



HEYWOOD CIVIC CENTRE SQUARE, HEYWOOD

For

ROCHDALE DEVELOPMENT GROUP

PRELIMINARY ECOLOGICAL APPRAISAL

November 2024

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JOB NO: 2472-E1-01

CLIENT: ROCHDALE DEVELOPMENT GROUP

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NON-TECHNICAL SUMMARY

In October 2024, Appletons was commissioned by Rochdale Development Group to carry out a preliminary ecological appraisal of land directly adjacent to Heywood Civic Centre, Heywood, Rochdale, which currently comprises civic square. This survey is required to inform a new planning application for a regeneration of the civic square at Heywood Civic Centre. To assess the ecological value of the site, an ecological desk study data search was undertaken, and a UKHab Survey were undertaken.

The desk study identified several protected species records within 1km of the site including records of bats, birds, invertebrates, badger, and hedgehog. In addition, one non-designated nature conservation site was identified by the desk study, Queens Park Lake Site of Biological Interest (SBI) which lies 900m north of the site. However, it is considered highly unlikely that the development works will have adverse impacts upon conservation site due to distance and nature of the intervening habitats.

The UKHab survey was undertaken on 19th October 2024 by Paul Preston, Assistant Ecologist. At the time of the survey the site was characterised by two small areas of modified grassland (UKHab g4), with within an area of urban habitats including other developed land; sealed surface (UKHab u1b6) and sparsely vegetated urban land (UKHab u1f). Other habitats recorded included mature and young scattered trees.

Key potential ecological constraints in relation to protected species and site development are the presence of habitats suitable for foraging and commuting bats and nesting birds. In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made, with further advice provided on each point within Section 6 of this report:

- **Trees:** All trees which are not to be removed as a part of any proposed works should be protected.
- **Birds:** Any vegetation clearance and removal of trees/scrub should be undertaken outside of the nesting bird season.
- **Bats:** In the interest of ecological enhancement, bat boxes should be installed on retained trees on site and/or on any newly planted trees, if appropriate.
- **Badgers:** Any excavations, open-ended pipes and other material stored on site shall be covered and checked for animals before being moved.
- **Invertebrates:** The incorporation of native trees and shrubs that provide blossom and fruit into the landscape planting will attract invertebrates.
- **Hedgehog:** Hedgehogs usually hibernate between October and February inclusive, and extra care shall be taken when undertaking vegetation clearance in these months.

Recommendations are also made in relation to sensitive site clearance methods to minimise impacts upon local wildlife such as hedgehog, fox, and badger. In the interest of ecological enhancement, recommendations are also made in relation to installation of bird nest boxes, bat boxes, hedgehog refugia and landscape planting to provide habitat opportunities for invertebrates and birds.

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1.0 INTRODUCTION

Project background

- 1.1 In October 2024, Appletons was commissioned by Rochdale Development Agency to undertake a Preliminary Ecological Appraisal (PEA) of land directly adjacent to Heywood Civic Centre, Heywood, Rochdale, which is currently comprised of an existing civic square that includes both paved and landscaped areas. This appraisal is required to inform planning permission for development proposals for a regeneration of the civic square at Heywood Civic Centre, Rochdale. To assess the ecological value of the site, an ecological desk study data search was undertaken, and a UKHab Survey and GIS map were completed in October 2024.

Site description and context

- 1.2 The site area measures approximately 0.144 hectares and is centred at Ordnance Survey Grid Reference SD 85684 10680. Heywood Civic Centre is located within the industrial town of Heywood, within the Metropolitan Borough of Rochdale. The site itself is currently a small public open civic space formed of hard and soft landscaping with individual trees and seating fronting the civic building. A car park is located to the immediate east. The site is bounded to the north by LCpl Stephen Shaw MC Way (A6046), a library and Care NHS Foundation Trust Centre to the immediate west, the civic building to the south and Hornby Street to the east. The site is in a central position in Heywood town centre with the surrounding area dominated by housing and small commercial and industrial buildings within a predominantly built-up area, with medium-density housing consisting of terraced, semi-detached, and detached properties. The built form is supplemented by limited green infrastructure, which primarily comprises small, ornamental green spaces associated with residential gardens, tree-lined streets, and landscaped public areas. Public buildings, including local schools, community facilities, and retail outlets, are present nearby. A small number of open amenity spaces, such as local parks and playing fields, are present within walking distance, although these tend to be highly managed and offer limited ecological value.
- 1.3 Beyond the immediate urban setting, the wider landscape character within the borough of Rochdale begins to shift. The town of Heywood lies to the south of the river Roch and is close to the M62 motorway to the south, and the M66 to the west. Several pockets of green space exist, including public parks and larger Queens Park and Heywood Sports Village, which offer recreational value but are largely formal and low in biodiversity. Heywood's built infrastructure limits the ecological connectivity and potential for significant wildlife activity within the town itself. Beyond the bounds of Heywood, the landscape transitions into a more rural setting as the urban fringe of the town meets the surrounding countryside. This semi-rural area includes agricultural fields, hedgerows, and small woodlands, as well as natural watercourses such as the River Roch. The rural landscape is characterized by more diverse habitats, including grassland, scrub, and woodland areas, which provide greater ecological value and support a variety of species, including birds, small mammals, and invertebrates. Hedgerow-lined agricultural fields and pockets of woodland serve as important wildlife corridors, enhancing the biodiversity of the area. This more rural setting continues to the north towards the Pennines. Beyond the rural margins of the town to the east, south, and west lie the large towns of Rochdale to the east and Bury to the west, with the town of Middleton to the south.

2.0 METHODOLOGIES

Ecological desk study

- 2.1 A desk study was undertaken to determine the presence of any designated nature conservation sites, notable habitats, and records of protected/notable species within a 1km radius of the site. Data was provided by the Greater Manchester Local Records Centre (GMLRC), and the Natural England website 'MAGIC' (Multi Agency Geographical Information for the Countryside) was utilised to search locations of statutory nature conservation sites, ancient woodland, and priority habitat types. The Woodland Trust Ancient Tree Inventory was used to search for locations of veteran or notable trees.
- 2.2 The data collected from these consultees is discussed in Section 3. Selected raw data are provided as Appendix 3. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.
- 2.3 The desk study also included a review of relevant local planning policy with respect to biodiversity and nature conservation, provided as Appendix 4.

UK Habitat Classification Survey

- 2.4 An assessment was made of all areas of the site based on the standardised UK Habitat Classification (UKHab) survey methodology. This involved a walkover to identify broad vegetation types, which were then classified against UKHab habitat types as per *The UK Habitat Classification: Habitat Definitions Version 2.0* (UKHab Ltd., 2023). A list of characteristic plant species for each vegetation type was compiled. The aim is to provide a record of habitats that are present on site. Data recorded during the field survey is discussed in Section 4. Notes were made identifying typical plant species, potential Habitats of Principle Importance (HPIs) and the presence of habitats with potential to support protected or notable species.
- 2.5 Whilst every effort is made to identify and map any invasive plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended), it should be noted that the UKHab Classification Survey is not a specific survey for these species.

Habitat Condition Assessment

- 2.6 Condition assessments of habitats were undertaken against the criteria published within *The Statutory Biodiversity Metric – Technical Annex 1: Condition Assessment Sheets and Methodology* (DEFRA, 2023). These criteria are listed in tables in the corresponding habitat type within Section 4 of this report.

Analysis of data

- 2.7 The field survey results, and desk study findings are discussed in Section 6 in the context of site proposals. Conclusions aim to:
- Inform the likely impact of proposals on protected and/or notable species, habitats, and nature conservation sites.
 - Inform appropriate avoidance, mitigation, and/or compensation measures, if required, to minimise any potential negative ecological impacts; and,
 - Evaluate the need for further survey work and/or consultation.

- 2.8 The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project, and the following documentation:

Document Name / Drawing Number	Author
CAD Data / 3546-PLA-XX-XX-M2-L-0001-S1-P01-Working-File	Rochdale Development Agency
Concept Design Development / 240828 Heywood Civic Square Sketchbook - August - Concept Design Development	Planit
Tree Survey Schedule / tree survey report & arboriculture impact assessment	Appletons

Table 2.1: Documentation detailing proposals & construction detail

3.0 ECOLOGICAL DESK STUDY

Introduction

- 3.1 A summary of relevant ecological data from the desk study search of provided within this section. Selected raw data is provided as Appendix 3.

Nature Conservation Sites

- 3.2 The data provided by the local biological records centre (GMLRC) and reference to the Natural England MAGIC website indicates that one non-statutory nature conservation site occur within a 1km radius of the site, summarised in Table 3.1.

Nature Conservation Site	Designation	Proximity to site	Summary Ecological Interest
Non-statutory nature conservation sites			
Queens Park Lake, Heywood	Site of biological importance (SBI)	900m N	The lake was built 1921-22, using unemployed labour. In 2004, the lake area and riverbank was made an area of special biological interest. This was due to the large flock of herons that colonise the island and the sand martins that live in the riverbank, other birds that are often seen around the lake include kingfishers, goosanders, tufted ducks, and the occasional grebe.

Table 3.1: Summary of Nature Conservation Sites within 1km of Survey Area

SSSI Impact Risk Zones

- 3.3 You do not need to consult Natural England on the proposed development at this location.
- The Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) indicate that at the location selected, the proposed development is unlikely to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and the Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin. Therefore, you do not need to consult Natural England on the likely impacts of development on terrestrial SSSIs and the SACs, SPAs or Ramsar sites that they underpin. See Appendix 3 for details.

Protected and Priority species

- 3.4 Table 3.2 below provides a summary of protected species records identified by the desk study within a 1km radius of the site. Absence of a species record should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area Centroid	Legislation	Section 41 species	Local BAP species
Mammals						
Pipistrelle bat <i>Pipistrelle sp</i>	29	2021	117m SW	HD 2*, HD 4, WCA 5, WCA 6	*	✓
Common pipistrelle <i>Pipistrellus pipistrellus</i>	132	2022	73m N	HD 4, WCA 5, WCA 6	-	-
Myotis bat <i>Myotis sp.</i>	4	2020	770m S	HD 2*, HD 4, WCA 5, WCA 6	*	✓
Unidentified bat <i>Bat sp</i>	1	2020	953m S	HD 2, WCA 5, WCA 6	-	✓

Noctule <i>Nyctalus noctula</i>	2	2020	787m SW	HD 4, WCA 5, WCA 6	✓	✓
Whiskered/Brandts bat <i>Pipistrellus</i> sp.	2	2020	773m N	HD 4, WCA 5, WCA 6	*	✓
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	5	2020	615m SW	HD 4, WCA 5, WCA 6	✓	✓
Daubenton's Bat <i>Myotis daubentonii</i>	5	2020	953m SW	HD4, WCA 5	✓	✓
Badger <i>Meles meles</i>	1	2016	Within 1km of site*	PoBA 1992, WCA6	✓	-
Hedgehog <i>Erinaceus europaeus</i>	14	2022	73m N	WCA 6	✓	✓
Invertebrates						
White-letter Hairstreak <i>Satyrus w-album</i>	11	2021	805m E	WCA 5 S9(5)	✓	-
Birds						
Barn Owl <i>Tyto alba</i>	4	2018	584m SW	WCA 1i	-	✓
Kingfisher <i>Alcedo atthis</i>	8	2011	936m S	WCA 1i		-
Peregrine <i>Falco peregrinus</i>	10	2014	Within 1km of site*	WCA 1i	✓	-
Key: *: Species dependent #: Grid reference provided less than six figures; record therefore is present within a 1-2km grid square that overlaps the search area HD 2: Annexe II of the Habitats Directive on the Conservation of Natural Habitats and Wild Fauna and Flora - Habitats and Species Regulations 2017 (as amended). Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation. HD 4: Annex IV of the Habitats and Species Regulations 2017 (as amended). Animal and plant species of community interest in need of strict protection. WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). WCA 5 S9(1): Schedule 5 Section 9(1) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to intentional killing, injury or taking. WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing, or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal. WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods. WCA 8: Schedule 8 of Wildlife and Countryside Act 1981 (as amended). Plant species which cannot be picked, uprooted, or destroyed in the wild or sold. Section 41 species: Species of Principle Importance for Nature Conservation in England (NERC Act, 2006) Local BAP species: Cheshire and/or Merseyside Biodiversity Action Plan species Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).						

Table 3.2: Summary of Protected and Priority Species Records Within 1km of Survey Area

- 3.5 In addition to the protected species listed in Table 3.2, the desk study also identified a number of other Section 41 species of conservation importance (NERC Act, 2006) within 1km of the site, as provided in Table 3.3 below. The legislation and policy relating to Section 41 Species is provided in Appendix 4.

Bird			
Bullfinch <i>Pyrrhula pyrrhula</i>	Dunnock <i>Prunella modularis</i>	House Sparrow <i>Passer domesticus</i>	Lapwing <i>Vanellus vanellus</i>
Linnet <i>Linaria cannabina</i>	Reed bunting <i>Emberiza schoeniclus</i>	Song thrush <i>Turdus philomelos</i>	Starling <i>Sturnus vulgaris</i>
Invertebrates			
Cinnabar <i>Tyria jacobaeae</i>	Latticed heath <i>Chiasmia clathrata</i>		
Mammal			
Hedgehog <i>Erinaceus europaeus</i>			

Table 3.3: Summary of Section 41 Priority Species Records Within 1km of Survey Area

EPSM Licences

- 3.6 A search of Defra's MAGIC website returned no records of EPSM licence returns within 1km of the site.

Invasive species

- 3.7 No records of an invasive non-native species were identified within 1km of the site by the ecological desk study.

Habitats

Priority Habitats

- 3.8 Defra's MAGIC showed a total of four defined types of priority habitats within 1km of the site, comprising forty-six parcels of deciduous woodland, six open mosaic habitat on previously developed land and three parcels consisting of main habitat but additional habitats present. Details of these priority habitats are given below in Table 3.5 and 2472-E1-E3 in Appendix 1.

Priority Habitat	Distance (m) and Aspect of Closest Parcel
Deciduous woodland	238m SW
Open Mosaic Habitats on Previously Developed Land	514m N
No main habitat but additional habitats present	654m NE

Table 3.5: Summary of Priority Habitats Within 1km of Survey Area

Ancient Woodland and Veteran Trees

- 3.9 Reference to the Natural England MAGIC website indicates that no Ancient Woodland occurs within 1km of the site. Reference to the Woodland Trust Ancient Tree Inventory indicates that no ancient, veteran, or notable trees were located within or adjacent to the site area.

Waterbodies and Watercourses

- 3.10 Reference to Ordnance Survey data and aerial imagery indicates that no standing waterbodies, i.e., ponds, are present within 250m of the site. One pond was identified within 500m of the site boundary (381m east), and a section watercourse, Millers Brook, was identified within 500m of the site (483m north-east). The watercourse is present to north-east of the site and is culverted in places. Details of the water bodies can be found below in Table 3.5, and it is mapping in Drawing 2472-E1-02 in Appendix 1.

Watercourse Number	Grid Reference	Distance (m) and Aspect from Site	Description & Location	Barriers between Waterbody and Site
WB1	SD 86105 10711	381m east	Pond adjacent (north) to Vale Street and Bradshaw Street	Rochdale Lane and the A6046
WB2	SD 85921 11168	483m north-east	Millers Brook to the north-east around the boundary of Heywood Cricket Club	York Street and residential areas

Table 3.5: Summary of Waterbodies within 500m of Survey Area

4.0 UKHAB HABITAT SURVEY

Introduction

- 4.1 This section provides the results of the 2024 UKHab Habitat Survey. UKHab Habitat Survey maps are provided in Appendix 1 (Drawings 2472-E1-01), which illustrates the location and extent of all habitat types recorded within the site area. Any notable features or features too small to map are detailed using target notes (TNs).
- 4.2 The survey was carried out on 18th October 2024 by Paul Preston BSc (Hons), MSc, PhD - Assistant Ecologist. Weather conditions at the time of the survey are detailed in Table 4.1.

Precipitation	Wind (Beaufort)	Cloud cover (%)	Temperature (°C)
None	F2	50	13

Table 4.1: Weather conditions at time of Preliminary Ecological Appraisal survey

Survey constraints

- 4.3 The survey was subject to the typical seasonal constraint whereby species present at one time of the year may not be present during another.
- 4.4 The standalone trees around the Heywood Civic Centre square were not subject to survey, the trees are subject to a separate arboricultural assessment.

Site habitats

- 4.5 Habitats recorded by the survey within the site areas are listed below, with the corresponding UKHab codes. Primary habitat codes are listed below (●: primary codes; ○: secondary codes). SC recorded within the text is a reference to these secondary codes. Where several areas of a habitat are present within the site, these areas are given a designation as per their habitat type, followed with a number (e.g., h3d-1), which is labelled on Drawings 2472-E1-01, Appendix 1.
- g4: Modified grassland
 - 32: Scattered trees
 - 108: Frequently mown
 - 510: Bare ground
 - 516: Active management
 - 846: Flower beds
 - u1b6: Other developed land; sealed surface
 - 32: Scattered trees
 - u1f: Sparsely vegetated urban land
 - 32: Scattered trees

g4: Modified grassland

- 4.6 There were two areas of g4: Modified grassland present on the site, labelled as g4-1 and g4-2 on Drawing 2472-E1-01 in Appendix 1 and shown in Photographs 1,2, 4 and 9 in Appendix 2. These grassland areas were subject to active management in the form of mowing (SCs 108 and 516). Scattered trees (SC

32) were present in g4-1 and g4-2 as well as u1f-1, and u1b6-1. g4-1 and g4-2 contained a border or flower bed with some areas of bare ground (SC 510) with mature trees and flowers.

4.6 g4-1 and g4-2 contained species including dominant perennial ryegrass *Lolium perenne*, frequent creeping buttercup *Ranunculus repens*, white clover *Trifolium repens*, *Taraxacum officinalis* agg. and common daisy *Bellis perennis*, and occasional greater plantain *Plantago major*, golden ragwort *Senecio doria*. The scattered mature trees within the borders of g4-1 and g4-2 (SC 32) comprise Birch cultivar (*Betula jacquemontii*), Lime (*Tilia sp.*).

4.7 Table 4.2, below, provides the condition assessment for g4: Modified grassland.

Condition Sheet: GRASSLAND Habitat Type (low distinctiveness)			
Grassland – Modified grassland			
Condition Assessment Criteria		Criterion Achieved (Y/N)	Notes
1	There must be 6-8 species/m ² . If a grassland has 9 or more species/m ² it should be classified as a medium distinctiveness grassland habitat type. NB - This criterion is essential for achieving moderate condition.	g4-1: Fail g4-2: Fail	g4-1: averaged 4-5 species/m ² and g4-2 had 4-5 species/m ² .
2	Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20 per cent is more than 7 cm) creating microclimates which provide opportunities for insects, birds, and small mammals to live and breed.	All: Fail	All: All are frequently mown and kept short.
3	Some scattered scrub (including bramble) may be present, but scrub accounts for less than 20% of total grassland area. Notes – patches of shrubs with continuous (more than 90%) cover should be classified as the relevant scrub habitat type.	All: Fail	No scrub present, frequently mown amenity grassland.
4	Physical damage is evident in less than 5% of total grassland area. Examples of physical damage include excessive poaching, damage from machinery use or storage, erosion caused by high levels of access or any other damaging management activities.	All: Pass	All: No damage seen in g4-1 and g4-2.
5	Cover of bare ground is between 1% and 10%, including localised areas (for example a concentration of rabbit warrens).	All: Pass	All: negligible bare earth present in g4-1 and g4-2, Flower beds present not naturally occurring.
6	Cover of bracken less than 20%	All: Pass	All: No bracken present.
7	There is an absence of invasive non-native species (as listed on Schedule 9 of the WCA, 1981).	All: Pass	All: No Schedule 9 INNS recorded in any parcel.
Criterion 1 achieved (Essential for good condition for non-acid grassland) (Y/N)		No	Number of criteria passed: g4-1:4/7 g4-2: 4/7

Condition Assessment Result (Modified grassland)	Condition Assessment Score	Score
Passes 6 or 7 of 7 criteria, including essential criterion 1	Good (3)	
Passes 4 or 5 of 7 criteria, including essential criterion 1	Moderate (2)	
Passes 0, 1, 2 or 3 of 7 criteria: OR Passes 4, 5 or 6 criteria but fails criterion 1	Poor (1)	g4-1 and g4-2: 4/7

Table 4.2: Condition assessment for g4: Modified grassland (g4-1 and g4-2)

4.8 g4-1 and g4-2 achieved condition scores of 'poor' as they passed four criteria and failed for essential Criterion A (number of species/m²), Criterion B (varied sward height) and Criterion C (some scattered scrub).

u1b6: Other developed land; sealed surface

4.9 There were two areas of hardstanding located within the site, in the east sits the Pte Anthony Palmer VC Parade, and the western area comprises the Heywood Civic Centre Square. These areas are labelled u1b6-1 and u1b6-2 on Drawing 2472-E1-01 in Appendix 1 (and shown in Photographs 4, 5, 6, 8, 9, 10, 11, 12 in Appendix 2). Area u1b6-1 was comprised of brick paving. Area u1b6-2 was a mix of square paving slabs and brick paving.

4.10 No condition assessments are required for u1b6: Other developed land parcels.

u1f: Sparsely vegetated urban land

4.11 There was one area of u1f: Sparsely vegetated urban land located within the site. This is labelled as u1f-1 on Drawing 2472-E1-01 and shown in Photograph 3 in Appendix 2. U1f-1 was a previously landscaped area of bare earth and mulch, containing sparsely distributed flowering plants and contained eleven young, scattered trees (SC 10) which comprised fastigate birch, fastigate cherry and mountain ash cultivar. Vegetation cover on this parcel was approximately 30%. Species recorded included occasional primrose *Primula vulgaris*, rosemary, *Salvia rosmarinus*, Cherry laurel, *Prunus laurocerasus*, and black eyed susan, *Rudbeckia hirta*.

4.12 No condition assessments are required for u1f: Sparsely vegetated urban land.

Invasive plant species

4.13 No invasive non-native species were recorded during the survey.

Incidental Observations

4.14 No incidental observations regarding wildlife were recorded during the survey.

5.0 ECOLOGICAL EVALUATION

Proposed development overview

- 5.1 Proposals for the site include planning permission for development proposals for a regeneration of the civic square at Heywood Civic Centre, Rochdale. This will include hard and soft landscaping, and the introduction of additional grass and trees.

Nature Conservation Areas

Statutory nature conservation sites

- 5.2 No statutory nature conservation sites are located within 1km of the site

Non-Statutory nature conservation sites

- 5.3 Queens Park Lake, SBI is located 900m north of the site, separated from the site by residential and commercial areas of Heywood. Considering the distance of the SBI to the site along with the scale of the proposals, it is not considered that the site development would adversely impact upon the biodiversity of Queens Park Lake, SBI.

Site habitats

- 5.4 The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England (Section 41 of the Natural Environment and Rural Communities (*NERC*) Act 2006) and on the Local BAP, along with the intrinsic value of the habitat. The ecological value of the habitats on site is discussed in the text below in terms of the likely impact of site proposals.

Habitats on Site

- 5.5 Whilst the habitats on site are not listed as Habitats of Principal Importance or Local BAP habitats, these habitats are of some limited ecological value and provide connectivity between the site and other areas of grassland, scrub, and trees. Under proposals current at the time of writing this report, parts of these habitats will be retained and/or enhanced as part of the development proposals. Retained habitats on site should be protected during the construction phase of the development and a recommendation is made for this, along with enhancement recommendations, in Section 6.

Protected species

- 5.6 Protected species that have been identified by the desk study and those which potentially suitable habitat occurs within or adjacent to the site are discussed in the text below in terms of the likely impact of site proposals.

Mammals

Badger

- 5.7 As no definitive evidence of badgers was found during the habitat survey, a specific badger survey was not undertaken. One records of badger *Meles meles* within 1km of the site were returned by the desk study. The habitats on site are considered to offer negligible potential for badger sett building activities but do offer some low suitability for foraging and commuting badgers. Commuting and foraging badgers could be at risk

of entrapment or disturbance during the construction phase of the works. Precautionary recommendations in relation to the entry of badgers into the site during works and the covering of any deep excavations throughout construction works is also made in Section 6.

Hedgehog

- 5.8 A total of 14 records of hedgehog *Erinaceus europaeus* within 1km of the site were returned by the desk study, the closest of which was located 52m south of the site. Some site habitats present suitable refuge and foraging habitat for hedgehog. Some of the site habitats will be lost to the development works, meaning a loss of habitat for hedgehog. Based on current site masterplans and proposed landscaping, habitat connectivity will be retained and maintained, limiting the extent of habitat fragmentation for hedgehog. However, initial site clearance and construction work may pose a risk of harm to individual hedgehogs on site. As such, a recommendation is made in Section 6 in relation to sensitive site clearance methods and covering of deep excavations on site. A recommendation is also made for the installation of refugia and hedgehog houses as mitigation and enhancement.

Bats (Foraging & Commuting)

- 5.9 A total of 180 records of at least five bat species were identified by the ecological desk study within 1km of the site. The closest of these was a record for a common pipistrelle *Pipistrellus pipistrellus* species bat located 52m south of the site. It is likely that pockets of urban green space with trees and woodland and scrub habitats in the local area are used as foraging and commuting corridors, as are the trees within the site boundary. Heywood Memorial Gardens, located adjacent to Heywood Library, to the west of site provides habitats including amenity grassland and trees. As such, it is considered that the site offers moderate potential suitability for foraging and commuting habitats. Recommendations are made in Section.

Bats (Roosting)

- 5.10 Whilst a specific bat roost assessment was not carried out on the standalone trees, trees, no potential roost features (PRFs) were identified on any of the trees on site, or within the buildings on and directly adjacent to the site.
- 5.11 All retained trees should be protected during construction activities, and a recommendation is made in Section 6 for protective fencing to be in place around these retained features during works. A recommendation is also made for the provision of bat boxes on suitable retained trees within the site is made in Section 6.

Herpetofauna

Great Crested Newts

- 5.12 No records of great crested newt (GCN) *Triturus cristatus* within 1km were identified by the ecological desk study. There is one standing waterbody (i.e., ponds) located 500m of the site.
- 5.13 GCN generally disperse up to 250m from breeding ponds where suitable foraging and hibernation habitat exists (English Nature, 2001). One pond was identified within 500m of the site boundary (381m east), and a section of watercourse, Millers Brook, was identified within 500m of the site (483m north-east). The

watercourse is present to north-east of the site and is culverted in places. As the pond is greater than 250m away from the site and several major roads lie between them are considered to be a barrier. As GCN typically avoid flowing water, this watercourse is considered to be a barrier to GCN dispersal into the site from waterbodies to the north-east.

- 5.14 It is considered highly unlikely that GCN would be present within the modified grassland habitats, which offer only low suitability for foraging and commuting GCN. Recommendations are made in Section 6 with regard to courses of action in the highly unlikely event that a GCN is found on site. No further surveys are required with regard to GCN.

Other amphibian species

- 5.15 No records of other amphibian species within 1km of the site were identified by the desk study.
- 5.16 The modified grassland habitats on site offer low suitability for foraging, commuting, and hibernating common amphibian species. A recommendation is made in Section 6 in relation to site clearance methodologies to ensure the protection of common and priority amphibians known to be present within the local area. No further surveys are required with regard to amphibians.

Reptiles

- 5.17 No records of reptile species were identified within 1km of the site by the ecological desk study. The modified grassland, scrub and urban habitats on site are considered to be of low potential value to reptiles.
- 5.18 Potential reptile habitats are restricted to the edge of g4 modified grasslands, urban (other developed land; sealed surface and sparsely vegetated land) habitats on site, especially those that are south facing. However, due to management of grassland habitats by mowing and frequent disturbance from dog walkers and other members of the public on site, it is considered highly unlikely that reptiles are present on site. No further surveys are required with regard to reptiles.

Birds

Schedule 1 Bird Species

- 5.19 A total of 22 records of 3 bird species which are listed under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) were identified by the ecological desk study. The habitats on site are considered broadly unsuitable for the majority of these Schedule 1 species. It is considered highly unlikely the development works will adversely impact upon the status of any of these species.

Priority Bird Species

- 5.20 Records for 92 S41 bird species were returned by the desk search. These bird species consisted of primarily farmland, grassland, wetland, and urban and suburban species with a smaller number of woodland, and heathland species. The site is considered to provide suitable nesting and foraging habitat for the grassland and urban and suburban priority species birds, as well as common bird species which favour these habitats. As all nesting and nest building birds are protected, a recommendation is made in Section 6 in relation to the timing of any vegetation removal. Recommendations are made in Section 6 for the installation of bird

boxes, to enhance the site for hole/cavity-nesting bird species, and for planting of native tree and shrub species to provide both foraging resources and nesting habitats.

Invertebrates

- 5.21 The desk study returned records for 26 protected invertebrate species within 1km of the site, consisting of three moth species. The moth species are mostly associated with open grasslands, woodlands, and scrub habitats, with larval foodplants including a wide range of common species such as docks, nettles, ragworts, and clovers, along with shrub/tree species such as hazel, blackthorn, rowan, and oak.
- 5.22 The development works will result in small losses of modified grassland, and sparsely vegetated habitats on site, and also some loss of trees which are also habitat for invertebrates. It is considered unlikely that the site development works will significantly adversely impact upon protected invertebrate species. However, in the interest of best ecological practice, efforts should be made to incorporate invertebrate attracting species in the proposed landscaping scheme, and a recommendation in relation to this is made in Section 6.

Plants

- 5.23 The desk study returned no record of protected plant species within 1km of the site. Given the lack of any other protected or red listed plant species recorded on site, no further considerations or recommendations are made with regard to protected plant species.

Invasive Species

- 5.24 No records of invasive non-native species (INNS) were identified by the desk study within 1km of the site. No records of invasive non-native plant species were identified by the desk study within 1km of the site. No Schedule 9 invasive non-native plant species were recorded within the site during the survey. Therefore, no further considerations or recommendations are made with regard to INNS.

6.0 RECOMMENDATIONS

- 6.1 Development proposals are for a regeneration of the civic square at Heywood Civic Centre, Rochdale. Some areas of habitats on site are to be retained and/or enhanced. If proposed plans are updated, evaluations should be reviewed and amended where appropriate.

Habitats

Trees

- 6.2 All trees which are not to be removed as a part of any proposed works should be protected in accordance with British Standard "Trees in relation to construction - Recommendations" BS5837:2012. Protection must be installed on site prior to the commencement of any works on site.

Remaining Habitats on Site

- 6.3 All habitats on site due to be retained during the development (modified grassland habitats, scrub habitats) should be separated from construction activities by protective fencing.

Habitat Loss and Enhancement

- 6.4 In accordance with the provision of Chapter 15 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment), biodiversity enhancement measures should be incorporated into the proposed landscaping scheme to maximise the ecological value of the site. For this site, appropriate measures could include bird and bat box installation, provision of hedgehog refugia, and the inclusion of invertebrate attracting plant species within landscaping plans, as described in the relevant sections below.
- 6.5 A Biodiversity Net Gain (BNG) Assessment will also be required for the site, under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Protected / Notable Species

- 6.6 To ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

Badgers

- 6.7 Records of badger *Meles meles* within 1km of the site were returned by the desk study. [LM1][EH2]Whilst a badger survey was not carried out, no evidence of badger (e.g., latrines, sett entrances, hair, snuffle holes, mammal paths) was identified during the walkover survey. The highly urbanised area and the urban habitats on site are considered to be of negligible suitability for badger for sett building, or foraging. As badger are more active during the night there is potential, however unlikely, for commuting through the local area. Therefore, any construction works that creates potential hazards such as voids and steep sided holes that could act as pit fall traps should be securely enclosed or covered over at the end of the day's work and will not be left open overnight. If this cannot be avoided holes and trenches should have a means of escape, such as a stout branch or ladder provided for any animals that may fall in. Any open-ended pipes and other material stored on site shall be covered and checked for animals before being moved.

Bats

- 6.8 In the interest of ecological enhancement, bat boxes should be installed on retained trees on site and/or on any newly planted trees, if appropriate. Bat boxes should be sited above 3m in height in trees, in locations sheltered from strong winds and positioned on a southern, southeastern, or southwestern aspect where they will be exposed to the sun for part of the day. Once installed, a bat box cannot legally be moved, removed, or opened without a licence. For more information, contact an experienced ecologist. See Appendix 5 for examples of suitable bat boxes.

Birds

- 6.9 To ensure compliance with the Wildlife and Countryside Act 1981 (as amended), any vegetation clearance, removal of structures and demolition of buildings should be undertaken outside of the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive.
- 6.10 If this is not possible then works can proceed under a Precautionary Working Method Statement (PWMS) where any vegetation, structure or building that is to be removed, disturbed, or demolished shall be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting, any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally.
- 6.11 In the interest of ecological enhancement, bird box installation is recommended either on retained trees and/or on any newly planted trees, if appropriate. These should ideally be sited facing north to east, to avoid exposure to direct sunlight, which may cause overheating of chicks in the nest. The boxes should be placed 1-3 metres above ground level. See Appendix 5 for examples of suitable nest boxes.
- 6.12 Any tree or shrub species planted in the new landscaped areas of the development should include species which will provide both shelter and nesting habitat for birds as well as food sources. Examples of species which provide these are listed below.

Scientific name	Common name	Scientific name	Common name
Trees		Shrubs	
<i>Prunus spinosa</i>	Blackthorn	<i>Berberis species</i>	Berberis
<i>Ilex aquifolium</i>	Common holly	<i>Hedera helix</i>	Common ivy
<i>Malus sylvestris</i>	Crab apple	<i>Lonicera periclymenum</i>	Common honeysuckle
<i>Corylus avellana</i>	Hazel	<i>Cornus sanguinea</i>	Dogwood
<i>Juniperis communis</i>	Juniper	<i>Viburnum opulus</i>	Guelder rose
<i>Sorbus aucuparia</i>	Rowan	<i>Crataegus monogyna</i>	Hawthorn
<i>Betula pendula</i>	Silver birch	<i>Euonymus europaeus</i>	Spindleberry
<i>Prunus avium</i>	Wild cherry		

General Wildlife Recommendations During the Construction Phase

- 6.13 General wildlife covered by the following recommendations includes badger, otter, hedgehog, brown hare, fox, rabbit, common amphibian species and reptiles. Recommendations include:
- Excavations left overnight shall be covered or a ramp down into the excavation shall be provided to ensure any animals that enter can safely escape;
 - Pipes that may entrap wildlife are covered and/or capped off;
 - Good management practices that ensure animals do not use construction materials and/or arisings as refugia and that waste management does not entice wildlife to forage within construction areas;
 - Should any wildlife enter construction areas during active works (i.e., an individual badger, otter, hare, hedgehog, etc.), the works shall immediately cease until the animal has left the active working area of its own accord; and
 - If any protected species, or evidence of protected species, is uncovered during the works on site (e.g., a badger sett, a water vole, great crested newts, reptiles, invasive species), all work in the area must cease whilst the project ecologist is contacted to attend site and determine a way forward.

Hedgehog

- 6.14 Hedgehogs usually hibernate between October and February inclusive, and extra care shall be taken when undertaking vegetation clearance in these months. Therefore, during these months, any vegetation to be cleared/strimmed should be first checked for hedgehog by an Ecological Clerk of Works (ECoW). Any hedgehogs found should be moved by the ECoW to a suitable similar habitat adjacent to the site, or allowed to move away on its own accord, before any further clearance can occur.
- 6.15 Hedgehog refugia installation is recommended along the vegetated site boundaries. Refugia could take the form of log piles from tree felling, whilst commercially available hedgehog domes are also available, examples of which are provided in Appendix 5. At least two hedgehog domes and five log pile refugia are recommended to compensate for habitat loss.

Other wildlife (fox and rabbit)

- 6.16 A precautionary working method statement should be implemented in order to ensure that no death or injury to any burrowing mammals occurs during the works. The precautionary working methods outlined in Paragraph 6.13, above, are also applicable to fox and rabbit.
- 6.17 As species such as hedgehog, fox, badger, otter, and amphibians are more active during the night, any construction works that creates potential hazards such as voids and steep sided holes that could act as pit fall traps should be securely enclosed or covered over at the end of the day's work and will not be left open overnight. If this cannot be avoided holes and trenches should have a means of escape, such as a stout branch or ladder provided for any animals that may fall in. Any open-ended pipes and other material stored on site shall be covered and checked for animals before being moved.

Invertebrates

- 6.18 The incorporation of native trees and shrubs that provide blossom and fruit into the landscape planting will attract invertebrates. The understorey and ground cover planting design can also be prepared to optimise the attraction of invertebrates such as feeding bumblebees and butterflies. Linear areas of landscape planting contribute to habitat connectivity for wildlife. Where possible, the use of native species should be maximised, however some domestic and non-native species can also provide food and shelter for invertebrates. A mix of plant species that flower at different times of year are best for attracting and supporting invertebrates. Examples of native invertebrate attracting species are provided below. These examples are neither prescriptive nor exhaustive.

Scientific name	Common name
Trees	
<i>Ilex aquifolium</i>	Common holly
<i>Prunus avium</i>	Wild cherry
<i>Prunus padus</i>	Bird cherry
<i>Sorbus aria</i>	Common whitebeam
<i>Sorbus aucuparia</i>	Rowan
<i>Tilia platyphyllos</i>	Broad-leaved lime
Shrubs	
<i>Buxus sempervirens</i>	Common box
<i>Calluna vulgaris</i>	Heather
<i>Crataegus monogyna</i>	Common hawthorn
<i>Erica cinerea</i>	Bell heather
<i>Prunus spinosa</i>	Blackthorn
<i>Rosa canina</i>	Dog rose
<i>Rosa rubiginosa</i>	Sweet briar
<i>Salix lanata</i>	Woolly willow (male)
<i>Viburnum lantana</i>	Common wayfaring tree
<i>Viburnum opulus</i>	Guelder rose
Herbaceous perennials	
<i>Ajuga reptans</i>	Bugle
<i>Armeria maritima</i>	Thrift
<i>Campanula glomerata</i>	Clustered bellflower
<i>Centaurea nigra</i>	Common knapweed
<i>Eupatorium cannabinum</i>	Hemp agrimony
<i>Geranium pratense</i>	Meadow cranesbill
<i>Knautia arvensis</i>	Field scabious

Scientific name	Common name
Herbaceous perennials	
<i>Leucanthemum vulgare</i>	Ox-eye daisy
<i>Lychnis flos-cuculi</i>	Ragged robin
<i>Lysimachia vulgaris</i>	Yellow loosestrife
<i>Lythrum salicaria</i>	Purple loosestrife
<i>Malva moschata</i>	Musk mallow
<i>Origanum vulgare</i>	Wild marjoram
<i>Persicaria bistorta</i>	Common bistort
<i>Polemonium caeruleum</i>	Jacob's ladder
<i>Primula vulgaris</i>	Primrose
<i>Scabiosa columbaria</i>	Small scabious
<i>Sedum telephium</i>	Orpine
<i>Tanacetum vulgare</i>	Tansy
Biennials	
<i>Angelica sylvestris</i>	Wild angelica
<i>Dipsacus fullonum</i>	Common teasel
<i>Heracleum sphondylium</i>	Hogweed
Annuals	
<i>Centaurea cyanus</i>	Cornflower
<i>Echium vulgare</i>	Viper's bugloss
<i>Glebionis segetum</i>	Corn marigold
<i>Papaver rhoeas</i>	Common poppy
Climbers	
<i>Clematis vitalba</i>	Traveller's joy
<i>Hedera helix</i>	Common ivy
<i>Lonicera periclymenum</i>	Common honeysuckle

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APPENDIX 1



UKHab Habitat Map

UKHab Classification

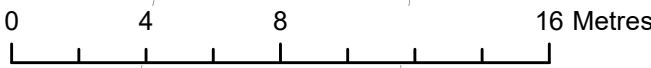
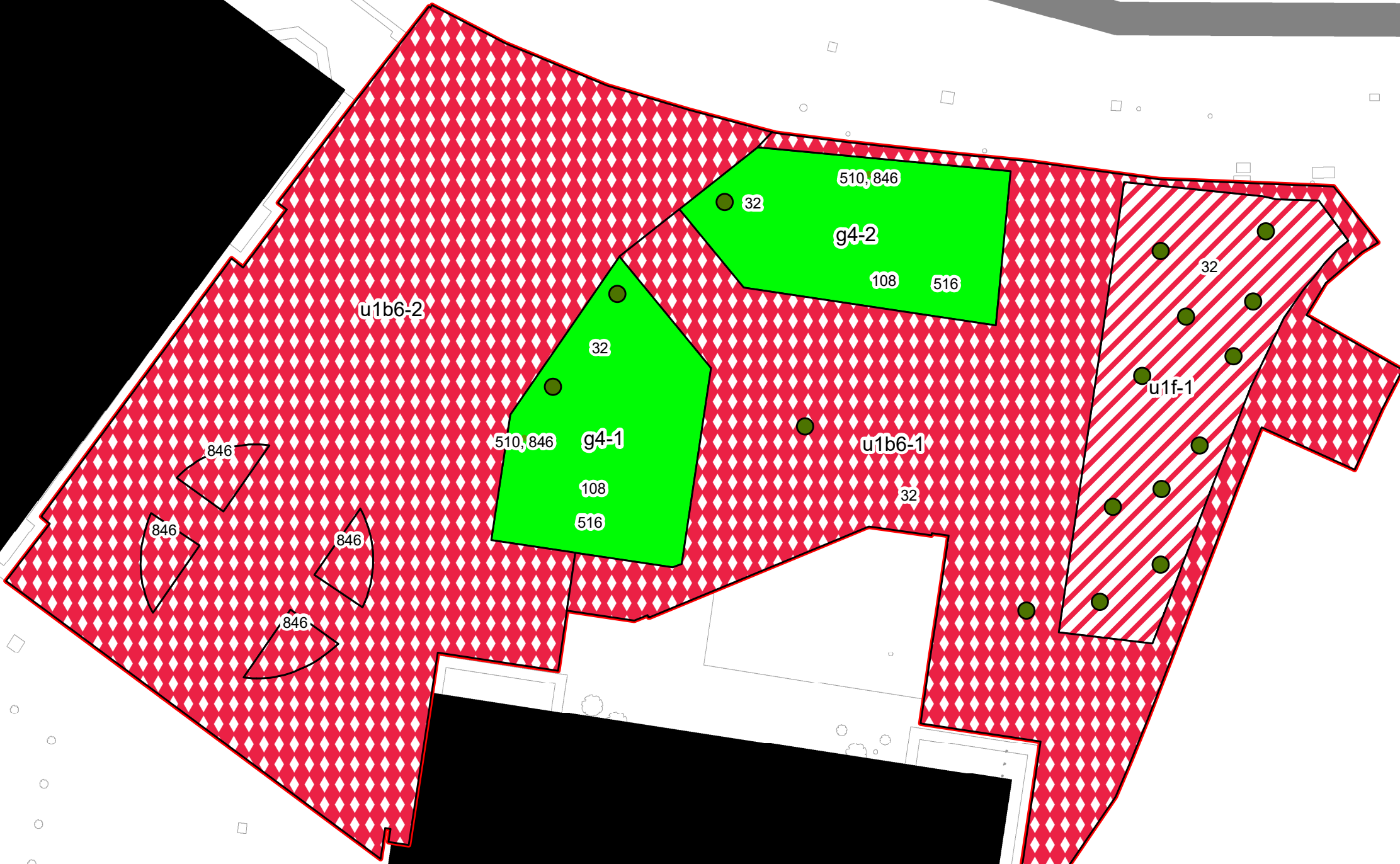
-  g4: Modified grassland
-  u1b6: Developed land; sealed surface
-  u1f: Sparsely vegetated urban land
-  Individual trees
-  Red line boundary

- Secondary Codes
- 32: Scattered trees
 - 108: Frequently mown
 - 510: Bare ground
 - 516: Active management
 - 846: Flower beds

Background Context

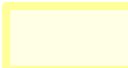
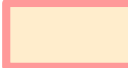
-  Buildings
-  Roads

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Client	Rochdale Development Group		
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Drawn	PP	Drawing No	2472-E1-01
Checked	EH	Revision	0

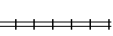




Waterbodies within 500m of the site

-  Waterbodies
-  250m Buffer
-  500m Buffer
-  Red line boundary

Background Context

-  Buildings
-  Woodland
-  Railway
-  Roads

Project	2472 Heywood Civic Centre Square		
Title	Waterbodies within 500m of site		
Client	Rochdale Development Group		
Date	31.10.2024	Scale	1:3750
Drawn	PP	Drawing No	2472-E1-02
Checked	EH	Revision	0



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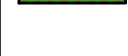
WB2

WB1

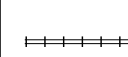
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Non-designated Sites and Priority Habitats within 1km of the Site

-  Queens Park Lake, SBI
-  Open Mosaic Habitat
-  Deciduous woodland
-  No main habitat but additional habitats present
-  1km Buffer
-  Red line boundary

Background Context

-  Buildings
-  Water
-  Woodland
-  Railway
-  Roads

Project	2472 Heywood Civic Centre Square		
Title	Non-Designated Sites & Priority Habitats		
Client	Rochdale Development Group		
Date	31.10.2024	Scale	1:7,700
Drawn	pp	Drawing No	2472-E1-03
Checked	EH	Revision	0



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APPENDIX 2



Photograph 1: Showing g4-1 Modified grassland facing South



Photograph 2: Showing g4-2 Modified grassland facing West



Photograph 3: Showing ul f-1 Sparsely vegetated land facing North



Photograph 4: Pathway between g4-1 and g4-2 displaying scattered trees



Photograph 5: Showing ul b6-2 Other developed land; sealed surface facing South



Photograph 6: Showing ul b6-2 Other developed land; sealed surface, facing North with flower beds in raised beds on each side



Photograph 7: An example of the planting in the raised flower beds



Photograph 8: Viewing East to West ul b6-1 adjacent to Heywood Civic Centre



Photograph 9: Showing ul b6-1 Other developed land; sealed surface facing North-west



Photograph 10: Showing ul b6-1 Other developed land; sealed surface facing North



Photograph 11: Showing ul b6-1 Other developed land; sealed surface facing North-east



Photograph 12: Showing ul b6-1 Other developed land; sealed surface facing East—West



APPENDIX 3



Impact Risk Zones for Sites of Special Scientific Interest

For local planning authorities to determine if a proposed development is likely to affect a terrestrial Site of Special Scientific Interest and when to consult Natural England.

Does the proposed development match any of the descriptions below?

- **Infrastructure:** Airports, helipads and other aviation proposals.
- **Minerals, Oil and Gas:** Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc. Oil & gas exploration/extraction.
- **Air Pollution:** Any industrial/agricultural development that could cause AIR POLLUTION (including: industrial processes, livestock & poultry units with a floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500 tonnes).
- **Combustion:** General combustion processes >50MW energy input. Including: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/combustion.

Does the proposed development match any of the descriptions?

Please answer the question by ticking the appropriate box below and then click Continue

- ☐ Yes
- ☒ No
- ☐ Don't know

Continue



Impact Risk Zones for Sites of Special Scientific Interest

For local planning authorities to determine if a proposed development is likely to affect a terrestrial Site of Special Scientific Interest and when to consult Natural England.

You do not need to consult Natural England on the proposed development at this location.

The Impact Risk Zones for Sites of Special Scientific Interest (SSSI IRZs) indicate that at the location selected, the proposed development is unlikely to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and the Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Therefore, you do not need to consult Natural England on the likely impacts of development on terrestrial SSSIs and the SACs, SPAs or Ramsar sites that they underpin.

Discretionary Advice

Natural England may provide pre-application advice on other biodiversity or natural environment impacts or opportunities. [Developers Get Environmental Advice - GOV.UK \(www.gov.uk\)](#) provides information on Natural England's pre-application discretionary advice service (DAS).

Please Note

The SSSI IRZs seek to guide consultations relating to the likely impacts of development on terrestrial SSSIs under Schedule 4 (w) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and section 281 of The Wildlife and Countryside Act 1981. They do not alter or remove any other statutory requirements to consult Natural England. The gov.uk website provides more information on when you must consult Natural England when considering development proposals.

The SSSI IRZs only indicate Natural England's assessment of likely risk to the notified features of terrestrial SSSIs and those SACs, SPAs or Ramsar sites that they underpin. There are other sites designated for nature conservation in the coastal and marine environment that are not underpinned by terrestrial SSSIs. This includes SPAs, SACs, Ramsar sites and Marine Conservation Zones (MCZs). You should consult Natural England on any coastal or marine proposal that might impact those sites.

Where the SSSI IRZs indicate a risk is unlikely, this does not mean that there are no potential impacts on biodiversity or the wider natural environment and there may be a requirement to consult Natural England as a statutory consultee on other matters.

[Local Planning Authorities Get Environmental Advice - GOV.UK \(www.gov.uk\)](#) provides more information on when you must consult Natural England when considering development proposals including [Nationally Significant Infrastructure Projects - GOV.UK \(www.gov.uk\)](#) (NSIPs).

FOR LOCAL PLANNING AUTHORITY USE ONLY

If you require a formal Natural England letter setting out this advice, please enter the planning application reference in the box and click Generate Formal Advice Letter.

Generate Formal Advice Letter



APPENDIX 4

This section provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England.

GENERAL BIODIVERSITY LEGISLATION AND POLICY

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

The Habitats Regulations 2017 consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994 and all its various amendments. The Habitats Regulations 2017 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2017 place duty upon the relevant government authority to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000. The Habitats Directive introduces for the first time, for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons for overriding public interest.

The Habitats Regulations 2017 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5, respectively. Schedule 2 includes species such as otter and great crested newts for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb, or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

The Habitats Regulations 2010 were amended in August 2012 and in 2017 to ensure clearer transposition of the provisions of Articles 2, 3, 4(4) (second sentence) and Article 10 of the Wild Birds Directive, by giving additional and specific duties to relevant bodies. A number of amendments were also made to transpose more clearly certain elements of the Habitats Directive.

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

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017 (as amended), offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal, or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species. All relevant species specific legislation is detailed later in this Appendix.

The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.

UK Biodiversity Action Plan

The United Kingdom Biodiversity Action Plan (UK BAP), first published in 1994 and updated in 2007, was a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve

and enhance species and habitats. The UK BAP contained a list of priority habitats and species of conservation concern in the UK and outlined biodiversity initiatives designed to enhance their conservation status. Lists of Broad and Local habitats were also included. The priority habitats and species correlated with those listed in Section 41 and 42 of the NERC Act.

The UK BAP required that conservation of biodiversity was addressed at a county level through the production of Local BAPs. These were complementary to the UK BAP, however were targeted towards species of conservation concern characteristic of each area. In addition, a number of local authorities and large organizations have produced their own BAPs.

Species and Habitats of Material Consideration for Planning in England

In 2011, the government published the 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' to replace the previous England Biodiversity Strategy. In 2012 the UK BAP was replaced by the UK Post-2010 Biodiversity Framework.

Previous planning policy (and some supporting guidance which is still current, e.g., ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process, but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should protect and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

To protect and enhance biodiversity and geodiversity, plans should:

- a) 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 steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration, or creation; and
- b) 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:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impact on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁵⁸ and a suitable compensation strategy exists; and
- d) 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 encouraged, especially where this can secure measurable net gains for biodiversity.

The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.

LOCAL PLANNING POLICY

Stockton-on-Tees Borough Councils Local Plan was adopted 30th January 2019 and has several policies which are relevant to this site in terms of planning, the environment and biodiversity.

Policy ENV5 – Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity

1. The Council will protect and enhance the biodiversity and geological resources within the Borough. Development proposals will be supported where they enhance nature conservation and management, preserve the character of the natural environment, and maximise opportunities for biodiversity and geological conservation particularly in or adjacent to Biodiversity Opportunity Areas in the River Tees Corridor, Teesmouth and Central Farmland Landscape Areas.

2. The Council will preserve, restore, and re-create priority habitats alongside the protection and recovery of priority species.

3. Ecological networks and wildlife corridors will be protected, enhanced, and extended. A principal aim will be to link sites of biodiversity importance by avoiding or repairing the fragmentation and isolation of natural habitats.

4. Sites designated for nature or geological conservation will be protected, and where appropriate enhanced, taking into account the following hierarchy and considerations:

- a) Internationally designated sites – Development that is not directly connected with or necessary to the management of the site, but which is likely to have a significant effect on any internationally designated site, irrespective of its location and when considered both alone and in combination with other plans and projects, will be subject to an Appropriate Assessment. Development requiring Appropriate Assessment will only be allowed where:
 - i. It can be determined through Appropriate Assessment, taking into account mitigation, the proposal would not result in adverse effects on the site's integrity, either alone or in combination with other plans or projects; or
 - ii. as a last resort, where, in light of negative Appropriate Assessment there are no alternatives and the development is of overriding public interest, appropriate compensatory measures must be secured.
- b) Nationally designated sites - Development that is likely to have an adverse effect on a site, including broader impacts on the national network of Sites of Special Scientific Interest (SSSI) and combined effects with other development, will not normally be allowed. Where an adverse effect on the site's notified interest features is likely, a development will only be allowed where:
 - i. The benefits of the development, at this site, clearly outweigh both any adverse impact on the sites notified interest features, and any broader impacts on the national network of SSSI's;
 - ii. No reasonable alternatives are available; and

- iii. Mitigation, or where necessary compensation, is provided for the impact.
- c) Nationally Locally designated sites: Development that would have an adverse effect on a site(s) will not be permitted unless the benefits of the development clearly outweigh the harm to the conservation interest of the site and no reasonable alternatives are available. All options should be explored for retaining the most valuable parts of the sites interest as part of the development proposal with particular consideration given to conserving irreplaceable features or habitats, and those that cannot readily be recreated within a reasonably short timescale, for example ancient woodland and geological formations. Where development on a site is approved, mitigation or where necessary, compensatory measures, will be required in order to make development acceptable in planning terms.

5. Development proposals should seek to achieve net gains in biodiversity wherever possible. It will be important for biodiversity and geodiversity to be considered at an early stage in the design process so that harm can be avoided and wherever possible enhancement achieved (this will be of particular importance in the redevelopment of previously developed land where areas of biodiversity should be retained and recreated alongside any remediation of any identified contamination). Detrimental impacts of development on biodiversity and geodiversity, whether individual or cumulative should be avoided. Where this is not possible, mitigation and lastly compensation, must be provided as appropriate. The Council will consider the potential for a strategic approach to biodiversity offsetting in conjunction with the Tees Valley Local Nature Partnership and in line with the above hierarchy.

6. When proposing habitat creation, it will be important to consider existing habitats and species as well as opportunities identified in the relevant Biodiversity Opportunity Areas. This will assist in ensuring proposals accord with the 'landscape scale' approach and support ecological networks.

7. Existing trees, woodlands and hedgerows which are important to the character and appearance of the local area or are of nature conservation value will be protected wherever possible. Where loss is unavoidable, replacement of appropriate scale and species will be sought on site, where practicable.

Policy ENV6 – Green Infrastructure, Open Space, Green Wedges and Agricultural Land

1. Through partnership working, the Council will protect and support the enhancement, creation, and management of all green infrastructure to improve its quality, value, multi-functionality, and accessibility in accordance with the Stockton-on-Tees Green Infrastructure Strategy and Delivery Plan.

2. Where appropriate, development proposals will be required to make contributions towards green infrastructure having regard to standards and guidance provided within the Open Space, Recreation and Landscaping SPD or any successor. Green infrastructure should be integrated, where practicable, into new developments. This includes new hard and soft landscaping, and other types of green infrastructure. Proposals should illustrate how the proposed development will be satisfactorily integrated into the surrounding area in a manner appropriate to the surrounding townscape and landscape setting and enhances the wider green infrastructure network.

3. The Council will protect and enhance open space throughout the Borough to meet community needs and enable healthy lifestyles. The loss of open space as shown on the Policies Map, and any amenity open space, will not be supported unless:

- a) it has been demonstrated to be surplus to requirements; or
- b) the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the proposal is for another sports or recreational provision, the needs for which, clearly outweigh the loss; or
- d) the proposal is ancillary to the use of the open space; and
- e) in all cases there would be no significant harm to the character and appearance of the area or nature conservation interests.

4. Development within green wedges will only be supported where:

- a) it would not result in physical or visual coalescence of built-up areas;
- b) it would not adversely impact on local character or the separate identity of communities;
- c) it would not adversely impact on recreational opportunities; and
- d) it would not adversely impact on biodiversity.

5. Development proposals will be expected to demonstrate that they avoid the 'best and most versatile' agricultural land unless the benefits of the proposal outweigh the need to protect such land for agricultural purposes. Where significant development of agricultural land is demonstrated to be necessary, proposals will

be expected to demonstrate that they have sought to use areas of lower quality land in preference to that of a higher quality

SPECIES SPECIFIC LEGISLATION

This section contains a summary of legislation with relation to the species present or potentially present in the survey area. The reader should refer to the original legislation for definitive interpretation.

Badger

Badgers and their setts are protected under the Protection of Badgers Act 1992. The Protection of Badgers Act 1992 is based primarily on the need to protect badgers from baiting and deliberate harm or injury, badgers are not protected for conservation reasons. The following are criminal offences:

- To intentionally or recklessly interfere with a sett. Sett interference includes disturbing badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it.
- To willfully kill, injure, take, possess, or cruelly ill-treat a badger, or to attempt to do so.

A badger sett is defined in the legislation as:

‘Any structure or place that displays signs indicating current use by a badger.’

‘Current use’ is not synonymous with current occupation and a sett is defined as such (and thus protected) as long as signs of current usage are present. Therefore, a sett is protected until such a time as the field signs deteriorate to such an extent that they no longer indicate ‘current usage.’

Under this Act it is unlawful to:

- Willfully kill, injure, or take a badger or attempt to do so.
- Cruelly ill-treat a badger.
- Interfere with a sett by doing any of the following:-
 - (i) damaging a badger sett or any part of it
 - (ii) destroying a badger sett
 - (iii) obstructing access to a badger sett
 - (iv) causing a dog to enter a sett
 - (v) disturbing a badger while it is occupying a sett.

Badgers are also protected under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended).

For any activity that would contravene the above legislation a badger development license would be required from Natural England (NE). Natural England will normally only issue such licenses for work to be carried out between the months of July and November inclusive, to avoid the breeding season, although exceptions may be possible if a sound justification can be made.

Birds

The Wildlife and Countryside Act (WCA) 1981 (as amended) gives general protection to all wild birds in Britain (subject to the provisions of the act). It is an offence to intentionally or recklessly*:

- Kill, injure, or take any wild bird,
- Take, damage, or destroy the nest of any wild bird whilst the nest is in use or being built, or
- Take or destroy an egg of any wild bird.

It is also an offence for any person to have in his possession or control any live or dead wild bird, egg of a wild bird, or any part, or derivative, of such a bird or egg (subject to the provisions of the act).

Birds listed on Schedule 1 of the WCA 1981 (as amended) are protected by special penalties, and it is an offence to intentionally or recklessly*:-

- Disturb any wild bird included in Schedule 1 whilst it is building a nest or is in, on or near a nest containing eggs or young, or
- Disturb dependent young of such a bird.

*Reckless offences were added by the Countryside Rights of Way (CROW) Act 2000.

*Reckless offences were added by the Countryside Rights of Way (CROW) Act 2000.

Birds receive further protection through the Bern Convention, the Bonn Convention and the European Communities Council Directive on the Conservation of Wild Birds, or EC Birds Directive:

1. The Bern Convention aims to ensure the conservation and protection of wild bird species and their natural habitats (listed in Appendix II of the Convention), and to regulate the exploitation of those species (including migratory species) listed in Appendix III.
2. The Bonn Convention aims to conserve migratory species and their habitats by providing strict protection for endangered migratory species (listed in Appendix I of the Convention), whilst species on Appendix II are generally of conservation concern and / or deemed to be able to benefit from international cooperation.
3. The EC Birds Directive is the tool through which the European Community meets its obligations for bird species under the Bern Convention and Bonn Convention. The Directive provides a framework for the conservation and management of, and human interactions with, wild birds in Europe. Article 5 requires members to establish a general scheme of protection for all wild birds. Annex I contains a list of specially protected bird species. The EC Birds Directive is implemented in the UK by several statutes, including the WCA 1981 (as amended).

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

The reader should refer to the original legislation for the definitive interpretation.

Bats

Bats and the places they use for shelter or protection (i.e., roosts) receive European protection under The Conservation of Habitats and Species Regulations 2017, as amended (Habitats Regulations 2017, as amended). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017 (as amended), states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 (as amended) for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* (rather than deliberately) kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The following bat species are Species of Principal Importance for Nature Conservation in England: Barbastelle Bat *Barbastella barbastellus*, Bechstein's Bat *Myotis bechsteinii*, Noctule Bat *Nyctalus*

noctula, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus*, Greater Horseshoe Bat *Rhinolophus ferrumequinum* and Lesser Horseshoe Bat *Rhinolophus hipposideros*.

The reader should refer to the original legislation for the definitive interpretation.

Great crested newt

Great crested newts (GCN) and the places they use for shelter or protection receive protection under The Conservation of Habitats and Species Regulations 2017, as amended (Habitats Regulations 2017, as amended). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that GCN, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 43 of the Habitats Regulations 2010, states that a person commits an offence if they:

- deliberately capture, injure, or kill a GCN;
- deliberately disturb GCN;
- deliberately take or destroy eggs of a GCN; or
- damage or destroy a GCN breeding site or resting place.

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017, as amended for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead GCN, part of a GCN or anything derived from GCN, which has been unlawfully taken from the wild. This legislation applies to all life stages of GCN.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to intentionally (rather than deliberately) kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to intentionally or recklessly* damage or destroy, or obstruct access to, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to intentionally or recklessly* disturb any protected species while it is occupying a structure or place which it uses for shelter or protection.

*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

Great crested newts are listed as Species of Principal Importance on the UK Post-2010 Biodiversity Framework (2012), and as such are material considerations in the planning process.

Reptiles

All of the UK's native reptiles are protected by law. The two rarest species – sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*) – benefit from the greatest protection, however these species have a limited geographical distribution and none of the habitats within the study area fulfil their specific habitat requirements. It is therefore considered that these species are unlikely to be present within the study area. Common lizard (*Lacerta vivipara*), slow-worm (*Anguis fragilis*), adder (*Vipera berus*) and grass snake (*Natrix natrix*) are protected under the Wildlife and Countryside Act 1981 as amended from intentional killing or injuring.

In England and Wales, this Act has been amended by the Countryside and Rights of Way Act 2000 (CROW), which adds an extra offence, makes species offences arrestable, increases the time limits for some prosecutions and increases penalties. The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Government Departments to have regard for the conservation of biodiversity and maintains lists of species and habitats which are of principal importance for the purposes of conserving biodiversity in England and Wales. All native reptile species are included on these lists.

This is a simplified description of the legislation. In particular, the offences mentioned here may be absolute, intentional, deliberate, or reckless. Note that where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.

Invasive Flora

The Wildlife and Countryside Act 1981 provides the primary controls on the release of non-native species into the wild in Great Britain. It is an offence under section 14(2) of the Act to 'plant or otherwise cause to grow in the wild' any plant listed in Schedule 9, Part II. This list contains 36 plant species and their hybrids, and includes false virginia creeper, montbretia and Japanese knotweed.

Section 33 of the Environmental Protection Act 1990 states that a person shall not:

- deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force and the deposit is in accordance with the licence;
- treat, keep, or dispose of controlled waste, or knowingly cause or knowingly permit controlled waste to be treated, kept or disposed of:
 - in or on any land, or
 - by means of any mobile plant,
 - except under and in accordance with a waste management licence;
 - treat, keep, or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.

Water vole

The Wildlife and Countryside Act 1981 (as amended) was updated on 6th April 2008 and the protection which water vole receives was increased to make it an offence to:

- Intentionally kill, injure, or take water vole from the wild;
- Possess or control live or dead water voles or derivatives;
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place which water voles use for shelter or protection;
- Intentionally or recklessly disturb water vole whilst occupying a structure or place used for that purpose; or
- Sell water voles or offer or expose for sale or transport for sale.

In England and Wales, this Act has been amended by the Countryside and Rights of Way Act 2000 (CROW), which adds an extra offence, makes species offences arrestable, increases time limits for some prosecutions and increases penalties. The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Government Departments to have regard for the conservation of biodiversity and maintains lists of species and habitats which are of principal importance for the purposes of conserving biodiversity in England and Wales. These lists include water vole. The Act provides a defence against the above when the action is the incidental results of an otherwise lawful operation and could not have been avoided (s.10(3)(9c)). Licences are required to be applied for should the following activities which would otherwise be an offence, this includes:

- For scientific or educational purposes;
- For the purposes of ringing or marking;
- For conserving wild animals or introducing them into particular areas;
- Preserving public health and safety;
- Preventing the spread of disease; and
- Preventing serious damage to any form of property or to fisheries.

The reader should refer to the original legislation for definitive interpretation.

Mammals

It is an offence to kill any mammal (including rabbits and foxes) by cruel methods, as outlined within the Wild Mammals (Protection) Act 1996. In brief, the legislation states that:

- If, as permitted by this Act, any person mutilates, kicks, beats, nails, or otherwise impales, stabs, burns, stones, crushes, drowns, drags, or asphyxiates any wild mammal with intent to inflict unnecessary suffering he shall be guilty of an offence.

The death of any mammal by crushing, asphyxia or dragging, such as may be caused by plant during construction may be classed as an offence if construction activities are undertaken without due regard for burrowing mammal species.



APPENDIX 5

POTENTIAL HABITAT ENHANCEMENT OPPORTUNITIES FOR DEVELOPMENTS

National Planning Policy Framework states that the planning system should 'contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity...'

Beneath are examples of small-scale habitat enhancement opportunities that could be incorporated into the design and landscaping scheme of the proposed works on the site.

Invertebrate attracting planting scheme

The incorporation of native trees into the landscape planting, which provide blossom and fruit, will attract invertebrates. The understorey and ground cover planting design can also be prepared to optimise the attraction of invertebrates such as feeding bumblebees and butterflies. Linear areas of landscape planting contribute to habitat connectivity for wildlife.

Where possible the use of native species should be maximised, however some domestic and non-native species can also provide food and shelter for invertebrates. A mix of plant species that flower at different times of year are best for attracting and supporting invertebrates. Examples of native invertebrate attracting species are provided below. Note that this list is not prescriptive nor exhaustive.

Latin name	Common name
Trees	
<i>Ilex aquifolium</i>	Common holly
<i>Prunus avium</i>	Wild cherry
<i>Prunus padus</i>	Bird cherry
<i>Sorbus aria</i>	Common whitebeam
<i>Sorbus aucuparia</i>	Rowan
<i>Tilia platyphyllos</i>	Broad-leaved lime
Shrubs	
<i>Buxus sempervirens</i>	Common box
<i>Calluna vulgaris</i>	Heather
<i>Crataegus monogyna</i>	Common hawthorn
<i>Erica cinerea</i>	Bell heather
<i>Prunus spinosa</i>	Blackthorn
<i>Rosa canina</i>	Dog rose
<i>Rosa rubiginosa</i>	Sweet briar
<i>Salix lanata</i>	Woolly willow (male)
<i>Viburnum lantana</i>	Common wayfaring tree
<i>Viburnum opulus</i>	Guelder rose
Herbaceous perennials	
<i>Ajuga reptans</i>	Bugle
<i>Armeria maritima</i>	Thrift
<i>Campanula glomerata</i>	Clustered bellflower
<i>Centaurea nigra</i>	Common knapweed
<i>Eupatorium cannabinum</i>	Hemp agrimony
<i>Geranium pratense</i>	Meadow cranesbill
<i>Knautia arvensis</i>	Field scabious

Latin name	Common name
Herbaceous perennials	
<i>Leucanthemum vulgare</i>	Ox-eye daisy
<i>Lychnis flos-cuculi</i>	Ragged robin
<i>Lysimachia vulgaris</i>	Yellow loosestrife
<i>Lythrum salicaria</i>	Purple loosestrife
<i>Malva moschata</i>	Musk mallow
<i>Origanum vulgare</i>	Wild marjoram
<i>Persicaria bistorta</i>	Common bistort
<i>Polemonium caeruleum</i>	Jacob's ladder
<i>Primula vulgaris</i>	Primrose
<i>Scabiosa columbaria</i>	Small scabious
<i>Sedum telephium</i>	Orpine
<i>Tanacetum vulgare</i>	Tansy
Biennials	
<i>Angelica sylvestris</i>	Wild angelica
<i>Dipsacus fullonum</i>	Common teasel
<i>Heracleum sphondylium</i>	Hogweed
Annuals	
<i>Centaurea cyanus</i>	Cornflower
<i>Echium vulgare</i>	Viper's bugloss
<i>Glebionis segetum</i>	Corn marigold
<i>Papaver rhoeas</i>	Common poppy
Climbers	
<i>Clematis vitalba</i>	Travellers joy
<i>Hedera helix</i>	Common ivy
<i>Lonicera periclymenum</i>	Common honeysuckle

Habitat creation for birds

Common bird species

The incorporation of native trees, shrubs, and hedgerows into the landscape planting. Trees are particularly important features for nesting and feeding birds within street landscapes. Shrub species that produce berries such as Berberis and Pyracantha (Firethorn) attract feeding birds.

Examples of commercially available bird boxes that can be attached to trees are provided below:



1MR Schwegler Avianex

<http://www.nhbs.com/title/158599/1mr-schwegler-avianex>



2GR Schwegler Nest Box

<http://www.nhbs.com/title/158595/2gr-schwegler-nest-box>



3SV Schwegler Nest Box with Predator Protection

<http://www.nhbs.com/title/173230/3sv-schwegler-nest-box-with-predator-protection>

Habitat creation for bats

The installation of bat boxes on retained trees or newly planted trees if appropriate. Bat boxes should be sited above three metres in height on the tree, ideally facing or close to areas of landscape planting or existing linear habitat features, and on a south/south-westerly aspect. Examples of commercially available bat boxes that can be attached to trees are provided below.



2F Schwegler Bat Box (General Purpose)

<http://www.nhbs.com/title/158629/2f-schwegler-bat-box-general-purpose>



1FS Schwegler Large Colony Bat Box

<http://www.nhbs.com/title/160552/1fs-schwegler-large-colony-bat-box>



1FF Schwegler Bat Box with Built-in Wooden Rear Panel

<http://www.nhbs.com/title/158636?title=1ff-schwegler-bat-box-with-built-in-wooden-rear-panel>



1FFH Schwegler Universal Bat Box

<http://www.nhbs.com/title/177932/1ffh-schwegler-universal-bat-box>

Hedgehog Refugia

These houses/boxes should be installed along the vegetated site boundaries post-development, namely the southern and northern boundaries. Log piles can also be created from any felled trees or scrub vegetation, and these should also be installed along the vegetated site boundaries. Examples of commercially available hedgehog boxes are provided below.



Wildlife World Hedgehog House

<https://www.nhbs.com/hedgehog-house>



Wildlife World Igloo Hedgehog Home

<https://www.nhbs.com/igloo-hedgehog-home>



Hedgehog Nest Box

<https://www.nhbs.com/hedgehog-nest-box>