



Preliminary Ecological Appraisal

Phoenix Works, Middleton, Rochdale, M24 2WL

Kwick Build Ltd

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed by Kwick Build Ltd to undertake a Preliminary Ecological Appraisal (PEA) at Phoenix Works, Middleton, Rochdale, M24 2WL (hereafter referred to as “the site”). The survey was required to inform a planning application for demolition of an existing building and the erection of 20 new residential dwellings (hereafter referred to as “the proposed development”).

The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 5 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Habitats and flora	There are no notable habitats within the site but broadleaved and deciduous woodland habitats are present within 2km of the site, the closest being deciduous woodland located ~230m to the south east from the site. Habitats on site comprise of areas of low value such as sealed surface and buildings. Other habitats present such as lines of trees and areas of scrub are considered to be of higher ecological value although these habitats are isolated due to the sites location and presence of boundary fencing. No protected or notable plant species were recorded during the survey. Himalayan balsam was identified on the site which is listed as an invasive, non-native species under Schedule 9 of the Wildlife and Countryside Act 1981. Further invasive species such as bindweed were also noted on the site however these are not listed as Schedule 9 species.	No impacts to any notable habitats are anticipated due to the distance of the proposed development from such habitats as well as the urban location of the site with surrounding physical barriers. Proposed plans indicate that some of the lines of trees will be retained as part of the development. The proposed development will result in the loss of areas of scrub, unmanaged modified grassland and some of the trees on site. However, this will likely be compensated by the creation of grassland areas along with the addition of additional trees. This is may result in a net gain in biodiversity. Construction could result in the spread of Himalayan balsam and bindweed.	Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012). Measures should be implemented to control and/or eradicate Himalayan balsam from the site: Bindweed should be dug up, including roots, and disposed of in line with appropriate controlled waste measures.
Amphibians & reptiles	GCN are considered likely absent from the site due to a lack of suitable waterbodies and terrestrial habitat within 250m of the site. Common amphibians may utilise the areas of scrub and brash piles for foraging and hibernation.	No impacts are anticipated on great crested newt, as a result of the proposed development as this species is considered to be absent from the site. Areas of scrub, some trees and unmanaged modified grassland will be removed during construction. The loss	Owing to the nature of the proposed development and the low potential for impacts to great crested newts, further surveys are considered to be disproportionate. A precautionary working method will be implemented for common amphibians and reptiles during construction

	The brash and scrub provides some sub-optimal suitable habitat for reptiles however there is considered to be limited connectivity between the site and the wider environment therefore the presence of notable assemblages of reptiles are considered unlikely.	of such habitats is likely to be inconsequential to local reptile and common amphibian populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles or common amphibian, if present.	
Roosting bats	The trees on the site have negligible value for roosting bats due to a lack of potential roost features. The buildings suitability for bats has been assessed in a separate report.	Bats are very unlikely to be roosting on the site and as such, there are not anticipated to be any impacts on roosting bats.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.
Foraging and commuting bats	Lines of trees could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will result in the loss of some small areas of trees but given large sections are being retained and further new trees are being planted, this is likely to be inconsequential for bats. The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development.
Terrestrial mammals	There is considered to be a likely absence of badger and hazel dormouse from the site due to its location and habitats present in addition to the presence of boundary fencing. The scrub and brash piles noted on the site will provide suitable foraging and hibernation habitat for hedgehogs should they be present on the site.	No impacts are anticipated on badgers or dormouse as a result of the proposed development as the species are considered likely absent from the site. Scrub and brash piles will be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their isolated nature within a fenced off area and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of hedgehogs, if present.	A precautionary working method will be implemented during construction
Birds	Lines of trees and the areas of scrub and individual brash piles will provide suitable habitat for common birds. The presence of notable assemblages of birds including Schedule 1 species is considered unlikely on the site.	Some trees, areas of scrub and brash piles will be removed during construction. The loss of such habitats is likely to be inconsequential to notable bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Habitat removal should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the trees, vegetation and brash piles should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Kwick Build Ltd to undertake a Preliminary Ecological Appraisal (PEA) at Phoenix Works, Middleton, Rochdale, M24 2WL (hereafter referred to as “the site”). The survey was required to inform a planning application for the demolition of an existing building and the erection of 20 new residential dwellings (hereafter referred to as “the proposed development”). A plan showing the proposed development is provided in Appendix 1.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author’s knowledge, by any other consultancy.

1.2 Site Location and Landscape Context

The site is located at National Grid Reference SD 8706 7160 and has an area of approximately 0.548ha comprising of abandoned urban infrastructure, scrub and lines of trees. It is surrounded by residential dwellings, roads and scattered trees with Middleton Cemetery ~390m to the east and Brassey Recreation Ground ~125m to the west. The wider landscape comprises built up, urban landscape with residential dwellings, patches of urban green spaces and scattered trees. A site location plan is provided in Appendix 2.

1.3 Scope of the Report

This report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation. To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species.
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.
- Potential impacts on features of value, as a result of the proposed development, have been identified.
- Recommendations for further surveys and mitigation have been made.
- Opportunities for the enhancement of the site for biodiversity have been set out.

2.0 Methodology

2.1 Desk Study

The desk study included a review of the magic.gov.uk database for statutory designated sites within a 2km radius of the site. Landscape value and the presence of notable habitats as well as granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database has also been considered where these are within influencing distance of the site.

2.2 Field Survey

The survey was undertaken by Elen Griffin BSc (Hons), MRSB, Ecological Consultant (Natural England Bat Licence Number: 2023-11211-CL17-BAT) on 26/10/2023.

An extended habitat survey was undertaken, following the methodology set out in *UK Habitat Classification User Manual* (UK Habitat Classification Working Group, 2018). All land parcels are described and mapped and, where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species.

2.3 Limitations

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape and the ecology and biology of species as currently understood.

A biological records data search has not been undertaken. However, given the location of the site, the nature of the habitats present and the assessed suitability of the site for protected or notable species, it is not anticipated that the purchase of biological records data will add any significant weight or alter the conclusions and recommendations outlined in this report.

Access to the site was partially restricted due to some clearance having been undertaken on the site prior to the site visit.

These limitations have been taken into account during the evaluation of the site and requirement for further surveys and mitigation.

3.0 Results and Evaluation

3.1 Designated Sites

Details of any statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 2 below. The presence of non-statutory designated sites within 2km cannot be established without biological records data from Greater Manchester Local Record Centre. However, it is considered unlikely that such sites would be present in the immediate vicinity due to the lack of greenspace and built-up nature of the land surrounding the site.

The site lies within the impact risk zone for Ashdough (Site of Special Scientific Interest). Proposed development type is not listed as a possible high risk with regard to this designation.

Table 1: Statutory designated sites within 2km radius of the site

Designated site name	Distance from site	Reasons for notification from Natural England and Greater Manchester Local Record Centre
Hopwood Woodlands (Local Nature Reserve)	~715m to the north	The reserve is made up of a number of smaller woodland areas around the grounds of Hopwood Hall. The woodland habitats vary and there are also a number of toads and birds.
Rochdale Canal (Site of Special Scientific Interest and Special Area of Conservation)	~910m to the east	The Rochdale Canal contains important habitats for submerged aquatic plants and emergent vegetation, including extensive colonies of the nationally scarce SAC species floating waterplantain <i>Luronium natans</i> .
Alkrington Woods (LNR)	1,325m to the south west	Habitats include woodland, grassland, marsh, standing water and amenity areas.

3.2 Field Survey Results

The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 2.

Table 2: Weather conditions during the survey

Date:	26/11/2023
Temperature	11°C
Humidity	94%
Cloud Cover	87%
Wind	0.5mph
Rain	None

Habitats and Flora

The following habitats are present within and adjacent to the site:

- Vacant developed land; sealed surface with old flower beds and introduced shrubs – u1b, 82,846, 847

- Unmanaged modified grassland – g4, 521
- Mixed line of trees including ecologically valuable, felled trees and forest brash - 33, 34, 206, 207
- Buildings – u1b5
- Mixed scrub with scattered trees and invasive non native species – h3h, 32 524
- Built linear feature including fence – u1e, 612

A description and photograph of each habitat is provided in Table 3.

Himalayan balsam (a non-native invasive plant species) was recorded on the site located within the areas of mixed scrub along the south western boundary.

Table 3: Description and photographs of habitats within and adjacent to the site

Habitat type	Habitat description	Photograph
Vacant developed land; sealed surface with old flower beds and introduced shrubs – u1b, 82,846, 847	Large portions of sealed surfaces are present along the north western boundary which extends to the centre of the site once utilised as access and parking. Sparse vegetation is now present indicating its vacant nature with some areas of old flower beds and introduced shrubs still present along the boundaries and near to the remaining buildings.	 

Unmanaged modified grassland – g4, 521	Small areas of unmanaged modified grassland is present around the edges of the sealed surface specifically towards the south west boundaries of the site. The grassland varies in length from ~10cm to ~40cm. Large areas (upwards of 25%) of damage are present where machinery has been moved in for the purpose of clearance and water testing. Species diversity within the grassland includes cock’s foot (D), Yorkshire fog (A), perennial ryegrass (F), cleavers (O), nettle (O), dandelion (O), red clover (f), ribwort plantain (R).	
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Mixed line of trees including ecologically valuable, felled trees and forest brash - 33, 34, 206, 207	Lines of trees are present around the site boundaries. Mature dense leylandii cypress trees are present along part of the southern boundary, such trees are not considered to be ecologically valuable due to their dense and homogenous nature. Other lines of trees present are considered to be ecologically valuable due to the species diversity and varied maturity. The canopies are, for the most part, continuous however notable gaps ~1.5m wide are present along the southern and northern boundaries. No standing deadwood or veteran trees were noted within the lines of trees on site. A low number of trees were observed to have stems covered in ivy however no other obvious natural ecological niches such as cavities or loose bark. Species diversity within the line of trees are as follows; Leylandii cypress (A), sycamore (F), holly (O), beech (O), lime (R), birch (R), chestnut (R), laurel (O), ash (R) and hawthorn (O).	
Buildings – u1b5	A collection of disused buildings are present along the northern boundaries and towards the centre of the site with a small building also present along the south western boundary.	

Mixed scrub with scattered trees and invasive non native species – h3h, 32 524	Large areas of scrub are present below the lines of trees which extend out into the centre of the site. Limited to no tall grassland or forbs species are present around the edges of the scrub. Some natural clearings are present within the scrub which appear to be natural due to the presence of low immature and sapling ground species. Himalayan balsam and bindweed was noted within the areas of scrub with Himalayan balsam being an invasive non-native species. Species diversity within the areas of scrub include bramble (A), ivy (F), nettle (F), creeping thistle (O), Himalayan honeysuckle (O), herb Robert (F), St Jon's wort (O), honeysuckle (R) and myrtle (R)	
Built linear feature including fence – u1e, 612	Fencing, constructed of wire and wooden, is present around the site boundaries. The wooden fencing has been mounted on a concrete base.	

Fauna

An assessment of the suitability of the site for protected or notable species is provided in Table 4.

Table 4: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability
Amphibians & reptiles	No EPSL's or class licence returns were noted within 2km of the site Great crested newts exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; great crested newts are typically found within terrestrial habitats up to 500m from breeding ponds (Langton <i>et al.</i> 2001). A review of aerial imagery indicates the presence of three ponds within 500m of the site. The nearest pond is located ~251m north west of the site and appears to be a part of the Whit Brook network. The two remaining ponds are located ~310m and ~388m east of the site. All three ponds appear to be large park type ponds which do not often lend themselves well for GCN due to their size resulting in the presence of fish and waterfowl which will predate upon GCN. All three ponds are separated from the site by urban infrastructure including tarmac roads, buildings, and areas of managed grassland, which is likely to be regularly mown resulting in a short sward length. These landscape features are suboptimal for great crested newts due to a lack of refuge from predation. As a result and given the distance of these ponds from the site, these landscape features are likely to represent a significant barrier to dispersal eliminating connectivity to the site for great crested newts. The areas of scrub and brash on the site could provide opportunities for common amphibians and reptiles to forage and hibernate.  Due to the site's urban location there is considered to be limited connective habitat between the site and the wider environment where more suitable reptile habitat is likely present.
Terrestrial mammals	No EPSL's were noted within 2km of the site. No evidence of badgers was noted on the site including evidence of setts and foraging. The site has mostly flat topography with the exception of the bank along the western boundary and therefore is considered to have some suitability for sett excavation although none was found. The site is surrounded by fencing, either wire or wood, which will likely exclude larger mammals such as badgers from the site. Furthermore the site's urban location will likely result in a lack of badgers within the immediate surrounding area to attempt to access the site. The site is outside of known geographic range (either natural or reintroduced) of any dormice populations therefore there is a likely absence of the species from the site. Hedgehogs are known to use green areas within urban environments. The lines of trees and areas of scrub provide suitable habitats for foraging and hibernating hedgehogs.

	 Although the presence of the fencing around the site may contribute to the exclusion of hedgehogs from the site their absence cannot be ruled out completely as some areas of the fencing weren't visible and therefore suitable gaps could be present.
Bats	Two EPSL's for bat were noted within 2km of the site with the closets for common pipistrelle located ~200m west of the site. The buildings on site have been assessed for their value for roosting bats in a separate submitted document undertaken by Echo Calls Bat Surveys. The lines of trees on the site will provide suitable foraging and commuting habitat for bats. A large number of trees on site were note of a suitable mature age to provide roosting features such as cracks, damage or woodpecker holes. The mature trees mostly consisted of leylandii trees which are generally considered to be unsuitable for bats as their dense nature does not allow free access to the main stem of the tree and or other potential roosting features.
Riparian mammals	No EPSL's were noted within 2km of the site. No riparian habitats are present on the development site. Whit Brook runs ~86m from the site however there is no connection between the site and the brook and they are separated by urban infrastructure which may act as a significant barrier between the two. Furthermore, the site is surrounded by fencing which may exclude riparian mammals from travelling through the site. Therefore there is a suitably low risk of riparian mammals being present on site.
Birds	The lines of trees and scrub will provide ample habitat for common birds. Due to the sites urban location the presence of notable bird species is considered unlikely as is the presence of overwintering bird populations. No evidence of birds nests were noted within the trees however species such as blackbird, magpie, great tit, robin and crow were noted during the site visit.
Invertebrates	Some pollinator species such as honeysuckle were noted in the site along with brash piles from some recent clearance. These habitats along with the sites location within an urban area will likely result in the presence of common species with more notable species being present unlikely which will likely provide habiat for common species of invertebrate.

4.0 Conclusions, Impacts and Recommendations

Taking the desk study and field survey results into account, Table 5 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise demolition of an existing building and the erection of 20 new residential dwellings.

Table 5: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities ¹
Designated sites	There are three statutory sites within 2km of the site, the closest being Hopwood Woodlands LNR located ~715m to the north of the site. The site lies within the impact risk zone for Ashdough (Site of Special Scientific Interest). Proposed development type is not listed as a possible high risk with regard to this designation. The presence of non-statutory designated sites within 2km of the site cannot be established without data from the local records centre.	No impacts to designated sites are anticipated due to the small scale and distance of the proposed development from such sites (where known) as well as the urban location of the site with surrounding physical barriers.	None.	None.
Habitats and flora	There are no notable habitats within the site but broadleaved and deciduous woodland habitats are present	No impacts to any notable habitats are anticipated due to the distance of the proposed development from such habitats as well as the urban location of the site with surrounding physical barriers.	Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).	The following habitat creation and enhancement opportunities could be incorporated into the proposed development:

¹ The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).

	within 2km of the site, the closest being deciduous woodland located ~230m to the south east from the site. Habitats on site comprise of areas of low value such as sealed surface and buildings. Other habitats present such as lines of trees and areas of scrub are considered to be of higher ecological value although these habitats are isolated due to the sites location and presence of boundary fencing. No protected or notable plant species were recorded during the survey. Himalayan balsam was identified on the site which is listed as an invasive, non-native species under Schedule 9 of the Wildlife and Countryside Act 1981. Further invasive species such as bindweed were also noted on the site however these are not listed as Schedule 9 species.	Proposed plans indicate that some of the lines of trees will be retained as part of the development. The proposed development will result in the loss of areas of scrub, unmanaged modified grassland and some of the trees on site. However, this will likely be compensated by the creation of grassland areas along with the addition of additional trees. This is may result in a net gain in biodiversity. Construction could result in the spread of Himalayan balsam and bindweed.	The following measures should be implemented to control and/or eradicate Himalayan balsam from the site: • Himalayan balsam removal should be undertaken between April and June, prior to seeding. • Pull the plant up by grasping the base of the stem and giving a steady gentle pull to bring up roots. • Dispose of Himalayan balsam in line with appropriate controlled waste measures or by leaving it in a pile to compost down (this stops the balsam re-growing from the roots or the nodules on the stem). • Ensure biosecurity measures are in place and clean boots, clothing and vehicle tyres before leaving site. Bindweed should be dug up, including roots, and disposed of in line with appropriate controlled waste measures.	• Inclusion of additional tree planting • Native hedgerow and scrub planting • Inclusion of species rich or wildflower grasslands Species-specific enhancement opportunities are detailed later in this table.
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Amphibians & reptiles	GCN are considered likely absent from the site due to a lack of suitable waterbodies and terrestrial habitat within 250m of the site. Common amphibians may utilise the areas of scrub and brash piles for foraging and hibernation. The brash and scrub provides some sub-optimal suitable habitat for reptiles however there is considered to be limited connectivity between the site and the wider environment therefore the presence of notable assemblages of reptiles are considered unlikely.	No impacts are anticipated on great crested newt, as a result of the proposed development as this species is considered to be absent from the site. Areas of scrub, some trees and unmanaged modified grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local reptile and common amphibian populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles or common amphibian, if present.	Owing to the nature of the proposed development and the low potential for impacts to great crested newts, further surveys are considered to be disproportionate. A precautionary working method will be implemented for common amphibians and reptiles during construction, including the following measures: • Site clearance will be undertaken outside of the amphibian hibernation season (November to February) insofar as is possible. • A toolbox talk will be given to contractors regarding the possible presence of amphibians, including great crested newt and reptiles, at the site. • A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 15cm and left overnight to allow any amphibians to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter amphibians from the working area. • Any rubble piles will be dismantled by hand and debris and brash will be stored on pallets or removed from the site to prevent amphibians from utilising these areas. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • Best practice pollution prevention measures will be implemented to minimise impacts to nearby aquatic habitats that amphibians could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. • If any common amphibians are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for amphibians: • Planting of native hedgerows and scrub • Creation of hibernacula from debris from site clearance • Inclusion of species rich grassland or wildflower plating
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			sheltered, vegetated area away from disturbance. In the unlikely event that a great crested newt is identified, works must cease and advice must be sought from a suitably qualified ecologist.	
Roosting bats	The trees on the site have negligible value for roosting bats due to a lack of potential roost features. The buildings suitability for bats has been assessed in a separate report.	Bats are very unlikely to be roosting on the site and as such, there are not anticipated to be any impacts on roosting bats.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.	The installation of five bat boxes at the site will provide additional roosting habitat for bats. The bat boxes will be installed on retained mature trees on the site, on proposed buildings or within the façade of the new buildings. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light. The bat boxes will be a specification suitable for crevice dwelling species such as Ibstock enclosed bat box C, Ibstock Bat box B, Beaumaris Woodstone Bat box, Viva pro build in Woodstone bat box or a similar alternative brand.
Foraging and commuting bats	Lines of trees could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will result in the loss of some small areas of trees along with the full line of leylandii trees however due to the presence of further foraging habitat within the area, this is likely to be inconsequential for bats. The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures: • Light spill on to the retained lines of trees and newly planted trees should be avoided. • Use narrow spectrum light sources to lower the range of species affected by lighting. • Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats: • Planting native hedgerows • Planting of native trees • Planting of night time pollinating species to

			where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. • Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only. • External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. • Wall lights and security lights will be 'dimmable' and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available.	encourage nocturnal insects
Terrestrial mammals	There is considered to be a likely absence of badger and hazel dormouse from the site due to its location and habitats present in addition to the presence of boundary fencing. The scrub and brash piles noted on the site will provide suitable foraging and hibernation habitat	No impacts are anticipated on badgers or dormouse as a result of the proposed development as the species are considered likely absent from the site. Scrub and brash piles will be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their isolated nature within a fenced off area and the presence of more extensive habitat locally. However, construction activities could	A precautionary working method will be implemented during construction , including the following measures: • Site clearance will be undertaken outside of the hedgehog hibernation season (November to March) insofar as is possible. • A toolbox talk will be given to contractors regarding the possible presence of hedgehogs at the site. • A pre-commencement inspection of the site will be undertaken for hedgehogs.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for terrestrial mammals: • Planting native hedgerows • Plantin of native trees • Installation of hedgehog holes

	for hedgehogs should they be present on the site.	result in the death or injury of hedgehogs, if present. .	- A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 30cm and left overnight to allow any hedgehogs to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter hedgehogs from the working area. - Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. - The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which hedgehogs could use. - Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. - If any hedgehogs are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance.	within new and existing site boundaries to allow for increased movement Installation of three hedgehog houses within the site boundaries will
Riparian mammals	There is a likely absence of riparian mammals on the site due to a lack of suitable habitat.	No impacts are anticipated on riparian mammals as a result of the proposed development.	None.	None.
Birds	Lines of trees and the areas of scrub and individual brash piles will provide suitable habitat for common birds. The presence of notable assemblages of birds including Schedule 1 species is considered unlikely on the site.	Some individual trees along with the line of leylandii trees, areas of scrub and brash piles will be removed during construction. The loss of such habitats is likely to be inconsequential to notable bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests. .	Habitat removal should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the trees, vegetation and brash piles should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.	The installation of twelve bird boxes at the site will provide additional nesting habitat for birds. Boxes should include a 50/50 mix of general purpose boxes and species specific boxes such as sparrow terraces. The bird boxes will be installed on to retained mature trees and on the new proposed buildings.

				General purpose bird boxes should be positioned 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Species-specific bird boxes should be installed in line with manufacturers specifications.
Invertebrates	The presence of common invertebrate species is considered likely due to the habitats present on site. However, the presence of notable assemblages of invertebrates is considered unlikely	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for invertebrates: • Retention of wood piles created from clearance • Installation of three bee bricks into the new buildings on the site • Planting of pollinator species including night time pollinating species • Planting of native scrub and shrubs

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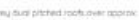
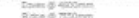
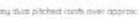
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Notes



KEY		SCHEDULE OF ACCOMMODATION	
	10% BOUNDARY Assumed extent, subject to Local Register		House Type A
	GRASS Turf / planting beds to front of property		1no. 2bdr Dwellings CAT 1 complete - Part H GFA of 473.5 m ² / 512.1 m ² approx
	GRASS Turf to side / side of property		2 storey dual pitched roof over apron: Eaves at 4000mm Ridge at 7650mm
	GGW/PAV Black Tarmac/driveway		House Type B
	PUBLIC FOOTPATH Black Tarmac/driveway		1no. 2bdr Dwellings CAT 1 complete - Part H GFA of 760.5 m ² / 831.1 m ² approx
	PRIVATE FOOTPATH / PATIO 400x600 precast paving stone		2 storey dual pitched roof over apron: Eaves at 4000mm Ridge at 7650mm
	DRIVEWAYS Permeable Drive Set		House Type C
	VISITOR BAY Porous coloured Tarmac/driveway		1no. 2bdr Dwellings CAT 3 complete - Part H GFA of 18.25 m ² / 521.1 m ² approx (GFA subject to detail design)
	TREES Existing tree to be retained		2 storey dual pitched roof over apron: Eaves at 4000mm Ridge at 8920mm
	TREES Existing group of trees to be removed		Each 2 bedroom dwelling consists of 1no. courtyard parking space.
	TREES Existing tree to be retained		Each 2 bedroom dwelling consists of 2no. courtyard parking spaces, including 1no. disabled parking bay.
	TREES Proposed new tree		And visitor parking bay provided throughout the scheme.
	B&B STORE Proposed bin storage		
	S&ED Proposed external shed for cycle storage		
	AIR SOURCE HEAT PUMP Proposed external air source heat pump, subject to detailed design		

NOTE: Scheme design subject to consulting approvals

OVERALL SCHEME 20no. UNITS

NOTE: Scheme design subject to statutory approval.
All proposed levels are indicative only and subject to detailed design.
All Tree reference numbers to be cross-checked by
the Kewee Services, following receipt of detailed
topographical survey.

FOR APPROVAL			
C	Amendments following Planning Officer comments.	LMC	05/04/2024
D	Amendments to suit Landscape Architect proposals, RCF-731024	LMC	14/08/2023
A	Minor Amendments	LMC	15/08/2023
-	Final issue	LMC	02/07/2024

condylofthouse
architects

Q107

Project
Phoenix Works - Middleton

Total

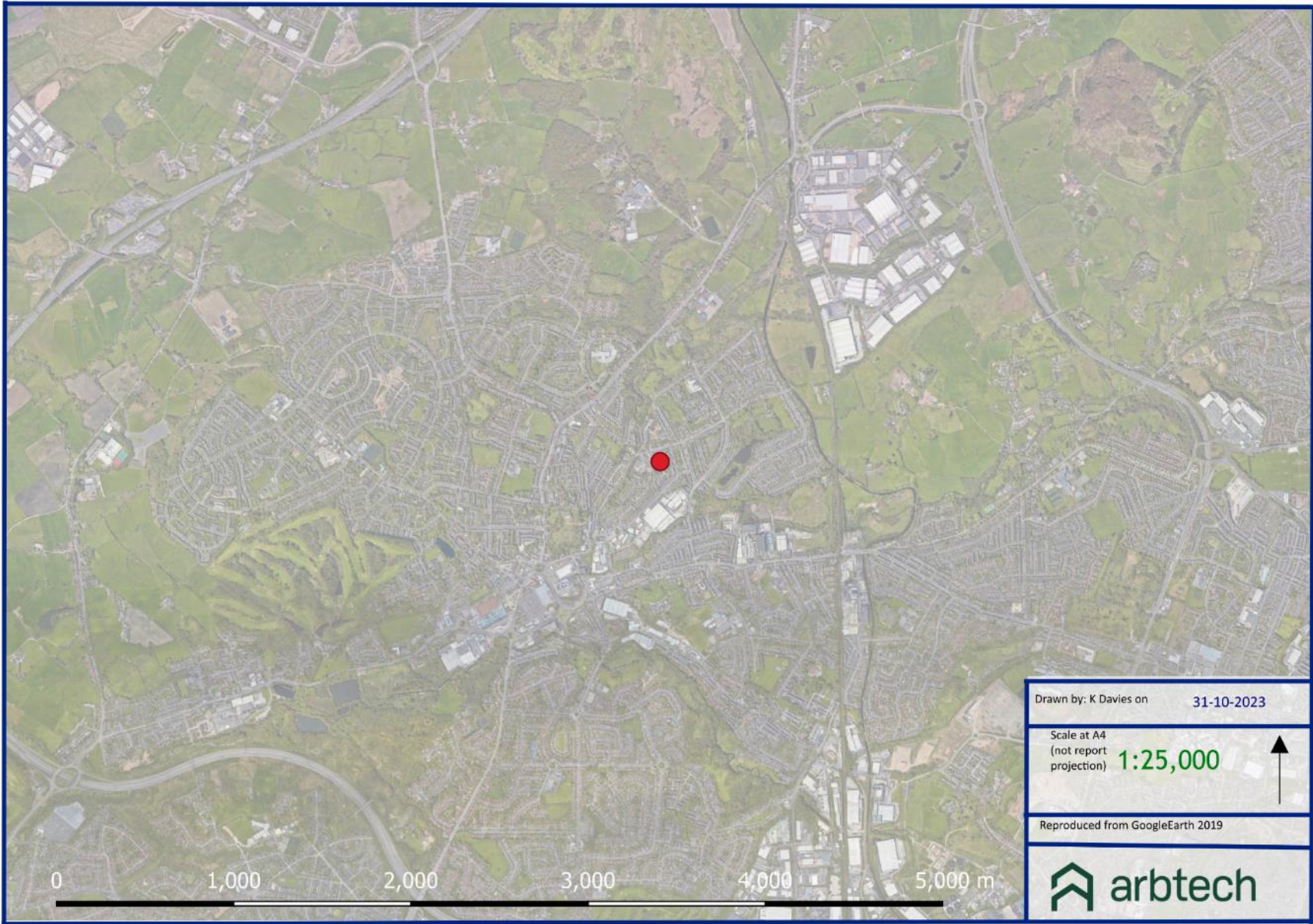
Proposed Site Layout

Scale	Date	Drawn By
As indicated (34.7)	JULY 22	LMH

Drawing No.	Revised
21-CSC-P-110	

Unit 17 Connect Business Village
24 Darnley Road
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www.connectbusiness.co.uk

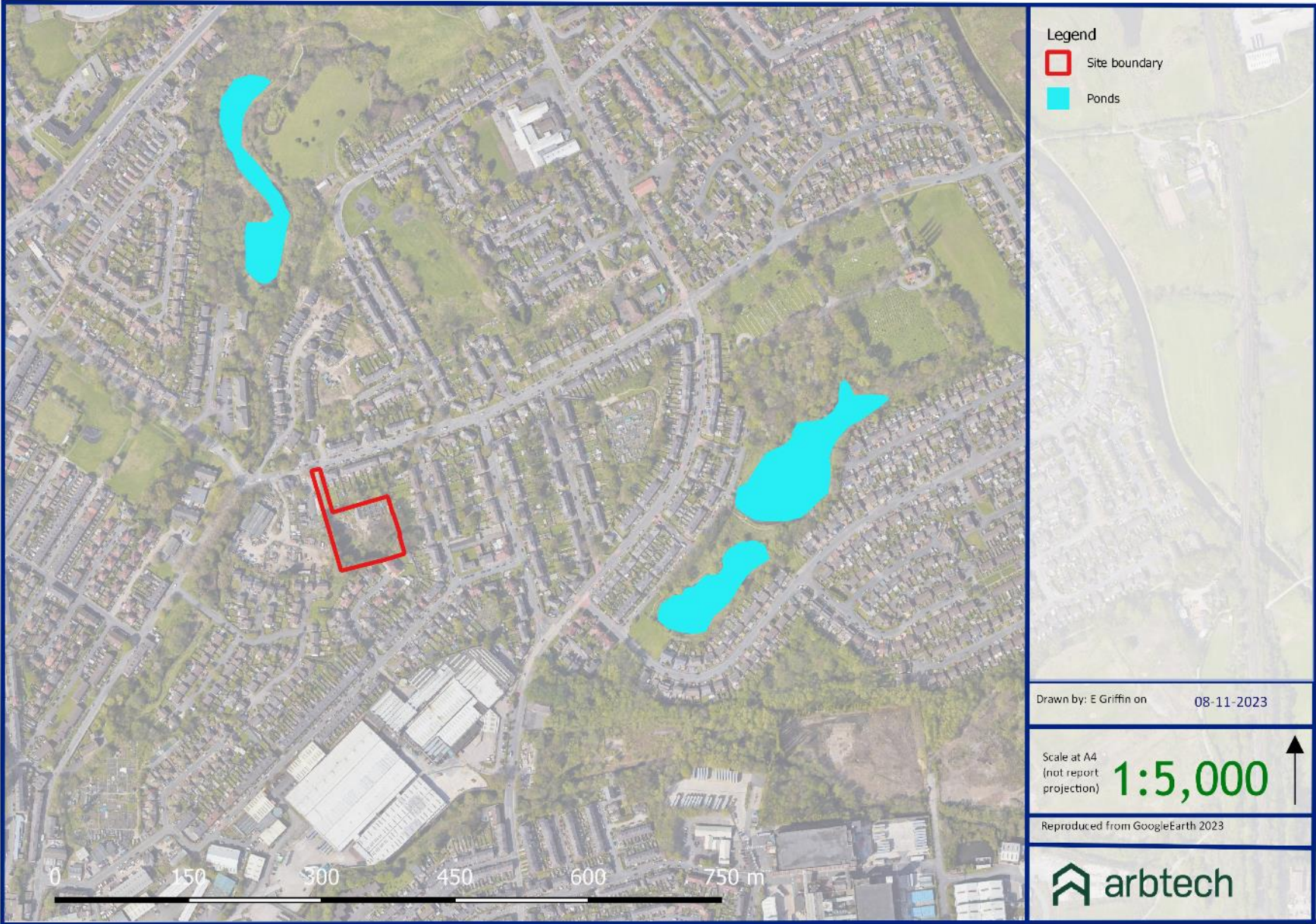
Appendix 2: Site Location Plan



Appendix 3a: Habitat Survey Plan



Appendix 3b: Pond Location Plan



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

Annex V species (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”.

However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites.

The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

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

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CRoW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act 1992 which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A development licence will be required from the relevant countryside agency (i.e. Natural England) for any development works likely to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agencies to define what would constitute a licensable activity. It is not possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and are commonly referred to as “Schedule 1” birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Amphibians and Reptiles

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of reptiles are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

Water Voles

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:

- Intentionally kill, injure or take (capture) water voles
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection
- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England) must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

Otters

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Otters are also currently protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSL. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Hazel Dormice

Hazel dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate

- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Dormice are also protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White Clawed Crayfish

There is a considerable amount of legislation in place in an attempt to protect the White-clawed crayfish *Austropotamobius pallipes*. This species is listed under the European Union's (EU) Habitat and Species Directive and is listed under Schedule 5 of the Wildlife and Countryside Act (1981). This makes it an offence to:

- Protected against intentional or reckless taking
- Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

The relevant countryside agency (i.e. Natural England) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation Afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally picking, uprooting or destruction of any wild Schedule 8 species
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
 - Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
 - Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England) for works which are likely to affect species of planted listed on Schedule 5 of the Conservation or Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England to plant or cause to grow in the wild due to their impact on native wildlife.

Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*
- Himalayan balsam *Impatiens glandulifera*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site, however, it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

Injurious weeds

Under the Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

NATIONAL PLANNING POLICY

Environment Act 2021

The Environment Act 2021 (EA 2021) received Royal Assent on 9 November 2021 and is expected to become fully mandated within the next couple of years. The Act principally creates a post Brexit framework to protect and enhance the natural environment. Through amendments to the Town and Country Planning Act 1990, the Act will require all planning permissions in England (subject to exemptions which is likely to include householder applications) to be granted subject to a new general pre-commencement condition that requires approval of a biodiversity net gain plan. This will ensure the delivery of a minimum of 10% measurable biodiversity net gain. The principal tool to calculate this will be the Defra Biodiversity 3.0 Metric. Works to enhance habitats can be carried out either onsite or offsite or through the purchase of 'biodiversity credits' from the Secretary of State. However, this flexibility may be removed (subject to regulations) if the onsite habitat is 'irreplaceable'. Both onsite and offsite enhancements must be maintained for at least 30 years after completion of a development (which period may be amended).

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;

- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.