

Preliminary Ecological Appraisal

Northfleet School for Girls, Gravesend, Kent

A Report To: Labosport
Report Number: RT-MME-180683-04 Rev A
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Quality Assurance

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Declaration of Compliance

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of Practice for Planning and Development". The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

Disclaimer

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Validity of Data

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

Non-Technical Summary

Project Background

In July 2024, Labosport commissioned Middlemarch to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Northfleet School for Girls in Gravesend, Kent. This assessment is required to inform a planning application associated with the creation of a new artificial grass pitch.

Scope of Appraisal

To fulfil the above brief, an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken. The survey was carried out on 8th August 2024 by Richard Sainsbury BSc (Hons) (Senior Ecological Consultant). An initial review of the ecological data was subsequently carried out to determine the features of ecological importance on site as well as a preliminary assessment of the potential impacts the proposed development could have on these features.

Preliminary Evaluation and Impact Assessment

Within the site, the most notable features comprise the adjacent broadleaved woodland, classed as a Habitat of Principal Importance in England. The mature trees have intrinsic value whilst the tree lines provide important wildlife corridors. These habitats have the potential to support a range of wildlife, including nesting birds, foraging/commuting bats, terrestrial mammals and herpetofauna.

Potential impacts which could occur as a result of the proposals include damage to designated sites, the loss or fragmentation of priority and notable habitats, and the killing, injury or disturbance of protected and notable species.

Whilst the proposed development has the potential to adversely impact ecological features, it also presents opportunities to deliver new or enhanced habitats and benefits to biodiversity, please refer to Section 5.6 for full details.

Recommendations

In order to ensure compliance with wildlife legislation and relevant planning policy and to secure a net gain for biodiversity overall, the following recommendations are made (full details are provided in Chapter 6):

Scheme Design and Biodiversity Net Gain	In the first instance the proposals should be designed to avoid/minimise losses of [insert habitats] and incorporate these habitats in the landscaping layout of the scheme accordingly. Where losses or impacts are unavoidable, compensation should be provided. In accordance with the principles of the Environment Act 2021 the development will need to secure an overall net gain for biodiversity. The Statutory Biodiversity Metric Calculation Tool should be used to help guide and quantify the baseline and proposed value of the scheme. A Biodiversity Statement and Metric Assessment should be produced to inform any planning application.
Further Ecological Surveys	It is recommended that the following species surveys/assessments are undertaken: Bat Activity Survey (Night Time Walkover) and Ecological Review of Lighting.
Construction Ecological Management Plan (CEcMP)	A CEcMP should be produced for the site setting out the safeguards and appropriate working practices that will be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation.

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1. Introduction

1.1. Project Background

In July 2024 Labosport commissioned Middlemarch to undertake a Preliminary Ecological Appraisal of the site of a proposed development at Northfleet School for Girls in Gravesend, Kent. This assessment is required to inform a planning application associated with the creation of a new artificial grass pitch.

Middlemarch has also been commissioned to carry out the following surveys/assessments at this site:

- Preliminary Arboricultural Assessment (RT-MME-180683-01);
- Arboricultural Impact Assessment (RT-MME-180683-02);
- Arboricultural Method Statement (RT-MME-180683-03); and,
- Biodiversity Statement and Metric Assessment (RT-MME-180683-05).

1.2 Site Description and Context

Table 1.1 provides a brief summary of the site and its surroundings.

Attribute	Description
Location	Northfleet School for Girls, Gravesend
National Grid Reference	TQ 62962 72672
Site Area (ha)	1.59
Topography	There is a significant fall across the proposed pitch footprint from south to north, of between around 3.5 to 4.9m.
Land Cover (on site)	The proposed pitch is located within a sports playing field located to the east of Northfleet School for Girls school buildings. There is a mature tree adjacent to the south west corner of the survey area. This playing field was delineated by dense scrub and woodland at the site's northern and eastern boundaries. A tennis court was present within the southern section of the site, whilst a sand pit was present to the north. An additional area of amenity grassland lay south of the tennis court.
Land Cover (site surrounds)	The site forms part of a wider area of greenspace within Northfleet School for Girls, which is largely built-up in nature, but also includes areas of amenity grassland, tree lines and areas of tree cover. The school is surrounded on all sides by residential development, whilst a number of areas of open greenspace, such as Wombwell Park, are present.

Table 1.1: Summary of Site and Surroundings

1.3 Documentation Provided

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.2.

Document / Drawing Number	Author
Northfleet School LSUK 21 0 04 GENERAL ARRANGEMENT 106X70M G 218481	Labsport
Northfleet School LSUK 21 0 04 PROPOSED PLAN G 218481	Labsport
R-SI-27677-01-00 Site Investigation Report	JPP
G218481 Northfleet School 6 x 15 m columns 200lux R1	Signify

Table 1.2: Documentation Provided by Client

2. Methods

2.1 Desk study

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - MAGIC website for statutory conservation sites; and,
- Kent & Medway Biological Record Centre.

The desk study included a search for:

- Relevant local planning policy/strategies with regard to biodiversity and nature conservation;
- European statutory nature conservation sites in the UK (collectively the 'National Site Network') within a 10 km radius of the site;
- UK statutory sites within a 2 km radius; and,
- Non-statutory sites and protected/notable habitats and species records within a 1 km radius.

The data collected from the consultees are discussed in Chapter 3. In compliance with the terms and conditions relating to its commercial use, the full desk study data are not provided within this report.

2.2 Phase 1 Habitat / UK Hab Survey

A field survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee¹ and the Institute of Environmental Assessment². Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site.

During the survey, the presence or potential presence of protected species was noted where observed. This included a review of suitable habitat opportunities or field signs of notable species groups (amphibians, bats, birds, terrestrial and aquatic invertebrates, terrestrial and aquatic mammals, plants and reptiles). A full detailed assessment of any built structures and/or trees was not undertaken as part of the survey, however their potential to support roosting bats was considered.

The survey was carried out on 8th August 2024 by Richard Sainsbury BSc (Hons) (Senior Ecological Consultant). Table 2.1 details the weather conditions at the time of the survey.

¹ Joint Nature Conservation Committee (2010). *Handbook for Phase 1 Habitat Survey: A technique for environmental audit (reprint)*. Joint Nature Conservation Committee, Peterborough.

² Institute of Environmental Assessment. (1995). *Guidelines for Baseline Ecological Assessment*, Institute of Environmental Assessment. E&FN Spon, An Imprint of Chapman and Hall. London.

Parameter	Condition
Temperature (°C)	21
Cloud (%)	50
Wind (Beaufort)	F2
Precipitation	Dry

Table 2.1: Weather Conditions During Field Survey

Field Survey Constraints and Limitations

No constraints were encountered during the field survey.

2.3 Preliminary Evaluation and Impact Assessment

An initial review of the ecological data (desk study and Phase 1 Habitat Survey) has been undertaken to identify ecological features that by virtue of their legal status, their inclusion in any national policy or plan, or their rarity or contribution to local ecological networks, are worthy of further consideration in the planning system. This typically includes statutory or non-statutory nature conservation sites, species protected by law, Habitats and Species of Principal Importance in England as defined by the Natural Environment and Rural Communities (NERC) Act 2006 or other ecological corridors and Biodiversity Opportunity Areas outlined in local policy. A preliminary assessment of the potential impacts on these features that could occur as a result of the proposed development has been undertaken. This initial assessment of impacts is based on Middlemarch's current understanding of the project.

3. Desk Study

3.1 Local Planning Policies/Strategies

Local Planning Policies/Strategies of relevance to ecology in the context of the development are described in Table 3.1. Full details are provided in Appendix 1.

Policy Document/Strategy	Relevance to Ecology/Development
Gravesham Borough Council: Gravesham Local Plan Core Strategy	Policy CS12 Green Infrastructure – describes how biodiversity and green infrastructure will be promoted and protected across the borough, including through the protection of ecological designations and through the protection of biodiversity on development sites.

Table 3.1: Summary of Relevant Local Planning Policies/Strategies

3.2 Nature Conservation Sites

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 3.2.

Site Name	Designation	Proximity to the Survey Area	Description
European Statutory Sites			
Thames Estuary and Marshes	Ramsar	4.2 km east	The site comprises a complex of brackish, floodplain grazing marsh ditches, saline lagoons and intertidal saltmarsh and mudflat along the River Thames between Gravesend and Sheerness in Essex and Kent. The habitats support internationally important numbers of wintering waterfowl, and the saltmarsh and grazing marsh are of international importance for their diverse assemblages of wetland plants and invertebrates.
Thames Estuary and Marshes	SPA	5.3 km east	This SPA broadly overlaps with the Ramsar site described above.
North Downs Woodlands	SAC	8.2 km southeast	This site consists of mature <i>Asperulo-Fagetum</i> beech forests and also yew Yew <i>Taxus baccata</i> woods on steep slopes. The stands lie within a mosaic of scrub and other woodland types. The site also contains small areas of unimproved grassland on thin chalk soils. Where the shade is not too dense dog's mercury <i>Mercurialis perennis</i> predominates in the ground flora.

Table 3.2: Summary of Nature Conservation Sites (continues)

UK Statutory Sites			
Swanscombe Peninsula	SSSI	1.2 km northwest	Swanscombe Peninsula SSSI is of special interest for the following nationally important features: - Populations of the plants divided sedge <i>Carex divisa</i>, yellow vetchling <i>Lathyrus aphaca</i>, slender hare's-ear <i>Bupleurum tenuissimum</i>, Bithynian vetch <i>Vicia bithynica</i> and round-leaved wintergreen <i>Pyrola rotundifolia</i> subsp. <i>maritima</i>; - Assemblages of invertebrates associated with bare sand and chalk, open short swards, open water on disturbed mineral sediments and saltmarsh and transitional brackish marsh; and - Two diverse assemblages of breeding birds, one associated with lowland open waters and their margins, lowland fen and lowland damp grassland, the other with lowland scrub.
Non-statutory Sites			
No non-statutory ecological designations are located within 1 km of the development site.			
Key: SAC: Special Area of Conservation SPA: Special Protection Area Ramsar: Site listed on The Convention on Wetlands of International Importance (Ramsar Convention) SSSI: Site of Special Scientific Interest			

Table 3.2: Summary of Nature Conservation Sites (continued)

The site is located within an impact risk zone for Swanscombe Peninsula Site of Special Scientific Interest (SSSI). However, none of the risk factors cited for this SSSI are relevant to the proposed development.

3.3 Habitats

A review of mapping data on the MAGIC website identified the presence of the Priority Habitat broadleaved woodland immediately beyond the northeastern site boundary. Measures to ensure this habitat is protected during the development works are included within Chapter 5 below.

3.4 Protected / Notable Species

Table 3.3 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Species of Principal Importance?	Legislation / Conservation Status
Reptiles					
Slow worm <i>Anguis fragilis</i>	22	360 m northwest	2017	✓	WCA 5 S9(1), WCA 5 S9(5)
Mammals					
Badger <i>Meles meles</i>	1	260 m north	2009	-	PBA
Hedgehog <i>Erinaceus europaeus</i>	3	490 m west	2000	✓	WCA 6
Amphibians					
Common frog <i>Rana temporaria</i>	5	20	20 m east	-	WCA 5 S9(5)
Plants					
Bluebell <i>Hyacinthoides non-scripta</i>	1	2018	Potentially on site*	-	WCA 8
Wild gladiolus <i>Gladiolus illyricus</i>	1	2000	650 m north	-	WCA 8
Invertebrates					
Stag beetle <i>Lucanus cervus</i>	14	2006	220 m east	-	ECH 2, WCA 5 S9(5)
Key: * The nearest record fell within a 6-figure (i.e. 100 m x 100 m) OS grid square overlapping the site. #: Dependent on species. ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking. WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal. WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods. WCA 8: Schedule 8 of Wildlife and Countryside Act 1981 (as amended). Plants which are protected from (1) intentional picking, uprooting or destruction; (2) sale, offering for sale, possession or transportation for the purpose of sale; and (3) being advised for buying or selling. PBA: The Protection of Badgers Act 1992 protects badgers from taking, injuring, killing, cruel treatment, selling, possessing, marking and having their setts interfered with, subject to exceptions. Species of Principal Importance: Species of Principal Importance for Nature Conservation in England.					

Table 3.3: Summary of Protected/Notable Species Records (excluding bats)

Species	No. of Records	Date of nearest record*	Proximity of Nearest Record to Survey Area**	Species of Principal Importance?	Legislation / Conservation Status
Mammals - Bats					
Serotine <i>Eptesicus serotinus</i>	4	2011	3650 m east	-	ECH 4, WCA 5, WCA 6
Daubenton's bat <i>Myotis daubentonii</i>	7	2015	1220 m west	-	ECH 4, WCA 5, WCA 6
Natterer's bat <i>Myotis nattereri</i>	5	2015	1220 m west	-	ECH 4, WCA 5, WCA 6
Leisler's bat <i>Nyctalus leisleri</i>	11	2015	1220 m west	-	ECH 4, WCA 5, WCA 6
Noctule <i>Nyctalus noctula</i>	11	2015	1220 m west	✓	ECH 4, WCA 5, WCA 6
Nathusius' pipistrelle <i>Pipistrellus nathusii</i>	2	2013	3630 m west	-	ECH 4, WCA 5, WCA 6
Common pipistrelle <i>Pipistrellus pipistrellus</i>	66	2008	Potentially on site***	-	ECH 4, WCA 5, WCA 6
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	18	2008	Potentially on site***	✓	ECH 4, WCA 5, WCA 6
Brown long-eared bat <i>Plecotus auritus</i>	18	2012	1030 m south	✓	ECH 4, WCA 5, WCA 6
Key: * Middlemarch conventionally provides the date of the most recent record as part of data search results. However, given the format of the bat data provided by the local records centre, the date of the nearest record has been provided instead. ** Middlemarch conventionally includes records within a 1 km radius of the site only. However, based on the format of the data provided by the local records centre, a 5 km search radius around the site has been used for bat records. *** The nearest record fell within a 6-figure (i.e. 100 m x 100 m) OS grid square overlapping the site. ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods. Species of Principal Importance: Species of Principal Importance for Nature Conservation in England.					

Table 3.3a: Summary of Bat Records

Birds

No bird species protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) were returned during the data search. However, the data search returned records of a number of bird species of Principal Importance, such as Skylark *Alauda arvensis*, Yellow Wagtail *Motacilla flava*, song thrush *Turdus philomelos* and house sparrow *Passer domesticus*.

Invertebrates

The desk study returned records of a number of invertebrates species of principal importance, such as small heath butterfly *Coenonympha pamphilus*, Buff Ermine moth *Spilarctia luteum* and red-shanked carder bee *Bombus ruderarius*.

3.5 Invasive Species

Table 3.4 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Survey Area	Legislation / Conservation Status
Japanese rose <i>Kerria japonica</i>	1	2017	260 m north	WCA 9
Key: *: Potentially on site, but grid reference given to four figures only (i.e. relating to a 1 km x 1 km grid square). WCA 9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals.				

Table 3.4: Summary of Invasive Species Records

4. Survey Results

4.1 Habitats

The habitat types recorded on site during the field survey are described in Table 4.1. A Phase 1 Habitat Survey Drawing (Drawing 180683-04-01), illustrating the location and extent of all habitat types recorded on site, is provided in Chapter 7. Photographs taken during the field survey are presented in Chapter 8.

Polygon/ Line Ref.	Phase 1 Habitat Type	Habitat Description
Area Habitats		
TN1	Amenity Grassland	Amenity grassland, in the form of a large sports playing field, formed the dominant habitat on site. The field contained managed amenity grassland with a short sward height (average approximately < 50 mm) and small sections of bare ground. An additional area of amenity grassland was present within the southern section of the site. The sward was of similar composition and structure, routinely managed to a short sward height (average approximately < 50 mm) and small sections of bare ground. Species included dominant perennial rye grass <i>Lolium perenne</i>, abundant yarrow <i>Achillea millefolium</i>, ribwort plantain <i>Plantago lanceolata</i> and dandelion <i>Taraxacum officinale</i>, frequent daisy <i>Bellis perennis</i> and wall barley <i>Hordeum murinum</i>, occasional dock <i>Rumex</i> sp., sowthistle <i>Sonchus oleraceus</i>, poppy <i>Papaver rhoeas</i>, hoary mustard <i>Hirschfeldia incana</i>, black medick <i>Medicago lupulina</i> and mallow <i>Malva</i> sp. and rare small-flowered crane's bill <i>Geranium pusillum</i>, red clover <i>Trifolium pratense</i>, golden ragwort <i>Packera aurea</i> and Dyer's weed <i>Reseda luteola</i>.
TN2	Dense Scrub	Small expanses of bramble <i>Rubus fruticosus</i> scrub present in the northeastern corner of the site.
TN3	Dense Scrub	A narrow belt of mixed scrub abutted the edge of the boundary woodland to the north.
TN4	Hardstanding	A tennis court and a footpath were present within the southern section of the site. These areas were devoid of vegetation and had no ecological value.

Table 4.1: Summary of Habitats on Site

4.2 Protected/Notable Species

Table 4.2 summarises the suitability of the site for protected/notable species and any species/evidence of species that were recorded during the survey. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Species/Group	Description
Amphibians	No breeding habitat for amphibians (i.e. ponds) is present on site. The site is dominated by amenity grassland which is not considered to be of particular value for amphibian species. However, the scrub and woodland habitats offer potential for refuge.
Bats	A number of mature trees within the woodland contained potential roost features. The woodland and scrub present at the site's northern and eastern boundaries provide suitable foraging and commuting habitat for bats.
Badger	The amenity grassland, which dominated the site, is considered to be of minimal value to badger but may, to some extent, provide suitable opportunities for foraging. The wider site, which includes areas of dense scrub and woodland, provides suitable opportunities for sett building, foraging and commuting.
Hedgehog	The areas of grassland and woodland along the northern and eastern boundary offer suitable foraging and refuge opportunities for hedgehog, with some links to suitable habitat within the wider landscape.
Birds	The woodland and scrub present at the site's northern and eastern boundaries provide suitable nesting habitat for birds. Furthermore, a number of bird species were recorded during the survey, including blackbird <i>Turdus merula</i> , carrion crow <i>Corvus Corone</i> , collared dove <i>Streptopelia decaocto</i> , wood pigeon <i>Columba palumbus</i> , magpie <i>Pica pica</i> and robin <i>Erithacus rubecula</i> .
Reptiles	The site is dominated by amenity grassland which is not considered to be of particular value for reptile species. However, the woodland and scrub habitat along the site's eastern and western boundaries provides opportunities for basking and refuge.

Table 4.2: Summary of Species/Species Evidence Recorded on Site

4.3 Invasive Species

No invasive plant species were recorded during the survey.

5. Preliminary Evaluation and Impact Assessment

5.1 Summary of Proposals

The proposed development comprises the construction of a 3G Artificial Grass Pitch (AGP) with associated fencing, floodlights and drainage infrastructure. There is a significant fall across the proposed pitch footprint from south to north, of between around 3.5 to 4.9m and therefore some levelling earthworks (cut and fill) are anticipated to reduce the fall across the pitch. This includes some artificial raising in the south west corner of the proposed pitch.

The proposed development has the potential to adversely impact ecological features, but also presents opportunities to deliver new or enhanced habitats and benefits to biodiversity.

Activities likely to be associated with the proposed development during the construction and operational phases are outlined below.

Construction Phase

- Site clearance and ground preparation;
- Use and movement of heavy goods vehicles and machinery;
- Storage of plant, materials and waste;
- Presence of and movement of site personnel; and,
- Creation of landscaping / delivery of new habitats.

Operational Phase

- Permanent siting of artificial grass pitch;
- Use of floodlighting associated with pitch;
- Presence of and movement of site personnel;
- Establishment of new habitats; and,
- Maintenance of landscaping.

5.2 Nature Conservation Sites

An initial review of the proposals (see Section 5.1) has been undertaken to determine whether the project has the potential to affect any nature conservation sites. The identified sites are listed in Table 5.1, and justification for scoping them in or out of further assessment is provided.

Nature Conservation Site	Evaluation of Importance and Potential Impacts	Further Action Required?
European Statutory Sites		
Thames Estuary and Marshes Ramsar Site/SPA, North Downs Woodlands SAC	These three European Statutory Designations are all well removed from the development site (located over 4 km away) and are located beyond extensive well-developed areas. Given this, and the nature of the proposals (limited to the creation of a new sports pitch), the proposals are not considered to risk impacting these designated sites.	No further recommendations are made.
UK Statutory Sites		
Swanscombe Peninsula SSSI	This SSSI is located 1.2 km to the northwest of the development site and is well separated from the site beyond residential development. Given this, and the nature and scale of the proposals, the proposals are not considered to risk impacting this SSSI.	No further recommendations are made.
Non-statutory Sites		
No non-statutory ecological designations are located within 1 km of the proposed development site.		

Table 5.1: Summary of Potential Impacts on Nature Conservation Sites

5.3 Habitats

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP (if relevant). Also taken into account is the intrinsic value of the habitat, its rarity and contribution to local ecological networks.

Table 5.2 below summarises the potential adverse impacts on habitats that may occur as a result of the construction and operational activities of the proposed development (see Section 5.1), in the absence of mitigation. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 5.4.

Habitats	Evaluation of Importance and Potential Impacts	Further Action Required?
Priority Habitats		
Adjacent Semi-natural Broadleaved Woodland	No priority habitats are present on site. However, a review of mapping data on the MAGIC website identified the presence of the Priority Habitat broadleaved woodland immediately beyond the northeastern site boundary. No impacts to the adjacent woodland habitat are anticipated.	Appropriate Scheme Design (Recommendation R1) and Protection Measures to be incorporated into a CEcMP (Recommendation R3)

Table 5.2: Summary of Potential Impacts on Habitats (continues)

Non-Priority Notable Habitats		
Scattered Trees	The mature and semi-mature trees around the site are of intrinsic ecological value and cannot be easily replaced in the short to medium term. The current site masterplan indicates that no trees will be lost to facilitate the development. However, there is potential for retained tree to be subject to damage/degradation during construction works, or as a result of inappropriate post-construction landscape management	Appropriate Scheme Design (Recommendation R1) and Protection Measures to be incorporated into a CECMP (Recommendation R3)
Other Habitats		
Amenity Grassland and Dense Scrub	Although these habitats are not considered to be important and do not require further detailed consideration in the context of assessing impacts, they do hold some value and contribute to overall site biodiversity, which is recognised through the use of a biodiversity metric tool.	Appropriate Scheme Design (refer to Recommendation R1)
Hardstanding	The hardstanding on site is considered to be of negligible ecological value.	No further action required

Table 5.2: Summary of Potential Impacts on Habitats (continued)

5.4 Protected / Notable Species

Table 5.3 below summarises the potential adverse impacts on species/species groups that may occur as a result of the construction and operational activities of the proposed development (see Section 5.1), in the absence of mitigation.

Species/species groups discussed are based on those species highlighted in the desk study exercise and other species for which potentially suitable habitat occurs within or adjacent to the survey area. This includes species protected by law under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife and Countryside Act 1981 (as amended), as well as those listed as Species of Principal Importance in England.

Species / Species Group	Evaluation of Importance and Potential Impacts	Further Action Required?
Amphibians	The desk study returned records of common frog, but no other records of amphibian species were returned. Reference to the MAGIC database identified the presence of two ponds within 250 m of the site. The closest of these is located approximately 220 m west of the site within the wider school grounds, whilst the second closest pond is located approximately 225 m southwest of the site beyond extensive residential housing. Both of these ponds are isolated from other waterbodies and located in predominantly urban areas and therefore, the presence of great crested newts within these ponds, or within the site itself, is considered to be highly unlikely. Nonetheless, it is possible that common amphibian species may utilise the local area and in particular, the scrub present on site may provide suitable refugia for common amphibian species. Therefore, any clearance of the on-site scrub could lead to the killing or injury of common amphibian species.	Avoidance Measures to be incorporated in a CECMP (Recommendation R3)
Bats	The desk study returned records of two bat species within 1 km of the site. These species included common pipistrelle and soprano pipistrelle, both of which were recorded within 100 m x 100 m OS grid squares overlapping the site. The scrub and woodland located at/beyond the northern and eastern site boundaries are likely to provide suitable foraging and commuting habitat for a variety of bat species, whilst the offsite woodland also offers roosting opportunities for bats. The development has the potential to impact suitable roosting and foraging habitat for bats. Impacts include potential killing or injury, loss of suitable habitat, habitat fragmentation, and disturbance through increases in lighting (during both construction and operational phases).	Further Survey Work (Recommendation R2)
Badger	The desk study returned a single record of badger within a 1 km radius of the site. The exact locations of records are not provided due to animal welfare reasons. Whilst no definitive evidence of badger was recorded during the field survey, given the suitability of the site and surrounds for badger it is likely that they use the site for foraging/commuting purposes and may excavate setts in the wider area (adjacent woodland) prior to works commencing. As such there is potential for the construction phase of works to result in the damage or destruction of a sett or the killing or injury of badgers.	Pre-works Check and Reasonable Avoidance Measures to be incorporated in a CECMP (Recommendation R3)
Birds	The desk study returned no records of birds included under Schedule 1 of the Wildlife and Countryside Act (1981), albeit a number records notable bird species (e.g. of species of Principal Importance) were returned. Due to the habitat requirements and specific breeding ranges of many of the Schedule 1 bird species listed, it is unlikely that these birds will be present on site and subsequently affected by the development proposals. However, the habitats on site provide suitable nesting and foraging habitat for a range of other notable and more common/generalist bird species. The development of the site has the potential to result in a net loss of suitable habitat for nesting birds. In addition, there is potential for the killing or injury of nesting birds or damage/destruction of a birds nest during the construction phase or as a result of inappropriate post construction landscape management.	Appropriate Measures to be incorporated in a CECMP (Recommendation R3)

Table 5.3: Summary of Potential Impacts on Protected/Notable Species (continues)

Hedgehog	The desk study returned three records of hedgehog within a 1 km radius of the site. The vegetated habitats on site offer suitable foraging habitat for hedgehog, whilst the dense scrub at the northern and eastern site boundaries also offers suitable refugia. Furthermore, the band of offsite woodland located to the north and east of the site provides connectivity with the surrounding habitat. Therefore, it is likely that hedgehogs utilise the site in some capacity.	Appropriate Measures to be incorporated in a CECMP (Recommendation R3)
Reptiles	The desk study returned a number of records of slow worm within 1 km of the site, albeit the closest was recorded 360 m away. The amenity grassland, which dominates the site, is considered to be of negligible ecological value for reptiles. However, the dense scrub and woodland habitat do provide refugia opportunities for reptile species such as slow worm. Given the known records of reptiles in the vicinity and presence of suitable habitat adjacent to the site, the possibility of reptiles being present cannot be ruled out.	Avoidance Measures to be incorporated in a CECMP (Recommendation R3)
Other species	Other species, including aquatic mammals, dormouse <i>Muscardinus avellanarius</i> , red squirrel <i>Sciurus vulgaris</i> , notable invertebrates species and notable plant species have been scoped out of further assessment due to a lack of desk study records and an absence of suitable habitats within the development site and its surroundings.	No, species/species group scoped out

Table 5.3: Summary of Potential Impacts on Protected/Notable Species (continued)

5.5 Invasive Plant Species

No invasive plant species were recorded on site.

5.6 Biodiversity Opportunities

The development presents the following opportunities to enhance the site for biodiversity and work towards the target of 10% net gain:

- Native tree and shrub planting at the site boundaries to enhance the value of these boundaries for wildlife. For example, new planting to connect with woodland/scrub to the north and east of the site is recommended;
- Wildflower grassland margins to provide larval food for caterpillars and to attract butterfly and moth species; and,
- Species specific measures, such as:
 - installation of nest boxes for species such as house sparrow *Passer domesticus* and bat boxes for species such as common pipistrelle *Pipistrellus pipistrellus* and soprano pipistrelle *Pipistrellus pygmaeus*.
 - creation of deadwood habitat for herpetofauna and invertebrate species, for example amongst the existing scrub along the northern and eastern site boundaries.

6. Recommendations

All recommendations provided in this section are based on Middlemarch's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

R1 Scheme Design and Biodiversity Net Gain: The proposed development should be designed in accordance with the ecological mitigation hierarchy as set out in the National Planning Policy Framework (NPPF), and Planning Practice Guidance (PPG). In the first instance the proposals should be designed to avoid/minimise losses or disturbance of the dense scrub (and offsite woodland) and incorporate these habitats in the landscaping layout of the scheme accordingly. This will help to further avoid and minimise impacts to protected and notable species.

Where losses or impacts are unavoidable, compensation should be provided. This could include the replacement of lost habitats and/or connectivity and the creation of new habitats of ecological value

In accordance with the principles of the Environment Act 2021 the development will need to secure an overall net gain for biodiversity. The Statutory Biodiversity Metric Calculation Tool should be used to help guide and quantify the baseline and proposed value of the scheme. A Biodiversity Statement and Metric Assessment should be produced to inform any planning application.

Additional opportunities for site enhancement should also be considered such as the installation of bat and bird boxes.

R2 Further Ecological Surveys: It is recommended that the following species surveys/assessments are undertaken:

- Bat Activity Survey (Night Time Walkover); and,
- Ecological Review of Lighting.

All further ecological surveys should be undertaken in accordance with best practice methodologies, during the appropriate survey windows. Please refer to Appendix 3.

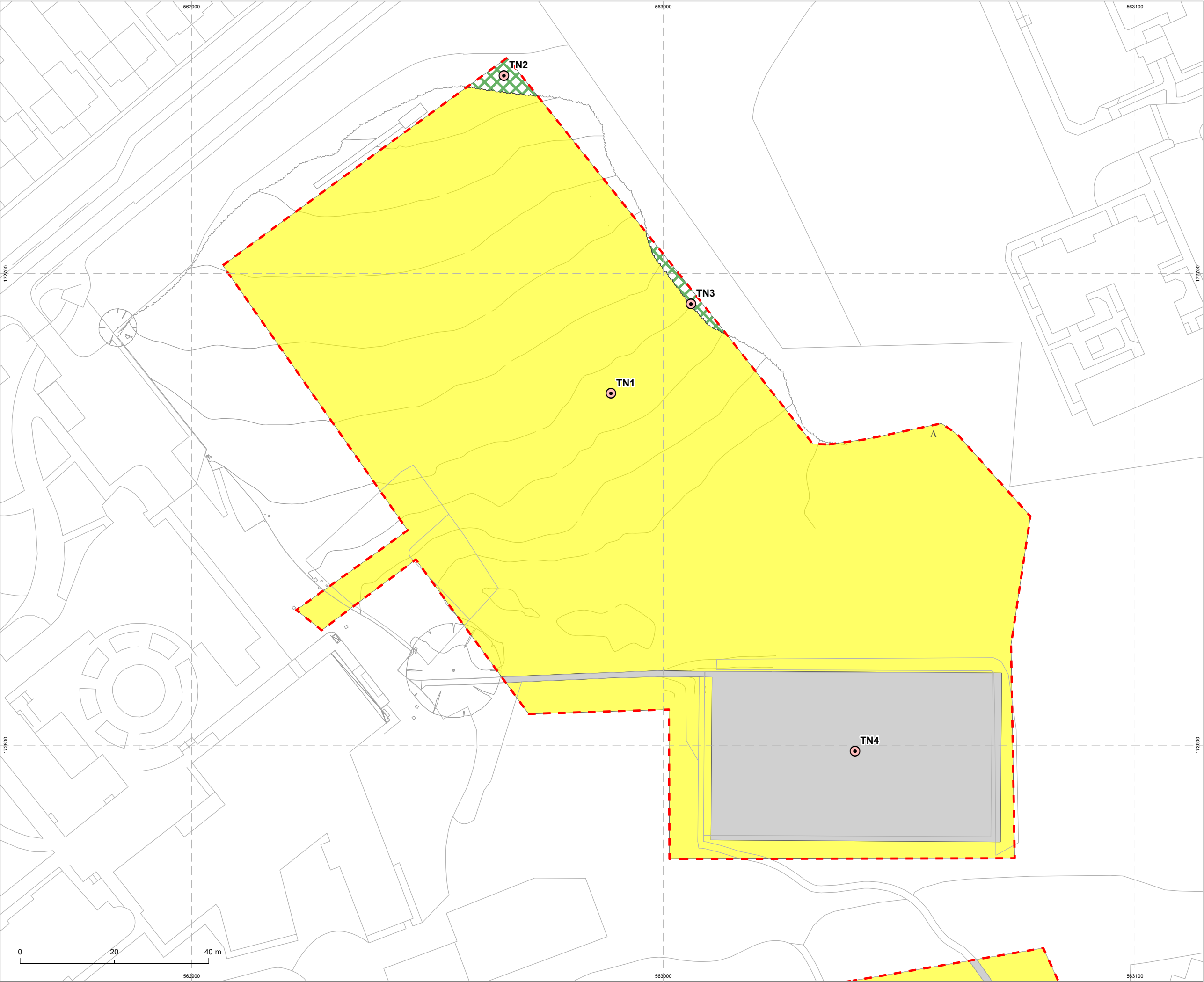
R3 Construction Ecological Management Plan (CEcMP): A Construction Ecological Management Plan should be produced for the site setting out the safeguards and appropriate working practices that will be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation. The details of the CEcMP will be informed by the final site design and ongoing ecological survey works but should include as a minimum:

- Development standoffs and safeguards for all retained habitats,
- Construction timetables to avoid sensitive periods such as nesting bird season,
- Vegetation management measures to minimise the risk to protected or notable species; and,
- Compliance with any specific mitigation measures that will be required to acquire a Development Licence for works affecting protected species

The CEcMP should be submitted to the Local Planning Authority for Approval and implemented in full thereafter.

7. Drawings

Drawing C180683-04-01– Phase 1 Habitat Map



C180683-04-01-RevA

Legend

Site boundary

Amenity grassland

Dense scrub

Hardstanding

Target note - habitat parcel

Project

Northfleet School for Girls, Gravesend, Kent

Drawing

Phase 1 Habitat Map

Client

Labosport

Drawing Number

C180683-04-01-RevA

Revision

Rev A

Scale @ A3

1:750

Date

December 2024

Approved By

RS

Drawn By

JR

MIDDLEMARCH

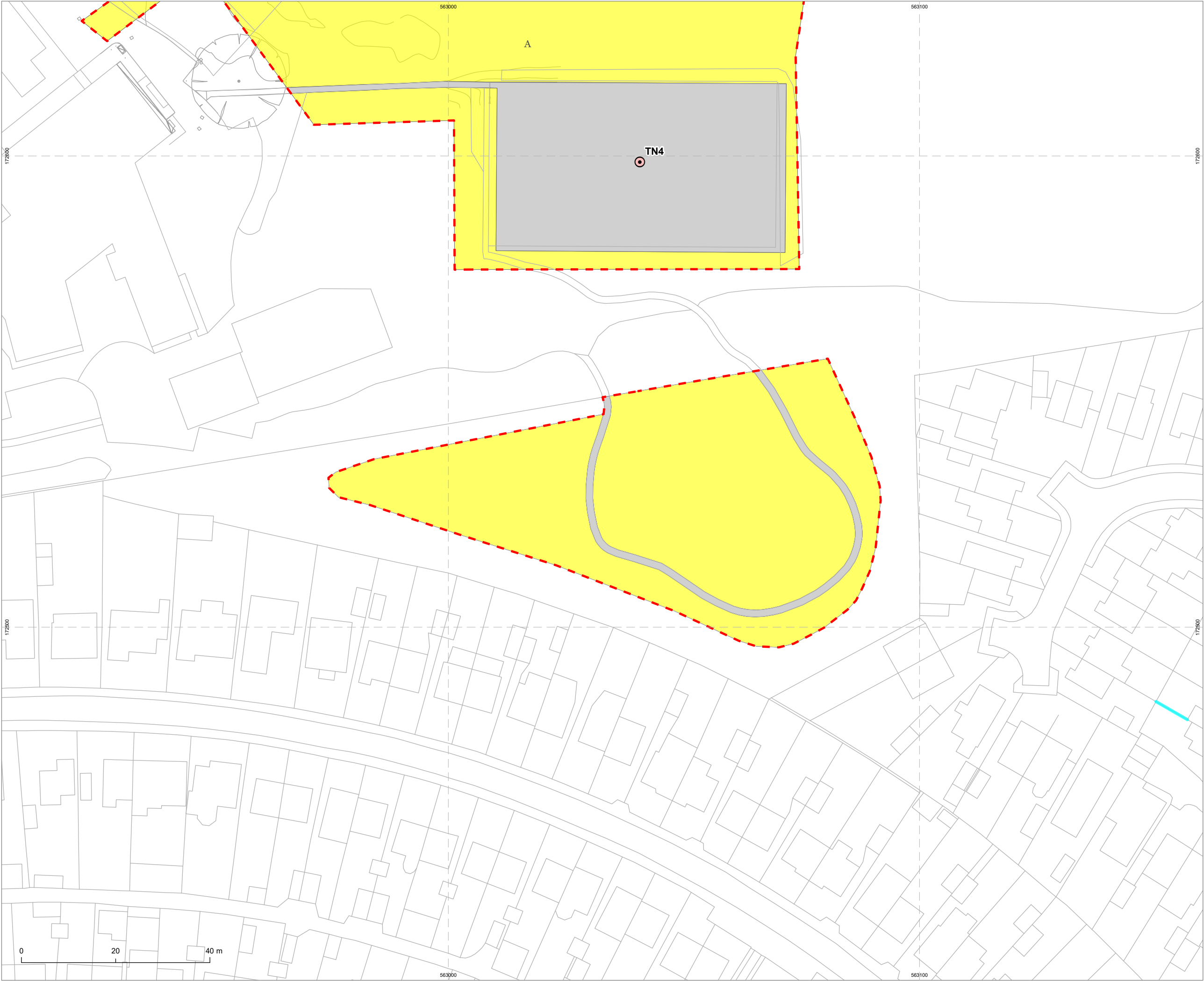
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C180683-04-01-RevA

Legend

Site boundary

A

Amenity grassland

Dense scrub

Hardstanding

Target note - habitat parcel

Project

Northfleet School for Girls, Gravesend, Kent

Drawing

Phase 1 Habitat Map

Client

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Scale @ A3

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RS

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8. Photographs



Plate 8.1: TN1 – Amenity Grassland (Sports Playing Field)



Plate 8.2: TN2 – Dense Scrub (North-Eastern Corner)



Plate 8.3: TN3 – Dense Scrub (Eastern Site Boundary)



Plate 8.4: Hardstanding (Tennis Court)



Plate 8.5: TN1 – Amenity Grassland (Amenity Space)



Plate 8.6: TN1 – Amenity Grassland (Amenity Space)

Appendix 1

General Biodiversity Legislation and Policy

The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (the Habitats Regulations 2019)

The Habitats Regulations 2017 (as amended) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English and Welsh law. Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1 January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

The Habitats Regulations 2019 have created a 'National Site Network' on land and at sea, including both the inshore and offshore marine areas in the UK. The National Site Network includes:

- Existing Special Areas of Conservation (SACs), which are designated due to their importance to the habitats and species listed in Annexes I and II of the Habitats Directive;
- Existing Special Protection Areas (SPAs), which are designated due to their importance for wild birds in accordance with the Wild Birds Directive; and,
- New SACs and SPAs designated under these Regulations.

SACs and SPAs in the UK no longer form part of the European Union's Natura 2000 ecological network. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new National Site Network. However, guidance provided by Freeths (2020)³ recommends that SACs and SPAs can continue to be referred to as "European sites" / "European marine sites".

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the National Site Network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs.

The 2019 Regulations establish management objectives for the National Site Network. The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,

³ Freeths (2020). *The Habitats Regulations Assessment regime after 31 December 2020 – how will it look?* Available: <https://www.freeths.co.uk/2020/10/22/the-habitats-regulations-assessment-regime-after-31-december-2020-how-will-it-look/?cmpredirect>

- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

The appropriate authorities must also have regard to the:

- Importance of protected sites;
- Coherence of the National Site Network; and,
- Threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their favourable conservation status within the UK.

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

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017 and the Habitats Regulations 2019, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Environment Act 2021

The Environment Bill completed its passage through parliament on 13th October 2021 and received Royal Assent on 9th November 2021. The Environment Act introduces a new framework for setting long-term, legally binding targets for environmental improvement, including nature and biodiversity (Part 6 & 7).

The Town and Country Planning Act 1990

Schedule 7A (Biodiversity Gain in England) and regulations made under Schedule 7A contain most of the statutory framework for mandatory biodiversity gain (referred to as 'biodiversity net gain'). With some exceptions every grant of planning permission is subject to the condition that development may not begin until a biodiversity gain plan has been approved by demonstrating how the objective of delivering at least a 10% gain in biodiversity will be achieved. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions.

Section 40, as amended by the Environment Act 2021, places a 'biodiversity duty' on all public authorities who operate in England to consider how they can conserve and enhance biodiversity, agree policies and specific objectives based on that consideration and deliver policies to achieve their objectives. Local Authorities (excluding parish councils) and Local Planning Authorities have a duty under Section 40A to report on the performance of this duty.

Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These habitats and species are a material consideration in the planning process.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

National Planning Policy Framework

In December 2023, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018, 2019 and 2021. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and 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.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

Planning Practice Guidance

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the Planning Practice Guidance (PPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled '*Natural Environment*', which was updated in February 2024. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of environmental net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

Other relevant PPG sections include:

- '*Appropriate assessment: Guidance on the use of Habitats Regulations Assessment*' (updated July 2019) which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).
- '*Biodiversity Net Gain*' (updated May 2024) which provides information on the statutory framework referred to as 'biodiversity net gain' and how it is applied through the planning process, from submission of a planning application through to determination of the Biodiversity Gain Plan. Guidance is also provided on exemptions, the Biodiversity Gain Hierarchy and phased developments.

Local Planning Policy

Gravesham Borough Council

Gravesham Local Plan Core Strategy

The Local Plan Core Strategy and Policies Map were adopted on the 30th September 2014. It is the main document in the local plan which sets out a long-term vision for the future of the borough and guides the amount, type, location and detailed design of future development. It provides a

consistent basis against planning applications can be determined. The policy of relevance to ecology is:

Policy CS12: Green Infrastructure

A multifunctional linked network of green spaces, footpaths, cycle routes and wildlife stepping stones and corridors will be created, protected, enhanced and maintained. The network will improve access within the urban area, from the urban area to the rural area and along the River Thames. The key parts of the network are identified on Figure 19: Strategic Green Infrastructure Network.

Sites designated for their biodiversity value will be protected, with the highest level of protection given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, followed by nationally designated Sites of Special Scientific Interest, followed by Local Wildlife Sites and then by other areas of more local importance for biodiversity.

There will be no net loss of biodiversity in the Borough, and opportunities to enhance, restore, recreate and maintain habitats will be sought, in particular within the Biodiversity Opportunity Areas shown on the Strategic Green Infrastructure Network map and within new development.

Where a negative impact on protected or priority habitats/species cannot be avoided on development sites and where the importance of the development is considered to outweigh the biodiversity impact, compensatory provision will be required either elsewhere on the site or off-site, including measures for ongoing maintenance.

The overall landscape character and valued landscapes will be conserved, restored and enhanced. The greatest weight will be given to the conservation and enhancement of the landscape and natural beauty of the Kent Downs Area of Outstanding Natural Beauty and its setting. Proposals will take account of the Kent Downs Area of Outstanding Natural Beauty Management Plan, the Gravesham Landscape Character Assessment, and the Cluster Studies where relevant.

Local Plan Policies Map

The Gravesham Local Plan Core Strategy Policies Map (2014) accompanies the Core Strategy and shows where land-based area policies apply. These policies include areas for protection such as SSSI's, conservation areas and town centre boundaries, and identify sites for particular land uses. The Policies Map includes the allocations for all the saved policies in the Gravesham Local Plan First Review.

Appendix 2

Relevant Species Legislation

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive legal protection under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The reader should refer to the original legislation for the definitive interpretation.

The following bat species are Species of Principal Importance for Nature Conservation in England: barbastelle bat *Barbastella barbastellus*, Bechstein's bat *Myotis bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared bat *Plecotus auritus*, greater horseshoe bat *Rhinolophus ferrumequinum* and lesser horseshoe bat *Rhinolophus hipposideros*. Species of Principal Importance for Nature Conservation in England are material considerations in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

- 'Any structure or place that displays signs indicating current use by a badger'.

'Current use' is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate 'current usage'.

Badger sett interference can result from a multitude of operations including excavation and coring, even if there is no direct damage to the sett, such as through the disturbance of badgers whilst occupying the sett. Any intentional or reckless work that results in the interference of badger setts is illegal without a licence from Natural England. In England a licence must be obtained from Natural England before any interference with a badger sett occurs.

The reader should refer to the original legislation for the definitive interpretation.

Common amphibians

Common frogs, common toad, smooth newt and palmate newt are protected in Britain under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) with respect to sale only. They are also listed under Annex III of the Bern Convention 1979. Any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger. The convention seeks to prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species.

Common toad is listed as a Species of Principal Importance for Nature Conservation in England.

Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.

Nesting Birds

The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

Reptiles

All of the UK's native reptiles are protected by law. The two rarest species – sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca* – benefit from the greatest protection.

Common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, adder *Vipera berus* and grass snake *Natrix helvetica* are protected under the Wildlife and Countryside Act 1981 (as amended) from intentional killing or injuring.

Sand lizard and smooth snake are protected under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that it is illegal to kill, injure, capture, handle or disturb these animals. Places they use for breeding, resting, shelter and protection are also protected from being damaged or destroyed. In addition, it is illegal to obstruct these animals from using such areas.

All native reptile species are listed as Species of Principal Importance for Nature Conservation in England and as such are material considerations in the planning process.

This is a simplified description of the legislation. In particular, the offences mentioned here may be absolute, intentional, deliberate or reckless. Note that where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.

The reader should refer to the original legislation for the definitive interpretation.

Appendix 3

Survey Calendar

SPECIES SURVEY CALENDAR

This calendar helps identify the seasonal constraints associated with many ecological and protected species surveys.

Recommended survey time

Possible survey time

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Extended Phase 1 Habitat Survey												
Botanical Survey												
Bats (initial bat survey)												
Bats (activity survey)												
Bats (hibernation survey)												
Great Crested Newt (habitat assessment)												
Great Crested Newt (presence/absence survey)												
Reptiles												
Badger												
Water Vole												
Otter												
Birds (winter birds)												
Birds (nesting bird)												
Dormouse												
White Clawed Crayfish												



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