

1.2 Scope of Work

- 1.2.1 The Client commissioned Rachel Hacking Ecology to carry out the following works:
- Desk-based study to obtain details of designated sites within a specified search area,
 - Record and update extent, type, and condition of habitats within and next to the site,
 - Calculate the baseline and post-development biodiversity units,
 - Search for signs of protected species and assessment of the potential of habitats and features to support protected and notable species.

1.3 Site Visit Information

Surveyor Details

- 1.3.1 Megan Johnson (Ecologist) and Samuel Adshead (Junior Ecologist) visited the site on the 21st of March 2024. Both Megan and Sam are fully experienced in ecological surveys and biodiversity net gain assessments.

Weather

- 1.3.2 The weather at the time of the survey was mild and overcast. The temperature was 9°C.



2. Methods

2.1 Desk Study

- 2.1.1 The Magic website (Multi-Agency Geographical Information for the Countryside) was interrogated for the presence of Statutory Designated Sites (and European Protected Species licences) within a 2km radius of the site.
- 2.1.2 The site was checked to determine if it is located within an Impact Risk Zones for any Site of Special Scientific Interest (SSSI) and if so, whether the Local Planning Authority will need to consult Natural England.
- 2.1.3 Local Planning Authority Policy Maps were interrogated for the locations of non-statutory designed sites.

2.2 Field Survey

Extended Phase 1 Habitat Survey

- 2.2.1 In accordance with JNCC guidelines¹ the site was walked over, and the habitats and features of ecological interest were, updated, mapped and described. Habitats and features of particular interest were target noted.
- 2.2.2 During the walkover habitat and features were assessed for their suitability to support protected and notable species in accordance with CIEEM guidelines². Field signs of protected, notable, and invasive non-native species, if encountered, were mapped, and described.
- 2.2.3 Any trees on the site that are to be affected by the proposals were given a ground-level assessment, searching for Potential Roosting Features (PRF's), such as flaking bark, woodpecker holes, knot holes and limb splits.

¹ JNCC (2010). *Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit*. Joint Nature Conservation Committee, Peterborough

² CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal*. Chartered Institute of Ecology and Environmental Management, Winchester.

2.3 Biodiversity Net Gain

- 2.3.1 During the site walkover the ecological condition of each habitat was assessed in accordance with the Defra (2023) guidelines³. Habitat types recorded and mapped during the field survey were converted from the JNCC system to the UK Habitat Classification system⁴.
- 2.3.2 Habitat data including type, area (or length), condition and strategic location were uploaded to the Defra Statutory Biodiversity Metric Calculator spreadsheet to determine the baseline value of the site. The extent of any habitats to be retained or enhanced was also entered into baseline worksheets.
- 2.3.3 The post-development masterplan was interrogated to determine areas of hard standing, buildings, and associated infrastructure. New, retained, and enhanced habitats were classified and allocated a target condition, based on habitat type, location and management input. This information was uploaded to the metric spreadsheet to obtain a post-development value.
- 2.3.4 The pre- and post-development values were compared to determine whether the yield of biodiversity units achieved a deficit or gain.

2.4 Mitigation Hierarchy

- 2.4.1 Mitigation measures should be embedded within the masterplan design and planning application process. This process from proposal to implementation needs to consider the 'mitigation hierarchy' of avoid, reduce, compensate, and enhance:
- Aim to avoid negative effects through the design process.
 - Mitigate if negative effects cannot be avoided.
 - Use compensation measures to offset residual impacts.
 - Identify and implement opportunities to enhance biodiversity.

³ Defra (2023) The Statutory Biodiversity Metric: User Guide (draft). November 2023.

⁴ Butcher, B., Carey, P., et al. (2020). UK Habitat Classification – Habitat Definitions V1.1. at <http://UKhab.org>

3. Results

3.1 Survey Constraints

- 3.1.1 Field survey results are valid for a limited duration and no investigation can provide a complete description and characterisation of a site. The composition of habitats and species can change depending on environmental variables and the mobility of species, so the results of a study become less reliable over time. In some cases, surveys that are 3 years old may be acceptable for a project assuming that habitats have not significantly changed in the intervening period, but for protected species it is likely that survey data will need to be no more than 18 months old.
- 3.1.2 The site was fully accessible and no survey constraints exist.

3.2 Designated Sites

- 3.2.1 The desk study provided information on the statutory and non-statutory designated sites within 2km of the site. These are listed below in Table 1.

Table 1. Designated Sites			
Name	Status	Location/distance	Interest
Alkington Woods	Local Nature Reserve (LNR) Site of Biological Importance (SBI)	720m NE	Mature woodland, meadows, rivers
Boggart Hole Clough	LNR	1.89km NE	Ancient Woodland
Blackley Forest	LNR, SBI	1.23km SW	Broadleaved woodland
Heaton Park	SBI	1.3km W	Lakes, parkland, grassland, woodland

- 3.2.2 The desk study identified that the site was located within the Impact Risk Zone of two Sites of Special Scientific Interest (Rochdale Canal and Hollinwood Branch Canal). The proposed development will not require the Local Planning Authority to consult with Natural England, given the distances involved and type of development proposed.

3.3 Habitats

- 3.3.1 The habitats survey plan is contained in Appendix 2. The proposed plans are located in Appendix 3. See the associated Statutory Defra Condition Assessment document for all the condition assessment results.
- 3.3.2 The current baseline habitat area on the site is 2.07ha (2.06ha excluding trees) and the current length of linear habitats is 0.12km. The baseline is calculated to be **4.51** habitat units and **0.56** hedgerow units.

Amenity Grassland

- 3.3.3 The majority of the site comprises regularly mown amenity grassland (see Photograph 1). Dominant species include Perennial Rye-grass *Lolium perenne*, Yorkshire Fog *Holcus lanatus*, Dandelion *Taraxacum sp.*, and Creeping Buttercup *Ranunculus repens*. Other common herbaceous species include Daisy *Bellis perennis* and White Clover *Trifolium repens*. Sparse species include Shining Cranesbill *Geranium lucidum* and Broadleaved Dock *Rumex obtusifolius*.



Photograph 1 showing the amenity grassland

- 3.3.4 This habitat covers an area of 1.93ha and is classed as modified grassland under UK Habitat classification. This habitat is assessed as being in poor condition. This habitat is of low distinctiveness and low strategic importance. It scores 3.86 habitat units.

Tall, Ruderal Herb

- 3.3.5 A small stretch of tall, ruderal vegetation is present bordering along the southwestern area of the site (see Photograph 2). Common species include Bramble, Common Ivy *Hedera helix*, Rosebay Willowherb *Chamaenerion angustifolium*, and Common Nettle *Urtica dioica*. Other species present include Creeping Thistle *Cirsium arvense*, White Clover, and Ribwort Plantain *Plantago major*.



Photograph 2 showing some of the tall ruderal that runs to the south

- 3.3.6 This habitat spans 0.075ha and is classed as Sparsely vegetated land; Tall Forbs under UK Habitat Classification. The condition of this habitat is assessed as poor. This habitat is of low distinctiveness and low strategic importance. This habitat scores 0.15 habitat units

Ephemeral/Short Perennial

- 3.3.7 A small patch of ephemeral vegetation is present towards the southwestern edge of the site (see Photograph 3). Species include Cleavers *Galium aparine*, Yorkshire Fog, Dandelion, and Creeping Buttercup.



Photograph 3 showing the ephemeral vegetation

- 3.3.8 This habitat extends 0.043ha and is classed as Sparsely vegetated land; Ruderal/ephemeral under UK Habitat classification. This habitat is assessed as being in poor condition. The habitat is of low distinctiveness and low strategic significance, scoring 0.09 habitat units.

Hardstanding

- 3.3.9 Two small areas of hardstanding are present on the site which include a pathway and a small square of hardstanding towards the east of the site (see Photograph 4).



Photograph 4 showing some of the hardstanding on the site

- 3.3.10 This habitat extends 0.01ha and is classified as Developed land; Sealed surface under UK Habitat Classification. A condition assessment is not applicable for this habitat. This habitat is of very low distinctiveness and low strategic significance, scoring 0.00 habitat units.

Scattered Trees

- 3.3.11 11 scattered trees are present on site, with most concentrated in the northwestern corner of the site (see Photograph 5). Species include Oak *Quercus robur*, Norway Maple *Acer platanoides*, and Rowan *Sorbus aucuparia*.



Photograph 5 showing some of the scattered trees

- 3.3.12 This habitat extends 0.0448ha and is classified as Urban trees under UK Habitat Classification. This habitat is assessed as being in moderate condition. This habitat is of medium distinctiveness and high strategic importance, scoring 0.41 habitat units.

Line of Trees

- 3.3.13 A line of small immature trees runs along the northwest facing boundary of the site. Species include Ash *Fraxinus excelsior*, Hazel *Corylus avellana*, Rowan and Sycamore *Acer pseudoplatanus* (see Photograph 6).



Photograph 6 showing the line of trees

- 3.3.14 This habitat extends 121.99 metres and is classified as Line of trees under UK Habitat classification. This habitat is assessed as being in good condition. This habitat is of low distinctiveness and high strategic importance, scoring 0.84 hedgerow units.

3.4 Species

Bats

- 3.4.1 No buildings exist on site. None of the trees present within the site contained Potential Roosting Features (PRFs) such as cavities, split limbs, or woodpecker holes that could support roosting bats.
- 3.4.2 The line of trees does present suitable foraging and commuting habitat for bats.

Badger

- 3.4.3 The site and areas bordering the site were searched for signs of Badger *Meles meles* and other mammal burrows/signs. The amenity grassland on site is suitable for Badger foraging. However, no field signs were found and access to the site from adjacent habitats is blocked by metal mesh and metal pole fencing that presented no sizeable gaps or damage. Badger is not considered a constraint on this development and is not considered further in this report.

Nesting Birds

- 3.4.4 No active bird nests were found in any of the trees on site. However, the scattered and line of trees offer suitable nesting habitats for birds.

Great Crested Newt

- 3.4.5 No ponds exist on site. No ponds were located within 500m of the site. The terrestrial habitats on site are sub-optimal for amphibians. The site is bordered mainly by residential and educational buildings and amenity grassland. Great Crested Newt *Triturus cristatus* is reasonably unlikely to be present on site and is not considered further in this report.

Invasive Species

- 3.4.6 No invasive, non-native species, as listed on Schedule 9 of The Wildlife & Countryside Act 1981 (as amended), were found during the site visit, and they invasive species not considered any further in this report.



4. Assessment

4.1 Development Context

- 4.1.1 The following assessment assumes that a large portion (nearly half) of the current amenity grassland and all of the ephemeral and tall ruderal habitat is set to be cleared as a result of this development. Some immature trees within the line of trees are set to be removed to provide space for a part of the synthetic pitch.
- 4.1.2 Clearing will allow the development of a new synthetic pitch and associated landscaping/pathways. The other pitch (see Appendix 3) will remain as amenity grassland habitat.

4.2 Impacts on Designated Sites

- 4.2.1 Four designated sites with a mix of statutory and non-statutory designations (LNR and SBI) are located within 2km of the site. All of the designated sites are geographically separated from the site via either residential housing and/or the M60 motorway. The closest designated site (Alkrington Woods 720m NE) which is also geographically separated to the site via part of the M60.
- 4.2.2 Due to the limited nature of the development, no deleterious impacts on any of the designated sites are anticipated as a result of this development.

4.3 Impacts on Habitats

Amenity Grassland

- 4.3.1 Without mitigation, the loss of improved grassland will be adverse, but only at site level. The grassland has minimal species diversity and is a common habitat found throughout the UK.
- 4.3.2 The proposed development includes plans to plant 4000 square metres of species rich wildflower grassland to compensate for the loss of amenity grassland and to enhance biodiversity as well as pollen and nectar resources on site for invertebrates.

Ephemeral

- 4.3.3 Without mitigation, there will be a total loss of the ephemeral habitat on the site. However, given the low ecological value of this habitat, the impact will be no more than site level.



Tall Ruderal

- 4.3.4 The development will result in the loss of all listed tall ruderal habitat on the site. However, given the low ecological value of this habitat and its commonness throughout the UK, the impact will be no more than site level.

Scattered Trees

- 4.3.5 None of the listed scattered trees are expected to be cleared as a result of this development. In the absence of mitigation, trees could be damaged through soil compaction, mechanical damage, or dust deposition.

Line of Trees

- 4.3.6 The development requires the removal of an expected 3-4 immature trees (estimated 10m) present within the line of trees outlined in this report. The impacts of this loss are expected to be minimal and at a site level only.
- 4.3.7 The proposed development includes plans to plant 30 small trees on site as well as 300m of native hedgerow along the western boundary of the site. These measures compensate for the loss mentioned and enhance the site in terms of biodiversity.

4.4 Impacts on Species

Bats

- 4.4.1 No direct impact to bats and their habitats is anticipated as a result of this development. All trees on site are considered negligible in their potential to support roosting bats and all trees but the few mentioned above are being retained.
- 4.4.2 The line of trees on site does support suitable bat foraging habitat. Increased illumination on the boundary habitats as a result of this development could have an adverse effect if bats are foraging or commuting across the site.

Nesting Birds

- 4.4.3 Without mitigation, removal of some of the trees within the boundary tree line may result in impacts to nesting birds, should these be present. Mitigation is recommended (see Section 5).

4.5 Biodiversity Net Gain

Onsite - Retained Habitats

Modified Grassland

- 4.5.1 0.8231ha of modified grassland (amenity grassland) is proposed to be retained. This results in the retention of 1.65 habitat units.

Individual Trees; Urban

- 4.5.2 All of the scattered trees under the proposed development plan are expected to be retained. This results in the retention of 0.41 habitat units.

Line of Trees

- 4.5.3 Approximately 0.112km of this linear habitat is proposed to be retained during and after this development resulting the retention of 0.77 hedgerow units.
- 4.5.4 No other habitats are proposed to be retained.

Onsite - Created Habitats

Urban; Sealed Surface

- 4.5.5 The proposed areas of hardstanding cover an area of 0.03ha. This habitat is classed as Developed land, sealed surface under the UK Habitats classification. This habitat is of very low distinctiveness and low strategic importance. Developed land; sealed surface has a condition assessment of N/A and achieves 0.00 habitat units.

Grassland; Other Neutral Grassland (wildflower grassland)

- 4.5.6 Areas of other neutral grassland (species rich grassland meadow mix) are proposed in across the western areas of the site extending 0.04ha. This habitat is classified as Grassland; other neutral grassland under UK Habitat classification. This habitat is of medium distinctiveness and low strategic significance. The proposed final condition of the grassland is moderate which will take 5 years to achieve and will bring 2.68 habitat units.

Individual Trees; Urban

- 4.5.7 The planting of 30 small native urban trees is proposed within the development which will extend an area of 0.122ha. This habitat is classified as Individual Trees; Urban tree under UK Habitat classification. This habitat is of medium distinctiveness and of high strategic significance. The proposed final condition of the individual trees is poor which will take 10 years to achieve and will bring 0.39 habitat units.

Native Hedgerow

- 4.5.8 The plans propose 0.3km of native hedgerow planting along the sites western boundary. This habitat is classed as Native hedgerow under UK Habitat classification. This habitat is of low distinctiveness

and low strategic significance. The proposed final condition of the native hedgerow is poor which will take 1 year to achieve which will bring 0.58 hedgerow units.

Summary

- 4.5.9 The baseline habitat units total **4.51**. The baseline hedgerow units total **0.56**.
- 4.5.10 Retained habitat units total **2.06**. Retained hedgerow units total **0.77**.
- 4.5.11 The trading rules within the metric are satisfied.
- 4.5.12 The proposed created habitats will provide a total of **3.07** habitat units and **0.58** hedgerow units.
- 4.5.13 The proposed development results in a **13.78%** net gain in biodiversity in terms of habitat units.
- 4.5.14 The proposed development results in a **60.59%** net gain in biodiversity in terms of hedgerow units.
- 4.5.15 A Landscape and Ecology Management Plan (LEMP) will be produced to ensure that retained and newly created habitats are managed to maximise their value for wildlife in the long-term. This can be secured through an appropriately worded planning condition.

5. Recommendations

5.1 Further Surveys

- 5.1.1 No further surveys are required.

5.2 Mitigation and Enhancement Measures

- 5.2.1 Protection of ecological features (habitats and species) during the construction phase will be described in a Construction Environmental Management Plan (CEMP). Mitigation measures to protect, maintain and enhance ecological features during the operational phase of development will be described in a Biodiversity Management Plan (BMP). Management Plans will contain Operational Aims and Objectives, Rationale for management, Prescriptions and schedules detailing the timing and responsibility for delivering the prescriptions. It is anticipated that the CEMP and BMP will be provided as a planning condition in advance of the commencement of the proposed development.

Habitats

- 5.2.2 The line of trees and scattered trees that are proposed to be retained on the site should be protected, ideally through the installation of exclusion fences and/or through an appropriate tree protection plan.
- 5.2.3 Opportunities to enhance the biodiversity on the site should be considered by planting native and non-native flowering species and/or a species rich meadow mix.
- 5.2.4 Existing/retained amenity grassland could be enhanced via sensitive management.
- 5.2.5 Native trees should be planted on site.

Nesting Birds

- 5.2.6 Impacts on nesting birds should be avoided by carrying out site clearance and similar operations outside of the bird breeding season (March- August). Construction activities that might directly impact upon breeding birds should hence be limited to the September-February period. If vegetation has to be cleared during the bird breeding season checks immediately before clearance by a suitably qualified ecologist will be required. If nesting activity is detected work in that area will need to stop until the ecologist considers that nesting activity is finished.
- 5.2.7 To enhance nesting habitat for birds on site, it is recommended that a minimum of six bird boxes be placed on suitable trees within the site. These should be placed at a minimum height of 4 metres on northeast to northwest facing elevations.
- 5.2.8 It is recommended that the following bird boxes are used:



- 6 x Vivara Pro Woodstone Bilbao Nest box – or similar (2 x 28mm entrance, 2 x 32mm entrance, 2 x oval entrance)⁵

Bats

- 5.2.9 Any external lighting should avoid illuminating hedgerows, trees, and bat boxes.
- 5.2.10 The development should incorporate the placement of bat boxes on suitable trees that will have the least illumination during and after the development.
- 5.2.11 Recommended bat box is listed below:
- Vivara Pro Harlech Woodstone Bat Box (or similar)⁶. These need to be placed at a minimum height of 3 metres from the ground and the boxes must face southeast to southwest.

⁵ [Garden Birds – Vivara Pro](#)

⁶ [Vivara Pro Harlech WoodStone® Bat Box – Vivara Pro](#)



Appendix 1: Planning Policy & Legislation

National Policy

The National Planning Policy Framework (NPPF 2023) describes the Government's planning policy for England and how it should be applied. Within this framework, the requirements in relation to biodiversity are included within several policies. The two most relevant to individual planning decisions are Paragraphs 180 and 186, shown below:

- 180. Planning policies and decisions should contribute to and enhance the natural and local environment by:
 - a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) 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;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 186. When determining planning applications, local planning authorities should apply the following principles:
 - a) 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;
 - b) 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;

- c) 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
- d) 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.

Legislation

The Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000) includes the notification and confirmation of Sites of Special Scientific Interest (SSSIs). SSSIs can be notified for their floral, faunal, geological, or physiographical features. Protection against damaging operations and management of SSSIs is also included within the Act. Impact Risk Zones (IRZs) are zones around an SSSI account for the particular sensitivities of the features for which it is notified and identify development proposal which could have adverse impacts.

The Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000) protects native animals, plants and habitats. Under the Act it is an offence to intentionally kill, injure or take any wild animal listed on Schedule 5 and it is an offence to interfere with places used for shelter or protection, or intentionally disturb animals occupying such places. The Act prohibits picking, uprooting or destroy any wild plant (or any attached seed or spore) listed in Schedule 8.

European Protected Species (EPS) such as bats, Hazel Dormouse, Otter, Natterjack Toad, Smooth Snake, Sand Lizard and Great Crested Newt are protected by the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000) and the Conservation of Habitats and Species Regulations 2017. The Acts make it an offence to:

- a) Deliberately capture, injure or kill an EPS;
- b) Deliberately impair an EPS's ability to survive, breed, reproduce, rear or nurture young; to hibernate or migrate; or significantly affect the local distribution or abundance of the EPS.
- c) Possess or control live or dead EPS or any part of, or anything derived from a EPS;
- d) Damage or destroy a breeding site or resting place of an EPS;



- e) Intentionally or recklessly obstruct access to any place that is used for shelter or protection by an EPS;
- f) Intentionally or recklessly disturb a structure or place that it uses for shelter or protection that is occupied by an EPS.

All common herptiles are protected under the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000). Grass Snake, Slow Worm, Common Lizard, Adder are protected against intentional killing or injury. Common Frog, Common Toad, Smooth Newt and Palmate Newt is protected against sale. In addition, all British reptiles, Common toad and Great Crested Newt are listed as Species of Principal Importance.

All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill, injure or take any wild bird or take, damage, or destroy its nest whilst in use or being built, or take or destroy its eggs. It is an offence to intentionally or recklessly disturb a species listed on Schedule 1 of the Act while they are nest building or at or near a nest with eggs or young, or to disturb the dependent young.

The Protection of Badgers Act 1992 makes it an offence to wilfully, or to attempt to kill, injure, take, possess or cruelly ill-treat a Badger, or intentionally or recklessly interfere with a sett. Interference of a sett includes disturbing badgers during occupation of a sett, or damaging or destroying a sett, or obstructing access to the sett.

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on every public authority to have regard to conserving biodiversity. Section 41 of the same Act requires the Secretary of State to publish a list of the living organisms and types of habitats that are of 'Principal Importance' for the purpose of conserving biodiversity. The Secretary of State must take steps, as appear reasonably practicable, to further the conservation of those living organisms and habitats in any list published under this section. The list of species and habitats of principal importance currently includes 943 species and 56 habitats. These are the species and habitats found in England which are regarded as conservation priorities under the UK Post-2010 Biodiversity Framework

The Hedgerows Regulations 1997 protect 'important' hedgerows from destruction or damage. A hedgerow is 'important' if it (a) has existed for 30 years or more; and (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 'important' hedgerows unless permitted by the local planning authority.



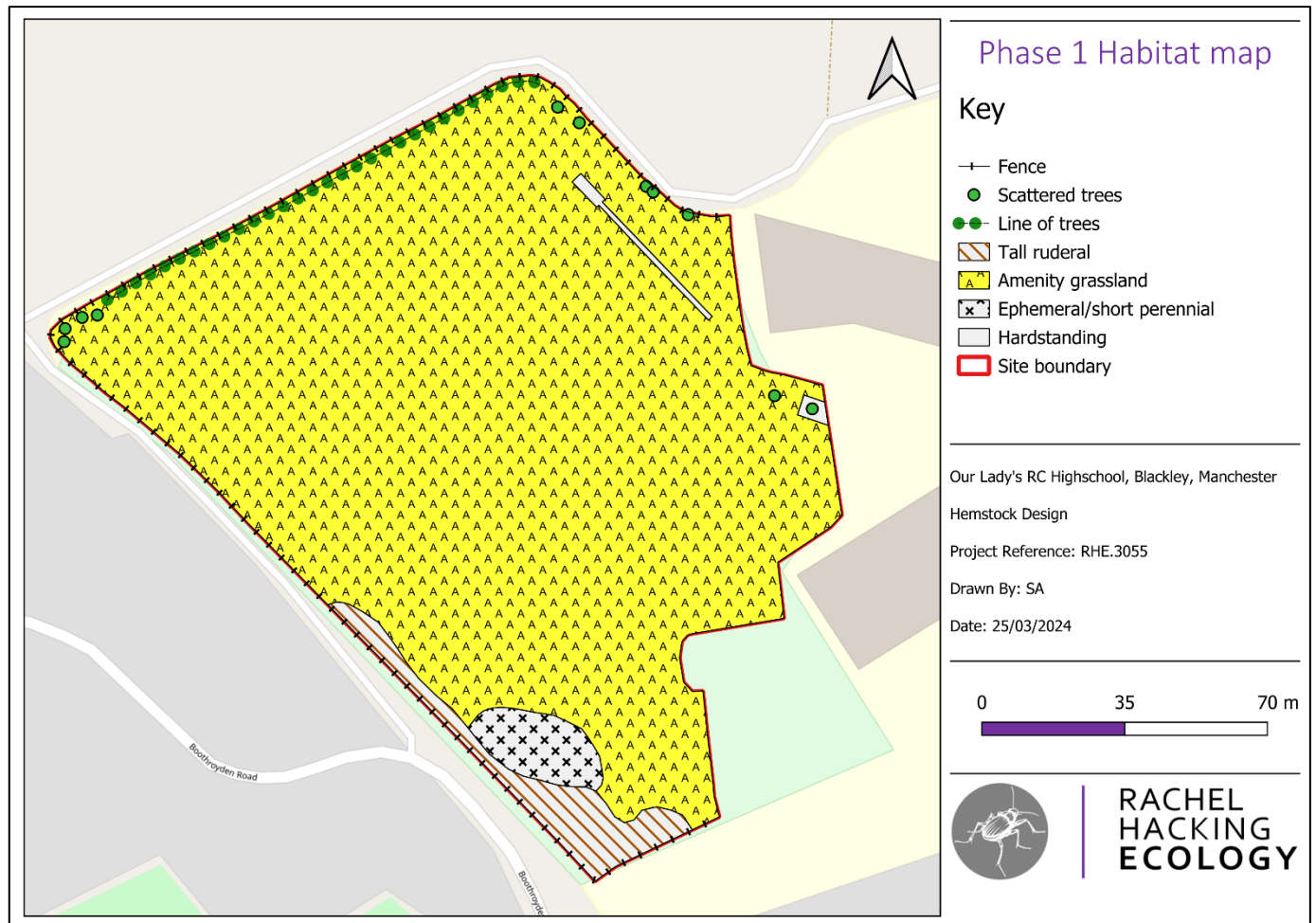
The Environment Bill 2021 makes it mandatory for housing and development, subject to some narrow exemptions, to achieve at least a 10% net gain in value for biodiversity – a requirement that habitats for wildlife must be left in a measurably better state than before the development. Developers must submit a 'biodiversity gain plan' alongside usual planning application documents. The local authority must assess whether the 10% net gain requirement is met in order to approve the biodiversity gain plan.

The Environment Bill 2021 strengthens the duty on public authorities (NERC Act, 2006) to have regard to the conservation of biodiversity.

The Environment Bill 2021 amends the Wildlife and Countryside Act 1981 to introduce an additional purpose for granting a protected species licence in relation to development, 'for reasons of overriding public interest', and two additional tests for the granting of such licences: that there is 'no other satisfactory solution' and that granting the licence is 'not detrimental to the survival of any the population of the species concerned'. These changes will reduce the scope for unlicensed activities to provide clear safeguards before licences can be granted, providing legal certainty and clarity to developers about their environmental obligations.



Appendix 2: Habitat Survey Map



Appendix 3: Plans



Proposed plans courtesy of Hemstock Design