

# **Preliminary Ecological Appraisal**

for

Aylsham Road, Buxton

March 2021

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## Non-technical summary

The Landscape Partnership was commissioned by Savills on behalf of the Executors of JM Crane Will Trust and Trustees of the JM Crane Children's 2001 Settlement to undertake a Preliminary Ecological Appraisal comprising a desk study and, Phase 1 Habitat Survey, together with an assessment of impacts at Aylsham Road, Buxton.

The objectives of the appraisal were to identify the habitats and species present or potentially present and evaluate their importance, assess the impact of the development proposal and describe any measures necessary to avoid impacts, reduce impacts or compensate for impacts so that there is no net harm to ecological features.

The survey involved classifying and recording habitat types and features of ecological interest and identified the potential for protected species to be present by assessing habitat suitability for those species. The survey was undertaken by appropriately qualified and experienced personnel.

The site comprises a section of an arable field adjacent to existing residential development, which is hedged on its eastern, southern and western boundaries by species poor hedgerows. The northern boundary is undefined. Collectively the habitats within the proposed development site are assessed as being of value at the **Parish** level.

Based on the habitat types present, it is considered that the site has only limited potential to support protected species or groups of species.

The proposed development site is being promoted by Savills Planning as Land to the East of Aylsham Road, Buxton (GNLP0297) for a housing allocation within the emerging Greater Norwich Local Plan on behalf of the landowners.

In the absence of mitigation, a development on the site could give rise to minor impacts upon relatively common and widespread species which would give rise to a **Minor Adverse-Neutral** impact upon habitats, nesting birds, bats and reptiles. Mitigation has been proposed, including a buffer to the railway line and good practice methods during site clearance and construction. This mitigation would reduce the impacts of the development proposals upon the habitats and species present, to give rise to an overall **Neutral** impact.

No Further survey is recommended.

A number of **ecological enhancements** have been proposed, which would improve the quality of the site for native flora and fauna, including a new east-west green corridor and a vegetated buffer strip adjacent to the railway line. Measures such as hedgehog tunnels, bat boxes, bird boxes and native planting are also proposed. Delivery of these enhancements would lead to an overall **Neutral-Minor Beneficial** impact.

## 1 Introduction

### 1.1 Commission

1.1.1 The Landscape Partnership was commissioned by Savills on behalf of the Executors of JM Crane Will Trust and Trustees of the JM Crane Children's 2001 Settlement to carry out a Preliminary Ecological Appraisal (PEA), comprising a desk study and, Phase 1 Habitat Survey, together with an assessment of impacts.

### 1.2 Legislation and policy background

1.2.1 There is a range of protection given to sites and species. Sites may be designated for local, national, or global importance for nature conservation. Species may be protected by varying levels of national regulation.

1.2.2 The Local Planning Authority has a policy to protect features of nature conservation value within its Local Plan. Other regulators have policies relating to the consents issued by them.

1.2.3 Further information is given in Appendix 1.

1.2.4 Assessment was undertaken against current legislation and planning policy, and in accordance with standard guidance. Further information is given in Section 2 and Appendix 2.

### 1.3 Site location and context

1.3.1 The site is situated on the urban edge of Buxton, in East Norfolk, and comprises a rectangular portion of an arable field, bordered to the northeast by the Bure Valley Railway Line and to the southwest by Aylsham Road.

1.3.2 The northeastern boundary is marked by a low managed hedgerow with occasional standards and the southwestern by a hedge with standards. The southeastern boundary adjacent to housing is marked by native and non-native hedgerow and close-board fencing.

1.3.3 The Ordnance Survey Grid Reference for the approximate centre of the proposed development site is TG23062290. A plan showing the site is provided at Figure 01.

### 1.4 Acknowledgements

#### **Permissions to gain access to land**

1.4.1 Permission to gain access to the land for survey is gratefully acknowledged.

#### **Surveyor Competencies**

Survey(s) undertaken	Surveyor(s)	Experience (years)	Licences Held
Phase 1 habitat survey	Nick Aldus MCIEEM	15+	Great crested newt Class Licence CL08 (Level 1) Bat Class Licence CL18 (Level 2) FISC Level 3

#### **Other contributors**

1.4.2 We acknowledge the input of:

- Norfolk Biodiversity Information Service (NBIS) for provision of data.

### 1.5 Description of the project

1.5.1 The proposed development site is being promoted by Savills Planning as Land to the East of Aylsham Road, Buxton (GNLP0297) for a housing allocation within the emerging Greater Norwich Local Plan on behalf of the landowners. The site was identified as a draft allocation in the Reg 18 Greater Norwich Local Plan and it is anticipated that the Council will shortly continue to identify the site for allocation within the Reg 19 version of the Local Plan.

## 1.6 Objectives of this appraisal

1.6.1 The purpose of this appraisal is to inform the planning allocation of the proposed development, as described above. Detailed objectives are to:

- identify the habitats and species present or potentially present and evaluate their importance;
- identify any ecological constraints to development;
- assess the impact of the development proposal;
- identify any opportunities available for integrating ecological features within the development;
- describe any measures necessary to avoid impacts, reduce impacts or compensate for impacts so that there is no net harm to ecological features;
- propose ecological enhancements;
- identify any additional surveys that may be required to inform an Ecological Impact Assessment (EcIA).

## 1.7 Previous ecological studies

1.7.1 There are no known previous ecological studies of the site.

## 1.8 Duration of appraisal validity

1.8.1 The assessment, conclusions and recommendations in this appraisal are based on the studies undertaken, as set out in this report, and the stated limitations. This appraisal is based on the project as described and any changes to the project would need the appraisal to be reviewed. Unless otherwise stated, the assessment, conclusions and recommendations given assume that the site habitats will continue to be used for their current purpose without significant changes until development takes place. However, changes in use or management may occur between the time of the survey and proposals being implemented. Ecological features may change naturally at any time; for example, species may be lost from existing sites or colonise new areas. Our knowledge of the ecology of the site enables us to provide an estimate of the duration of the validity of the surveys carried out and hence the applicability of this appraisal, so that any future need for review and update of this appraisal, or the surveys described within it, and the date by which such updates would become necessary, can be identified.

1.8.2 The table below sets out a guide to duration of validity of each element of each information source. If the proposed development is delayed beyond the stated timescale, updated surveys or further investigations may be required. Provided a planning application is made and validated prior to the end of the period stated below there would not normally be a requirement for further update survey except as indicated in Section 4.6.

Information source	Date undertaken	Guideline duration of validity from date undertaken	Notes
Desk study	12th March 2021	1 – 2 years	Further data may become available.
Phase 1 habitat survey	12th March 2021	2 years	The habitats on site may change especially if management changes.

## 2 Methodology

### 2.1 Desk study methodology

- 2.1.1 Norfolk Biodiversity Information Service was asked to provide records of protected, rare and/or priority species and details of statutory and non-statutory designated sites, within a 1km radius of the centre of the site at TG23062290. The data were received on 22<sup>nd</sup> March 2021.
- 2.1.2 The Magic website<sup>1</sup> was used to identify European sites within a 10km radius and national sites within a 2.5km radius. The Magic website was accessed on 12th March 2021.
- 2.1.3 Aerial photographs and OS maps were used to gain initial information about the site and the surrounding area. This gives an indication of the types of habitat and species likely to be present and the setting of the site within the landscape.
- 2.1.4 Water bodies within 250m of the site were identified from the relevant 1:25,000 Ordnance Survey map sheet, to establish the need for protected species scoping surveys, such as great crested newt Habitat Suitability Index surveys. Consideration was also given to the green infrastructure of the local area.
- 2.1.5 The potential for protected, rare and/or priority species to be present on site has been considered in this assessment, taking into account the nature of the site and the habitat requirements of the species in question. Absence of records does not constitute absence of a species. Habitats on the site may be suitable for supporting other protected species that have not previously been recorded within the search area. Conversely, presence of a protected species in the search area does not imply its presence on-site. Records of alien species, non-localised records (e.g. tetrad records) and records dated before 1995 have not been described in detail but are taken into account when considering likely species presence or absence.
- 2.1.6 The data supplied by the Records Centre were considered in the assessment of potential impacts below.

#### **Limitations to desk study methodology**

- 2.1.7 There were no significant limitations to the desktop study.
- 2.1.8 In accordance with BS42020 and advice from most Local Biological Record Centres, species lists are not appended to this report but are available to the Local Planning Authority on request.
- 2.1.9 Availability of records will vary in different locations, as many depend on the presence of local experts and survey effort within the local area. An absence of a record does not necessarily indicate the absence of that species.

### 2.2 Phase 1 habitat survey methodology

- 2.2.1 The standard Phase 1 (baseline) habitat survey methodology<sup>2</sup> was followed. Phase 1 habitat survey is a standardised system for surveying, classifying and mapping wildlife habitats, including urban areas. All habitats present and areas or features of ecological interest within such habitats were recorded and mapped. The survey methodology facilitates a rapid assessment of habitats and it is not necessary to identify every plant species on site. Where given, scientific names of plant species follow Stace ed. 4<sup>3</sup>.
- 2.2.2 The survey visit was also used to identify potential for protected, rare and/or priority species, for example bats, mammals, amphibians and reptiles, to occur on, or in the vicinity of, the proposed development site. Although the survey methodology is not intended for species survey, any protected, rare and/or priority species which were seen during the survey were noted.
- 2.2.3 The survey was undertaken on 12th March 2021 and the weather conditions were dry, and partly cloudy, with strong southwesterly winds.

<sup>1</sup> MAGIC: <https://magic.defra.gov.uk/MagicMap.aspx>.

<sup>2</sup> JNCC (2010) *Handbook for Phase 1 Habitat Survey - a Technique for Environmental Audit*. Reprinted by JNCC, Peterborough.

<sup>3</sup> Stace, C (2019) *New Flora of the British Isles*. C&M Floristics. 4<sup>th</sup> Edition.

### ***Limitations to Phase 1 habitat survey***

2.2.4 There were no significant limitations to the Phase 1 habitat survey.

## **2.3 Assessment methodology**

2.3.1 The assessment was undertaken in accordance with the Chartered Institute of Ecology and Environmental Management's Professional Guidance Series<sup>4</sup>.

2.3.2 More details of the assessment methodology are provided in Appendix 2, but, in summary, the impact assessment process involves:

- identifying and characterising impacts;
- incorporating measures to avoid and mitigate (reduce) these impacts;
- assessing the significance of any residual effects after mitigation;
- identifying appropriate compensation measures to offset significant residual effects; and
- identifying opportunities for ecological enhancement.

2.3.3 The hierarchical process of avoiding, mitigating and compensating for ecological impacts is explained further below.

2.3.4 In Ecological Impact Assessment (EcIA) it is only essential to assess and report significant *residual* effects (i.e. those that remain after mitigation measures have been taken into account). However, it is considered good practice for the EcIA to make clear both the potential significant effects without mitigation and the residual significant effects following mitigation, particularly where the mitigation proposed is experimental, unproven or controversial. Alternatively, it should demonstrate the importance of securing the measures proposed through planning conditions or obligations.

2.3.5 Assessment of the potential impacts of the proposed development takes into account both on-site impacts and those that may occur to adjacent and more distant ecological features. Impacts can be positive or negative. Negative impacts can include:

- direct loss of wildlife habitats;
- fragmentation and isolation of habitats through loss of connectivity;
- disturbance to species from noise, light or other visual stimuli;
- changes to key habitat features; and
- changes to the local hydrology, water quality, nutrient status and/or air quality.

2.3.6 Negative and positive impacts on ecological features are characterised based on predicted changes as a result of the proposed activities. In order to characterise the impacts on each feature, the following parameters are considered:

- the magnitude of the impact;
- the spatial extent over which the impact would occur;
- the temporal duration of the impact and whether it relates to the construction or operational phase of the development;
- the timing and frequency of the impact; and
- whether the impact is reversible and over what time frame.

2.3.7 Both short-term (i.e. impacts occurring during the site clearance and construction phases) and long-term impacts are considered.

### ***Conservation status***

2.3.8 The extent to which the proposed development may have an effect upon ecological features should be determined in the light of its expected influence on the integrity of the site or ecosystem. The integrity of protected sites is considered specifically in the light of the site's conservation objectives. Beyond the boundaries of designated sites with specific nature conservation designations and clear conservation objectives, the concept of 'conservation status' is used. Conservation status should be evaluated for a study area at a defined level of ecological

<sup>4</sup> CIEEM (2016) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal*, Second Edition. Chartered Institute of Ecology and Environmental Management, Winchester.

value. The extent of the area used in the assessment relates to the geographical level at which the feature is considered important.

- 2.3.9 For habitats, conservation status is determined by the sum of the influences acting on the habitats and their typical species that may affect their long-term distribution, structure and functions, as well as the long-term survival of its typical species within a given geographical area. For species, conservation status is determined by the sum of influences acting on the species concerned and inter-relationships that may affect the long-term distribution and abundance of its populations within a given geographical area.

***Confidence in predictions***

- 2.3.10 It is important to consider the likelihood that a change or activity will occur as predicted and also the degree of confidence in the assessment of the impact on ecological structure and function.

- **Certain** probability estimated at above 95%
- **Probable** probability estimated above 50% but below 95%
- **Possible** probability estimated above 5% but below 50%
- **Unlikely** probability estimated as less than 5%

***Cumulative impacts***

- 2.3.11 Consideration is also given to the potential for the development proposal to give rise to significant negative impact in combination with other proposed developments in the local area.

***Overall assessment***

- 2.3.12 An overall assessment of value and impact is provided. This is based upon the highest level or value of any of the features or species present, or likely to be present on the site. Similarly, the overall assessment of impact is the impact of greatest significance.

## **2.4 Mitigation hierarchy**

- 2.4.1 The following principles underpin EcIA and have been followed, where applicable, in this assessment.

- **Avoidance** Seek options that avoid harm to ecological features (for example, by locating the proposed development on an alternative site or safeguarding on-site features within the site layout design).
- **Mitigation** Adverse effects should be avoided or minimised through mitigation measures, either through the design of the project or subsequent measures that can be guaranteed – for example, through a condition or planning obligation.
- **Compensation** Where there are significant residual adverse ecological effects despite the mitigation proposed, these should be offset by appropriate compensatory measures.
- **Enhancement** Seek to provide net benefits for biodiversity over and above requirements for avoidance, mitigation or compensation.

## 3 Results

### 3.1 Desk study results

#### ***European sites***

- 3.1.1 The following European sites (Special Protection Area, Special Area of Conservation, and Ramsar sites which are treated as if they were European sites) were identified within the search area and are detailed within the table below.

Site	Distance from development site (approx.)	Direction	Key habitat/features of interest
Norfolk Valley Fens Special Area of Conservation (SAC)	5km	SSW	This site comprises a series of valley-head spring-fed fens. Such spring-fed flush fens are very rare in the lowlands. The individual fens vary in their structure according to intensity of management and provide a wide range of variation. There is a rich flora associated with these fens, including species such as grass-of-Parnassus <i>Parnassia palustris</i> , common butterwort <i>Pinguicula vulgaris</i> , and marsh helleborine <i>Epipactis palustris</i> .

- 3.1.2 Further information is provided in Appendix 3.

#### ***Sites of national importance***

- 3.1.3 There were no sites of national importance (Site of Special Scientific Interest, National Nature Reserve) within the search area.

- 3.1.4 Further information is provided in Appendix 3.

#### ***Sites of local importance***

- 3.1.5 There were no sites of local importance in the search area.

- 3.1.6 Further information is provided in Appendix 3.

#### ***Protected, rare and/or priority species***

- 3.1.7 A number of species records were returned for the search area. Records for protected, rare and/or priority species from within the search area are summarised below. In accordance with BS42020 and advice from most Local Biological Record Centres, species lists are not appended but are available to the Local Planning Authority on request.

##### *Veteran trees*

- 3.1.8 No veteran tree records were returned.

##### *Plants*

- 3.1.9 No protected, rare and/or priority plant species records were returned

##### *Invertebrates*

- 3.1.10 A large number of moth records were returned, including lunar yellow underwing *Noctua orbona*, grey carpet *Lithostege griseata* and marsh grass-veneer *Crambus uliginosellus*.

- 3.1.11 No other records were returned.

##### *Amphibians including great crested newts*

- 3.1.12 No protected, rare and/or priority amphibian species records were returned.

##### *Reptiles*

- 3.1.13 No protected, rare and/or priority reptile species records were returned.

*Birds*

- 3.1.14 There were many bird records for the area. The majority, including crane *Grus grus*, black redstart *Phoenicurus ochruros*, bittern *Botaurus stellaris*, osprey *Pandion haliaetus*, and a number of gull species, will be passing through the area on passage, transient or vagrant. Very few of the bird species recorded are likely to be associated with the development site, with only barn owl *Tyto alba* perhaps potentially foraging over the field margins.

- 3.1.15 There were no bird records for the site itself.

*Terrestrial Mammals including badgers*

- 3.1.16 No protected, rare and/or priority terrestrial mammal species records were returned other than two records for brown hare *Lepus europaeus* and a single record of hedgehog *Erinaceus europaeus*.

*Aquatic Mammals including water voles and otters*

- 3.1.17 No protected, rare and/or priority aquatic mammal species records were returned other than for a single record of otter *Lutra lutra* from the River Bure.

*Bats*

- 3.1.18 There were a number of records of bats from the study area, these being barbastelle *Barbastella barbastellus*, brown long-eared *Plecotus auritus*, common pipistrelle *Pipistrellus pipistrellus*, Daubenton's *Myotis daubentonii*, Natterer's *Myotis nattereri*, noctule *Nyctalus noctula*, serotine *Eptesicus serotinus*, and soprano pipistrelle *Pipistrellus pygmaeus*. None of the records are specifically associated with the proposed development site.

## 3.2 Phase 1 habitat survey results

- 3.2.1 Five Phase 1 habitat categories were identified during the Phase 1 habitat survey and are shown on Figure 01. Each habitat is described below.

**Management, setting and green infrastructure**

- 3.2.2 The site an arable field, bordered to the northeast by the Bure Valley Railway Line and to the southwest by Aylsham Road. The northeastern boundary is marked by a low, rather species poor, managed hedgerow, with occasional standard trees, beyond which is car parking and a small area of amenity planting associated with the railway line, the line being just beyond this. To the southwest, the boundary with the road is demarcated by a hedge with standards. The southeastern boundary adjacent to housing is marked by native and non-native hedgerow and close-board fencing. The railway line creates a high degree of ecological habitat connectivity in the local area.

**B4 Improved grassland**

- 3.2.3 The majority of the field margins away from the hedge base fields was of this habitat type and was dominated by cock's-foot *Dactylis glomerata*, couch *Elytrigia repens* and false oat-grass *Arrhenatherum elatius*, together with creeping buttercup *Ranunculus repens*, ribwort plantain *Plantago lanceolata*, broad-leaved dock *Rumex obtusifolius*, cleavers *Galium aparine*, cow parsley *Anthriscus sylvestris* and creeping thistle *Cirsium arvense*.

**J1.1 Arable**

- 3.2.4 The greater part of the proposed development site comprises arable land which had been ploughed shortly prior to the survey taking place. Few arable weeds were noted.

**J2.1.2 Species poor hedge (non-native)**

- 3.2.5 Part of the boundary with the housing to the southwest is demarcated by overgrown Leyland cypress *Cupressus x leylandii* hedges.

**J2.3.2 Species-poor hedge with trees**

- 3.2.6 The boundary with the road was marked by a gappy hedge dominated by blackthorn *Prunus spinosa*, along with a number of immature and semi-mature standard trees; that to the northeast is dominated by hawthorn *Crataegus monogyna*. A short section of native hedgerow is also

present bordering land to the east. Other woody hedgerow species present include wild plum *Prunus domestica*, small leaved elm *Ulmus minor* agg., dog rose *Rosa canina* agg., bramble *Rubus ulmifolius*, and ivy *Hedera helix*. The standard trees comprised oak *Quercus robur*, ash *Fraxinus excelsior* and holm oak *Quercus ilex*.

- 3.2.7 The ground flora was poor, with coarse grasses, such as cock's-foot *Dactylis glomerata*, couch *Elytrigia repens* and false oat-grass *Arrhenatherum elatius*, along with some bracken *Pteridium aquilinum*. Goosegrass *Galium aparine*, nettle *Urtica dioica*, cow parsley *Anthriscus sylvestris*, and cuckoo-pint *Arum maculatum* were also present.
- 3.2.8 A dry field-ditch was associated with the roadside hedgerow. It was dry at the time of survey despite recent heavy rainfall and considered likely to receive road run-off only and not contain standing water.

#### **3.2.4 Fence**

- 3.2.9 Timber post and wire and close-board fencing was present along the southern boundary with the urban edge of Buxton.

## 4 Evaluation of conservation status and impact assessment

### 4.1 Assessment rationale

4.1.1 The assessment is based on the ecological data presented within this report. Future changes in the wildlife present on site are beyond the scope of this report, unless specifically stated.

### 4.2 Evaluation of conservation status and assessment of designated sites

4.2.1 The ecological value of the site is considered below and evaluated using the methodology set out in Appendix 2 and in accordance with species legislation and planning policy, as outlined in Appendix 1.

#### ***European Sites***

4.2.2 There is one European site within the search area. This site is assessed as being of **Very High** importance for wildlife. The Norfolk Valley Fens SAC component site of Buxton Heath is a little above 5km distant. This site is vulnerable to factors including recreational pressure and water resources pressure. Given the distance between the sites, and the fact that alternative natural greenspace fro recreation is present in the local area in the form of Broadland Country Park, with further small-scale provision possible both on the site itself and via a well-linked series of public footpaths, significant adverse impact upon the SAC is unlikely, however Habitats Regulations Assessment should be undertaken to verify this.

4.2.3 The impact of the proposed development upon European sites is therefore assessed as **Unknown**.

#### ***Sites of national importance***

4.2.4 There are no sites of national importance in the search area and the site does not encompass the SSSI Impact Risk Zone for residential development. The impact of the proposed development upon nationally designated sites is therefore assessed as **Neutral**.

#### ***Sites of local importance***

4.2.5 There are no sites of local importance in the search area The impact of the proposed development upon sites of local importance is considered to be **Neutral**, due to the distance of the proposed development from any locally important sites and the character of the development within its local context.

## 4.3 Evaluation of conservation status and assessment of habitats and green infrastructure

#### ***Habitats***

4.3.1 Habitats of higher ecological value comprises the hedgerows on the site boundaries. It is recommended that these are retained, enhanced and incorporated into the development as part of the site's green infrastructure. Habitats of lower value include the arable land and improved grassland.

4.3.2 Impacts of any development upon the site habitats is provisionally considered to be **Minor Adverse**, subject to the development of comprehensive site layout plans. A high quality site layout design including a vegetated corridor along the northern boundary and a vegetated buffer to the railway line could deliver a **Minor Beneficial** impact.

#### ***Green infrastructure***

4.3.3 The site provides some habitat linkage between the Aylsham Road and the railway line; this linkage could be enhanced by further east-west planting and habitat creation within the development.

## 4.4 Evaluation of conservation status and assessment of species

### ***Veteran trees***

4.4.1 There are no veteran trees present on the site and the value of the proposed development site for these is therefore **Negligible**. The impact of the proposed development upon veteran trees is **Neutral**.

### ***Plants***

4.4.2 The character of the habitats recorded at the site and the plant records returned for the local area, suggests that the site has no potential to support protected, rare and/or priority plants. The value of the proposed development site for this group is **Negligible** and the impact of the proposed development is **Neutral**.

### ***Invertebrates***

4.4.3 The character of the habitats recorded at the site and the invertebrate records returned for the local area, suggests that the site has no potential to support protected, rare and/or priority invertebrates. The value of the proposed development site for this group is **Negligible** and the impact of the proposed development is **Neutral**.

### ***Amphibians including great crested newts***

4.4.4 The absence of ponds within 250m of the site and a paucity of ditches in the local area suggests that there is no reasonable likelihood of great crested newts nor other amphibians being present. The site fall within a Natural England Great Crested Newt Risk Zone for District Licensing. The value of the proposed development site for this group is **Negligible** and the impact of the proposed development is **Neutral**.

### ***Reptiles***

4.4.5 The character of the habitats recorded at the site and the reptile records returned for the local area, suggests that the site has only limited potential to support protected, rare and/or priority reptiles although presence on site boundaries cannot be entirely ruled out, particularly given the proximity to the Bure Valley Railway corridor.

4.4.6 The value of the proposed development site for this group is considered to be at **Site-level only** and the impact of the proposed development is **Neutral** subject to good practice measures being delivered during the formation of the site access.

### ***Birds***

#### ***Breeding birds***

4.4.7 The site is likely to be used by common breeding bird species, both for nesting and foraging, with the hedgerow habitats being of greatest value in this respect. The arable land in close proximity to housing is unlikely to be used by skylark or other ground nesting birds due to its proximity to a well-used road and to housing. It is considered that the value of the site to breeding birds is **Lower** at the **Parish** scale. The scheme is likely to give rise to disturbance impacts on birds nesting in the boundary vegetation. The unmitigated impact is considered to be **Minor Adverse**. Mitigation has been proposed to reduce impacts to **Neutral**.

#### ***Wintering birds***

4.4.8 There are no habitats present on site which might support significant populations of wintering birds, although the site does offer some limited foraging potential for small numbers of common species. The site is considered to be of **Negligible** value for this group.

### ***Aquatic mammals including water voles and otters***

4.4.9 The character of the habitats recorded at the site and the mammal records returned for the local area, suggests that the site has no potential to support protected, rare and/or priority aquatic mammals. The site does not lie within any great crested newt District Licence risk zones.

4.4.10 The value of the proposed development site for this group is **Negligible** and the impact of the proposed development is **Neutral**.

### ***Terrestrial mammals including badgers***

- 4.4.11 There were no badger records returned for the local area, and the habitats present on site are largely unsuitable for foraging activity. No signs of sett construction were noted during the Phase 1 survey. The site is therefore considered to be of **Negligible** value for this species and the impact of the proposed development is **Neutral** subject to a suitable offset alongside the railway line to allow undisturbed badger movement or foraging along this route, if there is any, to continue. Impacts upon species such as hedgehog can be resolved by good practice measures.

### ***Bats***

#### *Roosting potential*

- 4.4.12 None of these trees within the site were of an age or condition such that features with the potential to be used by roosting bats would be likely to be present. The impact of a development of the site on roosting bats is assessed as **Neutral**.

#### *Foraging/commuting potential*

- 4.4.13 Based on the evidence gained during the Phase 1 survey, the site and its local setting is likely to be predominantly used for occasional commuting and foraging purposes by common and widespread bat species, with the railway line to the east being of particular value in this regard. The site is unlikely to be of particular importance to any one individual, species or population for either commuting or foraging but will instead contribute to a general foraging resource for local bat populations. The site and features within it do not connect areas of likely higher value bat habitat and hence development is unlikely to compromise commuting activity. The site is assessed as being of **Lower** value for bats at the **Parish** scale.

- 4.4.14 Subject to a detailed masterplan being produced, the impact of the development would be **Neutral**, assuming that any future scheme retained, enhanced and created linear habitats features, included areas of greenspace and restricted light spill in particular to the north and east.

## **4.5 Cumulative impacts**

- 4.5.1 There are no known cumulative impacts.

## **4.6 Proposals for further survey or investigation**

- 4.6.1 No protected species surveys are necessary.

- 4.6.2 Habitats Regulations Assessment is likely to be required at the planning application stage to assess the potential for any adverse affect upon the integrity of a European site, noting however that the allocations are over 4km in a straight line distance from the Norfolk Valley Fens SAC (Buxton Heath SSSI) and there is unlikely to be any harm caused by the site allocation from people walking to the European site. The GIRAMS tariff will provide mitigation for in-combination effects.

## 5 Mitigation and avoidance measures

### 5.1 Avoidance measures

5.1.1 The following impact avoidance measures have been identified and will be delivered.

- All site boundary features should be protected in the built scheme.
- All mature trees will be retained in-situ.

### 5.2 Proposed mitigation for known impacts

5.2.1 The following mitigation is required to reduce the impacts of the scheme to within acceptable limits.

#### **Habitats**

- Linear habitat should be retained along the site's southwestern and northeastern boundary to maintain green corridors.
- Ensure that no works come closer than Root Protection Zones of trees and shrubs (as a minimum) in retained habitats.
- To mitigate for loss of vegetation for the formation of the site access, semi-natural planting should include berry-bearing native trees and shrubs to enhance food availability for wildlife. The proposed planting should be structurally diverse, with tree, shrub and ground layers, and areas of dense scrub as well as more open areas.
- Ornamental planting should constitute at least 50% by area of species of known value to wildlife (which might include native species), such as fruiting species and species known to provide a good nectar source. All ornamental planting should be structurally diverse, with tree, shrub and ground layers as appropriate, and areas of dense planting as well as more open areas.

#### **Rare plants**

- No mitigation required.

#### **Invertebrates**

- No mitigation required.

#### **Amphibians including Great Crested Newt**

- No mitigation required.

#### **Reptiles**

- In order to avoid killing or injuring reptiles, measures should be employed to encourage them to move away from those areas affected by development and construction, as follows:
  - All vegetation on the site access should be strimmed down to 100mm above ground level, with the direction of strim being towards retained vegetation as advised by an ecologist, with cut material removed from the development site.
  - After 24-48 hours have elapsed, vegetation should be cut to 50mm above ground level in the same direction, and cut material raked off and removed from the development site.
  - All work as set out below must take place during warm, dry, sunny conditions, with a minimum air temperature of 12°C.
  - Vegetation must be maintained at ground level until groundworks can commence.

#### **Breeding birds**

- The reduction in nesting opportunities as a consequence of vegetation removal can be offset by the provision of six bird boxes, which could be erected on retained standard trees elsewhere on site.

- Vegetation removal required for the construction phase should take place outside the bird breeding season of March to August inclusive, to prevent disturbance to birds, or if removed in that period, only after a survey has shown that no active nests are present. If vegetation removal is required during the nesting bird season (March to August, inclusive), then a nesting bird check will need to be carried out by an ecologist. A nesting bird check consists of a visit to the site by the ecologist to see if there are any nests present with the vegetation (e.g. hedgerows, trees, scrub etc) that is due for removal. The length of the site visit can vary depending on the quantity of vegetation that requires checking and whether a nest is present.  
If no nests are found, then the vegetation will need to be removed with 48 hours of the nesting bird check. This short validity of the survey is required, as a bird could begin nesting at any time following the nesting bird check.  
If a nest is found, then the vegetation cannot be removed until the chicks have fledged. Fledging of chicks is variable depending on species but typically can be up to 6-8 weeks for passerines (e.g. garden/woodland birds), depending on progress of nest. If the nest is found in a tree, the tree should not be removed until the chicks have fledged. If the nest is found in hedgerow or scrub, then the vegetation surrounding the nest, usually a minimum of 3m, should also not be removed or disturbed until the chicks have fledged. It would be recommended that the ecologist returns to the site to re-assess the nest. The timings of the second visit will depend on the species found and the status of the nest (eggs present, eggs hatched, etc.)

#### **Water Vole**

- No mitigation required.

#### **Otter**

- No mitigation required.

#### **Badger**

- Trenches should be filled in prior to the end of the working day, or a ramp left leaning up from the base of the trench to the surface, so that animals falling in can get out of the excavation.
- Pipework should be closed off at the end of each working day to avoid badgers and other animals becoming trapped.

#### **Bats**

- Areas of scrub and trees, and linear features such as hedgerows, should be retained wherever possible throughout the site to allow foraging activity to continue.
- External lighting should be reduced to a minimum and designed in accordance with guidelines from the Bat Conservation Trust.<sup>5</sup>
- Boundary habitats should not be illuminated, either directly or via light spill from adjacent buildings. If lighting is required for the site boundaries, e.g. for security, it should be reduced to a minimum, and designed in accordance with guidelines from the Bat Conservation Trust.<sup>6</sup>

### **5.3 Compensation for ecological impacts**

5.3.1 No compensatory habitat creation or management is proposed.

### **5.4 Species licensing**

5.4.1 No species licence is considered necessary.

<sup>5</sup> See <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

<sup>6</sup> See <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

## 6 Enhancement measures

### 6.1 Ecological enhancement

- 6.1.1 Ecological enhancement aims to improve the quality of the site and the immediate vicinity for native flora and fauna. Such enhancements can also provide aesthetic appeal and can add value to the proposed development.
- 6.1.2 Enhancement opportunities specific to the development proposals for this site are provided below. It is not anticipated that all of these options would be utilised. The options are listed in order of priority, with habitat enhancements having most benefit to wildlife. Small-scale enhancements targeted at individual species, whilst valuable, are generally of less overall benefit than habitat enhancement measures.

### 6.2 Habitat enhancement

- 6.2.1 Wherever possible, planting would use native species, which support biodiversity significantly better than non-native plants. This is due to the numbers of flowers, fruits, seeds and berries that are produced by our native species and their different flowering and fruiting times throughout the year.

- 6.2.2 Habitat enhancements include the following.

- An east-west wildlife corridor should be created on the northern site boundary. This could also be used for informal site recreation. A mixture of scrub, standard trees and wildflower grassland should be delivered.
- A contribution to the 'B-Lines' project<sup>7</sup> should be made by seeding with a native wildflower seed mix and use of native flowering trees and shrubs in the planting scheme.
- A vegetated buffer strip adjacent to the railway line will both strengthen and minimise impacts upon this wildlife corridor.
- The boundary vegetation should be strengthened by further planting, including berry-bearing species to provide for bird foraging, and native species to attract insects. A structurally diverse range of plants should be used, including shrubs large enough to support nesting birds.
- Permanent wildflower grassland and native scrub habitat should be created along the site boundaries and within areas of public open space.
- Structural native trees and shrubs should be planted to provide corridors across the site and a foraging resource for a variety of species.
- Planting on the site should be designed so as to link in to, or add to, surrounding areas of open space.
- Supplementary planting should be used to 'gap up' existing hedgerows and infill any gaps in tree and hedge lines to improve connectivity with the surrounding area. Areas highlighted for planting are the northern, eastern and western site boundaries. Native hedging plants local to the area and suitable for this purpose include Hawthorn *Crataegus monogyna*, Blackthorn *Prunus spinosa*, Field Maple *Acer campestre* and Hazel *Corylus avellana*.
- Good practice in hedgerow maintenance should be employed, including cutting alternate sides of hedges on alternate years, which will benefit hedgerow species such as breeding birds, small mammals and bats.

- 6.2.3 These enhancements would benefit common invertebrates, breeding and wintering birds, badger foraging, and bat foraging.

### 6.3 Small-scale species enhancement measures

- 6.3.1 Small-scale enhancements to benefit individual species/species groups would include the following.

<sup>7</sup> <https://www.buglife.org.uk/b-lines-hub>

- Twelve bat boxes (e.g. Vivara, Ibstock, Habitat or similar), suitable for a range of bat species, should be erected on retained standard trees or buildings in unlit parts of the site.
- Twelve bird boxes (e.g. Vivara or similar), suitable for a range of bird species, should be erected on retained standard trees or buildings in undisturbed parts of the site.
- Six swift boxes should be erected on proposed buildings.
- Up to three habitat piles should be created, using woody cut material (brash) from vegetation clearance. These should be stacked in a quiet, sheltered corner of the site to form piles measuring approximately 2m x 1m x 1m.
- Creation of hedgehog highways through garden fences by inclusion of at least two Hedgehog Friendly Gravel Boards<sup>8</sup> or similar per run of fencing.
- Roadways and drainage measures should be designed or modified to be amphibian friendly, to avoid amphibians becoming trapped in gully pots. Specific measures should include 'wildlife kerbs' at each drain location that allow a gap of at least 100mm between the drain and the kerbs, dropped kerbs that are flush with the road or ramps in the kerbs either side of the drain to encourage amphibians away from the drain.
- Seek to negotiate with the local authority to ensure public roadways on and adjacent to the site receive similar attention as regards wildlife-friendly drainage options.

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<sup>8</sup> <https://www.kebur.co.uk/product/hedgehog-concrete-gravel-board/> or [https://www.jacksonsfencing.co.uk/product/sc\\_667610/hedgehog-gravel-board-for-use-with-slotted-posts-1.83m-x-140-x-28mm-incl.1-x-end-packer-1-x-length-packer-jakcured](https://www.jacksonsfencing.co.uk/product/sc_667610/hedgehog-gravel-board-for-use-with-slotted-posts-1.83m-x-140-x-28mm-incl.1-x-end-packer-1-x-length-packer-jakcured)

## 7 Recommendations

### 7.1 Biodiversity Net Gain calculations

7.1.1 Some Local Planning Authorities require calculations of Biodiversity Net Gain using the national standard DEFRA metric. The areas of habitats are given various values, and a calculation of those values and habitat area provides the number of biodiversity units a development site has, before development and for the proposals. An appeal decision in October 2020<sup>9</sup> made it clear that where a Local Plan requires Net Gain measured using a metric, but does not quantify the amount of Net Gain, there is no need to meet the 10% Net Gain requirements of the Environment Bill as it is not yet law. Broadland District Council does not yet have a Local Plan policy requiring Biodiversity Net Gain. Nevertheless this development would be capable of delivering a significant gain, should the above enhancement opportunities be realised.

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<sup>9</sup> Planning Inspectorate (14<sup>th</sup> October 2020) Appeal Ref: APP/Y0435/W/20/3251121  
Land at Brickhill Street, South Caldecotte, Milton Keynes MK17 9FE

## 8 Conclusions

- 8.1.1 The purpose of this report was to inform planning allocation for the site.
- 8.1.2 The overall value of the site to wildlife is considered to be **Lower** at the **Parish** scale.
- 8.1.3 A summary of assessments of value and the impact of the proposed development without mitigation, and the residual significant effects following mitigation, is provided in the table below.

Feature	Level of value	Scale	Unmitigated impact	Confidence level	Mitigated impact
European Sites	Very High	European	Unknown	-	Unknown
Sites of national importance	High	National	Neutral	Certain	-
Sites of local importance	Medium	County	Neutral	Certain	-
Habitats	Lower	Parish	Minor Adverse	Probable	Neutral
Veteran trees	Negligible	-	Neutral	Certain	-
Plants	Negligible	-	Neutral	Probable	-
Invertebrates	Negligible	-	Neutral	Probable	-
Amphibians including great crested newts	Negligible	-	Neutral	Probable	-
Reptiles	Lower	Site	Minor Adverse	Possible	Neutral
Breeding birds	Lower	Parish	Minor Adverse	Probable	Neutral
Wintering birds	Negligible	-	Neutral	Certain	-
Aquatic mammals including water voles and otters	Negligible	-	Neutral	Certain	-
Terrestrial mammals including badgers	Lower	Parish	Minor Adverse	Probable	Neutral
Bats (roosting)	Negligible	-	Neutral	Probable	-
Bats (foraging)	Lower	Parish	Neutral	Probable	-

- 8.1.4 The overall impact of the proposals is considered to be **Minor Adverse** in the absence of mitigation. The mitigated impact is considered to be **Neutral**.
- 8.1.5 The adoption of all or most of the enhancement measures detailed in Section 6 above would give rise to a **Neutral-Minor Beneficial** impact.

# *Figures*



Key	
	Site Boundary
	B4 Improved grassland
	J1.1 Arable
	J2.1.2 Species-poor intact hedge
	J2.3.2 Species-poor hedge and trees
	J2.4 Fence

E21817 Aylsham Road, Buxton

Phase 1 Survey

**Figure 01**  
Scale: NTRS

March 2021



thelandscape partnership

# *Appendix 1*

## **Legislative and policy context**

There is a number of pieces of legislation, regulations and policies specific to ecology which underpin this assessment. These may be applicable at a National or Local level. References to legislation are given as a summary for information and should not be construed as legal advice.

### ***Birds Directive***

The European Community Council Directive on the Conservation of Wild Birds (79/409/EEC), normally known as the Birds Directive, sets out general rules for the conservation of all naturally occurring wild birds, their nests, eggs and habitats. It was superseded by the 'new' Birds Directive (2009/147/EC) which generally updated the previous directive.

Since the end of the Brexit transition period on 31<sup>st</sup> December 2020 the Birds Directive no longer is part of the UK legal system.

### ***Habitats Directive***

The European Community Council Directive on the Conservation of Natural Habitats of Wild Fauna and Flora (92/43/EEC), normally known as the Habitats Directive, aims to protect the European Union's biodiversity. It requires member states to provide strict protection for specified flora and fauna (i.e. European Protected Species) and the registration and regulation of Special Areas of Conservation.

Since the end of the Brexit transition period on 31<sup>st</sup> December 2020 the Habitats Directive no longer is part of the UK legal system.

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

The Conservation of Habitats and Species Regulations 2017 generally follow the Birds Directive and Habitats Directive but unlike the Directives there is no role for the European Union; the UK Government has taken that role following the end of the Brexit transition period on 31<sup>st</sup> December 2020. For clarity, the following paragraphs consider the case in England only, with Natural England given as the appropriate nature conservation body. In Wales, the Countryside Council for Wales is the appropriate nature conservation body.

Special Protection Areas and Special Areas of Conservation are defined in the regulations as forming a national network of 'European sites'. The Regulations regulate the management of land within European sites, requiring land managers to have the consent of Natural England before carrying out management. Byelaws may also be made to prevent damaging activities and if necessary land can be compulsorily purchased to achieve satisfactory management.

The Regulations define competent authorities as public bodies or statutory undertakers. Competent authorities are required to make an appropriate assessment of any plan or project they intend to permit or carry out, if the plan or project is likely to have a significant effect upon a European site. The permission may only be given if the plan or project is ascertained to have no adverse effect upon the integrity of the European site. If the competent authority wishes to permit a plan or project despite a negative assessment, imperative reasons of over-riding public interest must be demonstrated, and there should be no alternative to the scheme. The permissions process in that case would involve the Secretary of State. In practice, there will be very few cases where a plan or project is permitted despite a negative assessment. This means that a planning application has to be assessed by the Local Planning Authority, based on information provided by the applicant, and the assessment must either decide that it is likely to have no significant effect on a European site or ascertain that there is no adverse effect upon the integrity of the European site.

Government policy is for Ramsar sites (wetlands of global importance) to be treated as if they were European sites within the planning process.

### ***Appropriate Assessment***

Appropriate Assessment is required in certain instances under the Conservation of Habitats and Species Regulations 2017. Regulation 63 says that:

*63.— (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which-*

*(a) is likely to have a significant effect on a European site or a European offshore marine site*

- (either alone or in combination with other plans or projects), and*
- (b) is not directly connected with or necessary to the management of the site,*
- must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.*
- (2) A person applying for any such consent, permission or other authorisation shall provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.*
- (3) The competent authority shall for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority may specify.*
- (4) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.*
- (5) In the light of the conclusions of the assessment, and subject to regulation 64 (considerations of overriding public interest), the competent authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).*
- (6) In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given.*

The competent authority is typically the local planning authority. The appropriate assessment contains the information the council requires for the purposes of its assessment under the Habitat Regulations.

The Habitats Regulations also are applicable to local authority land use plans and policies. If a policy or plan is likely to have a significant effect upon a European site, the permission may only be given if the policy or plan is ascertained to have no adverse effect upon the integrity of the European site. This approach gives rise to a hierarchy of plans each with related appropriate assessments. For example, the appropriate assessment of a Regional Spatial Strategy will affect policies within a Core Strategy, which will then need its own appropriate assessment, and so on.

#### *European Protected Species*

European Protected Species of animals are given protection from deliberate capture, injury, killing, disturbance or egg taking/capture. Their breeding sites or resting places are also protected from damage or destruction, which does not have to be deliberate. A number of species are listed as European Protected Species, with those most likely to be considered in planning applications being bats, dormouse, great crested newt and otter. Natural England may give a licence for actions that are otherwise illegal, subject to them being satisfied on the three tests of no alternative, over-riding public interest, and maintenance of the species in favourable condition.

European Protected Species of plant are also listed and given protection. These species are generally very rare and unlikely to be present in proposed development sites.

#### ***Wildlife and Countryside Act 1981***

The Wildlife and Countryside Act 1981 has been amended many times, including by the Countryside and Rights of Way Act 2000. It contains provisions for the notification and regulation of Sites of Special Scientific Interest, and for protected species.

The Regulations regulate the management of land within Sites of Special Scientific Interest, requiring land managers to have the consent of Natural England before carrying out management.

All public bodies are defined as 'S28G' bodies, which have a duty to further the nature conservation of Sites of Special Scientific Interest in the undertaking of their functions. In practice, this prevents planning applications being permitted if they would harm Sites of Special Scientific Interest, as it would be a breach of that duty.

The Act makes it an offence intentionally to kill, injure, or take any wild bird, take, damage or destroy the nest of any wild bird, while that nest is in use or being built, or take or destroy an egg of any wild bird. Special penalties are available for offences related to birds listed on Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young.

The Act makes it an offence intentionally to kill, injure or take any wild animal listed on Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places. Some species have lesser protection under this Act, for example white-clawed crayfish, common frog and toads are only protected from sale, and reptile species, other than smooth snake and sand lizard, are protected from intentional killing or injury, but they are not protected from disturbance and their habitat is not protected. It is also an offence intentionally to pick, uproot or destroy any wild plant listed in Schedule 8.

### **National Planning Policy Framework**

The National Planning Policy Framework (NPPF) dated February 2019 replaces previous Government Policy in relation to nature conservation and planning expressed in the NPPF dated March 2012.

Chapter 15 paragraph 170(d) of the NPPF 2018 says that the planning system should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Paragraphs 171 and 172 relate to policy for designated sites of biodiversity or landscape importance. Proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged against Local Plans policies which will distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value and maintain and enhance networks of habitats and green infrastructure. Further policy is within paragraph 174, where Local Planning Authorities should within their Local Plans aim to protect and enhance biodiversity by:

- Identifying, mapping and safeguarding 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
- Promoting 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 Local Planning Authorities should apply the following principles:

- If significant harm resulting from a development cannot be avoided (through locating it 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 incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 176 adds protection to candidate sites of European or International importance (Special Protection Areas, Special Areas of Conservation and Ramsar sites) and also to those sites identified or required as compensatory measures for adverse effects on habitats sites, potential SPA, possible SAC listed or proposed Ramsar sites.

Paragraph 177 clarifies that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a 'habitats' site, i.e. a European site, (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Government circular 'Biodiversity and Geological Conservation – Statutory Obligations and their Impact Within the Planning System' referenced ODPM 06/2005 has not been replaced and remains valid. It sets out the legislation regarding designated and undesignated sites and protected species and describes how the planning system should take account of that legislation. It does however pre-date the NERC Act 2006 (see below), which includes a level of protection for a further list of habitats and species regardless of whether they are on designated sites or elsewhere.

#### ***Natural Environment and Rural Communities (NERC) Act 2006***

This Act includes a list of habitats and species of principal importance in England. Local Authorities are required to consider the needs of these habitats and species when making decisions, such as on planning application.

#### ***Local Planning Authority's planning policy***

The Local Planning Authority will have policies relating to biodiversity conservation.

## **Species Legislation**

The following table provides an overview of legislation with regard to species.

<b>Protected Species</b>	<b>Legislation</b>			
	<b>Wildlife &amp; Countryside Act, 1981</b>	<b>The Conservation of Habitats and Species Regulations, 2017</b>	<b>Natural Environment &amp; Rural Communities (NERC) Act, 2006</b>	<b>Protection of Badgers Act, 1992</b>
Plants (certain 'rare' species)	✓	✓ <sup>10</sup>	✓	
Invertebrates (certain 'rare' species)	✓	✓ <sup>11</sup>	✓	
White-clawed crayfish	✓		✓	
Great crested newt, natterjack toad, pool frog	✓	✓	✓	
Other amphibians	✓ <sup>12</sup>		✓	
Sand lizard, smooth snake	✓	✓ <sup>13</sup>	✓	
Other reptiles	✓ <sup>14</sup>		✓	
Breeding birds	✓	✓	✓	
Wintering birds (certain 'rare' species)	✓	✓	✓	
Bats	✓	✓	✓	
Dormouse	✓	✓	✓	
Water vole	✓		✓	
Otter	✓	✓	✓	
Badger				✓

<sup>10</sup> Nine species present in the UK, with very specialised habitat requirements, are European Protected Species.

<sup>11</sup> Fisher's estuarine moth, large blue butterfly and lesser whirlpool ram's-horn snail are European Protected Species.

<sup>12</sup> The four other native amphibian species (smooth and palmate newts, common frog and common toad) are only protected against trade under this act.

<sup>13</sup> Smooth snake and sand lizard are European Protected Species.

<sup>14</sup> The four other native reptile species (common lizard, slow worm, grass snake and adder) are protected against intentional killing, injury and trade under this act.

## *Appendix 2*

## **Assessment Methodology: Valuing Ecological Features and Impact Assessment**

The three-stage assessment method for determining ecological value is based upon assessment matrices published in the Handbook of Biodiversity Methods<sup>15</sup>. It has been updated to comply with recent changes to planning policy and legislation. The three-stage process allows the value of ecological sites, habitats and populations, and the magnitude of the impact, to be cross-tabulated to identify impact significance.

### **Valuing ecological sites, habitats and populations: scale and level of value**

Scale	Level of value	Sites, habitats and populations
<b>Greater than national</b>	<b>Very High</b>	<p>Statutory sites designated under international conventions or related national legislation, in particular:</p> <ul style="list-style-type: none"> <li>• Wetlands of International Importance (Ramsar sites),</li> <li>• Special Areas of Conservation,</li> <li>• Special Protection Areas.</li> </ul>
<b>National</b>	<b>High</b>	<p>Statutory sites designated under national legislation, for example:</p> <ul style="list-style-type: none"> <li>• Sites of Special Scientific Interest (England, Wales, Scotland),</li> <li>• National Nature Reserves (UK).</li> </ul> <p>Significant viable areas of habitats, or populations or assemblages of species of principal importance for the conservation of biodiversity in England and Wales (Section 41 species and habitats)<sup>16</sup> of such size and quality as might qualify for SSSI designation.</p> <p>Populations or assemblages of red-listed, rare or legally protected species, as might qualify for SSSI designation, for example:</p> <ul style="list-style-type: none"> <li>• species of conservation concern,</li> <li>• Red Data Book (RDB) species,</li> <li>• birds of conservation concern (Red List species),</li> <li>• nationally rare and nationally scarce species,</li> <li>• legally protected species.</li> </ul>
<b>County</b>	<b>Medium</b>	<p>Statutory sites of lower conservation value designated under national legislation, for example Local Nature Reserves (UK).</p> <p>Non-statutory sites designated under local legislation, for example:</p> <ul style="list-style-type: none"> <li>• County Wildlife Sites,</li> <li>• Local Wildlife Sites,</li> <li>• Roadside Nature Reserves (protected road verges).</li> </ul> <p>Viable areas of habitat or populations of species of principal importance for the conservation of biodiversity in England and Wales (Section 41 species and habitats)<sup>17</sup> of such size and quality as might qualify for designation at the county level.</p> <p>Other non-designated sites which meet the criteria for designation at this level.</p>

<sup>15</sup> Hill, D., Fasham, M., Tucker, G., Shewry, M., Shaw, P. (eds.) (2005) *Handbook of Biodiversity Methods: Survey, Evaluation and Monitoring*, Cambridge University Press.

<sup>16</sup> Listed under S41 of the Natural Environment and Rural Communities Act 2006 <http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>.

<sup>17</sup> Listed under S41 of the Natural Environment and Rural Communities Act 2006 <http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>.

<b>District/ Borough<sup>18</sup></b>	<b>Lower</b>	<p>Sites meeting criteria for metropolitan designations.</p> <p>Undesignated sites or features not meeting criteria for county designation, but that are considered to enrich appreciably the habitat resource within the local district or borough, for example:</p> <ul style="list-style-type: none"> <li>• ancient woodland,</li> <li>• diverse, ecological valuable and cohesive hedgerow networks,</li> <li>• significant clusters or groups of ponds,</li> <li>• veteran or ancient trees.</li> </ul> <p>Viable areas of habitat or populations of species of principal importance for the conservation of biodiversity in England and Wales (Section 41 species and habitats)<sup>19</sup> not qualifying for designation at the county level.</p>
<b>Parish</b>	<b>Lower</b>	<p>Areas of habitat considered to enrich appreciably the ecological resource within the context of the local parish.</p> <p>Small areas of habitat or populations of species of principal importance for the conservation of biodiversity in England and Wales (Section 41 species and habitats)<sup>20</sup>.</p>
<b>Site only</b>	<b>Negligible</b>	Ecological feature or resource not meeting any of the above criteria.

Note: there is much overlap in designations and lists of important species, and many sites, habitats and species appear on several. Where a site, habitat or species has multiple designations or levels of protection, normally the highest level would be the level at which impacts are assessed.

<sup>18</sup> Including metropolitan boroughs.

<sup>19</sup> Listed under S41 of the Natural Environment and Rural Communities Act 2006 <http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>.

<sup>20</sup> Listed under S41 of the Natural Environment and Rural Communities Act 2006 <http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>. Listed under S41 of the Natural Environment and Rural Communities Act 2006 <http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>.

### **Definitions of impact magnitude**

Magnitude (negative or positive)	Definition/trigger
<b>Severe</b>	Loss or severe degradation affecting over 75% of a site feature, habitat or population. Adverse change to, or reduced condition of, over 90% of a site feature, habitat or population, for example through disturbance or trampling.
<b>Major</b>	Loss or severe degradation affecting over 25% of a site feature, habitat or population. Adverse change to, or reduced condition of, over 50% of a site feature, habitat or population, for example through disturbance or trampling. For benefits, an impact equivalent in nature conservation terms to a gain of over 50% in a site feature, habitat or population.
<b>Moderate</b>	Loss or severe degradation affecting over 5% of a site feature, habitat or population. Adverse change to, or reduced condition of, over 10% of a site feature, habitat or population, for example through disturbance or trampling. For benefits, an impact equivalent in nature conservation terms to a gain of 10-50% in a site feature, habitat or population
<b>Minor</b>	Loss or severe degradation affecting up to 5% of a site feature, habitat or population. Adverse change to, or reduced condition of, 1-10% of a site feature, habitat or population, for example through disturbance or trampling. For benefits, an impact equivalent in nature conservation terms to a gain of up to 10% in a site feature, habitat or population.
<b>Insignificant</b>	No loss of or severe degradation to a site feature, habitat or population. Adverse change to, or reduced condition of, less than 1% of a site feature, habitat or population. No benefit to a site feature, habitat or population.

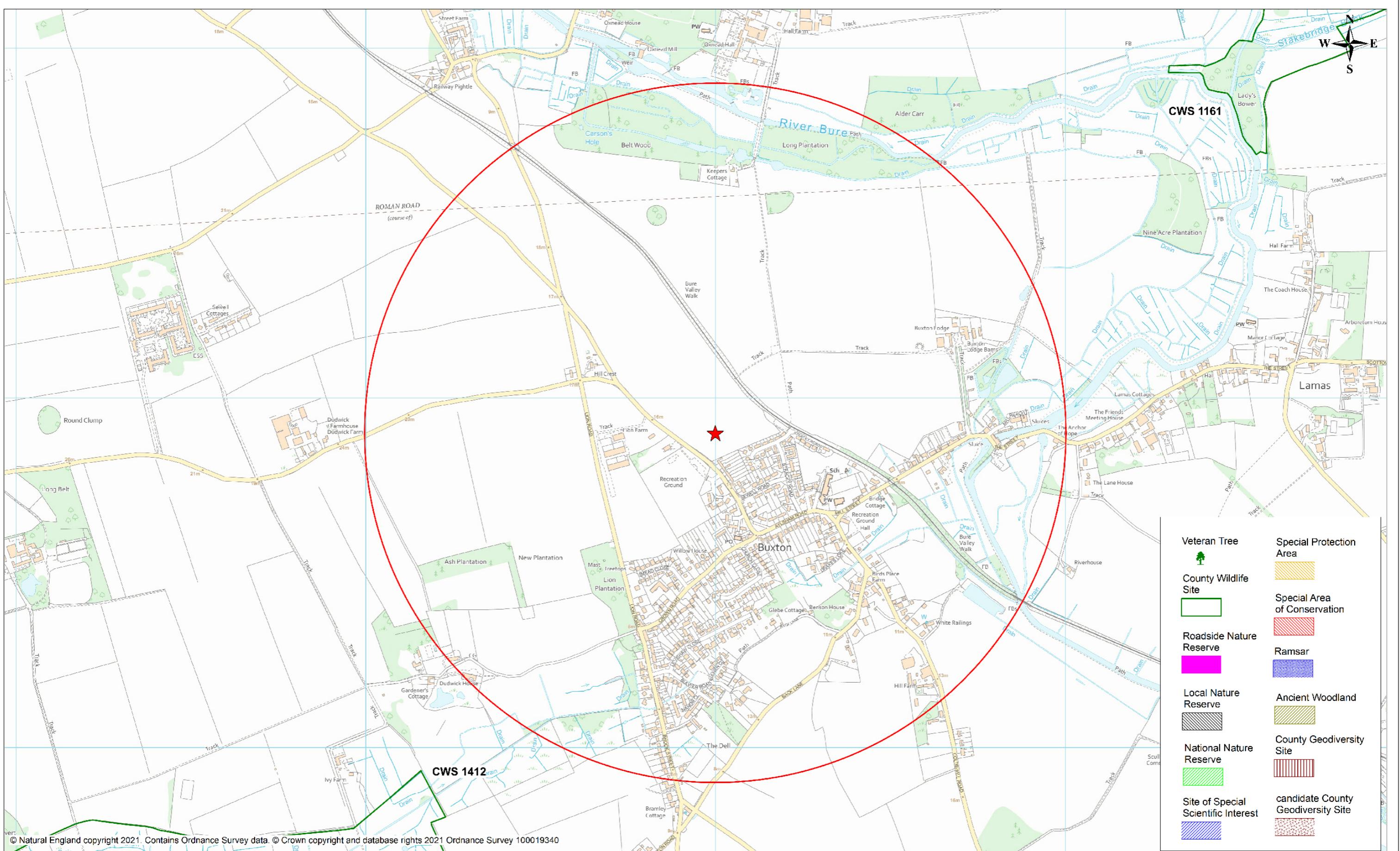
### **Impact significance**

Value of site, habitat or population	Magnitude of impact								
	Severe Negative	Major Negative	Moderate Negative	Minor Negative	Insignificant	Minor Positive	Medium Positive	Major Positive	
Very High	Severe Adverse	Severe Adverse	Major Adverse	Major Adverse	Neutral*	Major Beneficial	Major Beneficial	Major Beneficial	
National (High)	Severe Adverse	Major Adverse	Major Adverse	Moderate Adverse	Neutral*	Moderate Beneficial	Major Beneficial	Major Beneficial	
County/Metropolitan (Medium)	Major Adverse	Major Adverse	Moderate Adverse	Moderate Adverse	Neutral	Minor Beneficial	Moderate Beneficial	Major Beneficial	
District/Borough (Lower)	Major Adverse	Moderate Adverse	Moderate Adverse	Minor Adverse	Neutral	Minor Beneficial	Moderate Beneficial	Moderate Beneficial	
Parish (Lower)	Moderate Adverse	Moderate Adverse	Minor Adverse	Minor Adverse	Neutral	Minor Beneficial	Minor Beneficial	Moderate Beneficial	
Minimal/negligible	Neutral	Neutral	Neutral	Neutral	Neutral	Minor Beneficial	Minor Beneficial	Moderate Beneficial	

Where the impact significance falls below Minor Adverse, the term 'Neutral' is used.

\*In some circumstances, some 'insignificant' impacts might fail legislative or policy tests and the impact would be greater than Neutral.

## *Appendix 3*



## 1km Data Search Around TG230229, Buxton

for The Landscape Partnership

Scale 1:10000

Compiled by L. Oddy on 18 March 2021