

**Begbroke Science Park Accelerator  
Project**

Ecological Appraisal Report

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## Issuing office

Worton Park | Worton | Oxfordshire | OX29 4SX  
 T: 01865 883833 | W: www.bsg-ecology.com | E: info@bsg-ecology.com

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	<b>Name</b>	<b>Position</b>	<b>Date</b>
<b>Originated</b>	Jim Fairclough Tom Flynn	Principal Ecologist Senior Ecologist	17 April 2015
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<b>Issued to client</b>	Tom Flynn	Senior Ecologist	01 May 2015
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# 1 Summary

- 1.1 BSG Ecology was commissioned by Ridge and Partners LLP to carry out an Ecological Appraisal of a proposed extension to the Centre for Innovation and Enterprise building at Begbroke Science Park, Oxfordshire, on behalf of the University of Oxford. This ecological appraisal includes an ecology desk study, an extended Phase 1 habitat survey, an assessment of the potential ecological impacts of the proposed development, and recommendations for appropriate ecology mitigation.
- 1.2 The "Site" is an approximately rectangular parcel of land ca. 72 m × 45 m. It is understood that the proposed development at the Site will comprise an extension to the east side of the existing Centre for Innovation and Enterprise building.
- 1.3 An ecology desk study was carried out by contacting Thames Valley Environmental Records Centre to obtain information on designated sites and records of and protected and notable species up to 1 km from the Site. A check was also made for water bodies within 0.5 km of the Site using the MAGIC website, OS mapping and publicly available aerial imagery.
- 1.4 An extended Phase 1 habitat survey of the Site was carried out on 9 January 2015. The potential of the Site to support protected or otherwise notable species was also assessed by the surveyor during the survey. The survey was carried out outside the optimal time of year for Phase 1 habitat survey, but given the habitats present, this constraint is not considered to be significant in assessing the ecological value of the Site.
- 1.5 There are no statutory wildlife sites within the Site. There is one statutory wildlife site (Rushy Meadows Site of Special Scientific Interest) and one non-statutory wildlife site (Lower Cherwell Valley Conservation Target Area) within 1 km of the Site. There is no potential for adverse impacts on designated wildlife sites from the proposed development.
- 1.6 The Site supports amenity grassland (lawns), hardstanding (paths), introduced shrub, (non-native) immature trees and a (modern) building. These are habitats that are common and widespread, and of low ecological value. Similar habitats are present adjacent to the Site.
- 1.7 The lawns and non-native shrub at the Site may provide foraging areas for hedgehog, and the lawns may provide occasional foraging areas for badgers. Due to the abundance of more suitable foraging habitat for these species in the vicinity of the Site, the loss of these habitats is not considered to be significant. The trees and shrubs could support nesting birds. Clearance of trees and shrubs outside the breeding season (which is March to August inclusive) will avoid any impacts on nesting birds. The Site does not have any potential to support any other protected or otherwise notable species.
- 1.8 Due to its small size, the lack of any ecologically valuable habitats within the Site and the formal nature of the proposed building and associated landscape, there are limited opportunities to provide a gain for biodiversity, as required by the National Planning Policy Framework, within the red line boundary for this development. However, the following recommendations would provide such a gain. The use of native shrubs and other native plants in any landscape planting associated with the scheme, is recommended where possible, in order to provide habitats for invertebrates and birds, in addition to the avoidance of the routine use of pesticides (including herbicides) in any new planting. The provision of nest boxes (e.g. six in number), suitable for garden and woodland edge bird species, on mature trees on adjacent areas of land owned and managed by the University of Oxford, would provide a mechanism to allow a further net gain for biodiversity from the scheme. These boxes should be of woodcrete construction in order to give them a long service life, and should be of a type suitable for local species of conservation concern, such as dunnock, house sparrow, tree sparrow and song thrush.

## 2 Introduction

### Background to Commission

- 2.1 BSG Ecology was commissioned by Ridge and Partners LLP to carry out an Ecological Appraisal of a proposed extension to the Centre for Innovation and Enterprise building at Begbroke Science Park, Oxfordshire, on behalf of the University of Oxford. This ecological appraisal includes an ecology desk study, an extended Phase 1 habitat survey, an assessment of the potential ecological impacts of the proposed development, and recommendations for appropriate ecology mitigation.

### Site Description

- 2.2 The extent of the proposed building extension (the "Site") is an approximately rectangular parcel of land ca. 72 m x 45 m, directly adjacent to the east of the Centre for Innovation and Enterprise at Begbroke Science Park in Oxfordshire. The approximate centre of the Site is at Ordnance Survey grid reference SP 47871353. The boundary of the proposed development is shown in Figure 1.

### Description of Project

- 2.3 It is understood that the proposed development at the Site will comprise an extension to the east side of the existing Centre for Innovation and Enterprise building. It is assumed that there will be a loss of existing vegetation at the Site, and that the extension will be of a similar nature to the existing building. The new development will have a small area of landscape planting.

### Structure of this Report

- 2.4 Chapter 3 of this report describes the methods employed in this study. Chapter 4 presents the results obtained and provides an interpretation of these. Chapter 5 describes the potential impacts of the proposed development, and provides mitigation recommendations relating to these. The UK and European legislation and planning policy underpinning this study is summarised in Appendix 1.

### 3 Methods

#### Desk Study

- 3.1 To gather existing records and information on designated sites and protected or otherwise notable species within the local area (up to 1 km from the Site boundary) a desk study was carried out. This information was primarily sought by contacting Thames Valley Environmental Records Centre (TVERC) in January 2015 and also by consulting online mapping resources, such as the Multi-Agency Geographic Information for the Countryside database (MAGIC) and aerial photography.
- 3.2 A check was also made for water bodies within 0.5 km of the Site using the MAGIC website, OS mapping and publicly available aerial imagery to assist in determining the possibility that great crested newts might be present.

#### Extended Phase 1 Habitat Survey

- 3.3 A walkover of the Site was carried out by Dr Jim Fairclough MIEEM, Principal Ecologist at BSG Ecology on 26 July 2014 and an extended Phase 1 habitat survey of the Site was carried out on 9 January 2015 by Dr Tom Flynn, Senior Ecologist at BSG Ecology. The survey methodology was based on that described in *Handbook for Phase 1 Habitat Survey* (JNCC, 2010). Habitats present at the Site were identified and mapped onto a 1:2000 scale base map. The potential of the Site to support protected or otherwise notable species was also assessed by the surveyor during the survey.

#### Bat Roost Potential Assessment

- 3.4 Buildings at the Site were assessed from the ground for their broad potential to support roosting bats, in accordance with the categories set out in Table 1.

**Table 1.** Categories of bat potential of trees and buildings.

Level of Bat Roost Potential	Rationale
Negligible Potential	Building with no or very limited roosting opportunities for bats and no evidence of use by bats and where the feature is isolated from foraging habitat.
Some Potential	Building with at least a limited number of roosting opportunities for bats (such as slipped tiles, gaps between barge boards, cracks in masonry. These may have poor connectivity to foraging habitat.

#### Limitations to Methods

- 3.5 The extended Phase 1 habitat survey was carried out outside the optimal time of year for Phase 1 habitat survey (which is late March to mid-October in southern England, extending into November in a mild season (JNCC, 2010)). The winter of 2014 was very mild, and therefore although sub-optimal, the survey in early January 2015 is still considered to be of some value in identifying habitat types. Due to the time of year, the survey may have missed some plant species; therefore the plant species lists obtained here should be considered indicative rather than comprehensive. Given the habitats present, and the fact that a walkover of the Site was carried out in July 2014, this constraint is not considered to be significant in assessing the ecological value of the Site.

## 4 Results and Interpretation

### Statutory Designated Wildlife Sites

- 4.1 There are no statutory wildlife sites within the Site. There is one statutory wildlife site within 1 km of the Site: Rushy Meadows Site of Special Scientific Interest (SSSI). This is located ca. 0.5 km north east of the Site, beyond arable fields and the Rowel Brook. Rushy Meadows SSSI consists of a series of unimproved alluvial grasslands alongside the Oxford Canal. The low-intensity, traditional management of this site has produced rich meadow and fen communities containing several uncommon species such as pepper saxifrage *Silaum silaus*, devil's bit scabious *Succisa pratensis*, heath grass *Danthonia decumbens*, marsh valerian *Valeriana dioica*, betony *Stachys officinalis*, early marsh orchid *Dactylorhiza incarnata*, distant sedge *Carex distans* and water avens *Geum rivale*. Meadow habitats of this type are now both rare and under threat in Britain due to the pressures of agricultural improvement and urban development.
- 4.2 The next closest statutory wildlife site is Oxford Meadows Special Area of Conservation (SAC), ca. 2.8 km to the south of the site, beyond a railway line and the A40 road. This SAC is made up of various SSSIs, supporting unimproved lowland hay meadow and pasture.

### Non-statutory Designated Wildlife Sites

- 4.3 No non-statutory sites lie within the Site. One Conservation Target Area (CTA) is present within 1 km of the Site: Lower Cherwell Valley CTA. This is located ca. 0.45 km north east of the Site, beyond arable fields and the Rowel Brook. It includes river valley sides north of Kidlington and a corridor of meadows along the Oxford Canal east and south of Kidlington. The part of the CTA within 1 km of the Site includes an arable field, and beyond the Oxford-Banbury railway line, a smaller area of grassland, woodland and scrub. There are no other non-statutory designated wildlife sites within 1 km of the Site.

### Habitats

#### Overview

The habitats present at the Site are shown in Figure 1. Photographs are included in Appendix 2. These include amenity grassland (i.e. lawns), hardstanding (i.e. paved pedestrian paths), small areas of introduced shrub, and the existing Centre for Innovation and Enterprise building. There are several immature planted trees. All of these habitats represent common widespread habitats of low ecological value. These habitats are described in more detail in the following sections. Beyond the Site boundary, there are three ponds within 0.5 km of the Site, and the nearest watercourse is the Rowel Brook, located ca. 0.3 km to the north.

#### Amenity Grassland

- 4.4 There are several areas of lawn to the east of the existing Centre for Innovation and Enterprise building. Two raised triangular areas of lawn towards the centre of the Site appear to be recently established. These are heavily dominated by grasses such as perennial rye-grass *Lolium perenne* and a fescue *Festuca* sp. Several forb species (non-grass herbaceous plants) are occasionally present, including white clover *Trifolium repens*, neat feather-moss *Pseudoscleropodium purum*, daisy *Bellis perennis* and dandelion *Taraxacum officinale*. These lawns are edged by gabions (stone-filled wire boxes). See Photograph 1.
- 4.5 Two areas of lawn in the north of the Site, and a narrow strip at the south of the Site are dominated by perennial rye-grass, and contain several forb species, including yarrow *Achillea millefolium*, neat feather-moss, daisy, creeping buttercup *Ranunculus repens*, dove's-foot cranes-bill *Geranium molle*, smooth hawk's-beard *Crepis capillaris* and ribwort plantain *Plantago lanceolata*. See Photograph 2.



**Hardstanding**

- 4.6 There are a number of paved pedestrian footpaths across the Site. See Photographs 1 and 2.

**Introduced Shrub**

- 4.7 Two small areas of introduced shrub are present within the Site. These include part of a shrub border to the south of the Centre for Innovation and Enterprise, containing cotoneaster *Cotoneaster* sp. and New Zealand flax *Phormium tenax*. See Photograph 2, and a small semi-circular bed of containing a bamboo species. See Photographs 1 and 3.

**Immature Trees**

- 4.8 A number of young planted ornamental pear *Pyrus* sp. trees are present within the lawns. See Photographs 2 and 3.

**Building**

- 4.9 Part of the Centre for Innovation and Enterprise building is within the north west of the Site. The east side of this building is adjacent to the west of the Site. This is a modern building clad in close fitting timber and metal. See Photographs 1, 2 and 3.

**Ponds**

- 4.10 There are no ponds within or adjacent to the Site. From the desk study, there are five ponds within 0.5 km of the site. These are listed in Table 2 below.

**Table 2.** Ponds within 0.5 km.

Number	Description	Distance and Direction
P1	Formal pond within Begbroke Science Park. Contains ornamental fish. Filter system present. Some marginal vegetation. Separated from Site by hard standing and buildings. (Visited during the habitat survey.)	55 m S
P2	Pond of natural appearance in woodland adjacent to Rowel Brook. Swamp habitat adjacent. Separated from the Site by arable land. (Visited during the habitat survey.)	0.41 km NE
P3-4	Two artificial series of rectangular pools, separated by small earth dams, supporting almost no vegetation. Heavily shaded with abundant leaf litter. Presumably constructed for university y research purposes several decades ago. Separated from the Site by arable land. (Visited during the habitat survey.)	0.42 km NE
P5	A pond south of Sandy Lane within the village of Yarnton. Separated from the Site by arable land. (Not visited during the habitat survey.)	0.44 km SW

**Watercourses**

- 4.11 There are no watercourses within or adjacent to the Site. The nearest watercourse is the Rowel Brook, located ca. 0.3 km north of the Site beyond arable fields.

### Protected and Notable Species

- 4.12 None of the records of protected or notable species are from within the site boundary. The following sections summarise the desk study records and describe the potential for the Site to support protected species.

#### Bats

- 4.13 There are old (1980, 1994) records of pipistrelle bats *Pipistrellus* sp. from the village of Begbroke. There is a more recent (2008) record of an unidentified bat from Kidlington. All bat species in the UK are European protected species.
- 4.14 The building within the Site (the Centre for Innovation and Enterprise) has no features visible (from an exterior, ground level assessment) that could provide possible roosting sites for bats, and therefore there is negligible potential for bats to roost within or adjacent to the Site. The habitats present at the Site do not provide good foraging or commuting habitats for bats.

#### Other Mammals

- 4.15 There are recent (2010–2012) records of otter *Lutra lutra* on the Oxford Canal (located ca. 0.63 km east of the Site). There are old (1998–1999) records of water vole *Arvicola terrestris* from the Oxford Canal, and more recent records of this species (2002–2003) from the Rowel Brook. Otter is a European protected species and a Species of Principal Importance (SPI) in England under Section 41 of the NERC Act 2006. Given the distance of the Site from the nearest watercourse (ca. 0.3 km), there is no potential for these species in the vicinity of the Site.
- 4.16 There are also records of hedgehog *Erinaceus europaeus* (2005–2014) and polecat *Mustela putorius* (2006) within 1 km of the Site. Both of these species are SPIs. Hedgehogs may forage across areas of amenity grassland and introduced shrub at the Site.
- 4.17 A survey carried out in 2010 in connection with a new access road to Begbroke Science Park (Applied Ecology, 2010) found a badger sett ca. 0.43 km from the Site. There are no badger setts within the Site or adjacent areas (e.g. within 50 m), and no areas within or adjacent to the Site suitable for sett construction. Badgers from more distant setts may occasionally forage within the Site, but no signs of badger were seen within or adjacent to the Site during the Site visit. Badgers and their setts are protected under the 1992 Badgers Act.

#### Birds

- 4.18 There are 120 bird records within 1 km of the Site, representing 42 species. Of these, eight are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), including barn owl *Tyto alba*, brambling *Fringilla montifringilla*, common greenshank *Tringa nebularia*, common kingfisher *Alcedo atthis*, hobby *Falco subbuteo*, fieldfare *Turdus pilaris*, green sandpiper *Tringa ochropus*, and redwing *Turdus iliacus*. Of these species, fieldfare and redwing could occasionally forage on the area of amenity grassland at the Site. There are a further 14 SPIs, of which starling *Sturnus vulgaris*, dunnock *Prunella modularis*, house sparrow *Passer domesticus*, and song thrush *Turdus philomelos* could use the habitats present at the Site.
- 4.19 The Site also provides habitat suitable for common garden bird species such as blackbird *Turdus merula* and wren *Troglodytes troglodytes*. The trees and shrubs present at the Site could support nesting birds. All nesting birds are protected from disturbance under the Wildlife and Countryside Act 1981 (as amended).

#### Reptiles and Amphibians

- 4.20 There are two records of grass snake *Natrix natrix*, from Yarnton (2002) and Rushy Meadows SSSI (1982). This species is protected from intentional killing or injury under the Wildlife and Countryside Act 1981 (as amended).

- 4.21 There is no suitable terrestrial or aquatic habitat for reptiles for amphibians within or adjacent to the Site. There are five ponds within 0.5 km of the Site. The closest is a formal pond 55 m south of the Site; this contains abundant ornamental fish and is heavily filtered. It is not considered to provide a suitable breeding site for great crested newts. The four further ponds within 0.5 km are surrounded by abundant terrestrial habitat suitable for amphibians, and are separated from the Site by 0.41–0.44 km of largely arable land. For these reasons, there is not considered to be any potential for great crested newts to be present at the site, or to be affected by the development.

#### ***Invertebrates***

- 4.22 There are records of two beetles, *Chrysolina oricalcia* and *Longitarsus dorsalis* (both 1992) and one dragonfly, common club-tail *Gomphus vulgatissimus* (1983) within 1 km of the Site.
- 4.23 There are old (1982–1985) records of two butterflies within 1 km of the Site: small heath *Coenonympha pamphilus* and wall *Lasiommata megera*.
- 4.24 There are records of 52 moth species from within 1 km of the Site. These include 50 SPIs and two further nationally notable species. All of the moth records obtained in the desk study are from either Rushey Meadows SSSI or from a single garden in Yarnton, ca. 0.89 km south west of the Site.
- 4.25 There are no suitable habitats for protected or notable invertebrate species within the Site.

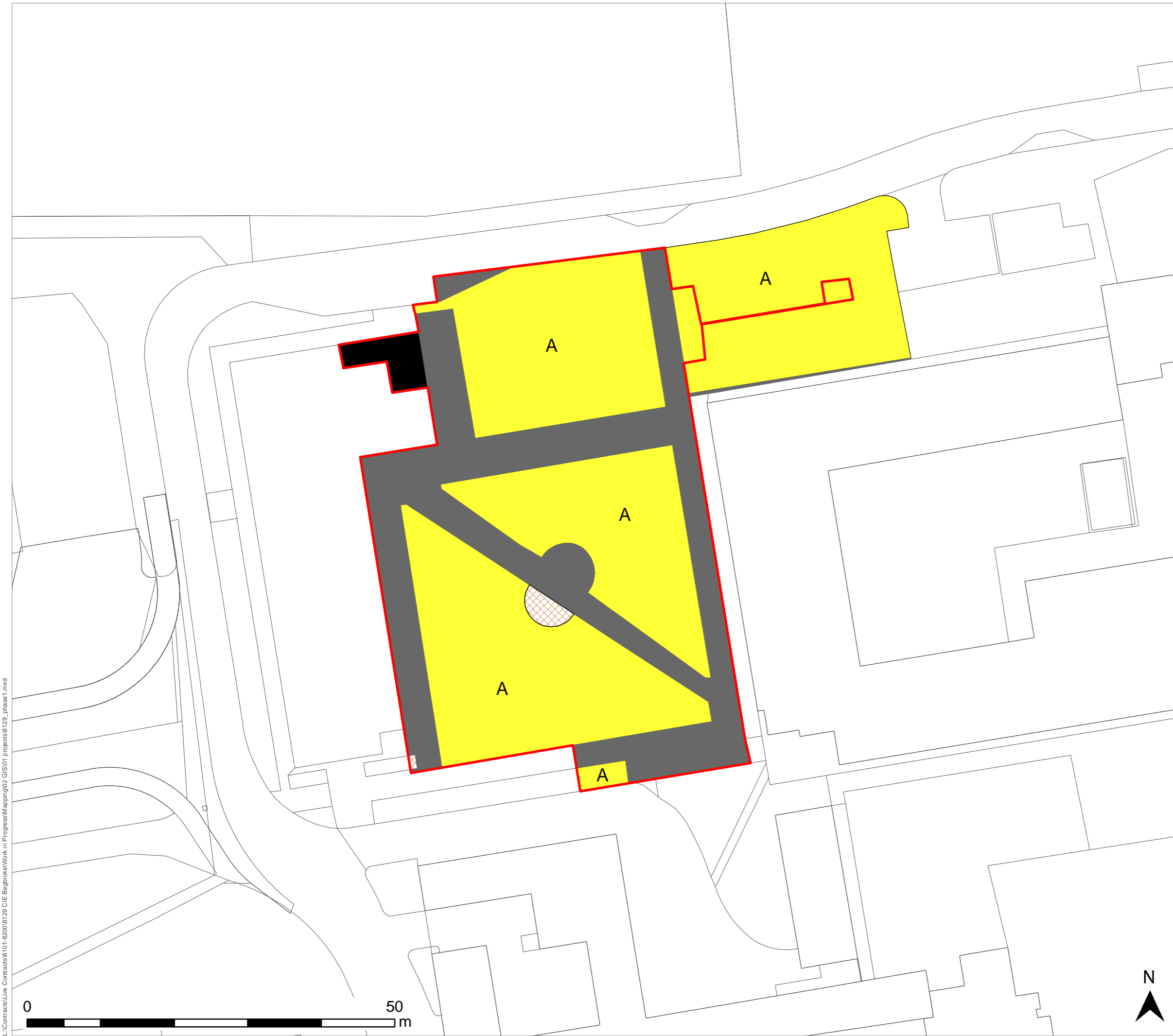
## 5 Potential Impacts and Recommendations

- 5.1 Due to the small scale of the development and the distance of separation, there is no potential for adverse impacts on designated wildlife sites.
- 5.2 The Site supports amenity grassland, hardstanding, introduced shrub, (non-native) young trees and a (modern) building. These are habitats that are common and widespread, and of low ecological value. Similar habitats are present adjacent to the Site. The lawns and non-native shrub at the Site may provide foraging areas for hedgehog and the lawns may provide occasional foraging areas for badgers. The trees and shrubs could support nesting birds. The Site does not have any potential to support any other protected or otherwise notable species. The Site is of low ecological value.
- 5.3 The proposed development has potential to remove a small area suitable for occasional foraging by badgers (0.19 ha amenity grassland) and a small area of habitat suitable for foraging hedgehogs (0.19 ha amenity grassland and 0.02 ha introduced shrub). Due to the great abundance of better foraging habitat for these species in the vicinity of the Site (e.g. rough grassland, plantation woodland, hedgerow, arable fields) these impacts are not considered to be significant.
- 5.4 There is some potential for impacts on nesting birds, including killing, injury and disturbance, which are offences under the Wildlife and Countryside Act 1981 (as amended). Such impacts can be avoided by adopting the following mandatory recommendation:
- Impacts on nesting birds can be avoided by avoiding clearance of trees and shrubs during the breeding season (which is March to August inclusive). There will be no impacts on nesting birds if trees and shrubs are cleared outside this period. Alternatively, vegetation clearance could take place during the breeding season if the site is checked prior to clearance by a suitably experienced ecologist and no evidence of nesting birds is found.
- 5.5 Due to its small size, the lack of any ecologically valuable habitats within the Site and the formal nature of the proposed building and associated landscape, there are limited opportunities to provide a gain for biodiversity, as required by the National Planning Policy Framework (see Appendix 1), within the red line boundary for this development. However, the following simple and low-cost additional recommendations would provide such a net gain:
- The use of native shrubs and other native plants in any landscape planting associated with the scheme, is recommended where possible, in order to provide habitats for invertebrates and birds.
  - It is recommended that pesticides (including herbicides) are not routinely employed in the horticultural management of any new planting in the development.
  - The provision of nest boxes (e.g. six in number), suitable for garden and woodland edge species, on mature trees on adjacent areas of land owned and managed by the University of Oxford, would provide a mechanism to allow a further net gain for biodiversity from the scheme. These boxes should be of woodcrete construction in order to give them a long service life, and should be of a type suitable for local species of conservation concern, such as dunnock, house sparrow, tree sparrow and song thrush (these are all Species of Principal Importance in England under the NERC Act 2006).

## 6 References

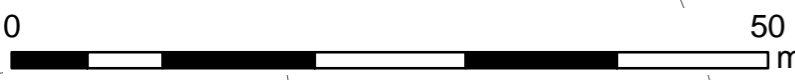
- JNCC (2010) *Handbook for Phase 1 habitat survey: A technique for environmental audit*. JNCC.
- Applied Ecology (2010) *Ecological Assessment Survey, Begbroke Science Park Access Road, Oxfordshire*. Unpublished report for the University of Oxford.

## **Figure 1: Phase 1 Habitat Survey Results**



- LEGEND**
- Proposed Centre for Innovation and Enterprise (CIE) Extension
  - A Amenity grassland
  - Introduced shrub
  - Building
  - Hardstanding

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**BSG** | ecology

OFFICE: Oxford  
 T: 01865 883833  
 JOB REF: 8129.00

PROJECT TITLE  
**BEGBROKE SCIENCE PARK  
 ACCELERATOR PROJECT**

DRAWING TITLE  
**Figure 1: Phase 1 Habitat Survey Results**

DATE: 17.04.2015      CHECKED: TF      SCALE: 1:500  
 DRAWN: COH      APPROVED: JF      STATUS: FINAL

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 All dimensions are to be checked on site.  
 Area measurements for indicative purposes only.

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Sources: BSG Ecology survey data, basemap derived from drawing TDN/033/12/01 produced by University of Oxford Estate Services

## Appendix 1: Summaries of Relevant Policy, Legislation and Other Instruments

This section briefly summarises the legislation, policy and related issues that are relevant to the main text of the report. The following text does not constitute legal or planning advice.

### National Planning Policy Framework (England)

- A1.1 The Government published the National Planning Policy Framework (NPPF) on 27th March 2012. Text excerpts from the NPPF are shown where they may be relevant to planning applications and biodiversity including protected sites, habitats and species.
- A1.2 In conserving and enhancing the natural environment, the NPPF (Paragraph 109) states that ‘the planning system should contribute to and enhance the natural and local environment’ by:
- a. Recognising the wider benefits of ecosystem services;
  - b. Minimising impacts on biodiversity and providing net gains in biodiversity, where possible contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - c. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.
- A1.3 In paragraph 111, the NPPF refers to brownfield land as follows: ‘planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.’
- A1.4 Paragraph 117 refers to how planning policies should aim to minimise impacts on biodiversity, to: ‘identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;’ and to ‘promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan.’
- A1.5 Paragraph 118 of the National Planning Policy Framework advises how, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the mitigation hierarchy. The mitigation hierarchy advises that if significant harm 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.
- A1.6 Where proposals or activities require planning permission, the NPPF states that ‘...local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- d. Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have 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;
  - e. Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
  - f. Opportunities to incorporate biodiversity in and around developments should be encouraged;



- g. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- h. The following wildlife sites should be given the same protection as European sites:
  - i. potential Special Protection Areas and possible Special Areas of Conservation
  - ii. listed or proposed Ramsar sites; and
  - iii. sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.'

A1.7 In respect of protected sites, the NPPF requires local planning authorities to make 'distinctions...between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.'

A1.8 In paragraph 125 the NPPF states that 'by encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.' This applies to protected species that are a material consideration in the planning process including bats and may also apply to other light sensitive species.

#### **Government Circular ODPM 06/2005 Biodiversity and Geological Conservation (England only)**

A1.9 Paragraph 98 of Government Circular 06/2005 advises that "the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult Natural England before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species' protection provisions affecting the site concerned..."

A1.10 Paragraph 99 of Government Circular 06/2005<sup>1</sup> advises that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted".

#### **Standing Advice GOV.UK**

A1.11 The GOV.UK website provides information regarding protected species and sites in relation to development proposals: 'Local planning authorities should take advice from Natural England or the Environment Agency about planning applications for developments that may affect protected species.' GOV.UK advises that 'some species have standing advice which you can use to help with planning decisions. For others you should contact Natural England or the Environment Agency for an individual response.'

<sup>1</sup> ODPM Circular 06/2005. *Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impacts within the Planning System* (2005). HMSO Norwich.

- A1.12 The standing advice (originally from Natural England and now held and updated on GOV.UK<sup>2</sup>) provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides advice on survey and mitigation requirements.
- A1.13 When determining an application for development that is covered by standing advice, in accordance with guidance in Government Circular 06/2005, Local planning authorities are required to take the standing advice into account. In paragraph 82 of the aforementioned Circular, it is stated that: 'The standing advice will be a material consideration in the determination of the planning application in the same way as any advice received from a statutory consultee...it is up to the planning authority to decide the weight to be attached to the standing advice, in the same way as it would decide the weight to be attached to a response from a statutory consultee.'

### **Natural Environment and Rural Communities (NERC) Act 2006 – Habitats and Species of Principal Importance**

- A1.14 The Natural Environment and Rural Communities (NERC) Act came into force on 1st October 2006. Sections 41 and 42 (S41 and S42) of the Act require the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England and Wales respectively. The list has been drawn up in consultation with Natural England and Countryside Council for Wales (now NRW), as required by the Act. In accordance with the Act the Secretary of State keeps this list under review and will publish a revised list if necessary, in consultation with Natural England and NRW.
- A1.15 The S41 and S42 lists are used to guide decision-makers such as public bodies, including local authorities and utilities companies, in implementing their duty under Section 40 of the NERC Act 2006, to have regard to the conservation of biodiversity in England and Wales, when carrying out their normal functions, including development control and planning. This is commonly referred to as the 'Biodiversity Duty.'
- A1.16 Guidance for public authorities on implementing the Biodiversity Duty<sup>3</sup> has been jointly published by Defra and the Welsh Assembly Government. One of the key messages in this document is that 'conserving biodiversity includes restoring and enhancing species populations and habitats, as well as protecting them.' In England and Wales, the administration of the planning system and licensing schemes are highlighted as having a 'profound influence on biodiversity conservation.' Local authorities are required to take measures to "promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species. The guidance states that 'the duty aims to raise the profile and visibility of biodiversity, clarify existing commitments with regard to biodiversity, and to make it a natural and integral part of policy and decision making.'
- A1.17 In 2007, the UK Biodiversity Action Plan (BAP) Partnership published an updated list of priority UK species and habitats covering terrestrial, freshwater and marine biodiversity to focus conservation action for rarer species and habitats in the UK. The UK Post-2010 Biodiversity Framework<sup>4</sup>, which covers the period from 2011 to 2020, now succeeds the UK BAP. The UK priority list contained 1150 species and 65 habitats requiring special protection and has been used as a reference to draw up the lists of species and habitats of principal importance in England and Wales.
- A1.18 In England, there are 56 habitats of principal importance and 943 species of principal importance on the S41 list. These are all the habitats and species found in England that were identified as requiring action in the UK BAP and which continue to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework.

<sup>2</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals#standing-advice-for-protected-species>

<sup>3</sup> Defra, 2007. *Guidance for Public Authorities on Implementing The Biodiversity Duty*. (<http://www.defra.gov.uk/publications/files/pb12585-pa-guid-english-070516.pdf>)

<sup>4</sup> JNCC and Defra (on behalf of the Four Countries' Biodiversity Group). 2012. *UK Post-2010 Biodiversity Framework*. July 2012. (<http://jncc.defra.gov.uk/page-6189>)

**Birds**

- A1.19 All nesting birds are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition to this, for some rarer species (listed on Schedule 1 of the Act), it is an offence to disturb them whilst they are nest building or at or near a nest with eggs or young, or to disturb the dependent young of such a bird.

## Appendix 2: Photographs



1. Looking west across the centre of the Site towards the Centre for Innovation and Enterprise building.



2. Looking west across the north of the Site, showing amenity grassland in north of Site, and ornamental pear trees.



3. Looking north at the west of the Site, showing ornamental pear tree and introduced shrub bed containing cotoneaster.