



Ecological Impact Assessment

Land at Dig Gate Lane, Milnrow

Rochdale Power Ltd

SHF.3050.001.EC.R.001



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Non-Technical Summary

- i. In June 2022 Enzygo Ltd was commissioned by Rochdale Power Ltd (the client) to provide an Ecological Impact Assessment (EclA) in relation to Land at Dig Gate Lane, Kingsway Business Park, Milnrow OL16 4NR (central grid reference: SD 91837 11185) located within the Rochdale Council planning authority. This study will inform proposals for a Gas-Powered Reserve Energy Facility.
- ii. The following key ecological features and associated recommendations have been identified:
 - **Green Infrastructure** – *(Northern boundary trees and hedgerow provides green infrastructure function across the landscape)* – the site layout has been designed to retain and protect the existing hedgerow, minimising required loss as much as possible to permit development, and provides opportunities for enhancement. A sensitive lighting strategy will also be required to minimise potential operational degradation of this feature;
 - **Bats** – *(No buildings or structures within the site, and no trees providing any opportunities for roosting bats. Northern boundary trees and hedgerow provides a limited extent of suitable foraging and commuting habitat)* – The retained trees and hedgerow shall be protected throughout the construction phase and a sensitive lighting scheme implemented;
 - **Badger** – *(No evidence of Badger within the site however they are known to be present in the local area)* – Best practice precautionary measures are recommended for the construction phase;
 - **Nesting Birds** – *(Northern boundary vegetation provides a limited extent of suitable nesting habitat for a restricted range of nesting birds. Open grassland also provides limited potential for ground-nesting farmland species)* - Recommended site clearance is conducted outside of the nesting season, or if necessary within the nesting season, an Ecological Clerk of Works (ECoW) to advise and supervise works to ensure no active nests to be affected. No further detailed Breeding Bird Survey deemed necessary in this instance; and,
 - **Priority Species** – *(Northern boundary trees and hedgerow provides a limited extent of suitable shelter, refuge and foraging habitat for other wildlife such as Common Toad and Hedgehog. Dry Pond to the east may provide opportunities for Pond Mud Snail)* - Precautionary measures recommended during the construction phase to minimise the risk of killing/injury of other Priority Species and degradation of habitat .
- iii. The site layout and landscape planting proposals have allowed the proposals to demonstrate an overall 10% net gain in habitat units in accordance with the requirements of The Environment Act 2021. A separate DEFRA Metric 3.1 calculation has been provided.
- iv. This report has demonstrated that, if the outlined mitigation measures are implemented in full, then no significant residual impact could be expected, and the proposed application will result in ‘no net loss in biodiversity,’ whilst also providing opportunities for ‘biodiversity net gain’ in accordance with NPPF and Local Planning Policy.

1.0 Introduction

1.1 Commission

1.1.1 In June 2022 Enzygo Ltd was commissioned by Rochdale Power Ltd (the client) to provide an Ecological Impact Assessment (EcIA) in relation to Land at Dig Gate Lane, Kingsway Business Park, Milnrow OL16 4NR (central grid reference: SD 91837 11185) located within the Rochdale Council planning authority. This study will inform proposals for a Gas-Powered Reserve Energy Facility.

1.1.2 *Note: Enzygo Ltd are not considered to act as a Principal Designer for any mitigation/enhancement strategies identified within this document in accordance with the Construction (Design and Management) Regulations 2015 (CITB, 2016).*

1.2 Proposed Development/Identification of Impacts

1.2.1 The study will inform proposals for a 4.4MW, one engine, Gas-Powered Reserve Energy Facility on agricultural land situated between Dig Gate Lane and the M62 motorway. The proposals comprise one containerised generator connected to the mains gas grid, located within a secure compound, along with associated infrastructure including electrical switchgear, gas kiosk, transformer, and a DNO building. A new access will be created to the north on to Dig Gate Lane which is assumed to entail a minimal breach of the existing hedgerow vegetation. This assessment has not assessed the proposed route of any connecting cables, points of connection or site compounds which may extend outside of the redline boundary. An Air Quality Assessment (Enzygo, 2022) has been produced which does not identify any potential significant impacts on ecological designations in the wider area. No other impacts in relation to hydrological pollution, noise, vibration, dust etc. have been identified. Refer to Appendix A for a plan of the proposals.

1.2.2 This report identifies ecological features, and potential impacts and effects, recommends proportionate avoidance/mitigation/compensation strategies, followed by enhancements. This information will advise the client on the potential constraints to proposals and inform the final site design. A corresponding zone of influence has been considered (this includes any transboundary effects regardless of administrative areas).

1.3 Aims and Objectives

1.3.1 The purpose of this report is to provide biodiversity information which succinctly identifies ecological features on site and within the corresponding zone of influence, confirms potential impacts resulting from the proposals, associated effects to ecological features, presents proportionate avoidance, mitigation and compensation strategies, and identifies enhancements that can be implemented in accordance with the British Standard for Biodiversity BS42020:2013 (BSI, 2013) to demonstrate 'no net loss in biodiversity' and a 'biodiversity net gain' in accordance with NPPF and Local Planning Policy.

1.3.2 This report has been produced with reference to current *Guidelines for Preliminary Ecological Appraisal* (CIEEM, 2017a), *Guidelines for Ecological Impact Assessment in the UK and Ireland, Terrestrial, Freshwater, Coastal and Marine* (CIEEM, 2018), *Guidelines for Ecological Report Writing* (CIEEM, 2017b), and British Standard BS42020:2013 (BSI, 2013).

1.4 Background/Acknowledgments

- 1.4.1 A search of Rochdale Borough Council planning website has identified a previous March 2019 consent at the site for the “*construction of a gas-powered reserve energy plant (7.56MW) with associated infrastructure, access, landscaping and perimeter fencing*” (planning reference 18/01338/FUL). This permission lapsed on 27th March 2022. This previous application was supported by a December 2018 *Ecological Status Update* (Enzygo, 2018) which represented a review and update of a previous more detailed *Ecological Appraisal Report* (WYG, 2017).
- 1.4.2 Condition 7 of the planning approval required a pre-commencement check of the site for Badger setts, and other wildlife such as amphibians and reptiles. Subsequently, a technical note was produced (Enzygo, 2021) confirming site conditions were largely as previously reported and confirming the required avoidance and mitigation measures. This application and supporting ecological assessment information have been reviewed and pertinent information used to inform the applicable part of this report.
- 1.4.3 A 2017 application at the same site for “*construction of a gas-powered reserve energy plant (7.5MW) with associated infrastructure, landscaping and perimeter fencing*” (planning reference 17/01260/FUL) was supported by the same 2017 *Ecological Appraisal Report* (WYG, 2017) as detailed above.
- 1.4.4 The search has not identified any other more historic applications associated with the site with any supporting ecological survey or assessment information (e.g. planning references 07/D48572 or 98/D35130). Similarly, no applications in the surrounding area have been identified with any supporting information which is pertinent to this assessment.
- 1.4.5 It is our understanding that to date, there have been no correspondence with the County Ecologist or any other statutory consultees regarding this application. Additionally, we have not been informed of any Local Validation requirements i.e. biodiversity checklist for completion or specific standards for surveys.

1.5 Local Planning Policy

- 1.5.1 The following policies of the *Rochdale Adopted Core Strategy* (Rochdale Council, 2016) are applicable to nature conservation and this assessment. Please refer to the Local Plan document for full details of the policies.
- **Policy SO4** – To promote a greener environment;
 - **Policy G6** – Enhancing green infrastructure;
 - **Policy G7** – Increasing the value of biodiversity and geodiversity; and
 - **Policy G9** – Reducing the impact of pollution, contamination and land instability.
- 1.5.2 The Rochdale Metropolitan Borough Council *Biodiversity and Development* Supplementary Planning Document (Rochdale Council, 2008) is also applicable. No other Supplementary Planning Documents (SPDs) have been identified which are specifically applicable to this assessment and the proposals in relation biodiversity and nature conservation.
- 1.5.3 Refer to Appendix B for relevant details of European and National Legislation, and National Planning Policy.

1.6 Site Context

- 1.6.1 The approximately 0.4ha site predominantly comprises a field of short-grazed species-poor pasture in current use for grazing livestock. At the north of the site is a hedgerow and trees, with a further strip of species-poor modified grassland and artificial unvegetated unsealed

surface adjacent to Dig Gate Lane which demarcates the northern boundary. The eastern, western and southern boundaries are undefined routing across central areas of the pasture field unit. To the immediate east of the site is seasonal field pond surrounded by stock proof fencing. The M62 motorway lies approximately 50m to the south, with extensive industrial land associated with Kingsway Business Park in the wider area to the north and west.

- 1.6.2 The site lies within the Manchester Pennine Fringe National Character Area (Natural England, 2013) which *“occupies the transitional zone between the open moorlands of the Dark Peak and Southern Pennines, and the densely populated urban conurbation of Manchester.”*

Figure 1 – Site Area



Image courtesy of Google Image Pro 7.3.2.5491, [Grid Ref: SD 91837 11185]. Imagery date 22nd April 2021. Image accessed 25th August 2022.

2.0 Methodology

2.1 Desk Study

2.1.1 Desk study details were obtained from the following sources on the associated dates to provide background on ecological features in the vicinity of the site. In each case the search included the site and the specified area beyond the site boundary based on the expected zone of influence. Candidate and potential designations are considered too as these are also legally protected. Records search for included:

- Statutory sites designated or classified under international conventions or European legislation within a 5km radius, statutory sites designated under national legislation (including Marine), existing EPS Licence applications and Great Crested Newt Pond Survey records within a 2km radius, and Priority Habitat & Ancient Woodland Inventory within a 0.5km radius [Magic Map, 25th August 2022] (DEFRA, 2022);
- Tree Preservation Orders (TPOs) and Biodiversity Conservation Areas within the immediate zone of influence [Rochdale Borough Council website, 25th August 2022];
- Waterbodies within a 0.5km radius (Online mapping sources including: Google Maps; Magic Map; and Ordnance Survey Street View, 25th August 2022); and
- Locally designated wildlife sites & any notified Local Biodiversity Action Plan (BAP) Habitats, Legally protected species, any Priority species (which includes: National Biodiversity Species, Local BAP Species, Species of conservation concern and Red Data Book (RDB) species, Birds of Conservation Concern (BOCC), nationally rare and nationally scarce species, and OSPAR Commission list of threatened/declining species) and Invasive species (listed under section 14 of Schedule 9 only) within a 2km radius, and any important hedgerows/veteran trees within the immediate zone of influence [Greater Manchester Local Record Centre (GMLRC), 21st July 2022].

2.1.2 The Data has been edited where relevant to prevent sensitive or confidential records being made public in accordance with Guidelines for Accessing and Using Biodiversity Data (CIEEM, 2020).

2.2 Field Survey

2.2.1 Field Surveys were undertaken on the following dates by the identified staff, all of whom satisfy necessary field survey competencies as stipulated by the Chartered Institute for Ecology and Environmental Management (CIEEM). Weather conditions on the day of survey have been included and where relevant survey/class licence numbers referred to.

Table 1 – Survey Dates and Conditions

Survey	Date	Staff/Licence	Environmental Conditions and Times
Preliminary Ecological Appraisal	16/08/2022	Chris Schofield ACIEEM MSc. BSc. (Hons) [Senior Ecologist at Enzygo]	Dry and overcast (100% cloud cover), and 24°C with a light wind.

Preliminary Ecological Appraisal

- 2.2.2 In accordance with Guidelines for Preliminary Ecological Appraisal 2nd Edition (CIEEM, 2017a) the Preliminary Ecological Appraisal (PEA) survey included the following.

UK Habitat Classification

- 2.2.3 This assessment has utilised the UK Habitat Classification (UKHab) methodology (UKHab, 2020), as the recommended published method of habitat classification. It has been used to categorise and map the primary habitat types present within the survey area using a standard set of habitat categories, with associated secondary codes/features identified where applicable. Details of current management and habitat condition have also been recorded where appropriate.
- 2.2.4 Each of the main habitats has been described; including details of component plant species abundances (recorded using the DAFOR scale: D=Dominant, A=Abundant, F=Frequent, O=Occasional, R=Rare). Additionally, any stands of non-native invasive plant species were recorded. Habitat extents have been visually mapped onto a topographic plan, with approximate location/areas recorded only (a GPS unit has not been utilised to accurately recorded these).

Assessment of possible presence/likely importance for Protected & Priority Species

- 2.2.5 An assessment of the possible presence of protected or priority species, and the likely importance of habitat features present for such species has also been undertaken, particularly where uncommon or specialised habitats are present in accordance with current PEA guidelines (CIEEM, 2017a). However, no specific protected species survey has been undertaken unless listed under additional surveys as below. Any incidental sightings of protected or priority species, or field signs of such species has also been recorded. Species assessed include: Plants & Fungi; Terrestrial/aquatic invertebrates; Fish; Amphibians; Reptiles; Breeding, wintering and migratory birds; Bats (including potential roost sites, foraging and commuting habitats/features), Badger, and Other mammal species.

2.3 Assessment

Assessment of Potential Development Impacts

- 2.3.1 A level of importance has been assigned to each ecological feature, where sufficient baseline data is available to do so, in accordance with current guidance (CIEEM, 2018). This is defined within a geographical context as follows: International and European; National; Regional; Metropolitan, County, vice-county or other local authority-wide area; River Basin District; Estuarine system/Coastal cell; and Local (plus Negligible where no associated value has been identified). For example, importance of designated sites reflects the geographical context of the designation (where designated sites no longer meet designation criteria and those formally 'de-notified' or where an undesignated site meets published selection criteria must also be considered). When considering habitats and species contextual information about distribution and abundance of that habitat/species in the area must be considered (if the habitat/species status is currently in a degraded or unfavourable condition its potential value should be considered).
- 2.3.2 The assessment then considers potential impacts (both positive and negative) generated during the construction and operational phase of the proposed application. Only impacts that are likely to be significant are considered. Impacts that are either unlikely to occur, or if they did occur are unlikely to be significant, are not considered.

- 2.3.3 Cumulative impacts are then considered where the application meets criteria in accordance with national EIA screening guidance (GOV.UK, 2019), and where agreed with the competent authority during scoping. This takes into consideration existing background levels of threat or pressure, looks at critical thresholds, and assess both additive/incremental and associated/connected impacts and effects.
- 2.3.4 Relevant aspects of ecological structure and function are then considered when determining if identified impacts will have a significant effect upon ecological features. Where necessary, this assessment utilises information from other specialists i.e. hydrology etc., to determine the level of impact. In accordance with current guidance (CIEEM, 2018) these are described using the following characteristics, where relevant: positive or negative; extent; magnitude; duration; frequency and timing; and reversibility.
- 2.3.5 The mitigation hierarchy is then explored in accordance with BS42020:2013 (BSI, 2013). This seeks as a preference to avoid impacts, then to mitigate unavoidable impacts, and as a last resort, to compensate for unavoidable residual impacts that remain after avoidance and mitigation measures. Justification has been provided by the client/their planner where the mitigation hierarchy cannot be followed, or for example where compensation is a preferred approach where the competent authority has adopted a County wide strategy i.e. District Level Licensing Schemes (GOV.UK, 2019). In this instance current national Biodiversity Offsetting guidance has also been consulted (GOV.UK, 2019). Additional information has also been provided by the client/their planner where the applicant wishes to demonstrate exceptional circumstances or where they wish to pursue alternative strategies. Any residual impacts following mitigation measures etc are then identified.
- 2.3.6 All mitigation measures follow species specific current best practice guidance and the source has been identified accordingly. Deviation from guidance has been explained by the ecologist and is proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed works.
- 2.3.7 It is important that planning decisions are based on up-to-date ecological data, and the specific timeframe over which survey data is considered valid follows general advice (CIEEM, 2019). Additionally, it should be noted that the presence/absence and status of protected species can change seasonally/annually. The age of data should also be assessed separately when considering the submission of an EPS Licence (i.e. Natural England may require data to be from the current season).
- 2.3.8 Local Environmental Records Centres (LERC) issue a licence for use of provided biodiversity data for 1 year only, after which time this should be renewed to validate an application (and reports updated accordingly to incorporate any new records). Following completion of surveys all relevant biodiversity data will be submitted to the relevant LERC and other groups as appropriate.

2.4 Limitations

- 2.4.1 Data held by consultees may not be exhaustive; the absence of evidence does not indicate evidence of absence. Enzygo cannot take responsibility for the accuracy of external data sources and as such discrepancies and inaccuracies may occur.
- 2.4.2 Natural England do not hold information of Ancient Woodland less than 2ha in size.
- 2.4.3 Records over 10 years old for transient species (as these are likely to have moved during the interim) and species protected from sale only under the W&C Act 1981 and amendments, are excluded (as these are not relevant to a planning application). Additionally, given the large

number of priority species, these have only been included if identified from the desk study and/or habitats recorded on site have been assessed as providing suitable conditions.

- 2.4.4 Geological sites have only been included within this report where they have biodiversity or nature conservation components to their designation.
- 2.4.5 At certain times of year flora species may be in a state of senescence and are not readily identifiable. However, August represents a favourable time to identify the majority of flora species, including woodland ground flora, and it was possible to easily classify the commonly occurring habitat types. The timing of the survey is not perceived as a survey limitation.
- 2.4.6 This document does not contain a comprehensive list of botanical species on site. Only plant species characteristic of each habitat and incidental observations of notable plant species were recorded.
- 2.4.7 GMLRC and Rochdale Council do not supply information on Important Hedgerow and Veteran Trees. Rochdale Council also do not currently have a publicly accessible map of Tree Preservation Orders (TPOs).
- 2.4.8 All areas of the site were fully accessible. No access limitations were experienced.

3.0 Baseline Ecological Conditions

3.1.1 Ecological features identified by the desk study/field survey are presented below, along with their details and associated ecological value. Refer to Drawings SHF.3050.001.EC.D.001 for the location/extent of ecological features where relevant.

Table 2 – Ecological Features

Ecological Feature	Details	Ecological Importance
Statutory sites designated or classified under international conventions or European legislation		
Rochdale Canal Special Area of Conservation (SAC) 1.4km North-west	Supports a significant population of Floating Water-plantain (<i>Luronium natans</i>), an Annex II species which is the primary reason for selection of this site.	International
South Pennine Moors SAC 4.7km North-east	Annex I habitats that are a primary reason for selection of this site: - European Dry Heaths - Blanket Bogs (*if active bog) - Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site: - Northern Atlantic wet heaths with <i>Erica tetralix</i> - Transition mires and quaking bogs	International
Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA) 4.7km North-east	The site qualifies under article 4.1 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the Great Britain population of a species listed in Annex I, in any season: - Merlin (<i>Falco columbarius</i>) – breeding - Golden Plover (<i>Pluvialis apricaria</i>) – breeding - Short-eared Owl (<i>Asio flammeus</i>) – breeding	International
Statutory sites designated under national legislation (& Impact Risk Zones)		
Rochdale Canal Site of Special Scientific Interest (SSSI) 1.4km North-west	The Rochdale Canal contains important habitats for submerged aquatic plants and emergent vegetation, including extensive colonies of the nationally scarce SAC species Floating Water-plantain. The site also supports a diverse assemblage of aquatic flora, notably its assemblage of pondweeds, (<i>Potamogeton</i> spp); the nine species of which found in the canal represent a balanced community which reflects the quality of water.	National

Impact Risk Zone (IRZ)	The Impact Risk Zone (IRZ) in which the site lies states the LPA should consult Natural England on the likely impacts of the following development categories: - Pipelines, pylons and overhead cables. Any transport proposal including road, rail and by water (excluding routine maintenance). Airports, helipads and other aviation proposals. - Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc. Oil & gas exploration/extraction. - Large non-residential developments outside existing settlements/urban areas where footprint exceeds 1ha. - Any residential development of 100 or more houses outside existing settlements/urban areas. - Any industrial/agricultural development that could cause Air Pollution (incl: industrial processes, livestock & poultry units with floorspace > 500m², slurry lagoons & digestate stores > 200m², manure stores > 250t). - General combustion processes >20MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion. - Landfill. Incl: inert landfill, non-hazardous landfill, hazardous landfill. - Any composting proposal with more than 75000 tonnes maximum annual operational throughput. Incl: open windrow composting, in-vessel composting, anaerobic digestion, other waste management. - Any discharge of water or liquid waste of more than 5m³/day to ground (ie to seep away) or to surface water, such as a beck or stream. - Large infrastructure such as warehousing / industry where total net additional gross internal floorspace following development is 1,000m² or more.	N/A Proposals do not meet the criteria for which LPA should consult Natural England.
Local Nature Reserves		
<i>None within a 2km radius</i>	-	N/A
Other locally designated wildlife sites		
Marsh Near Turf Hill Site of Biological Importance (SBI) 625m North	The site supports areas of marsh and swamp, which is the remnant of a larger area of marsh and open water that was subject to development and various mitigation measures. Marshy grassland is a Greater Manchester Biodiversity Habitat. The site supports important populations of invertebrates, including the UK Biodiversity Priority Species Mud Pond Snail (<i>Omphiscola glabra</i>).	County
Stanney Brook SBI 700m North	Site is noted for its semi-natural grassland habitat and for supporting Mud Pond Snail.	County
Sudden Brook (West & East) SBI 900m South-west	Site is noted for its semi-natural grassland habitat.	County

Meadow North of Moss Gate SBI 1.2km South-east	Site is noted for its semi-natural grassland habitat.	County
Rochdale Canal (Scowcroft to Warland) SBI 1.4km North-west	Site is noted for its Canal habitats and for supporting Floating Water-plantain.	
England HPI, Local BAP Habitats, Ancient Woodland, Important Hedgerows, Veteran Trees, TPOs and Conservation Areas		
Lowland Mixed Deciduous Woodland HPI 300m East	Magic Map (DEFRA, 2022) indicates a total of 1.53ha of Deciduous Woodland Priority Habitat within a 500m radius of the site, located 300m to the east. No woodland identified as Ancient Woodland within a 500m radius.	Local
Green/Blue & Aquatic Infrastructure, Dark Zones, and Local Policy		
Green Infrastructure  <i>Row of trees at the north-west boundary</i>	The hedgerow and trees at the north of the south provide a limited extent of habitat connectivity and wildlife corridor function across the landscape.	Local
Blue Infrastructure  <i>Seasonal pond to the east of the site</i>	No watercourses or waterbodies within or immediately adjacent to the site and no known hydrological to any watercourses in the wider area. The seasonal pond to the east was entirely dry in August 2022 and also during a previous visit in January 2021 (Enzygo, 2021). It is confirmed this does not represent any significant blue infrastructure features.	N/A

Dark Zones	There are no known dark zones across the site. In accordance with the standard guidance specified in the <i>Guidance Notes for Reduction of Obtrusive Lighting</i> (Institution of Lighting Professionals, 2020), the application site likely falls under Environmental Zone E3 (Suburban – Medium district brightness).	N/A
Habitat Types		
Modified Grassland (g4) 	The vast majority of the site supports species-poor modified grassland which is short-grazed as a result of its current use as pasture for livestock. The modified grassland is characterised by abundant Yorkshire-fog (<i>Holcus lanatus</i>), White Clover (<i>Trifolium repens</i>) and Creeping Buttercup (<i>Ranunculus repens</i>), with frequent Perennial Rye-grass (<i>Lolium perenne</i>), Creeping Thistle (<i>Cirsium arvense</i>), Common Ragwort (<i>Senecio jacobaea</i>), Ribwort Plantain (<i>Plantago lanceolata</i>) and Broad-leaved Dock (<i>Rumex obtusifolius</i>), occasional Meadow Buttercup (<i>Ranunculus acris</i>) and Soft-rush (<i>Juncus effusus</i>), and rare Common Knapweed (<i>Centaurea nigra</i>). The species assemblage and grassland condition are comparable to that reported in 2017 (WYG, 2017) and 2021 (Enzygo, 2021). This grassland habitat does not represent or contribute to any UK BAP or Local BAP habitat.	Negligible
Other Hedgerow (h2b) 	At the north of the site is a hedgerow which is unmanaged and on average 3m high by 3m wide. The hedgerow is approximately 80% continuous with 20% gaps and includes a line of seven young Italian Alder (<i>Alnus cordata</i>) at the western end. The hedgerow supports frequent Hawthorn (<i>Crataegus monogyna</i>), Garden Privet (<i>Ligustrum ovalifolium</i>), Elder (<i>Sambucus nigra</i>), Field Rose (<i>Rosa arvensis</i>) and Italian Alder, and occasional Silver Birch (<i>Betula pendula</i>). The ground layer supports abundant Common Nettle (<i>Urtica dioica</i>), and frequent Bramble (<i>Rubus fruticosus</i> agg.) Due to the abundance of Garden Privet and Italian Alder, this hedgerow does not meet the criteria to be considered Hedgerow Priority Habitat (i.e. less than 80% native species) (Maddock, 2008), however does provide limited green infrastructure function as described earlier.	Local
Artificial Unvegetated Unsealed Surface (u1c)	At the northern boundary adjacent to Dig Gate Lane is a strip of unvegetated compacted gravel which appears regularly disturbed as a result of its use for car parking. This habitat has significantly minimal colonising vegetation including Annual Meadow-grass (<i>Poa annua</i>), Dandelion (<i>Taraxacum officinale</i> agg.) and Broad-leaved Willowherb (<i>Epilobium montanum</i>), with <1% cover. This habitat does not represent or contribute to any UK BAP or Local BAP habitat.	Negligible
Fence (u1e 69)	The pasture field unit is bound by stretches of timber post-and-rail fencing. No specific significant vegetation assemblage is associated with these fence lines. This habitat does not represent or contribute to any UK BAP or Local BAP habitat.	Negligible

Legally Protected & Priority Species (& Consultation Zones where applicable)		
Bats	No buildings or structures within the site boundary providing any opportunities for roosting bats. In addition, none of the young Italian Alder trees at the north-west of the site provide any potential for roosting bats and are assessed as <i>Negligible</i> value in accordance with current guidance (Collins, 2016). No potential roosting features were noted and are trees too young to have developed features commonly found on more mature trees (such as hollows, cavities, woodpecker holes etc.). The open short-grazed species-poor grassland which occupies the majority of the site provides <i>Negligible</i> suitability foraging and commuting for bats (Collins, 2016). The hedgerow and trees to the north provide a limited extent of suitable habitat for foraging and commuting bats. The local records data search has identified five records of bat roosts within a 2km radius recorded in the last 10 years, including roost records of Common Pipistrelle (<i>Pipistrellus pipistrellus</i>) and unidentified bat species. The closest is a 2013 record of an unidentified bat species located 1km to the north-west. There are records of other signs of bats (i.e. non roost records) within a 2km radius in the last 10 years of Common Pipistrelle, Nathusius' Pipistrelle (<i>Pipistrellus nathusii</i>), Pipistrelle species and Noctule (<i>Nyctalus noctula</i>). The closest is a 2014 record of Common Pipistrelle from 375 to the north. There are also two records of previous Natural England licence applications within a 2km radius. The closest is a 2015 record from 1.4km to the north associated with Common Pipistrelle and Brown Long-eared Bat (<i>Plecotus auritus</i>) (licence reference 2015-7854-EPS-MIT), and the other is a 2016 record 2km to the west associated with Common Pipistrelle (licence reference 2016-20262-EPS-MIT).	Local
Badger	No evidence of Badger identified during the field survey. The boundary hedgerow to the north provides a significantly limited extent of suitable shelter, refuge and potential sett creation habitat, and the open grassland provides a limited extent of suitable foraging habitat. The local records data search has identified five records of Badger setts within a 2km radius (all pre-2012), with the closest 1.2km from the site boundary. There is also a single record of other signs of Badger (i.e. non sett records) within a 2km radius in the last 10 years, again located 1.2km from the site boundary. No evidence of Badger was detected at the site during the previous 2017 (WYG, 2017) or 2021 (Enzygo, 2021) visits.	Local
Dormouse	The hedgerow provides a limited extent of suitable habitat for Dormouse, however the site lies in an area of the Country where this species is significantly rare, if not extinct. No records of Dormouse within a 2km radius.	Negligible

Otter and Water Vole	No watercourses or waterbodies within or immediately adjacent to the site, and no habitats suitable for Otter or Water Vole. The adjacent dry pond does not provide suitable habitat for Otter and Water Vole, appearing to not support significant open water for any period of the year. The local records data search has identified six records of Water Vole within a 2km in the last 10 years, with the closest a 2019 record from 700m to the north at Marsh Near Turf Hill SBI. No records of Otter within a 2km radius.	Negligible
Other Protected Mammals	No evidence of, or specific opportunities for, any other species of protected mammal. No records of any other protected mammal species within a 2km radius.	Negligible
Specially Protected Birds	No evidence of, or significant specific opportunities for, any specially protected bird species within the site. No opportunities for nesting or roosting Barn Owl (<i>Tyto alba</i>) within the site boundary, and the short-grazed nature of the existing grassland does not provide any notable foraging opportunities for this species which favour rough tussocky grassland supporting an abundance of small mammal prey. In addition, there are no features or conditions which are likely to attract the specially protected species associated with Peak District Moors (South Pennine Moors Phase 1) SPA in the wider area (i.e. Merlin, Golden Plover or Short-eared Owl). The local data search has identified records of Schedule 1 birds within a 2km radius in the last 10 years comprising Hobby (<i>Falco subbuteo</i>), Kingfisher (<i>Alcedo atthis</i>), Little Ringed Plover (<i>Charadrius dubius</i>) and Peregrine (<i>Falco peregrinus</i>). The closest is a 2013 record of Kingfisher recorded 815m to the north-east.	Negligible
Breeding, Wintering and Migratory Birds	The hedgerow and young trees provide a limited extent of suitable nesting habitat for a variety of species which are likely to be present in the local area. The open pasture grassland provides a limited extent of suitable nesting habitat for ground-nesting species such as Skylark (<i>Alauda arvensis</i>) or Lapwing (<i>Vanellus vanellus</i>), although the suitability is limited by the regularly disturbed and enclosed nature. No conditions likely to attract or provide opportunities for migratory or wintering bird species (i.e. relatively small enclosed field unit with no wide field of view and regularly disturbed by livestock and adjacent M62 motorway). The local records data search has identified records of 16 Priority Species of bird within a 2km radius comprising Black-tailed Godwit (<i>Limosa limosa</i>), Bullfinch (<i>Pyrrhula pyrrhula</i>), Curlew (<i>Numenius arquata</i>), Dunnock (<i>Prunella modularis</i>), Grasshopper Warbler (<i>Locustella naevia</i>), Herring Gull (<i>Larus argentatus</i>), House Sparrow (<i>Passer domesticus</i>), Lapwing, Lesser Redpoll (<i>Acanthis cabaret</i>), Linnet (<i>Linaria cannabina</i>), Reed Bunting (<i>Emberiza schoeniclus</i>), Skylark, Song Thrush (<i>Turdus philomelos</i>), Starling (<i>Sturnus vulgaris</i>), Tree Pipit (<i>Anthus trivialis</i>), and Yellow Wagtail (<i>Motacilla flava</i>).	Local importance to a restricted range of common bird species.

Common Reptiles	The short-grazed regularly disturbed grassland which occupies the majority of the site provides negligible opportunities for reptiles. The hedgerow to the north provides a significantly limited extent of suitable foraging, shelter and refuge habitat for common reptile species such as Slow-worm (<i>Anguis fragilis</i>) and Grass Snake (<i>Natrix helvetica</i>). No records of reptiles within a 2km radius in the last 10 years, although there is a single 1990 record of Common Lizard (<i>Zootoca vivipara</i>) from 1.9km to the south.	Local
Great Crested Newt	No waterbodies providing any potential for breeding Great Crested Newt (GCN) within or immediately adjacent to the site. The dry pond to the immediate east is confirmed to not represent potential breeding habitat for GCN as it does not appear to hold significant open water at any time of year (as evidence by January 2021 visit (Enzygo, 2021) and this August 2022 visit). A single attenuation pond lies 110m to the west and appears to have been created in approximately 2015 associated with a large warehouse development. Given the recent creation of this pond and the absence of any other ponds within the nearby area which may support GCN and with the potential to disperse to this pond, the potential presence of GCN here is considered significantly low. This pond also lies beyond an access road to the industrial land with kerbstones which likely represent a partial amphibian dispersal barrier. The short-grazed pasture which occupies the majority of the site does not provide favourable shelter, refuge or foraging terrestrial habitat for GCN, further reducing the likelihood any GCN in the wider area would be attracted the site. The local records search has identified one record of GCN within a 2km radius, located 1.5km to the north and recorded in 2013. There is also a single previous Natural England EPS licence associated with GCN within a 2km radius, located approximately 1.4km to the north (licence reference 2015-7848-EPS-MIT). It is assumed this licence is associated with the same single record reported by GMLRC. The site does not lie within any specific GCN risk zone identified by NatureSpace or Natural England.	Negligible
Other Protected Herpetofauna	No suitable habitats within or immediately adjacent to the site specifically suitable for other species of protected herpetofauna. No records of other protected amphibian or reptile species within a 2km radius.	Negligible
Protected Fish/Marine	No watercourses or waterbodies within or immediately adjacent to the site. No records of any protected fish within a 2km radius.	Negligible
White-clawed Crayfish	No streams, ditches or other watercourses within or adjacent to the site. No records within a 2km radius.	Negligible
Protected Invertebrates	Only widespread and common habitats typical of the landscape are present. No habitats present which are likely to support a range or diversity of invertebrates or likely to support any protected invertebrate species. The data record search has not revealed any protected invertebrate species within the search area.	Negligible

Protected Flora	No protected flora species detected during the field survey. Only common and widespread habitats present, and unlikely to support any protected flora species. No records of protected flora within a 2km radius.	Negligible
Invasive Flora	No invasive flora species, as listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), detected during the field survey. Records of invasive flora not provided by GMLRC.	N/A
Invasive Fauna	No invasive species detected during the survey and no specific opportunities for any invasive species identified. Records of invasive fauna not provided by GMLRC.	N/A
Priority Species	The short-grazed disturbed grassland which occupies the majority of the site does not provide any notable shelter, refuge or foraging opportunities for Priority Species such as Common Toad (<i>Bufo bufo</i>) and Hedgehog (<i>Erinaceus europaeus</i>), although a limited extent of suitable habitat is provided by the hedgerow at the north of the site. The open grassland provides a significantly limited extent of suitable habitat for Brown Hare (<i>Lepus europaeus</i>). The adjacent dry pond may provide suitable habitat for Pond Mud Snail which have been recorded in the wider area. This species favours freshwater habitats which do dry through the summer months so it is possible they are present within this off-site habitat. There are records within a 2km radius in the last 10 years of Brown Hare, Hedgehog, Pond Mud Snail, and Priority Species of moth, in addition to the Priority Species of bird described above.	Local

4.0 Assessment and Mitigation

- 4.1.1 Assessment of impacts and the associated ecological effect to identified ecological features are presented below. Ecological features have been screened out where no likely significant impacts have been identified or where impact is unlikely to occur. Cumulative effects are also considered where applicable.
- 4.1.2 To clarify, other than the ecological features listed below, there are no perceived potential impacts on any other sites, habitats or species in the wider area. The proposals are of a type, scale and distance that any direct or indirect construction or operational impacts on the other identified ecological features are reasonably discounted.
- 4.1.3 Specifically, no impacts have been identified on Rochdale Canal SAC, SSSI and Local Wildlife Site or South Pennine Moors SAC and SPA, with no risk of any drainage or pollution impacts, no risk of operational recreational pressures, and no likely air quality impacts considering the nature of development. Refer to separate Air Quality Assessment (Enzygo, 2022).
- 4.1.4 Any impacts of the proposals on these European designed sites are reasonably discounted and it is considered further Habitat Regulations Assessment (HRA) is not necessary in this instance in order to investigate whether there will be any likely significant effects of the proposals on the qualifying features of these sites. It is noted that no HRA was required as part of the previous consented application at the site (Rochdale Borough Council reference 18/01338/FUL).

Table 3 – Assessment of effect and mitigation measures

Ecological Feature	Impact	Avoidance/Mitigation	Compensation	Significance of Residual Effect
Green Infrastructure	Loss, damage and/or degradation habitat which provides notable Green Infrastructure Minor adverse, permanent, reversible impact.	The retained hedgerow and trees shall be protected in accordance with BS5837:2012 <i>Trees in relation to design, demolition and construction. Recommendations</i> , including installing and maintaining appropriate protection fencing. All contractors are to be made aware of the purpose of the fencing, with signage used where necessary, and no works are to occur beyond this established boundary, including no storage of materials or machinery. In addition, to avoid potential degradation of this habitat through excessive artificial lighting spill, a sensitive lighting scheme will be implemented making use of suitable products such as directional, low-level, capped, screened and/or low-lux lighting.	None required.	No significant effect anticipated.

Ecological Feature	Impact	Avoidance/Mitigation	Compensation	Significance of Residual Effect
Bats	Risk of loss and/or degradation of suitable bat foraging and commuting habitat. Minor adverse, permanent, reversible impact.	The protection measures highlighted above in relation to physical protection and lighting will minimise the risk of degradation of the suitable bat foraging and commuting habitats. The lighting scheme should be designed in accordance with the recent guidance <i>Bats and artificial lighting in the UK</i> (Institute of Lighting Professionals, 2018).	None required.	No significant effect anticipated
Badger	Low risk of killing/injury of Badger during construction works Minor adverse, permanent, irreversible impact.	As Badger are known to be present in the wider area, all construction works shall be undertaken in accordance with a set of best practice precautionary reasonable avoidance measures including not leaving pits/trenches open overnight in which Badger may become trapped, no night lighting and safe storage of chemicals.	None required.	No significant effect anticipated
Nesting Birds	Risk of disturbance of nesting birds during construction phase. Minor adverse, temporary, irreversible impact. (no significant loss of habitat)	To avoid an offence being committed in respect of nesting birds, vegetation clearance will be planned to be conducted outside of the bird nesting season (March to August inclusive), where possible. If it is necessary to undertake these works during the bird nesting season, a suitably trained Ecological Clerk of Works (ECoW) would supervise the clearance to ensure no active nests are affected. If any active nests are detected, an appropriate protection area around the nest(s) will be established until it can be determined that the nest is longer active.	None required.	No significant effect anticipated

Ecological Feature	Impact	Avoidance/Mitigation	Compensation	Significance of Residual Effect
Common Reptiles and Priority Species	Low risk of killing/injury of common reptiles and other during the construction phase. Minor adverse, temporary, irreversible impact. Low risk of damage/degradation of habitat used by Pond Mud Snail Minor adverse, temporary, reversible impact.	To minimise the low risk of killing/injury of common reptiles and other Priority Species even further, clearance of hedgerow habitats at the north of the site should be undertaken in an ecologically sensitive manner under the supervision of an ECoW (this is not considered necessary for the areas of short-grazed pasture grassland). In each instance, an ecologist will check any potential habitats/refugia immediately prior to clearance. Vegetation will then be cut/felled to a height of 0.15m to encourage any wildlife present to move outside of the working area. Any remaining wildlife shall be carefully moved to the safety of suitable off-site refugia by the ECoW, using gloves and a clean bucket as necessary. The cut habitats and any remaining refuge habitats will again be checked by the ECoW prior to the stripping of the top-soil. It is also recommended that the construction phase implement a series of best practice precautionary measures to minimise the risk of killing/injury of wildlife such as Brown Hare and Hedgehog, including avoiding leaving open any pits or trenches in which wildlife may become trapped. Any trenches or pits in which wildlife may become trapped should either be covered, infilled, or a suitable means of escape provided (e.g. plank of wood) overnight. Considering the assessed potential for a maximum of individual numbers of common reptiles it is not considered any detailed further Reptile Survey is required in this instance to inform the assessment of potential impacts or design of appropriate mitigation. To minimise the risk of damage/degradation of potential Pond Mud Snail habitat, all construction works will be undertaken in accordance with best practice and the through adoption of the appropriate Environment Agency guidance (refer to updated 2019 Environment Agency guidance "Pollution prevention for businesses." This includes appropriate storage of chemicals, controlled refuelling of vehicles, spill kits etc.	None required.	No significant effect anticipated

5.0 Enhancement and Monitoring

- 5.1.1 Opportunities for biodiversity enhancement (above and beyond those required to mitigate for any identified impacts) have been determined through consideration of: Ecological Features identified on site and within the zone of influence; Historical records of protected species/habitats present within the locality; National and Local planning policy including National and Local Biodiversity habitats/species; Local Development Plans including consideration of Green/Blue Infrastructure Resource; Consultation with third parties/stakeholders where applicable; and Other influencing factors such as underlying Geology/Hydrology, intended operational activities, and existing disturbance activities within the locality. This makes specific reference to Biodiversity Net Gain, Good practice principles for development (CIEEM, IEMA, CIRA, 2019).
- 5.1.2 In accordance with The Environment Act 2021, a demonstrable 10% overall net gain in habitat units is required as evidenced by a DEFRA Metric 3.1 calculation, with irreplaceable habitats retained and habitat trading rules satisfied. A separate Biodiversity Net Gain calculation has been provided to confirm the development proposals and proposed landscape scheme will achieve the necessary net gain.

Table 4 – Enhancement & Monitoring

Ecological Feature	Enhancement & Monitoring	Significance of Residual Effect
Landscape Planting	The final landscape planting scheme shall incorporate a range of native species and species which are known to be of value to wildlife and which are suitable to the site location and conditions. Planting should be focussed on complementing and contributing to the existing value of hedgerow and trees, providing enhanced habitat connectivity and wildlife corridor function around the site.	Minor positive effect
Nesting Birds	To provide enhancement opportunities for nesting birds it is recommended the development incorporates bird nest boxes suitable for a range of species likely to present at the developed site (e.g. House Sparrow, Starling etc.). Suitable locations for the boxes include the retained young trees and should be positioned 2.5 to 5 metres above ground level, away from major sources of human disturbance and avoid south-facing locations where excessive sunlight can cause chicks to overheat in the nest.	Minor positive effect
Roosting Bats	To provide enhancement opportunities for roosting bats the development can also incorporate provision of bat roost boxes. Again, these boxes should be positioned 2.5 to 5 metres above ground level, away from major sources of human disturbance and artificial lighting and should face onto suitable foraging and commuting habitats. .	Minor positive effect
Deadwood Hibernacula	It is recommended that informal deadwood hibernacula are created at the site boundaries to provide enhanced refuge, shelter and hibernation opportunities for a range of wildlife including small mammals, common amphibians and invertebrates. The woody arisings from required hedgerow clearance would provide suitable materials for the creation of these piles rather than any requirement to import materials from off-site.	Minor positive effect

5.1.3 No post-determination monitoring is perceived necessary. To comply with guidance set out in BS42020:2013, a Construction Environment Management Plan (CEMP) which includes consideration of biodiversity will be produced prior to the commencement of construction activities, including site clearance works. A Landscape and Ecological Management Plan (LEMP) would also normally be produced prior to operation of the site.

6.0 Conclusion

- 6.1.1 This assessment has confirmed the site provides opportunity to incorporate appropriate measures to mitigate any potential impacts to ecological features and to demonstrate 'biodiversity net gain in accordance with NPPF and local planning policy. As such, no significant residual impact can be expected which would prevent a positive determination of the planning application in ecological terms.

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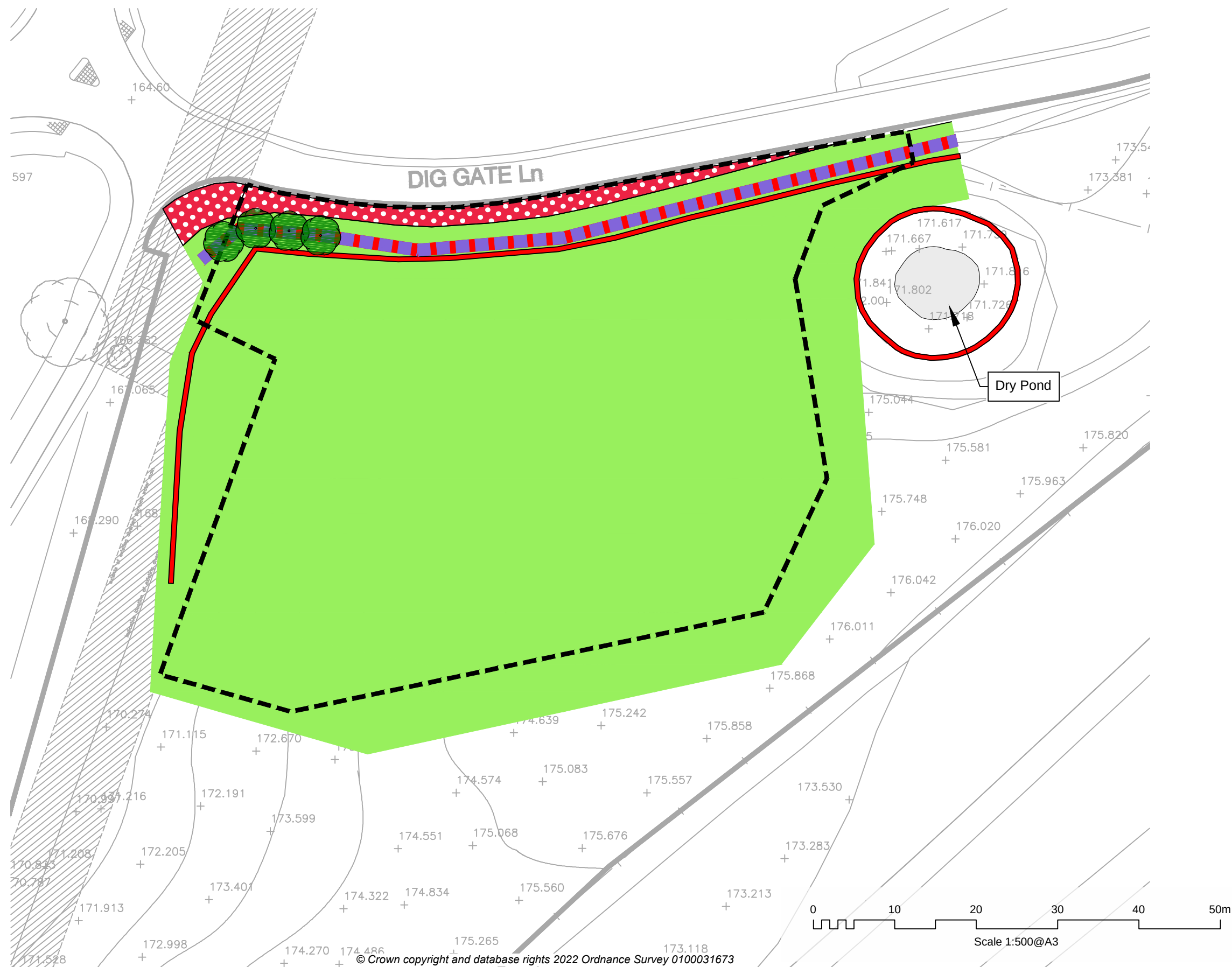
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Drawing SHF.3050.001.EC.D.001 – UK Habitat Classification Map



Key

-  Site Boundary
-  Modified Grassland (g4)
-  Artificial Unvegetated Unsealed Surface (u1c)
-  Other Hedgerow (h2b)
-  Fence (u1e 69)
-  Scattered Trees (t1)



Samuel House, 5 Fox Valley Way, Stocksbridge, Sheffield, S36 2AA

CLIENT:
Rochdale Power Ltd

SCALE: 1:500@A3
PROJECT REF: SHF.3050.001

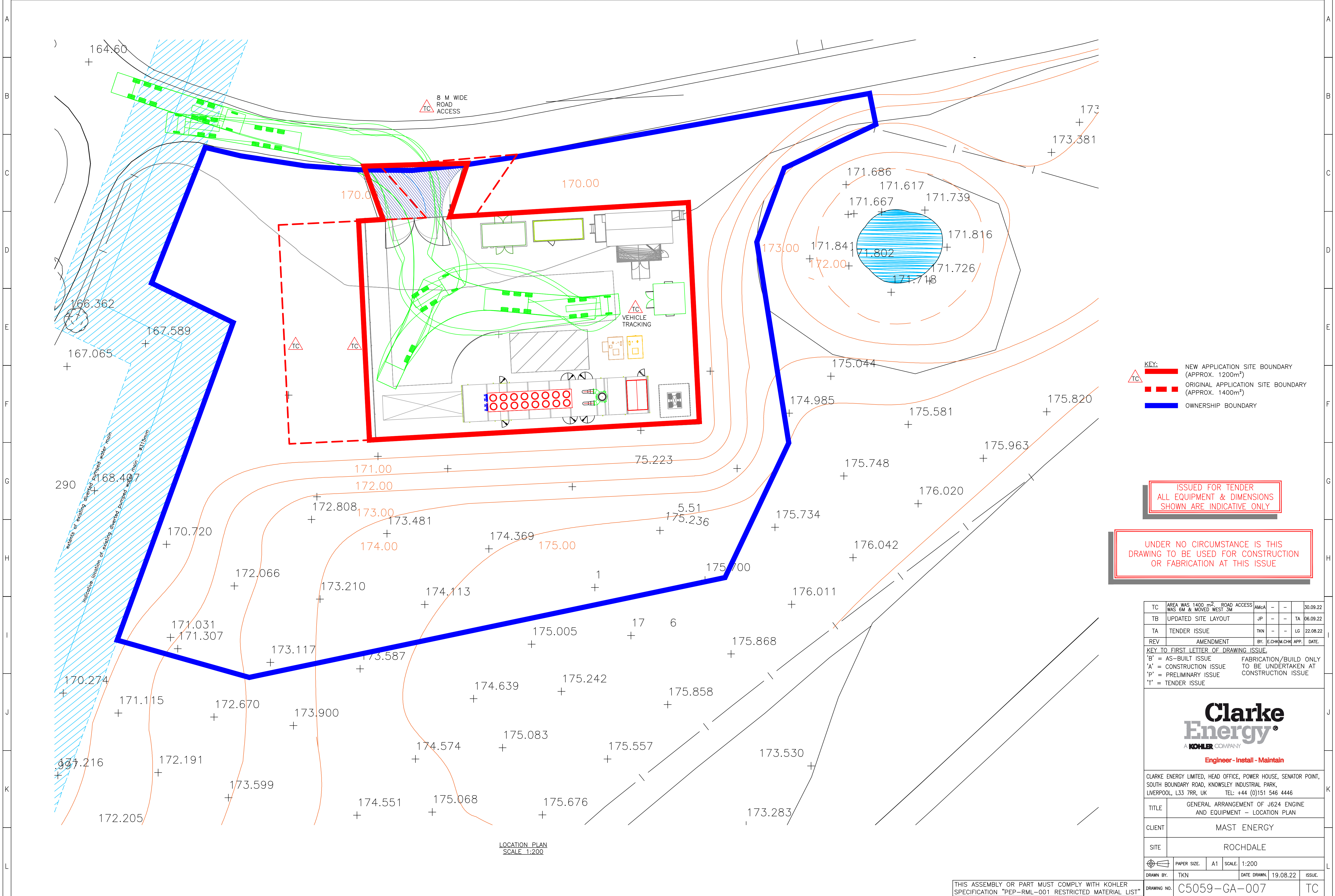
DRAWN: MG
CHECKED: CS
DATE: August 2022

PROJECT:
Land at Dig Gate Lane, Rochdale

TITLE:
UK Habitat Classification Map

DRAWING NO:
SHF.3050.001.EC.D.001

Appendix A – Site Proposals



KEY:

- NEW APPLICATION SITE BOUNDARY (APPROX. 1200m²)
- ORIGINAL APPLICATION SITE BOUNDARY (APPROX. 1400m²)
- OWNERSHIP BOUNDARY

ISSUED FOR TENDER
ALL EQUIPMENT & DIMENSIONS
SHOWN ARE INDICATIVE ONLY

UNDER NO CIRCUMSTANCE IS THIS
DRAWING TO BE USED FOR CONSTRUCTION
OR FABRICATION AT THIS ISSUE

TC	AREA WAS 1400 m ² ROAD ACCESS WAS 6M & MOVED WEST 3M	AMCA	-	-	30.09.22
TB	UPDATED SITE LAYOUT	JP	-	-	06.09.22
TA	TENDER ISSUE	TKN	-	-	22.08.22
REV	AMENDMENT	BY:	E.CHEN	CHK:	APP. DATE.
KEY TO FIRST LETTER OF DRAWING ISSUE.					
'B' = AS-BUILT ISSUE			FABRICATION/BUILD ONLY		
'A' = CONSTRUCTION ISSUE			TO BE UNDERTAKEN AT		
'P' = PRELIMINARY ISSUE			CONSTRUCTION ISSUE		
'T' = TENDER ISSUE					

Clarke Energy
A KOHLER COMPANY
Engineer - Install - Maintain

CLARKE ENERGY LIMITED, HEAD OFFICE, POWER HOUSE, SENATOR POINT,
SOUTH BOUNDARY ROAD, KNOWSLEY INDUSTRIAL PARK,
LIVERPOOL, L33 7RR, UK TEL: +44 (0)151 546 4446

TITLE	GENERAL ARRANGEMENT OF J624 ENGINE AND EQUIPMENT - LOCATION PLAN				
CLIENT	MAST ENERGY				
SITE	ROCHDALE				
PAPER SIZE.	A1	SCALE.	1:200		
DRAWN BY.	TKN	DATE DRAWN.	19.08.22	ISSUE.	
DRAWING NO.	C5059-GA-007				TC

THIS ASSEMBLY OR PART MUST COMPLY WITH KOHLER SPECIFICATION "PEP-RML-001 RESTRICTED MATERIAL LIST"

Appendix B - Legislation and National Planning Policy

Wildlife legislation and policy relevant (or potentially relevant pending further survey) to the proposed works, based on the findings of the desk study and field survey are set out below. This legal information is a summary only, and the original legal documents should be consulted for definitive information.

Legislation Protection Afforded to Sites/Habitats that could Potentially be Affected by the Proposed Works

Designated Site/Habitat	Legal Status
-	-

Legislation Protection Afforded to Species that could Potentially be Affected by the Proposed Works

Species	Legal Status
European Protected	
Bats	These animal species and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species (Amendment) Regulations 2012, which makes it illegal to: • Deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs; • Deliberately disturb such an animal; • Damage or destroy a breeding site or resting place of such an animal. European Protected Species (EPS) licences can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed: • The development is for reasons of overriding public interest; • There is no satisfactory alternative; and • The favourable conservation status of the species concerned will be maintained and/or enhanced. Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a legal duty to 'have regard to the requirements of the EC Habitats Directive in the exercise of their functions'. This means that they must consider the above 3 tests when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations. As a consequence, Planning Applications for such developments must demonstrate that the 3 tests will be passed.
Nationally Protected	
Bats	These animals receive full protection under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to: • Intentionally kill, injure or take any such animal; • Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal; and • Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.

Species	Legal Status
Badger	The Protection of Badgers Act 1992 makes it illegal to wilfully kill or injure a Badger, or attempt to do so and also make it illegal to intentionally or recklessly interfere with a Badger sett. This includes damaging or destroying a sett, obstructing access to a sett and disturbing a Badger while it is occupying a sett. Licences can be granted to permit sett closure and/or disturbance between July and November inclusive.
Nesting Birds (general)	All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to: - Intentionally kill, injure or take any wild bird; - Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.
Common Reptiles (e.g. Viviparous Lizard, Grass Snake and Slow-worm)	These animals receive limited protection under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal to intentionally kill or injure any such animal.
Wild Mammals	The Wild Mammals (Protection) Act 1996 makes it illegal to mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, drown, crush, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.
Invasive Species	
-	-

Section 40 of the Natural Environment and Rural Communities Act 2006 (the NERC Act) places a legal duty on public bodies, including planning authorities, to 'have regard' to the conservation of biodiversity when carrying out their normal functions, which includes consideration of planning applications.

In compliance with Section 41 of the NERC Act, the Secretary of State has published a list of species and habitats considered to be of principal importance for conserving biodiversity in England under the UK Post-2010 Biodiversity Framework. This is known as the list of Habitats and Species of Principal Importance (HPI/SPI), of which there are 56 habitats and 943 species. The HPI/SPI list is used to guide planning authorities in implementing their duty under the NERC Act.

National Planning Policy

The NPPF (2021) set out the Government's planning policies for England and how these are expected to be applied. At the heart of the NPPF is a presumption in favour of sustainable development.

The NPPF states that:

'To protect and enhance biodiversity and geodiversity, plans should:

- Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping-stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'

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

- if significant harm 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;
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments),

should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;
- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be 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

'The following should be given the same protection as European sites:

- potential Special Protection Areas (SPA) and possible Special Areas of Conservation (SAC);
- listed of proposed Ramsar Sites; and,
- site identified, or required, as compensatory measures for adverse effects on European sites, potential SPAs, possible SACs, and listed or proposed Ramsar sites.'

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



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