

APPENDIX A SITE PLAN AND HABITAT MAP

Figure A.1 Site plan and habitat map

LAND AT SOUTH TRUMPINGTON

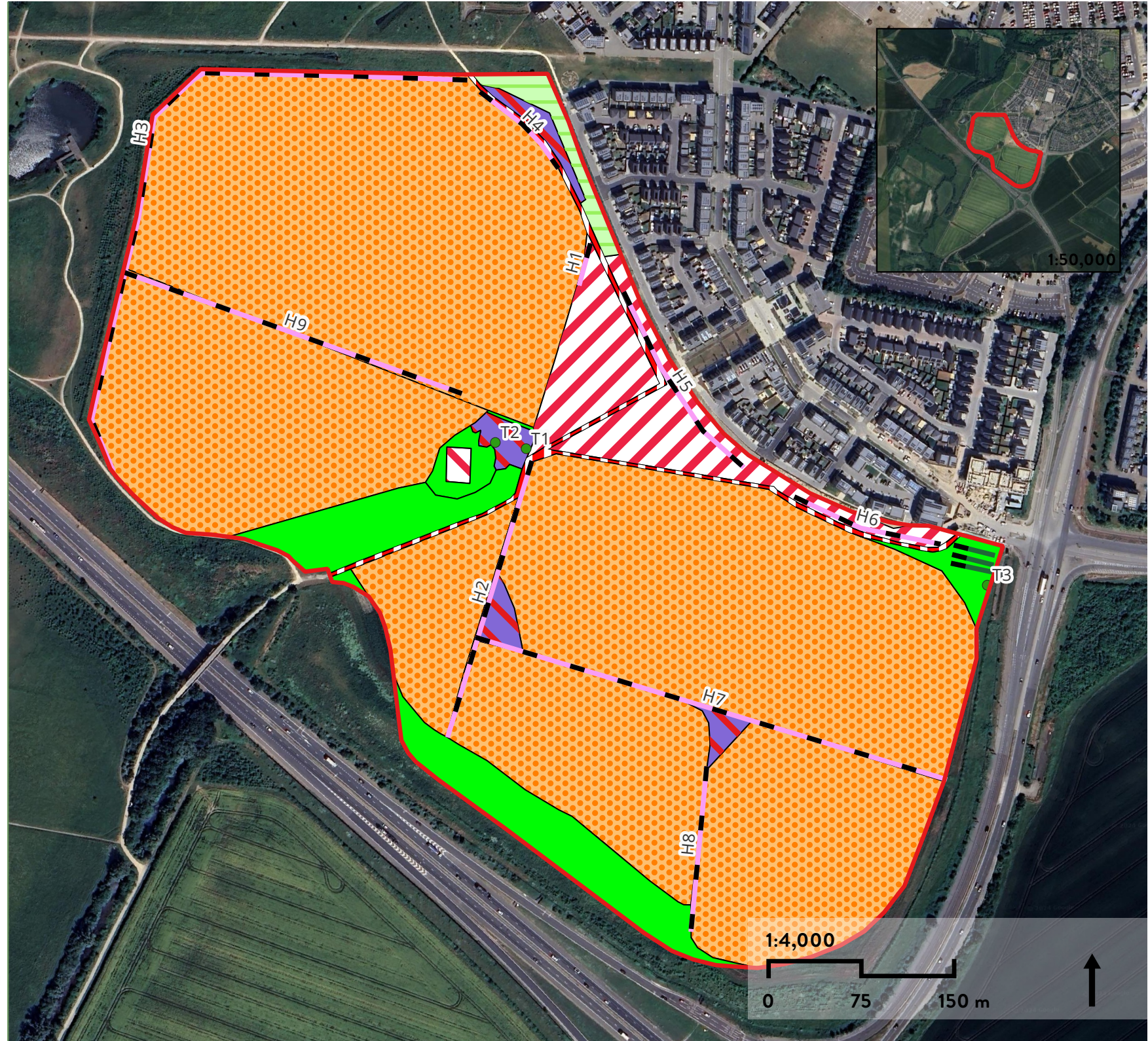
- Site Boundary
- Individual trees
- w1g - other broadleaved woodland
- h2a - native hedegrow
- g3c - other neutral grassland
- g4 - modified grassland
- h3h - mixed scrub
- c1c7 - other cereal crops
- u1 - built-up areas and gardens
- u1b - developed land - sealed surface
- u1f - sparsley vegetated urban land

Title: Figure A.1

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Sources: ESRI World Topo, Greenspace Information for Greater London (GiGL), Natural England



APPENDIX B SITE PHOTOGRAPHS

Plate 1 - Parcel 1, Arable fields



Plate 2 - Parcel 2, Other neutral grassland (g3c)



Plate 3 - Parcel 3, Modified grassland (g4)



Plate 4 - Parcel 4, Modified grassland (g4)



Plate 5 - Parcel 5, Modified grassland (g4)



Plate 6 - Parcel 6, Mixed scrub (h3h)



Plate 7 - Parcels 7, 8, and 9, Mixed scrub (h3h)



Parcel 8 - Hedgerow H1



Plate 9 - Hedgerow H2



Plate 10 - Hedgerow H4



Plate 11 - Hedgerow H5



Plate 12 - Hedgerow H6



Plate 13 - Hedgerow H3



Plate 14 - Hedgerow H7



Plate 15 - Hedgerow H8



Plate 16 - Hedgerow H9



Plate 17 - Line of trees (w3g)



Plate 18 - Parcel 10, Bare ground (u1)



Plate 19 - Parcel 11, Sparsely vegetated ground (u1f)



Plate 20 - Parcel 12, Developed land, sealed surface (u1b)



APPENDIX C RELEVANT LEGISLATION AND POLICY

C.1 LEGISLATION

Current key legislation relating to ecology includes The Environment Act¹⁰ Wildlife and Countryside Act 1981 (as amended)¹¹; The Conservation of Habitats and Species Regulations 2019 ('Habitats & Species Regulations')¹², The Countryside and Rights of Way Act 2000 (CRoW Act)¹³, and The Natural Environment and Rural Communities Act, 2006¹⁴.

The Environment Act, 2021

Under the Environment Act, 2021, as of 12th February 2024 and 2nd April 2024, it is mandatory in England for new developments (with a small number of exceptions) to deliver a minimum 10% biodiversity net gain (BNG), as measured by the Statutory Biodiversity Metric or Small Sites Metric (SSM) respectively, secured through planning condition as standard (as per schedule 14 of the Act). Approach to the delivery of BNG must follow the mitigation hierarchy, with avoidance of impact and on-site compensation/gains prioritised, ahead of the use of off-site compensation, or the purchase of statutory credits.

The Act introduces the condition that no development may begin unless a Biodiversity Gain Plan (BGP) has been submitted and approved by the LPA.

The Act also amends requirements of the NERC Act, 2006, adding the need to not just conserve, but enhance biodiversity through planning projects. Furthermore, it introduces the need for the LPA to have regard to relevant local nature recovery strategies and relevant species/protected site conservation strategies, when making their decision.

Under the Act, the enhancements must be maintained for at least 30 years.

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

The Conservation of Habitats & Species Regulations replace The Conservation (Natural Habitats, etc.) Regulations 1994 (as amended)¹⁵, and transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('EU Habitats Directive')¹⁶, and Council Directive 79/409/EEC on the Conservation of Wild Birds ('Birds Directive')¹⁷ into UK law (in conjunction with the Wildlife and Countryside Act).

Regulation 43 and 47 respectively of the Conservation of Habitats & Species Regulations makes it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2 (European protected species of animals), or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 5 (European protected species of plant). Development that would contravene the protection afforded to European protected species requires a derogation (in the form of a licence) from the provisions of the Habitats Directive.

Regulation 63 (1) states: 'A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and

(b) is not directly connected with or necessary to the management of that site;

must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.'

Wildlife and Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 (as amended) is the principal mechanism for the legislative protection of wildlife in Great Britain. This legislation is the means by which the Convention on the Conservation of European Wildlife and Natural Habitats¹⁸ (the 'Bern Convention') and the Birds Directive and EU Habitats Directive are implemented in Great Britain.

The Countryside and Rights of Way Act 2000

The Wildlife and Countryside Act has been updated by the CROW Act. The CROW Act amends the law relating to nature conservation and protection of wildlife. In relation to threatened species it strengthens the legal protection and adds the word 'reckless' to the offences of damaging, disturbing, or obstructing access to any structure or place a protected species uses for shelter or protection, and disturbing any protected species whilst it is occupying a structure or place it uses for shelter or protection.

The Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities Act 2006 states that every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Biodiversity Action Plans provide a framework for prioritising conservation actions for biodiversity.

Section 41 of the Natural Environment and Rural Communities Act requires the Secretary of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity. The list, a result of the most comprehensive analysis ever undertaken in the UK, currently contains 1,149 species, including for example, hedgehog (*Erinaceus europaeus*), and 65 habitats that were listed as priorities for conservation action under the now defunct UK Biodiversity Action Plan¹⁹ (UK BAP). Despite the devolution of the UK BAP and succession of the UK Post-2010 Biodiversity Framework²⁰ (and Biodiversity 2020 strategy²¹ in England), as a response to the Convention on Biological Diversity's (CBD's) Strategic Plan for Biodiversity 2011-2020²² and EU Biodiversity Strategy (EUBS)²³, this list (now referred to as the list of Species and Habitats of Principal Importance in England) will be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 41 of the Natural Environment and Rural

Communities Act 2006 'to have regard' to the conservation of biodiversity in England, when carrying out their normal functions.

Biodiversity Action Plans

Non-statutory Biodiversity Action Plans (BAPs) have been prepared on a local and regional scale throughout the UK over the past 15 years. Such plans provide a mechanism for implementing the government's broad strategy for conserving and enhancing the most endangered ('priority') habitats and species in the UK for the next 20 years. As described above the UK BAP was succeeded in England by Biodiversity 2020 although the list of priority habitats and species remains valid as the list of Species of Principal Importance for Nature Conservation.

Regional and local BAPs are still valid however and continue to be updated and produced.

Detail on the relevant BAPs for this site are provided in the main text of this report.

Legislation Relating to Nesting Birds

Nesting birds, with certain exceptions, are protected from intentional killing, destruction of nests and destruction/taking of eggs under the Wildlife and Countryside Act 1981 (as amended) and the CROW Act. Any clearance of dense vegetation should therefore be undertaken outside of the nesting bird season, taken to run conservatively from March to August (inclusive), unless an ecologist confirms the absence of active nests prior to clearance.

Legislation Relating to Bats

All UK bats and their roosts are protected by law. Since the first legislation was introduced in 1981, which gave strong legal protection to all bat species and their roosts in England, Scotland and Wales, additional legislation and amendments have been implemented throughout the UK.

Six of the 18 British species of bat have Biodiversity Action Plans (BAPs) assigned to them, which highlights the importance of specific habitats to species, details of the threats they face and proposes measures to aid in the reduction of population declines.

Although habitats that are important for bats are not legally protected, care should be taken when dealing with the modification or development of an area if aspects of it are deemed important to bats such as flight corridors and foraging areas.

The Wildlife & Countryside Act 1981 (WCA) was the first legislation to provide protection for all bats and their roosts in England, Scotland and Wales (earlier legislation gave protection to horseshoe bats only.)

All eighteen British bat species are listed in Schedule 5 of the Wildlife and Countryside Act, 1981 and under Annex IV of the Habitats Directive, 1992 as a European protected species. They are therefore fully protected under Section 9 of the 1981 Act and under Regulation 43 of the Conservation of Habitats and Species Regulations 2019, which transposes the Habitats Directive into UK law.

Consequently, it is an offence to:

- Deliberately capture, injure or kill a bat;
- Intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats;
- Damage or destroy a bat roosting place (even if bats are not occupying the roost at the time);
- Possess or advertise/sell/exchange a bat (dead or alive) or any part of a bat; and
- Intentionally or recklessly obstruct access to a bat roost.

Legislation Relating to Reptiles

All species of reptile native to the UK are protected to some degree under national and/or international legislation, which provides mechanisms to protect the species, their habitats and sites occupied by the species.

Sand lizards and smooth snakes are European protected species and are afforded full protection under Section 9 of the Wildlife and Countryside Act 1981 and Regulation 43 of the Conservation of Habitats and Species Regulations 2019. However, these species are rare and highly localised. Their occurrence is not considered as relevant in this instance, as the ranges and specialist habitats of these species do not occur at this site.

The remaining widespread species of native reptiles (adder, grass snake, slow worm and viviparous lizard) are protected under part of Section 9(1) and all of Section 9(5) of the Wildlife and Countryside Act 1981. They are protected against intentional killing and injury and against sale, transporting for sale etc. The habitat of these species is not protected. However, in terms of development, disturbing or destroying reptile habitat during the course of development activities while reptiles are present is likely to lead to an offence under the Wildlife and Countryside Act 1981. It is therefore important to identify the presence of these species within a potential development site. If any of these species are confirmed, all reasonable measures must then be taken to ensure the species are removed to avoid the threat of injury or death associated with development activities.

Each species of native reptile has specific habitat requirements but general shared features include a structurally diverse habitat that provides for shelter, basking, foraging and hibernating.

All reptiles are BAP species and as such are also of material consideration in the planning process due to the NPPF.

Legislation Relating to Dormice

Dormice are given full protection under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Protection to the species is also afforded by Regulation 43 of the Conservation of Habitats and Species Regulations 2019, making the hazel dormouse a European Protected Species. These two pieces of legislation operate in parallel, although there are some small differences in scope and wording. Under the provisions of Section 9 of the Wildlife & Countryside Act, it is an offence to:

- Intentionally kill, injure or take a dormouse;

- Possess or control and live or dead specimen or anything derived from a dormouse (unless it can be shown to have been legally acquired);
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a dormouse; and
- Intentionally or recklessly disturb a dormouse while it is occupying a structure or place which it uses for that purpose.

Regulation 43 of the Conservation of Habitats and Species Regulations 2019 makes it an offence to:

- Deliberately capture or kill a dormouse;
- Deliberately disturb a dormouse;
- Damage or destroy a breeding site or resting place of a dormouse; and
- Keep transport, sell or exchange, or offer for sale or exchange a live or dead dormouse or any part of a dormouse.

Legislation Relating to Great Crested Newts

Great crested newts are given full protection under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Protection to the species is also afforded by Regulation 43 of the Conservation of Habitats and Species Regulations 2019, making the great crested newt a European Protected Species. These two pieces of legislation operate in parallel, although there are some small differences in scope and wording. Under the provisions of Section 9 of the Wildlife & Countryside Act, it is an offence to:

- Intentionally kill, injure or take a great crested newt;
- Possess or control and live or dead specimen or anything derived from a great crested newt (unless it can be shown to have been legally acquired);
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a great crested newt; and
- Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for that purpose.

Regulation 43 of the Conservation of Habitats and Species Regulations 2019 makes it an offence to:

- Deliberately capture or kill a great crested newt;
- Deliberately disturb a great crested newt;
- Damage or destroy a breeding site or resting place of a great crested newt; and
- Keep transport, sell or exchange, or offer for sale or exchange a live or dead great crested newt or any part of a great crested newt.

Legislation Relating to Natura 2000 Sites and Habitats Directive Annex I/II Species

European Commission Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('EU Habitats Directive'), and Council Directive 79/409/EEC on the Conservation of Wild Birds ('Birds Directive') form the cornerstones of nature conservation legislation across EU member states. Priority species requiring protection across Europe are listed in the Annexes of these Directives. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2019 and Offshore Marine Conservation Regulations, 2007 (as amended) transpose these directives into UK law and set the basis for the designations of protected sites (known as Natura 2000 sites; Special Areas of Conservation under the Habitat Directive and Special Areas of Protection under the Birds Directive) that are of importance for habitats, species or assemblages listed on the directive Annexes. In the UK Ramsar sites are also offered the same level of protection as SPAs and SACs however the qualifying species for the designation may differ; Ramsar sites being designated specifically as important wetland habitats.

Under article 6(3) of the Habitats Directive, where projects stand to have likely significant effect (in accordance with the European Court of Justice ruling of C-127/02 Waddenzee cockle fishing) upon the integrity of conservation objectives (i.e. conservation status of the qualifying species or habitats) within the designated sites then the Competent Authority must undertake an Appropriate Assessment.

C.2 PLANNING POLICY

National

National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2023²⁴ sets out the Government's planning policies for England, including how plans and decisions are expected to apply a presumption in favour of sustainable development. Chapter 15 of the NPPF focuses on conservation and enhancement of the natural environment, stating plans should 'identify and pursue opportunities for securing measurable net gains for biodiversity'.

It goes on to state: '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'. Alongside this, it acknowledges that planning should be refused where irreplaceable habitats such as ancient woodland are lost.

Regional

Cambridgeshire Local Nature Recovery Strategy

A Local Nature Recovery Strategy (LNRS) is being created for Cambridgeshire as an important component of the Environment Acts 2021. This will include a description of the strategy for Cambridgeshire, identify opportunities for recovering and enhancing biodiversity, prioritise areas and

species, and map national conservation sites, nature reserves, areas important for biodiversity, and areas where biodiversity could contribute to environmental benefits.

Cambridgeshire and Peterborough Additional Species of Interest (CPASI)

As well as the UK Biodiversity Action Plan (BAP) species, Cambridgeshire and Peterborough Environmental Record Centre (CPERC) and The Cambridgeshire and Peterborough Biodiversity Group have compiled a list of additional species of interest. This comprises over 170 species that have important populations within Cambridgeshire and Peterborough but are not on the UK BAP priority list. These species have been selected for due to being relatively nationally rare, with significant proportions of the national population residing in Cambridgeshire. These CPASI species should be considered in conjunction with the UK priority species and should be considered as targets for conservation effort where appropriate.

Local

Local policy and SPDs

Cambridge City Council Biodiversity Strategy (2022-2030)

The aim of the Cambridge City Council Biodiversity Strategy is to provide a measurable net gain in biodiversity within the city and the surrounding countryside. It is their aim is to promote the principles outlined within the Lawton Report: bigger, better, more joined up, to give the public and residents access to high quality green space. The strategy also aims to work alongside the Cambridge Nature Recovery Networks River Cam Priority Area to provide a network of habitats including wetlands and grassland, providing better opportunities for habitats such as otter, eel, and water vole.

The seven main objective of the strategy are:

- To secure a measurable net gain in biodiversity across the City by 2025 and support the Natural Cambridgeshire Doubling Nature Vision by 2030;
- To ensure designated sites and priority habitats are in good / favourable condition and connected, where possible, to increase resilience to a changing climate and contribute to the Cambridge Nature Network;
- To promote awareness of biodiversity and wellbeing, supporting coordinated action in our communities, businesses, and institutions;
- To ensure that biodiversity is considered by all council service functions and projects Cambridge City Council Biodiversity Strategy 2022 - 2030;
- To maximise the potential of our buildings, parks, open spaces, allotments and community gardens, watercourses and tree stock to support biodiversity, whilst balancing their multifunctional needs;
- To harness the wealth of local professional and amateur knowledge and experience in identifying and solving local issues; and

- To establish long term, species and habitat surveys and monitoring to measure the impact of activities and identify new threats and opportunities across the city.

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