

St Mary's University, Twickenham (New
Teaching Block)

Ecological Appraisal

October 2024

Quality Management	
Client:	St Mary's University, Twickenham
Project:	St Mary's University, Twickenham (New Teaching Block)
Report Title:	Ecological Appraisal
Project Number:	ECO-6905
File Reference:	6905 EcoAp dv1 /CK/BB/
Date:	31/10/2024

Copyright
The copyright of this document remains with Aspect Ecology. All rights reserved. The contents of this document therefore must not be copied or reproduced in whole or in part for any purpose without the written consent of Aspect Ecology.

Confidentiality
This report may contain sensitive information relating to protected species. All records of Badger setts must remain confidential. Where this report is circulated publicly or uploaded to online planning portals, reference to Badger setts must be redacted and any maps pertaining to the locations of Badger setts removed from the document.

Legal Guidance
The information set out within this report in no way constitutes a legal opinion on the relevant legislation (refer to the relevant Appendix for the main provisions of the legislation). The opinion of a legal professional should be sought if further advice is required.

Liability
This report has been prepared for the exclusive use of the commissioning client and unless otherwise agreed in writing by Aspect Ecology no other party may use, or rely on the contents of the report. No liability is accepted by Aspect Ecology for any use of this report, other than for the purposes for which it was originally prepared and provided. No warranty, express or implied, is made as to the advice in this report. The content of this report is partly based on information provided by third parties; Aspect accepts no liability for any reliance placed on such information. This report is subject to the restrictions and limitations referenced in Aspect Ecology's standard Terms of Business.

Contact Details
<p>Aspect Ecology Ltd Hardwick Business Park Noral Way Banbury Oxfordshire OX16 2AF t 01295 279721 e info@aspect-ecology.com w www.aspect-ecology.com</p>

Contents

Text:

Executive Summary	1
1 Introduction	2
2 Methodology	3
3 Ecological Designations.....	8
4 Habitats and Ecological Features.....	10
5 Faunal Use of the Site	13
6 Mitigation, Compensation and Enhancement.....	19
7 Conclusions	22

Plans:

Plan 6905/ECO1	Site Location
Plan 6905/ECO2	Ecological Designations
Plan 6905/ECO3	Habitats and Ecological Features

Appendices:

Appendix 6905/1	Principles of Ecological Evaluation
Appendix 6905/2	Legislation Summary
Appendix 6905/3	Habitat Condition Assessment Matrix for Statutory Biodiversity Metric

Executive Summary

- i) **Introduction.** Aspect Ecology was commissioned by St Mary's University in August 2024 to undertake an Ecological Appraisal in respect of the proposed redevelopment of land at St Mary's College, Twickenham.
- ii) **Proposals.** The proposals are for redevelopment of the site to provide a new teaching block.
- iii) **Survey.** The site was surveyed in July 2024 with mapping of habitats based on the UK Habitat Classification system. In addition, a general appraisal of fauna was undertaken to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect of bats and Badger. Desk study information has also been gathered from the local records centre and online resources.
- iv) **Ecological Designations.** The site itself is not subject to any statutory or non-statutory ecological designation. The nearest statutory nature conservation designation to the site is Ham Lands Local Nature Reserve, located approximately 0.5km east of the site. The nearest non-statutory nature conservation designation to the site is Strawberry Hill Golf Course Site of Importance for Nature Conservation of Borough Importance Grade II, located approximately 0.3km west of the site. All of the ecological designations in the surrounding area are physically well separated from the site and are unlikely to be adversely affected by the proposals.
- v) **Habitats.** The site is dominated by buildings and hardstanding, with small areas of modified grassland, introduced shrub and four existing trees. None of these habitats constitute features of ecological importance Existing trees are fully retained under the proposals and will be protected during construction.
- vi) **Protected Species.** Habitats within the site are largely unsuitable for protected species and no evidence of any protected species was recorded during the specific survey work undertaken. A small number of precautionary mitigation measures are proposed to safeguard any protected species during construction and maintain the suitability of habitats in the long-term.
- vii) **Enhancements.** Ecological enhancements proposed to secure a biodiversity net gain will be set out further in the BNG strategy as a separate submission. Faunal enhancements are also proposed, to be detailed as part of a faunal enhancement plan which can be secured via a suitably-worded planning condition.
- viii) **Summary.** In summary, the proposals have sought to minimise impacts on biodiversity and subject to the implementation of appropriate avoidance, mitigation and compensation measures, the proposals would not result in significant harm to biodiversity.

1 Introduction

1.1 Background and Proposals

1.1.1 Aspect Ecology was commissioned by St Mary's University in July 2024 to undertake an Ecological Appraisal in respect of the proposed redevelopment of land at St Mary's University, Twickenham, centred at grid reference TQ 15859 71943 (see Plan 6905/ECO1), hereafter referred to as 'the site'.

1.1.2 The proposals are for redevelopment of the site to provide a new teaching block.

1.2 Site Overview

1.2.1 The site is located centrally within the university campus in an urban context. The site is bound to the north by a road and playing fields, while existing buildings within the wider campus bound the site to the east, west and south, beyond which lies residential development.

1.2.2 The site itself is comprises buildings, surrounded by areas of concrete and gravel hardstanding in the form of a car parking, modified grassland and introduced shrub planting. There are also four trees located within the site boundary.

1.3 Purpose of the Report

1.3.1 This report documents the methods and findings of the baseline ecology surveys and desktop study carried out in order to establish the existing ecological interest of the site, informing an appraisal of the likely ecological effects of the proposals. The importance of the habitats and species present is evaluated. Where necessary, avoidance, mitigation and compensation measures are proposed so as to safeguard any significant existing ecological interest within the site. Where appropriate, opportunities for ecological enhancement are identified with reference to national conservation priorities and local Biodiversity Action Plans (BAPs). Habitats are also assessed under Statutory Biodiversity Metric Guidance to inform the pre-development biodiversity value of the site in regard to Biodiversity Net Gain (BNG).

2 Methodology

2.1 Desktop Study

- 2.1.1 In order to compile background information on the site and its immediate surroundings Greenspace Information for Greater London (GiGL) was contacted in October 2024. Data was requested from within a search area extending 2km from the centre of the site.
- 2.1.2 Information on statutory designations was obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC) database¹, which uses data provided by Natural England, from within a search area extending to 25km from the site. The MAGIC database was also searched to identify the known presence of any Priority Habitats within or adjacent the site.
- 2.1.3 In addition, the Woodland Trust database² was searched for any records of ancient, veteran or notable trees within or adjacent to the site.
- 2.1.4 The information received from these organisations is reproduced where appropriate on Plan 6905/ECO2.

2.2 Habitat Surveys

- 2.2.1 The site was surveyed in July 2024 in order to ascertain the general ecological value of the land contained within the boundaries of the site and to identify the main habitats and ecological features present.
- 2.2.2 The survey was informed by Phase 1 Habitat Survey methodology³, with habitat types identified and mapped in accordance with the UK Habitat Classification system (version 2.0)⁴, together with an assessment of the species composition of each habitat. This technique provides an inventory of the habitat types present and allows identification of areas of greater potential for botanical interest which require further survey. Any such areas identified can then be examined in more detail through Phase 2 surveys. This method was extended, in line with the Guidelines for Preliminary Ecological Appraisal⁵ to record details on the actual or potential presence of notable or protected species.
- 2.2.3 In line with guidance⁶, the fine scale minimum mapping unit of 25sqm or 5m in length has been used where appropriate.
- 2.2.4 The nomenclature used for plant species is based on the Botanical Society for the British Isles (BSBI) taxon list⁷.

Habitat Condition Assessment

- 2.2.5 To determine the pre-development biodiversity value of the site for the BNG calculation, the condition of habitats has been assessed in accordance with the methodology set out in

¹ Multi-Agency Geographic Information for the Countryside (MAGIC), at <https://magic.defra.gov.uk/>

² Woodland Trust Ancient Tree Inventory, at <https://ati.woodlandtrust.org.uk/>

³ Joint Nature Conservation Committee (2010, as amended) *Handbook for Phase 1 habitat survey: A technique for environmental audit*.

⁴ UKHab Ltd (2023). *UK Habitat Classification Version 2.0* (at <https://www.ukhab.org>)

⁵ Chartered Institute for Ecology and Environmental Management (CIEEM) (2013) *Guidelines for Preliminary Ecological Appraisal*.

⁶ *The UK Habitat classification User Manual*. Version 1.1. 2020

⁷ <https://bsbi.org/taxon-lists>

the Statutory Biodiversity Metric Technical Annex⁸ and using professional judgement. Condition assessment data was collected during the July 2024 survey.

2.3 Faunal Surveys

2.3.1 General faunal activity, such as mammals or birds observed visually or by call during the course of the surveys was recorded. Particular attention was also paid to the potential presence of protected, rare or notable species, with specific survey work undertaken for bats and Badger as described below.

Bats⁹

Preliminary Appraisal

2.3.2 A review was undertaken of the desk study information obtained to identify any known constraints in relation to bats, the bat species recorded and habitats likely to be used by bats within the site and the surrounding area. This included a review of background records, known designations including SACs or SSSIs relevant to bats and an appraisal of OS mapping and aerial photography to identify habitats likely to be of value to bats.

2.3.3 During the initial habitat survey, the potential suitability of the site for bats in relation to roosting habitats, potential flight-paths and foraging habitats (termed a 'daytime bat walkover') was investigated. Features were assessed as of negligible, low, moderate or high potential suitability for roosting, foraging and commuting, based on the framework set out under BCT guidance.

Buildings and Built Structures

2.3.4 **Visual Inspection Surveys.** Buildings and built structures within the site assessed as suitable for use by roosting bats were subject to internal and external inspection surveys using ladders, torches and binoculars where necessary in July 2024.

2.3.5 During the external inspections, particular attention was given to potential roost features or access points, such as broken or lifted roof tiles, lifted lead flashing, soffit boxes, weatherboarding, hanging tiles, and similar, and for any indications of use by bats such as accumulations of bat droppings or staining. Binoculars were used to inspect inaccessible areas more closely.

2.3.6 During the internal inspections, searches were made for evidence of the presence of bats with particular attention paid to any loft voids and locations such as ridge boards, rafters, purlins, gable walls, and mortise joints that may provide potential roost features. Specific searches were made for bat droppings that can indicate present or past use and the extent of use. Other signs searched for included the presence of stained areas, feeding remains and corpses.

2.3.7 Building inspection surveys were undertaken by a CL18 (bat survey level 2) licence holder (registration number: 2015-14046-CLS-CLS).

⁸ *Statutory Biodiversity Metric - Technical Annex 1 - Condition Assessment Sheets and Methodology*

⁹ Surveys based on: Reason, P.F. and Wray, S. (2023) UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats. CIEEM; and Bat Conservation Trust (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn).

Trees

- 2.3.8 **Ground Level Tree Assessment.** Trees within the site were subject to a Ground Level Tree Assessment (GLTA) based on relevant guidance¹⁰ with PRFs categorised as PRF-I (only suitable for individual or small numbers of bats) or PRF-M (suitable for multiple bats).

Badger (*Meles meles*)¹¹

- 2.3.9 A Badger survey was carried out in July 2024. The survey comprised two main elements. The first element involved searching for evidence of Badger setts. For any setts that were encountered, each sett entrance was noted and mapped. The second element involved searching for signs of Badger activity such as well-worn paths and push-throughs, snagged hair, footprints, latrines and foraging signs, so as to build up a picture of any use of the site by Badger.

2.4 Survey Constraints and Limitations

- 2.4.1 Not all of the species that occur in each habitat will necessarily be present or detectable during survey work carried out at any given time of the year, since different species are apparent during different seasons. The habitat survey was undertaken within the optimal season, therefore allowing a robust assessment of habitats and botanical interest within the site to be made.
- 2.4.2 Note was made of any invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) that were observed during surveys. However, because the detectability of such species varies according to factors such as the time of year or site management regime, the absence of invasive species should not be assumed even if no such species were recorded during the surveys undertaken.

2.5 Ecological Evaluation Methodology

- 2.5.1 The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018)¹², which identifies 'important ecological features' within a defined geographical context (i.e. international, national, regional, county, district, local or site importance). Further details are provided at Appendix 6905/1.

2.6 Relevant Planning Policy

National Policy Approach to Biodiversity in the Planning System

- 2.6.1 The National Planning Policy Framework (NPPF)¹³ describes the Government's national policies on 'conserving and enhancing the natural environment' (Chapter 15). NPPF is accompanied by Planning Practice Guidance on 'Biodiversity, ecosystems and green infrastructure' and ODPM Circular 06/2005¹⁴.

¹⁰ Bat Conservation Trust (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edn).

¹¹ Based on: Mammal Society (1989) Occasional Publication No. 9 – Surveying Badgers

¹² CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine, ver. 1.2, Chartered Institute of Ecology and Environmental Management, Winchester

¹³ Department for Levelling Up, Housing and Communities (2023) *National Planning Policy Framework*

¹⁴ ODPM (2006) Circular 06/2005: Planning for Biodiversity and Geological Conservation – A Guide to Good Practice

2.6.2 NPPF takes forward the Government's strategic objective to halt overall biodiversity loss¹⁵, as set out at Paragraph 180, which states that planning policies and decisions should contribute to and enhance the natural and local environment by:

'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'

2.6.3 The approach to dealing with biodiversity in the context of planning applications is set out at Paragraph 186:

'When determining planning applications, local planning authorities should apply the following principles:

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

2.6.4 The above approach encapsulates the 'mitigation hierarchy' described in British Standard BS 42020:2019¹⁶, which sets out the following step-wise process:

- **Avoidance** – avoiding adverse effects through good design;
- **Mitigation** – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- **Compensation** – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm; and
- **Enhancement** – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

¹⁵ DEFRA (2011) Biodiversity 2020: A strategy for England's wildlife and ecosystem services

¹⁶ British Standards Institution (2013) Biodiversity – Code of practice for planning and development, BS 42020:2019

- 2.6.5 The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the type and scale of the proposed development (BS 42020:2019, section 5.5).

Local Policy

- 2.6.6 The London Borough of Richmond adopted their Local Plan in 2006 which outlines the Council's vision and strategy for the Borough. The new Local Plan is currently at Examination and will set out future strategy for the Borough. When operational this will replace the 2018 Local Plan.

Adopted Local Plan (2018)

- 2.6.7 The current Local Plan (2018) contains the following policies which are relevant to biodiversity and ecology:

- Policy LP15 - Biodiversity
- Policy LP16 - Trees, Woodlands and Landscape

Emerging Local Plan

- 2.6.8 The draft version of the Richmond Local Plan (December 2021) includes a number of policies relevant to ecology and biodiversity:

- Policy 34 - Green and Blue Infrastructure
- Policy 38 - Urban Greening
- Policy 39 - Biodiversity and Geodiversity
- Policy 42 - Trees, Woodland and Landscape
- Policy 43 - Floodlighting and other external artificial lighting

3 Ecological Designations

3.1 Statutory Designations

- 3.1.1 The statutory designations of ecological importance that occur within the local area around the site are shown on Plan 6905/ECO2.
- 3.1.2 The nearest statutory nature conservation designation to the site is Ham Lands Local Nature Reserve (LNR), located approximately 0.5km east of the site, which is designated on the basis of containing extensive areas of grassland and scrub that support abundant wildlife.
- 3.1.3 The next nearest statutory nature conservation designation to the site is Bushy Park and Home Park Site of Special Scientific Interest (SSSI), located approximately 1.3km south-west, which is designated for its nationally important saproxylic (dead and decaying wood associated) invertebrate assemblage, veteran trees and acid grassland communities.
- 3.1.4 The closest statutory nature conservation designation of European importance is Richmond Park Special Area of Conservation (SAC) located approximately 2.8km east of the site. Richmond Park SAC is designated for supporting the Annex II species Stag Beetle *Luncaus cervus*, and is a site of national importance for the conservation of the fauna of invertebrates associated with the decaying timber of ancient trees.
- 3.1.5 Natural England has developed Impact Risk Zones (IRZs) as an initial tool to help assess the risk of developments adversely affecting SSSIs, taking into account the type and scale of developments. The site sits within an IRZ in relation to Richmond Park SSSI and Bushy Park & Home Park SSSI's, however the IRZ does not relate to the educational facilities, therefore no adverse impacts on any SSSI's are anticipated as a result of the proposed development.

Assessment of Proposals

- 3.1.6 The site itself is not subject to any statutory nature conservation designation. All statutory ecological designations in the surrounding area are physically well separated from the site by existing development and given the nature and scale of the proposals, these designations are unlikely to be affected.

3.2 Non-statutory Designations

- 3.2.1 The non-statutory designations of nature conservation interest that occur within the local area are shown on Plan 6905/ECO2.
- 3.2.2 The nearest non-statutory nature conservation designation to the site is Strawberry Hill Golf Course Site of Importance for Nature Conservation (SINC) of Borough Importance Grade II, located approximately 0.3km west of the site, which is designated on the basis of containing old Oak trees, and small areas of woodland and scrub.
- 3.2.3 The next nearest non-statutory nature conservation designation to the site is Teddington Cemetery SINC of Local Importance, located approximately 0.4km west of the site, which is designated on the basis of containing mature trees, that in turn provide habitat for a variety of common bird species.

Assessment of Proposals

- 3.3 The site itself is not subject to any non-statutory nature conservation designation. All non-statutory designations in the surrounding area are physically well separated from the site

by existing development and given the nature and scale of the proposals, these designations are unlikely to be affected.

3.4 **Priority Habitats, Ancient Woodland and Notable Trees**

Assessment of Proposals

- 3.4.1 There are no records of any notable or veteran trees, ancient woodland or Priority Habitats within or adjacent to the site. Accordingly, no Priority Habitats, notable or veteran trees or ancient woodland will be significantly affected by the proposals.

3.5 **Summary**

- 3.5.1 In summary, the site itself is not subject to any statutory or non-statutory ecological designations and it is unlikely that any such designations or Priority Habitats in the surrounding area will be significantly affected by the proposals.

4 Habitats and Ecological Features

4.1 Background Records

4.1.1 No specific records of any protected, rare or notable plant species from within or immediately adjacent to the site are included within the information returned from GiGL. A number of records of Red Data Book species were returned from within the 2km search radius, including Garden Angelica *Angelica archangelica*, Box *Buxus sempervirens*, Cornflower *Centaurea cyanus*, Yellow Vetchling *Lathyrus aphaca* and Hairy Vetchling *Lathyrus hirsutus*, dating between 2004 and 2021. No evidence for the presence of any of these species within the site was recorded during the survey work undertaken.

4.2 Overview

4.2.1 The locations of habitat types and features within the site are indicated on Plan 6905/ECO3.

4.2.2 The site comprises existing buildings surrounded by hardstanding, modified grassland and introduced shrub planting. Four trees are also present within the site boundary.

4.3 Priority Habitats

4.3.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats which are of principal importance for conservation in England. This list is largely derived from the 'Priority Habitats' listed under the former UK BAP, which continue to be regarded as priority habitats under the subsequent country-level biodiversity strategies.

4.3.2 None of the habitats within the site are assessed to qualify as Priority Habitats and therefore none constitute important ecological features.

4.4 Irreplaceable Habitats

4.4.1 Irreplaceable habitats are now defined under The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 and include blanket bog, lowland fens, limestone pavements, coastal sand dunes, ancient woodland, ancient trees and veteran trees, spartina saltmarsh swards and mediterranean saltmarsh scrub.

4.4.2 No irreplaceable habitats are present within the site.

4.5 Habitat Descriptions and Evaluation

4.5.1 The habitats and ecological features present within the site are described in Table 4.1 below. This table sets out their UK Habitat Classification Primary Habitats and Secondary Codes, and the corresponding habitat type and condition according to the Statutory Biodiversity Metric. The table also indicates whether these habitats constitute an important ecological feature and sets out their level of importance, taking into account the status of habitat types and the presence of rare plant communities or individual plant species of elevated interest. The value of habitats for the fauna they may support is considered separately in Chapter 5 below.

Table 4.1. Habitat Descriptions and Evaluation – Area Habitats

Ref	UK Hab Primary Habitat/ Secondary Codes*	Statutory Biodiversity Metric Habitat Type and Condition	Description	Evaluation
	Modified grassland 106	Grassland: modified grassland (poor condition)	A small area of amenity grassland surrounding the existing buildings. The area appears to be managed by mowing, exhibiting a short sward height of between 5cm-10cm at the time of the July 2024 survey. The grassland sward is dominated by Perennial Ryegrass <i>Lolium perenne</i> , with Daisy <i>Bellis perennis</i> , Greater Plantain <i>Plantago major</i> , Yarrow <i>Achillea millefolium</i> , Selfheal <i>Prunella vulgaris</i> , Creeping Buttercup <i>Ranunculus repens</i> , Wood Avens <i>Geum urbanum</i> , Small-flowered Crane's-bill <i>Geranium pusillum</i> , Lesser Hawkbit <i>Leontodon saxatilis</i> , Black Medick <i>Medicago lupulina</i> , Wood-sorrel <i>Oxalis acetosella</i> , Common Ragwort <i>Jacobaea vulgaris</i> and Dwarf Mallow <i>Malva neglecta</i> also present.	Does not form important ecological feature
	(introduced shrub) 847	Urban: Introduced shrub (Condition Assessment N/A)	Ornamental shrub planting comprising a variety of non-native species.	Does not form important ecological feature
B1– B4	(hardstanding) u1b developed land – sealed surface	Urban: Developed land; sealed surface (N/A – other)	There are four existing buildings and a small area of concrete and gravel hardstanding car parking is present in the north-east of the site.	Does not form important ecological feature
T1- T4	(trees) 200, 203	Urban tree (moderate condition)	Four trees are present within the site boundary comprising a single Pedunculate Oak <i>Quercus robur</i> , Common Lime <i>Tilia x europaea</i> , Crab Apple <i>Malus sylvestris</i> and Myrobalan Plum <i>Prunus cerasifera</i> .	Does not form important ecological feature

* Habitat types not listed as a primary habitat are indicated in brackets

UK Hab Secondary Codes:

847 – Introduced shrub

106 – mown

200 – tree

203 – mature tree

4.6 Summary

- 4.6.1 Habitats present within the site include buildings and hardstanding, non-veteran trees, modified grassland and introduced shrub. These habitats do not form important ecological features.

4.7 Assessment of Proposals

- 4.7.1 The proposed development has followed the mitigation hierarchy approach as set out under the National Planning Policy Framework (NPPF), with consideration given first to avoidance, followed by mitigation and compensation.
- 4.7.2 None of the habitats within the site form important ecological features. Losses of these habitats will be addressed as part of the overall balance of biodiversity net gain.
- 4.7.3 A discussion of effects and any requirements for mitigation or compensation in relation to individual habitats is set out below.

Trees

- 4.7.4 Retained trees will be protected during construction works in line with standard practice, as detailed further at Chapter 6.

5 Faunal Use of the Site

5.1 Overview

5.1.1 During the survey work, general observations were made of any faunal use of the site with particular attention paid to the potential presence of protected or notable species. Specific survey work was undertaken in respect of bats and Badgers, the results of which are set out below.

5.2 Priority Species

5.2.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Section 41 of the NERC Act requires the Secretary of State to publish a list of species which are of principal importance for conservation in England. This list is largely derived from the 'Priority Species' listed under the former UK BAP, which continue to be regarded as Priority Species under the subsequent country-level biodiversity strategies. During the survey work undertaken, no Priority Species were recorded within the site.

5.3 Bats

5.3.1 **Legislation.** All British bats are classed as European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended) and are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). As such, both bats and their roosts (breeding sites and resting places) receive full protection under the legislation (see Appendix 6905/1). If proposed development work is likely to result in an offence a licence may need to be obtained from Natural England which would be subject to appropriate measures to safeguard bats. Given all bats are protected species, they are considered to represent important ecological features. Several bat species are also S41 Priority Species.

5.3.2 **Background Records.** No specific records of any bats from within or adjacent to the site were returned from the desktop study. Information received from GiGL includes records of Serotine *Eptesicus serotinus*, Daubenton's Bat *Myotis daubentonii*, Natterer's Bat *Myotis nattereri*, Lesser Noctule *Nyctalus leisleri*, Noctule *Nyctalus noctula*, Nathusius's Pipistrelle *Pipistrellus nathusii*, Common Pipistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus* and Pipistrelle *Pipistrelle* sp. within 2km of the site. The closest record is for a *Pipistrelle* sp., located approximately 0.2km north-east of the site boundary, dated 2019.

Survey Results and Evaluation

Preliminary Appraisal

5.3.3 The desk study does not indicate any ecological designations within 10km of the site which are identified for their bat interest. A preliminary assessment of habitats in terms of their likely value for foraging and commuting bats is set out in Table 5.1 overleaf.

Table 5.1. Assessment of value of habitats within the site for foraging and commuting bats

Commuting (potential flight-paths)	Foraging habitats
There are no linear features within the site, therefore the site is of negligible value for commuting bats.	The site is subject to high levels of illumination at night and is dominated by buildings, hardstanding and regularly managed amenity grassland and planting which are of negligible suitability to foraging bats.

Roosting – Buildings and Built Structures

Visual Inspection

- 5.3.4 All the buildings within the site were subject to detailed inspection, the findings of which are summarised below.
- 5.3.5 Building B1 is a metal and timber framed storage shed with a gently sloping roof. Buildings B2 and B3 are two-storey brick buildings with flat bitumen felt roofs, with windows and security lighting on all elevations. Building B4 is a single storey rendered brick building with a flat metal and bitumen felt roof, with windows on all elevations. None of the buildings contain any loft voids or exhibit any features with potential to support roosting bats. Overall, buildings B1-B4 offer negligible roosting opportunities for bats and no evidence of bat occupation, such as droppings, staining or feeding remains, was recorded during the inspection surveys.

Roosting – Trees

Assessment of Roosting Potential

- 5.3.6 Trees within the site were subject to a ground level tree assessment (GLTA). None of the trees exhibit any features with potential to support roosting bats and are therefore assessed to be of negligible suitability to roosting bats.

Assessment of Proposals

Roosting

Buildings and Built Structures

- 5.3.7 Buildings B1 to B4 provide negligible suitability for roosting bats and no evidence of roosting bats was recorded during the survey work undertaken.
- 5.3.8 As such, it is considered that no specific mitigation or licensing for bats is required. Nonetheless, bats are dynamic animals and as such it remains possible that individuals could colonise the site in the future. Natural England guidance in respect of European Protected Species¹⁷ advises that, even where proposals are reasonably unlikely to result in any offence such that licensing is not required, reasonable precautions should be taken to minimise the risk to protected species in the unlikely event that they should be found during the course

¹⁷ Natural England (2013) European Protected Species: Mitigation Licensing - How to get a licence (WML-G12)

of the activity. Accordingly, recommended precautionary mitigation measures are set out at Chapter 6 below and subject to their implementation it is assessed that bats will be fully safeguarded under the proposals.

Trees

- 5.3.9 The trees on-site provide negligible suitability for roosting bats and no evidence of roosting bats was recorded during the survey work undertaken. As such, it is considered that no specific mitigation or licensing for bats is required.

Foraging and Commuting

- 5.3.10 The habitats within the site are of negligible suitability to foraging and commuting bats and overall it is assessed that bats will be unaffected by the proposals.

5.4 Badger

- 5.4.1 **Legislation.** Badger receives legislative protection under the Protection of Badgers Act 1992 (see Appendix 6905/1), and as such should be assessed as an important ecological feature. The legislation aims to protect this species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain.

- 5.4.2 Licences can be obtained from Natural England for development activities that would otherwise be unlawful under the legislation. The types of activity that should be licensed are described in the relevant best practice guidance.^{18, 19}

- 5.4.3 **Survey Results and Evaluation.** No evidence of Badger was recorded during the specific survey work undertaken. The site does not contain any suitable sett creation habitat and is of negligible value to foraging and commuting Badger, as such this species is not assessed to form a constraint to development.

5.5 Other Mammals

- 5.5.1 **Legislation.** Several other mammal species including Water Vole and Otter receive full protection under the Wildlife and Countryside Act 1981 (as amended). Otter is also a European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended), whilst both Water Vole and Otter are S41 Priority Species.

- 5.5.2 Other UK mammal species do not receive direct legislative protection relevant to development activities but may receive protection against acts of cruelty (for example, under the Wild Mammals (Protection) Act 1996). In addition, a number of these mammal species including Hedgehog, Brown Hare and Harvest Mouse are S41 Priority Species and should be assessed as important ecological features.

- 5.5.3 **Background Records.** No specific records of any other mammals from within or adjacent to the site were returned from the desktop study. A number of records of Hedgehog *Erinaceus europaeus* (Priority Species) were returned from GiGL, with the closest record located approximately 0.1km south-east of the site, dated 2022.

¹⁸ English Nature (2002) *Badgers and Development*

¹⁹ Natural England (2011) *Badgers and Development: A Guide to Best Practice and Licensing*, Interim Guidance Document

- 5.5.4 **Survey Results and Evaluation.** No evidence of any other protected, rare or notable mammal species was recorded within the site. Other mammal species likely to use the site, such as Fox *Vulpes vulpes*, remain common in both a local and national context, and do not receive specific legislative protection in a development context. Such species are not a material planning consideration and the loss of habitats used by these species to the proposals is of negligible significance.
- 5.5.5 The desktop study returned records Hedgehog. Hedgehog is a Priority Species, despite being relatively common and widespread in England. The site provides negligible opportunities for Hedgehog although there may be potential for this species to pass through the site on occasion.
- 5.5.6 **Assessment of Proposals.** Precautionary safeguards are recommended to minimise the risk of harm to small mammals, including Hedgehog, that may pass through the site at the time of construction works.

5.6 Amphibians

- 5.6.1 **Legislation.** All British amphibians receive a degree of protection under the Wildlife and Countryside Act 1981 (as amended). Great Crested Newt is protected under the Act and is also listed as a European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended). As such, both Great Crested Newt and habitats used by this species are afforded protection (see Appendix 6905/1). Great Crested Newt is also a S41 Priority Species, as are Common Toad *Bufo bufo*, Natterjack Toad *Epidalea calamita*, and Pool Frog *Pelophylax lessonae*. As such, these species should be assessed as important ecological features.
- 5.6.2 **Background Records.** No specific records of Great Crested Newt from within or adjacent to the site were returned from the desktop study. A number of records of Great Crested Newt and Common Toad were returned from within 2km of the site. The closest record of Great Crested Newt is located approximately 1.6km south-west of the site, dated 2018, whilst the closest record of Common Toad is located approximately 0.1km south-west of the site, dated 2023.
- 5.6.3 **Survey Results and Evaluation.** No waterbodies have been identified within 500m of the site from a review of OS mapping and aerial imagery. Furthermore, the habitats within the site are unsuitable for amphibians being comprised of buildings, hardstanding, regularly managed short sward amenity grassland and ornamental shrubs.
- 5.6.4 **Assessment of Proposals.** Amphibians are assessed to be likely absent from the site and therefore will be unaffected by the proposals.

5.7 Reptiles

- 5.7.1 **Legislation.** All six species of British reptile are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), which protects individuals against intentional killing or injury. Sand Lizard *Lacerta agilis* and Smooth Snake *Coronella austriaca* receive additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended), as set out at Appendix 6905/1. All six reptile species are also S41 Priority Species. As such, all reptile species should be assessed as important ecological features.
- 5.7.2 **Background Records.** Information returned from GiGL included records for Grass Snake *Natrix natrix* and Slow-worm *Anguis fragilis* located within 2km of the site. The closest record of Grass Snake is dated 2015 and located approximately 1.9km to the south-west of

the site. The closest record of Slow-worm is dated in 2011 and located approximately 0.7km north of the site.

- 5.7.3 **Assessment of Proposals.** The habitats within the site are unsuitable for reptiles being comprised of buildings, hardstanding, regularly managed short sward amenity grassland and ornamental shrubs, therefore reptiles are assessed to be likely absent from the site and will be unaffected by the proposals.

5.8 Birds

- 5.8.1 **Legislation.** All wild birds and their nests receive protection under Section 1 of the Wildlife and Countryside Act 1981 (as amended) in respect of killing and injury, and their nests, whilst being built or in use, cannot be taken, damaged or destroyed. Species included on Schedule 1 of the Act receive greater protection and special penalties apply to legal offences (see Appendix 6905/1).

- 5.8.2 **Conservation Status.** The conservation importance of British bird species is categorised based on a number of criteria including the level of threat to a species' population status²⁰. Species are listed as Green, Amber or Red. Red Listed species are considered to be of the highest conservation concern, being either globally threatened and/or experiencing a high level or rapid rate of population decline (>50% over the past 25 years). Numerous birds are also S41 Priority Species. Red and Amber listed species and Priority Species should be assessed as important ecological features.

- 5.8.3 **Background Records.** Information from the data search included records for several bird species in the wider local area, including a number of Red Listed species, largely in association with the surrounding designated nature conservation sites. None of the records originate from within the site itself.

- 5.8.4 **Assessment of Proposals.** All trees within the site are to be retained and protected such that should any nesting birds be present at the time of works they will be fully safeguarded. No adverse impacts on birds are therefore anticipated as a result of the proposals.

5.9 Invertebrates

- 5.9.1 **Legislation.** Various invertebrate species are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). In addition, Large Blue Butterfly *Maculinea arion*, Fisher's Estuarine Moth *Gortyna borellii lunata* and Lesser Whirlpool Ram's-horn Snail *Anisus vorticulus* receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended), as set out at Appendix 6905/1. Some invertebrates are also S41 Priority Species. Where such species are present, they should be assessed as important ecological features.

- 5.9.2 **Background Records.** No specific records of any invertebrates were returned from within or adjacent to the site. A number of records of invertebrates were returned from the wider serach area including Stag Beetle *Lucanus cervus*, Small Heath *Coenonympha pamphilus*, Wall *Lasiommata megera*, White Admiral *Limenitis Camilla*, White-letter Hairstreak *Satyrrium w-album*, Brown Hairstreak *Thecla betulae*, Grey Dagger *Acronicta psi*, Knot Grass *Acronicta rumicis*, Ear Moth *Amphipoea oculatea*, Garden Tiger *Arctia caja*, Mottled Rustic

²⁰ Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D. and Win I. (2021). 'The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. *British Birds* 114, p.p. 723-747.

Caradrina morpheus, Broom Moth *Ceramica pisi*, Small Square-spot *Diarsia rubi*, September Thorn *Ennomos erosaria*, Rustic *Hoplodrina blanda*, Rosy Rustic *Hydraecia micacea*, Shoulder-striped Wainscot *Leucania comma*, Large Wainscot *Rhizedra lutosa*, White Ermine *Spilosoma lubricipeda*, Buff Ermine *Spilosoma lutea*, Blood-vein *Timandra comae*, Cinnabar *Tyria jacobaeae* and Oak Hook-tip *Watsonalla binaria*.

5.9.3 Survey Results and Evaluation. No evidence of the presence of any protected, rare or notable invertebrate species was recorded from within the site. The site is dominated by buildings, hardstanding and regularly managed amenity grassland/planting, which are likely to only support a limited diversity of invertebrates. The site does not contain any micro-habitats that would indicate possible elevated value for invertebrates²¹, such as a variable topography with areas of vertical exposed soil, areas of species-rich semi-natural vegetation; variable vegetation structure with frequent patches of tussocks combined with short turf; free-draining light soils; walls with friable mortar or fibrous dung. Accordingly, the site is likely to support only a limited diversity of common invertebrates.

5.9.4 Assessment of Proposals. The habitats within the site are unlikely to support an important invertebrate assemblage and therefore the proposals are unlikely to result in harm to protected, rare or notable invertebrate populations.

5.10 Summary

5.10.1 On the basis of the above, a summary of the evaluation of fauna is provided below:

Table 5.14. Evaluation summary of fauna forming important ecological features

Species / Group	Summary	Level of Importance
Bats – Roosting	Buildings and Trees within the site are of negligible suitability to roosting bats	N/A
Bats – Foraging / Commuting (assemblage)	Very limited potential for presence on site	Site
Badger	Likely absent	N/A
Great Crested Newt	Likely absent	N/A
Reptiles	Likely absent	N/A
Birds	Potential to nest within retained on site trees	Site

5.10.2 Other fauna supported by the site include non-Priority Species of mammals and invertebrates. These species do not form important ecological features.

²¹ Natural England (2010) Higher Level Stewardship – Farm Environment Plan (FEP) Manual, 3rd Edition

6 Mitigation, Compensation and Enhancement

6.1 Mitigation and Compensation

6.1.1 As set out in the previous chapters, the proposed development has followed the mitigation hierarchy approach as set out under the National Planning Policy Framework (NPPF), with consideration given first to avoidance, followed by mitigation and compensation.

6.1.2 Based on the assessment of the proposals and ecological designations, habitats and associated fauna identified within or adjacent to the site, it is proposed that the following mitigation and compensation measures (**MC1-MC3**) are implemented under the proposals. Further detailed mitigation strategies or method statements can be secured via suitably-worded planning conditions, as recommended by relevant best practice guidance (BS 42020:2019).

Ecological Designations

6.1.3 The site is not subject to any statutory or non-statutory ecological designations and it is unlikely that any such designations in the surrounding area will be significantly affected by the proposals. Accordingly, no specific mitigation or compensation measures are required.

Habitats

6.1.4 **MC1 – Tree Protection.** All trees to be retained within the proposed development will be protected during construction in line with standard arboricultural best practice (BS5837:2012) or as otherwise directed by a suitably competent arboriculturalist. This may require the use of protective fencing or other methods appropriate to safeguard the root protection areas of retained trees and hedgerows.

Bats

6.1.5 **MC2 – Update Survey.** Should any considerable time (e.g. >2 years) elapse between the survey work detailed above and any development works, a further survey of the buildings should be undertaken prior to the commencement of works to confirm the continued absence of bats.

Other Fauna

6.1.1 The is potential for small mammal species including Hedgehog to pass through the site on occasion. Accordingly, the following approach will be adopted during site clearance and construction works.

6.1.2 **MC3 – Small Mammal Safeguards.** In order to safeguard Hedgehog and any other small mammals should they enter the site during construction works, the following measures will be implemented:

- A watching brief should be maintained for Hedgehog and other small mammals throughout any clearance works;
- Any trenches left open overnight should be provided with a means of escape, e.g. gently graded ramp or a roughened plank, in order to allow animals to escape should they enter the trench. This is particularly important if the trench fills with water;

- Any temporarily exposed open pipes or open drains should be blanked off at the end of each working day so as to prevent animals gaining access as may happen when contractors are off-site;
- Any trenches/pits should be inspected each morning to ensure no animals have become trapped overnight;
- The storage of any chemicals at the site will be contained in such a way that they cannot be accessed or knocked over by any roaming animals;
- Fires will only be lit in secure compounds away from wooded habitats and will not be allowed to remain lit during the night;
- Unsecured food and litter will not be left within the working area overnight;
- Any piles of material already present on site, particularly vegetation/leaves, etc., shall be dismantled/removed by hand and checked for Hedgehog prior to the use of any machinery/disposal;
- Any material to be disposed of by burning, particularly waste from vegetation clearance and tree works, should not be left piled on site for more than 24 hours in order to minimise the risk of Hedgehogs or other animals occupying the pile. If this cannot be avoided, material should be stored within a container such as a skip to prevent animals from gaining access. Any material which has been stored on the ground overnight should be moved prior to burning to allow a thorough check for any animals which may have been occupying the pile;
- In the event that an injured mammal is found, the animal should be wrapped carefully in a towel and taken to a local vet immediately. If an injured Hedgehog is found the British Hedgehog Preservation Society (BHPS) can be phoned (01584 890 801).

6.2 Ecological Enhancements

6.2.1 The National Planning Policy Framework (NPPF) encourages new developments to maximise the opportunities for biodiversity through incorporation of enhancement measures. The proposals present the opportunity to deliver ecological enhancements at the site for the benefit of local biodiversity, thereby making a positive contribution towards the broad objectives of national conservation priorities and the local BAP.

Habitats

6.2.2 Habitat enhancements will be delivered as part of the BNG strategy, forming a separate submission. This will be informed by the following principles, according with national and local conservation priorities.

6.2.3 **New Planting.** Where practicable, new planting within the site should be comprised of native species of local provenance, including trees and shrubs appropriate to the local area. Where non-native species are proposed, these should include species of value to wildlife, such as varieties listed on the RHS' 'Plants for Pollinators' database, providing a nectar source for bees and other pollinating insects.

6.2.4 **Green Roof.** The proposals include the creation of a new biodiverse green roof which will provide additional opportunities for invertebrates and birds at the site.

Fauna

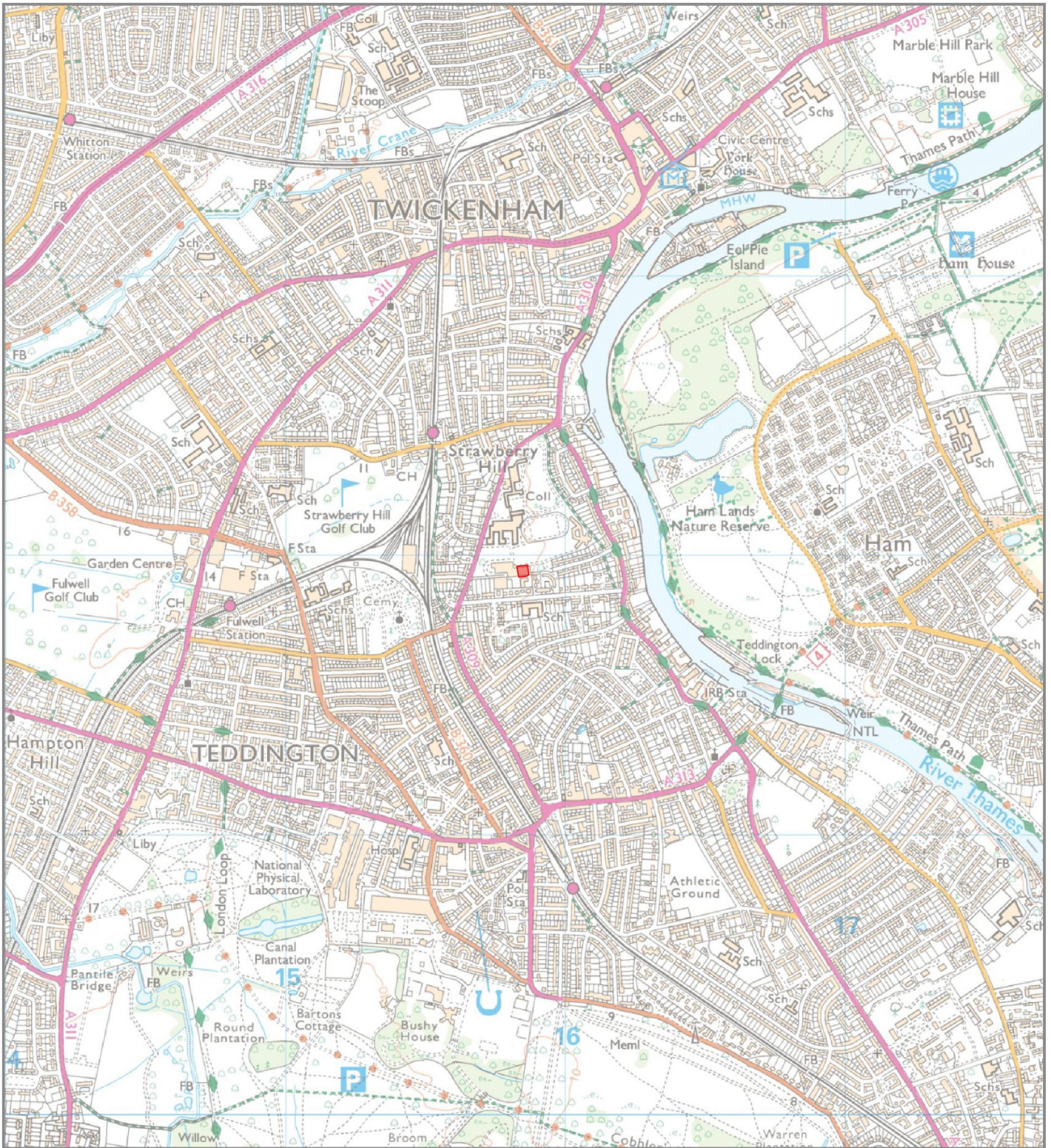
- 6.2.5 To provide additional opportunities for fauna, it is proposed that a range of new features are incorporated within the proposed development. This should include the following features, with specific measures to be detailed as part of a faunal enhancement plan which can be secured via a suitably-worded planning condition.
- 6.2.6 **Bird Boxes.** Bird nesting boxes should be incorporated within the proposed development, thereby increasing nesting opportunities for birds at the site. This should include integrated nest boxes on the new building targeting species including Swift and House Sparrow, whilst boxes can also be erected on retained trees. The precise number and locations of boxes should be determined by a competent ecologist, post-planning once the relevant final development design details have been approved.
- 6.2.7 **Bee Bricks and Insect Boxes.** It is recommended that bee bricks be incorporated within the proposed development thereby increasing nesting opportunities for declining populations of non-swarming solitary bee populations. Ideally, bee bricks should be located within suitable south-facing walls (where architectural design allows), located at least 1m off the ground. The bricks should be unobstructed by vegetation, though within close vicinity of nectar and pollen sources. Insect boxes can also be provided within the areas of wildlife habitat in order to enhance the nesting and over-wintering locations available for a range of invertebrates, particularly solitary wasps and bees.

7 Conclusions

- 7.1 Aspect Ecology has carried out an Ecological Appraisal of the proposed development, based on the results of a desktop study, habitat survey and a number of detailed protected species surveys.
- 7.2 The available information confirms that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals.
- 7.3 The habitat survey has established that the site is dominated by habitats not assessed to be of ecological importance.
- 7.4 The habitats within the site provide negligible opportunities for protected species. A small number of precautionary mitigation measures have been proposed to minimise the risk of harm to protected species should they be present at the time of works, where appropriate.
- 7.5 In conclusion, the proposals have sought to minimise impacts and subject to the implementation of appropriate avoidance, mitigation and compensation measures, the proposals will not result in significant harm to biodiversity.
- 7.6 Ecological enhancements are proposed to achieve a biodiversity net gain, to be set out further as part of the BNG strategy in a separate submission.

Plan 6905/ECO1:

Site Location



Key:

 Site Location

aspect ecology
 APEM Group

Aspect Ecology Limited West Court Hardwick Business Park
 Noral Way Banbury Oxfordshire OX16 2AF
 01295 279721 info@aspect.ecology.com www.aspect.ecology.com

St Mary's University Twickenham
 (New Teaching Block)

Site Location

6905/ECO1

A/JP

October 2024

DS/JP

PROJECT

TITLE

DRAWING NO.

REV

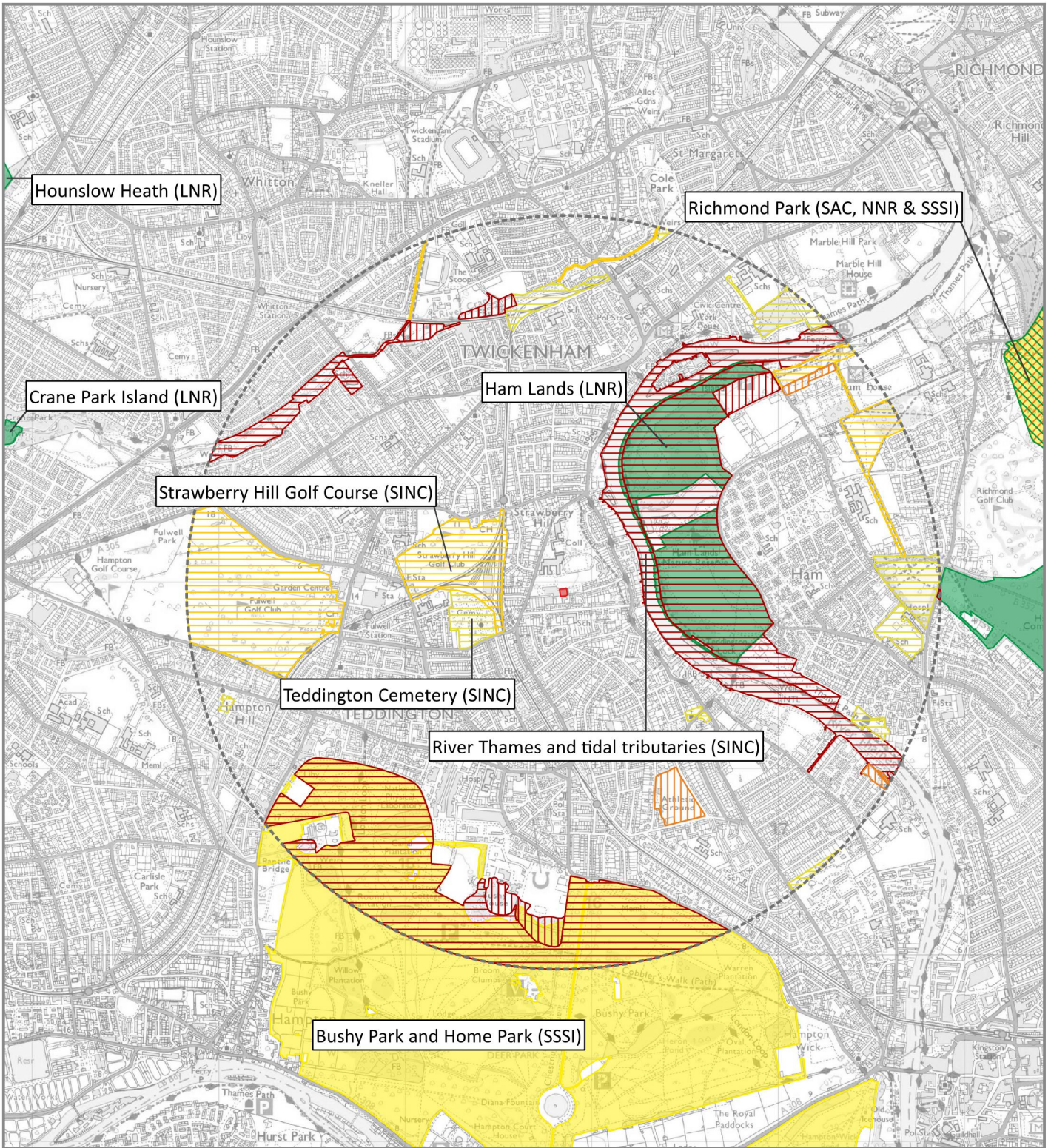
DATE

QC









Plan 6905/ECO2:






Ecological Designations



Key:

-  Site Location
-  Special Areas of Conservation (SAC)
-  National Nature Reserve (NNR)
-  Site of Special Scientific Interest (SSSI)
-  Local Nature Reserve (LNR)
-  2km Local Record Centre Search Area

Sites of Importance for Nature Conservation (SINC)

-  Site of Metropolitan Importance
-  Site of Borough Importance Grade 2
-  Site of Local Importance
-  Proposed Site of Metropolitan Importance
-  Proposed Site of Borough Importance Grade 1

aspect ecology
 APEM Group

Aspect Ecology Limited West Court Hardwick Business Park
 Noral Way Banbury Oxfordshire OX16 2AF
 01295 279721 info@aspect.ecology.com www.aspect.ecology.com

St Mary's University Twickenham
 (New Teaching Block)
 Ecological Designations

6905/ECO2
 A/JP
 October 2024
 DS/JP

PROJECT
 TITLE
 DRAWING NO.
 REV
 DATE
 QC



Non-statutory data provided by Greenspace Information for Greater London CIC Records Centre

Plan 6905/ECO3:

Habitats and Ecological Features



- Key:
-  6905 Site Boundary copy
 -  Amenity Grassland
 -  Building
 -  Hardstanding
 -  Introduced shrub
 -  Tree



Aspect Ecology Limited - West Court - Hardwick Business Park
Noral Way - Banbury - Oxfordshire - OX16 2AF
01295 279721 - info@aspect-ecology.com - www.aspect-ecology.com

St Mary's University Twickenham
(New Teaching Block)
Habitats and Ecological Features

6905/ECO3	PROJECT
A/JP	TITLE
October 2024	DRAWING NO.
DS/JP	REV
	DATE
	QC



P:\Project\Aspect Ecology Projects\ECO_6900\1006905\Graphics\GIS\6905_BNG_482

Photographs

Photograph 1: Building B1



Photograph 2: Building B2



Photograph 3: Building B3



Photograph 4: Building B4



Photograph 5: Modified Grassland



Photograph 6: Hardstanding



Appendix 6905/1:

Evaluation Methodology

Evaluation Methodology

1. The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM) 'Guidelines for Ecological Impact Assessment in the UK and Ireland' (2018)¹.

Importance of Ecological Features

2. Ecological features within the site/study area have been evaluated in terms of whether they qualify as 'important ecological features'. In this regard, CIEEM guidance states that *"it is not necessary to carry out detailed assessment of features that are sufficiently widespread, unthreatened and resilient to project impacts and will remain viable and sustainable"*.
3. Various characteristics contribute to the importance of ecological features, including:
 - Naturalness;
 - Animal or plant species, sub-species or varieties that are rare or uncommon, either internationally, nationally or more locally, including those that may be seasonally transient;
 - Ecosystems and their component parts, which provide the habitats required by important species, populations and/or assemblages;
 - Endemic species or locally distinct sub-populations of a species;
 - Habitat diversity;
 - Habitat connectivity and/or synergistic associations;
 - Habitats and species in decline;
 - Rich assemblages of plants and animals;
 - Large populations of species or concentrations of species considered uncommon or threatened in a wider context;
 - Plant communities (and their associated animals) that are considered to be typical of valued natural/semi-natural vegetation types, including examples of naturally species-poor communities; and
 - Species on the edge of their range, particularly where their distribution is changing as a result of global trends and climate change.
4. As an objective starting point for identifying important ecological features, European, national and local governments have identified sites, habitats and species which form a key focus for biodiversity conservation in the UK, supported by policy and legislation. These are summarised by CIEEM guidance as follows:

Designated Sites

- Statutory sites designated or classified under international conventions or European legislation, for example World Heritage Sites, Biosphere Reserves, Wetlands of International Importance (Ramsar sites), Special Areas of Conservation (SAC), Special Protection Areas (SPA);

¹ CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine', Chartered Institute of Ecology and Environmental Management, Winchester

- Statutory sites designated under national legislation, for example Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR);
- Locally designated wildlife sites, e.g. Local Wildlife Sites (LWS).

Biodiversity Lists

- Habitats and species of principal importance for the conservation of biodiversity in England and Wales (largely drawn from UK BAP priority habitats and priority species), often referred to simply as Priority Habitats / Species;
- Local BAP priority species and habitats.

Red Listed, Rare, Legally Protected Species

- Species of conservation concern, Red Data Book (RDB) species;
- Birds of Conservation Concern;
- Nationally rare and nationally scarce species;
- Legally protected species.

5. In addition to this list, other features may be considered to be of importance on the basis of local rarity, where they enable effective conservation of other important features, or play a key functional role in the landscape.

Assigning Level of Importance

6. The importance of an ecological feature should then be considered within a defined geographical context. Based on CIEEM guidance, the following frame of reference is used:
 - International (European);
 - National;
 - Regional;
 - County;
 - District;
 - Local (e.g. Parish or Neighbourhood);
 - Site (not of importance beyond the immediate context of the site).
7. Features of 'local' importance are those considered to be below a district level of importance, but are considered to appreciably enrich the nature conservation resource or are of elevated importance beyond the context of the site.
8. Where features are identified as 'important' based on the list of key sites, habitats and species set out above, but are very limited in extent or quality (in terms of habitat resource or species population) and do not appreciably contribute to the biodiversity interest beyond the context of the site, they are considered to be of 'site' importance.
9. In terms of assigning the level of importance, the following considerations are relevant:

Designated Sites

10. For designated sites, importance should reflect the geographical context of the designation (e.g. SAC/SPA/Ramsar sites are designated at the international level whereas SSSIs are designated at the national level). Consideration should be given to multiple designations as appropriate (where an area is subject to differing levels of nature conservation designations).

Habitats

11. In certain cases, the value of a habitat can be measured against known selection criteria, e.g. SAC selection criteria, 'Guidelines for the selection of biological SSSIs' and the Hedgerows Regulations 1997. However, for the majority of commonly encountered sites, the most relevant habitat evaluation will be at a more localised level and based on relevant factors such as antiquity, size, species-diversity, potential, naturalness, rarity, fragility and typicalness (Ratcliffe, 1977). The ability to restore or re-create the habitat is also an important consideration, for example in the case of ancient woodland.
12. Whether habitats are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, so called 'Habitats of Principal Importance' or 'Priority Habitats', or within regional or local Biodiversity Action Plans (BAPs) is also relevant, albeit the listing of a particular habitat under a BAP does not in itself imply any specific level of importance.
13. Habitat inventories (such as habitat mapping on the MAGIC database) or information relating to the status of particular habitats within a district, county or region can also assist in determining the appropriate scale at which a habitat is of importance.

Species

14. Deciding the importance of species populations should make use of existing criteria where available. For example, there are established criteria for defining nationally and internationally important populations of waterfowl. The scale within which importance is determined could also relate to a particular population, e.g. the breeding population of common toads within a suite of ponds or an otter population within a catchment.
15. When determining the importance of a species population, contextual information about distribution and abundance is fundamental, including trends based on historical records. For example, a species could be considered particularly important if it is rare and its population is in decline. With respect to rarity, this can apply across the geographic frame of reference and particular regard is given to populations where the UK holds a large or significant proportion of the international population of a species.
16. Whether species are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, so called 'Species of Principal Importance' or 'Priority Species', or within regional or local Biodiversity Action Plans (BAPs) is also relevant, albeit the listing of a particular species under a BAP does not in itself imply any specific level of importance.
17. Species populations should also be considered in terms of the potential zone of influence of the proposals, i.e. if the entire species population within the site and surrounding area were to be affected by the proposed development, would this be of significance at a local, district, county or wider scale? This should also consider the foraging and territory ranges of individual species (e.g. bats roosting some distance from site may forage within site whereas other species such as invertebrates may be more sedentary).

Appendix 6905/2:

Legislation Summary

LEGISLATION SUMMARY

1. In England and Wales primary legislation is made by the UK Parliament, and in Scotland by the Scottish Parliament, in the form of Acts. The main piece of legislation relating to nature conservation in the UK is the Wildlife and Countryside Act 1981 (as amended).
2. Acts of Parliament confer powers on Ministers to make more detailed orders, rules or regulations by means of secondary legislation in the form of statutory instruments. Statutory instruments are used to provide the necessary detail that would be too complex to include in an Act itself¹. The provisions of an Act of Parliament can also be enforced, amended or updated by secondary legislation.
3. In summary, the key pieces of legislation relating to nature conservation in the UK are:
 - Wildlife and Countryside Act 1981 (as amended)
 - Protection of Badgers Act 1992
 - Hedgerows Regulations 1997
 - Countryside and Rights of Way (CROW) Act for England and Wales 2000
 - Natural Environment and Rural Communities Act 2006
 - Conservation of Habitats and Species Regulations 2017
4. A brief summary of the relevant legislation is provided below. The original Acts and instruments should be referred to for the full and most up to date text of the legislation.
5. **Wildlife and Countryside Act 1981 (as amended)**. The WCA Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) identified for their flora, fauna, geological or physiographical features. The Act contains strict measures for the protection and management of SSSIs.
6. The Act also refers to the treatment of UK wildlife including protected species listed under Schedules 1 (birds), 5 (mammals, herpetofauna, fish, invertebrates) and 8 (plants).
7. Under Section 1(1) of the Act, all wild birds are protected such that it is an offence to intentionally:
 - Kill, injure or take any wild bird;
 - Take, damage or destroy the nest of any wild bird whilst in use* or being built;
 - Take or destroy an egg of any wild bird.

* The nests of birds that re-use their nests as listed under Schedule ZA1, e.g. Golden Eagle, are protected against taking, damage or destruction irrespective of whether they are in use or not.
8. Offences in respect of Schedule 1 birds are subject to special, i.e. higher, penalties. Schedule 1 birds also receive greater protection such that it is an offence to intentionally or recklessly:
 - Disturb any wild bird included in Schedule 1 while it is building a nest or while it is in, on or near a nest containing eggs or young;
 - Disturb dependent young of such a bird.

¹ <http://www.parliament.uk/business/bills-and-legislation/secondary-legislation/statutory-instruments/>

9. Under Section 9(1) of the Act, it is an offence to:
 - Intentionally kill, injure or take any wild animal included in Schedule 5.
10. In addition, under Section 9(4) it is an offence to intentionally or recklessly:
 - Obstruct access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection; or
 - Disturb any wild animal included in Schedule 5 while occupying a structure or place which it uses for that purpose.
11. Under Section 13(1) it is an offence:
 - To intentionally pick, uproot or destroy any wild plant listed in Schedule 8; or
 - Unless the authorised person, to intentionally uproot any wild plant not included in Schedule 8.
12. The Act also contains measures (S.14) for preventing the establishment of non-native species that may be detrimental to native wildlife, prohibiting the introduction into the wild of animals (releases or allows to escape) and plants (plants or causes to grow) listed under Schedule 9.
13. **Protection of Badgers Act 1992.** The Act aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It should be noted that the legislation is not intended to prevent properly authorised development. Under the Act it is an offence to:
 - Wilfully kill, injure, take, possess or cruelly ill-treat* a Badger, or attempt to do so;
 - To intentionally or recklessly interfere with a sett# (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

* the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence

A sett is defined as “any structure or place which displays signs indicating current use by a Badger”. Natural England advice (June 2009) is that a sett is protected so long as such signs remain present, which in practice could potentially be for some time after the last actual occupation by Badger. Interference with a sett includes blocking tunnels or damaging the sett in any way
14. Licences can be obtained from the Statutory Nature Conservation Organisation (SNCO) for development activities that would otherwise be unlawful under the legislation, provided there is suitable justification. The SNCO for England is Natural England.
15. **Hedgerows Regulations 1997.** ‘Important’ hedgerows (as defined by the Regulations) are protected from removal (up-rooting or otherwise destroying). Various criteria specified in the Regulations are employed to identify ‘important’ hedgerows for wildlife, landscape or historical reasons.
16. **Countryside and Rights of Way (CRoW) Act for England and Wales 2000.** The CRoW Act provides increased measures for the management and protection of SSSIs and strengthens wildlife enforcement legislation. Schedule 12 of the Act amends the species provisions of the WCA 1981, strengthening the legal protection for threatened species. The Act also introduced a duty on Government to have regard to the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity.

17. **Natural Environment and Rural Communities Act 2006.** Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as local planning authorities, in implementing their duty under Section 40 of the Act, to have regard to the conservation of biodiversity in England, when exercising their normal functions. 56 habitats and 943 species of principal importance are included on the S41 list. These are all the habitats and species in England that were identified as requiring action in the UK Biodiversity Action Plan (BAP).
18. **Conservation of Habitats and Species Regulations 2017 (as amended).** The Regulations enact the European Union's Habitats Directive (92/43/EEC) in the UK. The Habitats Directive was designed to contribute to the maintenance of biodiversity within member states through the conservation of sites, known in the UK as Special Areas of Conservation (SACs), containing habitats and species selected as being of EC importance (as listed in Annexes I and II of the Habitats Directive respectively). Member states are required to take measures to maintain or restore these natural and semi-natural habitats and wild species at a favourable conservation status.
19. The Regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs)² classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites constitute the Natura 2000 network. The Regulations impose restrictions on planning decisions likely to significantly affect SPAs or SACs.
20. The Regulations also provide protection to European Protected Species of animals that largely overlaps with the WCA 1981, albeit the provisions are generally stricter. Under Regulation 43 it is an offence, *inter alia*, to:
 - Deliberately capture, injure or kill any wild animal of a European Protected Species;
 - Deliberately disturb any wild animals of any such species, including in particular any disturbance likely to impair their ability to survive, to breed or reproduce, to rear or nurture their young, to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance;
 - Deliberately take or destroy the eggs of such an animal;
 - Damage or destroy a breeding site or resting place of such an animal.
21. Similar protection is afforded to European Protected Species of plants, as detailed under Regulation 47.
22. The Regulations do provide a licensing system that permits otherwise illegal activities in relation to European Protected Species, subject to certain tests being fulfilled.

² Special Protection Areas (SPAs) are protected sites classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC) (aka the Birds Directive), which came into force in April 1979. SPAs are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.

ecology • landscape planning • arboriculture



Aspect Ecology Ltd
West Court
Hardwick Business Park
Noral Way
Banbury
Oxfordshire OX16 2AF

T: 01295 279721
E: info@aspect-ecology.com
W: www.aspect-ecology.com