# Preliminary Ecological Appraisal

## 15 Oakenrod Hill

Rochdale, Greater Manchester

April 2020

**Prepared for: Mr Knight**

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# EXECUTIVE SUMMARY


- On 16th April 2020 a Preliminary Ecological Appraisal was undertaken at 15 Oakenrod Hill, Rochdale, OL11 4ED.
- The survey sites supports common and widespread habitats.
- The survey site has potential to support nesting birds in the spring and summer months and avoidance mitigation is recommended to prevent harm to nesting birds.
- Avoidance mitigation is also proposed in relation to lighting and the risk of disturbance to foraging bats.
- Precautionary measures of work are proposed to minimise the risk of harm to badger, amphibians, reptiles, hedgehog and other wildlife.
- A single invasive species (cotoneaster) was found on site; recommendations have been made to manage the shrub.
- If the recommendations are followed, the proposals are considered unlikely to be of significance to species of conservation importance in the locality.
- The proposals provide the opportunity to compensate for the loss of the existing amenity grassland habitat and improve the ecological functionality of the site for wildlife. Recommendations for this have been made.
- It is considered that planting of native species hedgerow and installation of bird and bat boxes will ensure net gain in overall biodiversity on site, since, at present, the amenity grassland provides little ecological value.

# 1. Introduction

## 1.1 Application Site

1.1.1 This report details an Ecological Appraisal of land at 15 Oakenrod Hill, OL11 4ED. Ordnance Survey grid reference (centre of site): SD 8853 1292.

1.1.2 Mr Knight commissioned Verity Webster Ltd to undertake a Preliminary Ecological Appraisal to inform the planning application.

## 1.2 Objectives

1.2.1 The objectives of the Ecological Appraisal are to determine:

- The potential for protected species and/or habitats of importance within and surrounding the site.
- The presence of any designated sites within the surrounding area, or if the site is designated.
- How the proposed works might impact protected species and or habitats of importance.
- How the proposed works might impact designated sites within the surrounding area.
- How any impacts might be avoided, mitigated and/or ameliorated, including recommendations for further survey work if required.
- Potential for enhancement of the site for protected species, habitats of conservation interest and overall biodiversity.

## 1.3 Proposals

1.3.1 The proposals comprise the construction of two houses and a garage, with associated vehicular access and landscape.

## 1.4 Ecologist

1.4.1 The Ecological Assessment was undertaken by Verity Webster. Verity is a Chartered Ecologist and a full member of the Chartered Institute of Ecology and Environmental Management.

1.4.2 Verity has worked as an ecological consultant since 2007. She has undertaken Ecological Assessments and protected species surveys for a large variety of projects and schemes, producing the required impact assessment and subsequent mitigation schemes and method statements when necessary.

# 2. Site Location and Description

## 2.1 Site Location

2.1.1 The survey site is located in a residential area of Rochdale, approximately 800m southwest of Rochdale town centre.

2.1.2 Houses with gardens lie adjacent to the northeast and west. To the south there lies some unkempt land, which previously supported allotments, but is partially wooded.

2.1.3 The land adjacent to the south toward the River Roch, which weaves southwest to northeast through the wooded valley approximately 100m to the south of the site. Beyond the River Roch there are sewage works.

2.1.4 There are numerous areas of open green space within close proximity, including Mandale park, approximately 220m to the southeast, a recreation ground approximately 200m to the north, a wooded cemetery approximately 450m to the northwest and grazed paddocks approximately 550m to the southwest.

## 2.2 Site Description

2.2.1 The survey site is roughly square in shape, located to the rear of the house.

2.2.2 The majority of the site comprises improved grassland, which is stepped to create two flat plateaus.

2.2.3 There are mature trees around the boundary and there is a shed in the southeast corner.

2.2.4 The grassland is composed of perennial rye grass (*Lolium perenne*), cock's-foot grass (*Dactylus glomerata*), fescue (*Festuca* spp.), creeping bent grass (*Agrostis stolonifera*), and the herbs greater plantain (*Plantago major*), creeping buttercup (*Ranunculus acris*), dandelion (*Taraxacum* agg.) and daisy (*Bellis perennis*). Ornamental plants in the rockery between the plateaus and around the garden edge include foxglove (*Digitalis purpurea*), Spanish bluebell (*Hyacinthodies hispanica*), daffodil (*Narcissus* spp.), hebe (*Hebe* spp.), winter jasmine (*Jasminum nudiflorum*), greater periwinkle (*Vinva major*) and tutsan (*Hypercium androsaemum*). Rosebay willowherb (*Chamaenerion angustifolum*) and wood avens (*Geum urbanum*) are present along the eastern boundary.

2.2.5 The disjunct hedgerow along the southern boundary is composed of hawthorn (*Crataegus monogyna*), elder (*Sambucus nigra*) and privet (*Ligustrum vulgare*).

2.2.6 The hedgerow along the west boundary is composed of cotoneaster (*Cotoneaster* spp.) and laurel (*Prunus laurocerasus*). The hedgerow along the east boundary is composed mainly of contoneaster.

2.2.7 Mature trees present in the site include sycamore (*Acer psydoplatanus*) and birch (*Betula* sp.). It is understood that the mature trees will be retained.

### The Buildings

2.2.8 The house is a two-storey brick structure, with a pitched, tiled roof. The is a gable on the west elevation. There are plastic soffits around the eaves. The structure is in very good condition and, because it will not be impacted directly as a result of the proposals, is not considered any further.

2.2.9 The shed is a single-storey wood-panel structure with a pitched, felt-covered roof. The structure is in good condition.



*The survey site looking southeast*

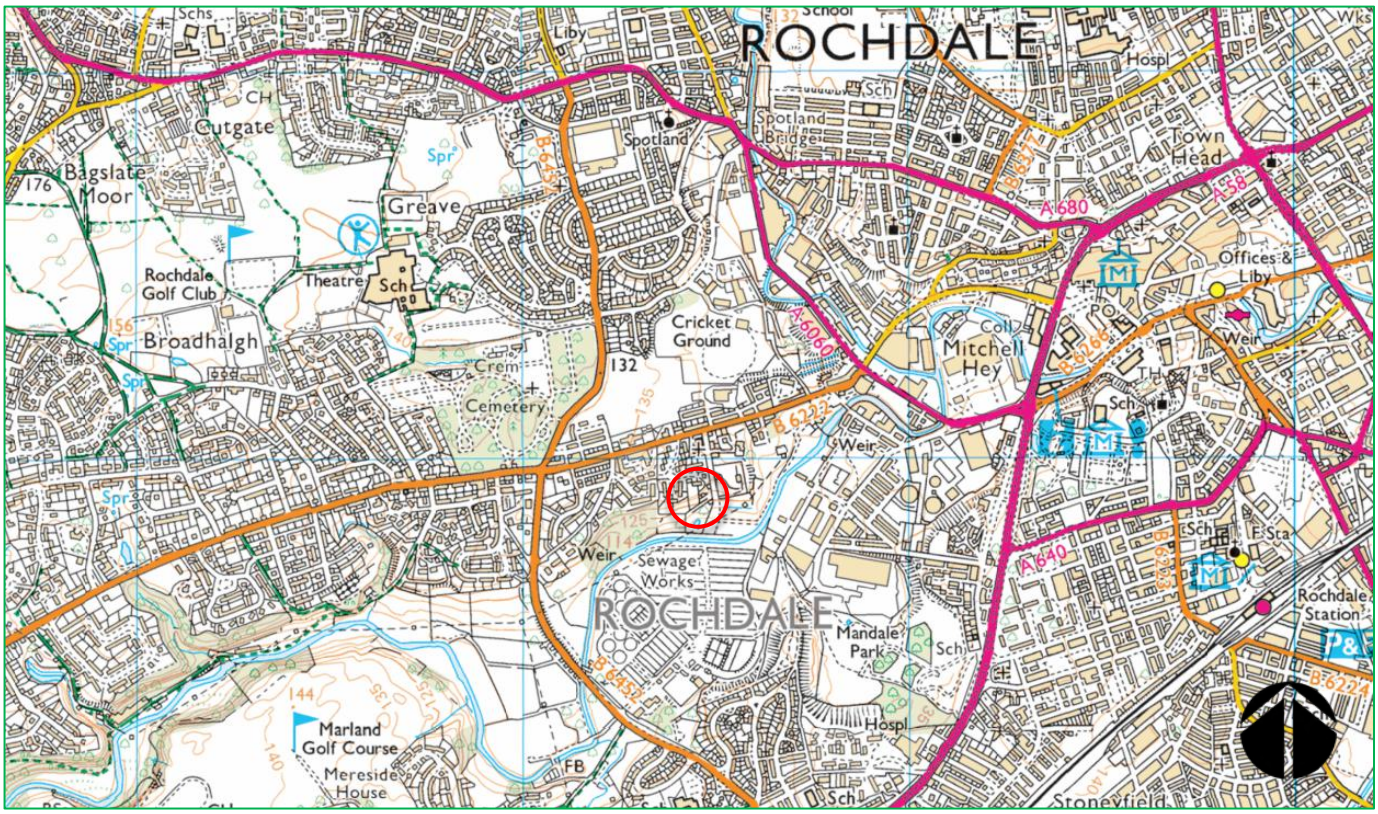


*The survey site looking south*



*The survey site looking northwest*

**Figure 1: Ordnance Survey Map Showing the Location of the Proposed Development Site.**




Ordnance Survey Map 1:25000

Key:

Survey site

**Figure 2: Aerial Image of the Survey Site in Relation to the Surrounding Habitats**




From Bing Maps

250m

Key:

Survey site

# 3. Legislation

**Relevant legislation is listed here. For full details, refer to Appendix A.**

## 3.1 Bats

3.1.1 All UK bats receive full protection under the Wildlife and Countryside Act 1981 and are also protected under The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 (the Habitats Regs).

3.1.2 This makes it an offence to:

- Capture, injure or kill any bat,
- Disturb a bat of any species,
- Damage or destroy a breeding site or resting place of a bat (ie. The roost)
- Possess any bat, or part of a bat
- Offer for sale or trade any bat, or part of a bat

## 3.2 Badger

3.2.1 Under the Badger Act 1992, it is an offence to:

- Take, injure or kill a badger, or attempt to do so
- Cruelly ill-treat a badger
- Interfere with a badger sett including:
  - Damaging a badger sett or any part of it
  - Destroying a sett
  - Obstructing access to, or entry to a sett
  - Causing a dog to enter a sett; or
  - Disturbing a badger whilst it is occupying a sett.

## 3.3 Reptiles

3.3.1 Smooth snake and sand lizard receive full protection under the Wildlife and Countryside Act 1981 and are also protected under The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 (the Habitats Regs).

3.3.2 This makes it an offence to:

- Capture, injure or kill one of these species,
- Disturb these species,
- Damage or destroy a breeding site or resting place of these species.
- Possess one of these species, or part of one
- Offer for sale or trade one of these species, or part of one

3.3.3 Common lizard, adder, grass snake and slow-worm are partially protected under the Wildlife and Countryside Act 1981. This makes it an offence to:

- Kill or injure one of these species.
- Offer for sale or trade one of these species, or part of these animals.

## 3.4 Amphibians

3.4.1 Great crested newts receive full protection under the Wildlife and Countryside Act 1981 and are also protected under The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 (the Habitats Regs).

3.4.2 This makes it an offence to:

- Capture, injure or kill one of these species,
- Disturb these species,

- Damage or destroy a breeding site or resting place of these species.
- Possess a great crested newt, or part of this animal
- Offer for sale or trade a great crested newt, or part of this animal.

3.4.3 Common lizard, adder, grass snake and slow-worm are partially protected under the Wildlife and Countryside Act 1981. This makes it an offence to:

- Kill or injure one of these species.
- Offer for sale or trade one of these species, or part of these animals.

3.4.4 Common toad, common frog, palmate newt and smooth newt are protected from sale or trade only.

## 3.5 Section 41 Habitats and Species of Principal Importance

3.5.1 Section 41 Habitats and Species of Principal Importance (NERC Act 2006) are a material consideration for planners. The list is derived from the UK Biodiversity Action Plan list and supports species and habitats of conservation concern.

3.5.2 Species relevant to this report include hedgehog and common toad.

## 3.6 Designated Sites

3.6.1 Sites of conservation interest can be designated on a statutory or non-statutory basis.

3.6.2 Statutory sites can be designated under UK legislation (the Wildlife and Countryside Act 1981), European Law (the Habitats Regulations 2017) or International law (Ramsar Convention).

3.6.3 Non-statutory sites can be designated by the Local Planning Authority, and different counties have different ways of designating local wildlife sites. Examples are Local Wildlife Sites and Biological Heritage Sites.

## **3.7** Planning Policy and Legislation

3.7.1 Under the NERC Act 2006, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site before they make a decision on the planning permission.

3.7.2 The National Planning Policy Framework (NPPF) encourages Local Planning Authorities to conserve and enhance biodiversity.

Chapter 15, Para 170 of NPPF states: *''The planning system should contribute to and enhance the natural and local environment by:*

a) ***protecting and enhancing valued landscapes, sites of biodiversity*** *or geological value and soils….*

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***".

Para 171 states: "*Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.''*

Para 174 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:

***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 stepping stones 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 peruse opportunities for securing measurable net gains for biodiversity.***"

3.7.3 Para 175 states that "*when determining planning applications, local authorities should apply the following principles:*

**a)** ***if significant harm to biodiversity from a development cannot be avoided…,adequately mitigated, or, as a last resort compensated for, then planning permission should be refused***''

3.7.4 The local planning authority has a responsibility, therefore, to obtain all information regarding the potential for protected species on a site prior to making a decision about a proposal.

# 4. Survey Methodology

## 4.1 Desk Study

4.1.1 The following data sources used to establish background information about protected species and their likely presence in the locality:

- Magic Map, Natural England (2018)
- Bing Maps (2019)
- NBN Atlas (2020)

4.1.2 Online mapping facilities, including MAGIC (Defra 2015), Google earth (for aerial mapping) and Ordnance Survey maps for the area were consulted to assess the site in relation to the surrounding landscape and any statutory and non-statutory designated sites. The NBN Atlas was consulted to provide information about protected species recorded in the area. However, these records, which are often not complete, and are often at a low resolution, are treated with caution.

## 4.2 Site Survey

4.2.1 The survey site was walked in daylight on 16th April 2020, and during the visits the habitat was assessed for potential for protected species. The surveyor searched for signs of the presence of protected species where appropriate, including pathways, burrows / nests / resting places, scratch markings, footprints and droppings etc. The presence of all animals and birds, if seen or heard, was recorded.

4.2.2 Habitats on site were assessed and described.

4.2.3 Where appropriate, notes were made of potential management and enhancement recommendations.

### *Preliminary Roost Assessment*

### Buildings

4.2.4 As part of the site survey, a Preliminary Roost Assessment was undertaken of the building (shed) with respect to bats.

4.2.5 An internal and external inspection of the shed was undertaken during daylight to determine the potential for bats and establish, if possible, whether bats are using the building or have been using the building in the past.

4.2.6 All accessible parts of the buildings were inspected to look for bats and signs of the presence of bats,

including:

- Droppings.
- Feeding remains including moth and butterfly wings.
- Staining from urine or oils near crevices or holes or on timber (such as roof beams), walls, chimney breasts etc.
- Scratch marks on walls and timber.
- Squeaking or chattering calls.

4.2.7 The systematic search inside the buildings included inspection of beams, floors, surfaces of stored materials, roof boarding, junctions between roof timbers and timbers and the walls, crevices within brickwork. Potential access into the building was also inspected by searching for holes in insulation and any light penetration into the interior from the outside.

4.2.8 The assessment outside the buildings included inspection of all walls, windows, window sills, roof overhangs, fascias, eaves and tiles, including a search for any crevices under tiles, under lifted lead flashing or lifted roofing felt, missing mortar, gaps in the ridge or gable end of the roofs, crevices in brickwork or under flaking paintwork or render, gaps in cladding or hanging tiles and any other potential bat roost opportunities.

4.2.9 Equipment: During the survey a ladder, close-focussing binoculars and a strong torch with directional beam was used to inspect the building.

4.2.10 As a result of the preliminary roost assessment, the buildings on site were characterised as having 'negligible', 'low', 'medium' or 'high' suitability for bats. It may also be possible to confirm presence of a roost.

4.2.11 Buildings or structures typically characterised as having:

- **Negligible** suitability for bats will lack features with any potential to support roosting bats. Modern or newly-built well-sealed structures may fall into this category. Structures that are metal clad with metal internal beams might have negligible potential if there are no favourable roosting spaces. Structures may also be unfavourable due to the level of disrepair, being subject to poor weather conditions.

- **Low** suitability for bats will have sub-optimal roost features with limited potential for roosting bats. Features may be used by single bats opportunistically, but do not provide enough space, shelter, protection, appropriate conditions and / or suitable surrounding habitat to be used on a regular basis by large numbers of bats.

- **Medium** suitability for bats may have few features with potential for bats, that provide enough space, shelter, protection and other suitable conditions, or several features with limited potential for bats. It may also be that a potentially suitable structure is situated in an area with habitat that has only low potential for foraging and commuting bats.

- **High** suitability for bats will support at least one or more features that provide opportunities for roosting bats such that they might be used regularly, for longer periods by larger numbers of bats. These may be external features, such as lifted weatherboard or crevices in brick or stonework, or internal, such as large loft spaces with potential access. Barns, with open doorways and windows with wooden rafters and beams may fall into this category. If a structure is close to good habitat, such as a waterway, marshland or woodland, this also increases potential for roosting bats.

- **Confirmed** roost presence when it is evident as a result of signs from inspection, such as droppings, or sight of bats, that a roost exists within the building. It is not always

possible to ascertain presence or absence of a roost even if some signs, such as droppings or feeding remains are found.

### Trees

4.2.12 A general appraisal of the suitability of the trees on site for bats was undertaken.

4.2.13 Trees were inspected from the ground to determine the presence of Potential Roost Features (PRFs).

4.2.14 Potential Roost Features include:

- Rot holes, including butt-rot
- Woodpecker holes
- Branch scars and rips
- Cankers with cavities
- Horizontal cracks and splits such as hazard beams
- Flaking or partially-detached bark
- Holes between double-leaders
- Dense ivy
- Bird, bat or dormouse boxes.

4.2.15 Trees were assessed as having low, moderate or high suitability for bats as follows:

- **Negligible suitability**: Lack any Potential Roost Features (PRFs)
- **Low suitability**: Have one or a small number of PRFs that are superficial and unlikely to be roost sites. Precautionary methods of work will be required prior to felling / tree works.
- **Moderate suitability**: Have one or more PRFs that require further assessment. Inspection of PRFs from the ground or by climbing will be necessary in order to categorise the features.
- **High suitability**: Have one or more PRFs that appear likely to provide suitable roost opportunities. Inspection of PRFs from the ground or by climbing will be necessary in order to categorise the features.

## 4.3 Limitations

4.3.1 There were no major limitations to the survey, the entire site was accessible. The site was walked in daylight in April. The vegetation was not dense, but it is possible that some plant species, if present in small number or small in stature may have been missed. In addition, some plant species are not apparent at all times of the year.

4.3.2 In April bats are in a transitionary period between winter and summer roost sites and may not be accommodating roost locations used through the summer months. However, the preliminary roost assessment of the structure on site is considered sufficient to inform any necessary recommendations. All survey data gathered is considered sufficient to inform this assessment.

4.3.3 Biological records data from the local records centre was not obtained to inform this assessment. Given the nature of the survey site, the site visit and desk study are considered, in this instance, to be sufficient to inform any necessary mitigation or further survey work required.

# 5. Findings: Surrounding Designated Sites

## 5.1 Desk Study

5.1.1 Sites of conservation interest can be designated on a statutory or non-statutory basis.

**Statutory Sites**

5.1.2 The protection over UK statutory sites (Sites of Special Scientific Interest) requires that any potential direct and indirect impacts from a development are assessed within at least a 2km radius of the survey site, whilst the protection over European designated sites (or Natura 2000) sites and Ramsar sites require any potential direct and indirect impacts are assessed within at least a 5km radius of the survey site.

5.1.3 There is one European Designated Site within 5km of the survey site, which is also a UK Designated Site and a non-statutory wildlife site:

- **Rochdale Canal SAC, SSSI and SBI*:** This site is located approximately 1.5km southeast of the survey site at the closest point. The canal is designated an SAC due to the significant population of floating water-plantain (*Luonium natans*) that it supports. The SSSI citation also details the other diverse flora the canal supports including pondweeds (*Potamogeton* spp.).

5.1.4 The Rochdale Canal is considered sufficiently distanced from the survey site that no direct or indirect impacts are considered likely. This designated site is not considered any further.

**Wildlife Site Definitions**

*SBIs: Sites of Biological Interest are 'Local Wildlife Sites' in Lancashire. They are identified within the county using a set of published guidelines. Their selection is based on the most important, distinctive and threatened species and habitats within a national, regional and local context. Local Wildlife Sites are locally valuable areas and are often corridors for wildlife forming key components of ecological networks. They are non-statutory designations, but are a material consideration within the planning process.

# 6. Findings: Potential for Protected Species

## 6.1 Habitats and Associated Flora

### Survey and Assessment

6.1.1 The survey site supports common and widespread plant species. The grassland is mesotrophic (nutrient enriched) amenity grassland, typical of maintained gardens.

6.1.2 The trees and shrubs are also common and widespread species.

6.1.3 No protected species or species of conservation value were recorded on site.

6.1.4 The loss of the mesotrophic grassland is not considered to be of significance with regard to flora in the locality. However, recommendations are made to compensate for the loss of the habitat.

### Invasive Species

6.1.5 Cotoneaster (*Contoneaster* spp.) is listed on Schedule 9 of the Wildlife and Countryside act as an invasive species.

6.1.6 This species must be controlled on site, and ideally removed from site to prevent further spread.

6.1.7 No other invasive plant species, including Himalayan balsam (*Impatiens grandulifera*), Japanese knotweed (*Fallopia japonica*) and giant hogweed (*Heracleum mantegazzianum*) were found on site at the time of survey.

6.1.8 Himalayan balsam and Japanese knotweed are known to be present within close proximity to the survey site, however, along the banks of the River Roch.

6.1.9 Precautionary survey methods are recommended to ensure these species have not colonised the site in the interim period between the survey and the start of works.



*Showing vegetation, including cotoneaster along the east boundary*

## Mammals

### 6.2 Bats

#### *Potential For Bats*

6.2.1 At a landscape level, the area surrounding the survey site is good for bats. Refer to Figure 2.

6.2.2 There are extensive areas of green space within close proximity (500m) of the survey site, and the river Roch is just 100m to the south. The river and associated wooded valley will provide very good foraging habitat for bats, as well as providing a habitat corridor, facilitating the movement of bats through the landscape.

6.2.3 Bat species likely to be present in the locality include widespread species such as common and soprano pipistrelle bat (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* respectively), which are often found in urban locations. Species that favour open water, like Daubeton's bat (*Myotis daubenonii*) are also likely to be present near the waterways. Species that favour open habitats such as Leisler's (*Nyctalus leisleri*) and noctule bat (*Nyctalus noctula*) are likely to be present within the wider countryside and may pass over the urban area. Bat species that are associated with woodland, such as brown long-eared bat (*Plecotus auritus*), Natterer's bat (*Myotis* natterri), whiskered bat (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*) are also likely to be present, but less abundant due to the limited area of woodland in the vicinity.

#### *The Conservation Status of Bats in the Area*

6.2.4 The conservation status of bats in the area is shown in Table 1.

***Table 1**: The Conservation Status of Bats in the area at a Local, County and Regional Level*

| ***Species*** | ***Local*** | ***County*** | ***Regional*** |
|---|---|---|---|
| *Common pipistrelle* | *Likely to be common in the area. There are records of this species in the area (10km).* | *Common and widespread Frequently recorded.* | *Common and widespread Frequently recorded across the Northwest* |
| *Soprano pipistrelle* | *Likely to be present due to the presence of riparian habitat.* | *Widespread. Frequently recorded.* | *Common and widespread Frequently recorded across the Northwest* |
| *Nathusius's pipistrelle* | *Likely to be rare in the area.* | *Infrequently recorded, but this may be due to low survey effort. Not yet recorded breeding in the county.* | *Rare across the northwest. A migratory species.* |
| *Brown long-eared bat* | *Likely to be in the area. There is a recent record of this species within 10km of the site.* | *Common and widespread Frequently recorded.* | *Common and widespread Frequently recorded across the Northwest.* |
| *Natterer's bat* | *Likely to be in the area. This species favours woodland so is not expected within close proximity to the survey site.* | *Scattered distribution in Greater Manchester* | *Widespread and scattered across the Northwest.* |

| | | | |
|---|---|---|---|
| *Noctule* | *Present* | *Widespread and frequently recorded.* | *Common and widespread. Frequently recorded in the Northwest.* |
| *Whiskered bat* | *Present but likely rare* | *Present* | *Widespread.* |
| *Brandt's bat* | *Rare / absent* | *Present* | *Widespread.* |
| *Alcathoe's bat* | *Unknown* | *Unknown* | *Widespread. Likely under-recorded.* |
| *Daubenton's* | *Presence is likely due to the riparian habitat present.* | *Widespread, frequently recorded near water.* | *Widespread* |
| *Serotine* | *Rare / absent* | *Unknown* | *Restricted to south and southwest Britain, rarely recorded in the northwest.* |
| *Leislers* | *Rare* | *Unknown* | *Rare, but widespread in Britain. Present in the northwest.* |
| *Barbastelle* | *Unlikely to be present in the area. This species is a woodland-specialist and there is a lack of this habitat present.* | *Unknown* | *Present south of a line from North Wales to the Wash.* |

## 6.3 Preliminary Roost Assessment

### *Structures*

6.3.1 **The shed is considered to have negligible suitability for bats.**

6.3.2 There are no visible crevices externally that may provide potential roosting opportunities for bats; the felt is well-sealed to the roof.

6.3.3 The interior space is open and has potential to provide adequate space for bats, such as brown long-eared bat, in which to fly prior to leaving a roost, or to visit whilst feeding. However, the interior is well-sealed. There are no visible potential access points for bats. No evidence of use of the structure by bats was found during the inspection.

### *Trees*

6.3.4 **The trees on site are considered to have negligible suitability for bats.**

6.3.5 All the trees lack features, such as flaking bark, rot holes and cavities that might provide potential roost features (PRFs) for bats.

6.3.6 The survey site, comprising managed grassland with mature trees, will provide foraging opportunities for bats in the local area, but given the small size of the site and the close proximity of very good foraging habitat, it is unlikely to be of importance to bats in the area.

6.3.7 Bats are expected to be present along the wooded corridor that follows the valley through which the River Roch runs.

6.3.8 **No further survey work for bats is recommended, but mitigation to avoid potential disturbance to foraging bats as a result of increased lighting is proposed.**



*The Shed*



*The interior of the shed*

## 6.4 Badger

### Survey and Assessment

6.4.1 The habitat within the survey site, comprising mesotrophic grassland with little cover is unfavourable for badger to construct a sett, but this species could potentially enter the site to forage.
The land adjacent to the south, which slopes into the valley, has potential to support this species.

6.4.2 No sign of badgers (setts, pathways, latrines, hairs etc) were found during the survey.

6.4.3 **However, due to the fact that there is good potential habitat, which could support badger, adjacent to the site, precautionary mitigation measures are proposed during works on site to minimise the risk of harm to this species.**

## 6.5 Hedgehog

### Survey and Assessment

6.5.1 Hedgehog are a Species of Principal Importance under the NERC Act, 2006 (also known as UK BAP species).

6.5.2 The habitat within the survey site and immediate surroundings has potential for this species, which may be present in the area.

6.5.3 **Precautionary methods of work are proposed to avoid unnecessary harm to hedgehog that might be present within the survey site.**

## 6.6 Reptiles

### Survey and Assessment

6.6.1 The records for reptiles in the northwest are generally low. In Greater Manchester reptiles are of low distribution and found at low density even in ideal habitats.

6.6.2 The habitat within the survey site, comprising well-maintained amenity grassland, is considered to be suboptimal for reptiles, which favour rough grassland with scrub or areas in which to hide.

6.6.3 The adjacent habitat to the south, which comprises a wooded area, and that to the east, which comprises mown grassland, is sub-optimal and has limited potential.

6.6.4 If the site is maintained as it is at present, the likelihood that reptiles will be present on site is considered to be negligible.

6.6.5 **Overall, it is considered very unlikely that reptiles would be present on site. However, to reduce this potential risk to negligible, precautionary methods of work to minimise the risk of harm to reptiles as well as other wildlife is recommended.**

## 6.7 Amphibians

### Great crested newts

### Survey and Assessment

6.7.1 Great crested newt (*Triturus cristatus*), which have the highest protection of all amphibians under UK and EU law, favour still water bodies, such as ponds with good vegetation. They breed in ponds, but spend much of the year terrestrially within habitat such as rough grassland and woodland, which provides good foraging and hibernacula. Great crested newts are known to travel, usually, within a 250m radius of breeding ponds, but can travel up to 500m.

6.7.2 According to the ordnance survey map, there is one waterbody within 500m, located approximately 170m to the northwest, in the valley.

6.7.3 Given that this waterbody is isolated from any others, the likelihood that it would support a viable population of great crested newts is very low.

6.7.4 The terrestrial habitat on site (mown grassland with trees) has limited suitability for great crested newt, which favour rough grassland, woodland or other habitat with vegetative cover.

6.7.5 **Overall, it is considered very unlikely that great crested newt would be present on site. However, to reduce this potential risk to negligible, precautionary methods of work to minimise the risk of harm to amphibians as well as other wildlife is recommended.**

### Common Toad

#### Survey and Assessment

6.7.6 Common toad are a Species of Principal Importance under the NERC Act, 2006 (also known as UK BAP species).

6.7.7 Common toad are a mobile species and will regularly travel long distances to reach breeding ponds.

6.7.8 The habitat adjacent to the south of the survey site, including woodland with shrubs, has potential for this species, which may move into the site.

6.7.9 **Precautionary methods of work are proposed to prevent harm to this species and any other wildlife during works.**

## 6.8 Nesting Birds

#### Survey and Assessment

6.8.1 Birds recorded on site during the survey comprised wood pigeon (*Columba palumbus*), jackdaw (*Coloeus monedula*), great tit (*Parus major*), robin (*Erithacus rubecula*) and chaffinch (*Fringilla coelebs*). No birds on Schedule 1 of the Wildlife and Countryside Act, 1981 were recorded.

6.8.2 The trees and shrubs within and bounding the survey site have potential to support nesting birds in the sprin and summer months. In addition to those recorded on site, species listed on the Red and Amber lists of Birds of Conservation Concern (BoCC) may also nest on, or within close proximity to the site, including dunnock (*Prunella modularis*), which is on the amber list.

6.8.3 **Avoidance mitigation during works to prevent harm to birds nesting in the spring and summer months is recommended.**

6.8.4 **The proposals provide the opportunity to retain the ecological functionality of the site for nesting birds and compensate for the loss of nesting habitat. Recommendations for this have been made.**

## 6.9 Invertebrates

#### Survey and Assessment

6.9.1 The common and widespread vegetation on site will support a range of common and widespread invertebrates. Given the habitat types, no invertebrates of conservation importance area expected.

6.9.2 The loss of the mesotrophic grassland and shrubs is considered unlikely to have a negative impact upon the populations of invertebrates in the locality.

6.9.3 **No further survey work or mitigation for this species group is recommended.**

## 6.10 Other protected species

6.10.1 Other protected species, including water vole (*Arvicola amphibius*) and otter (*Lutra lutra*) are not expected on or near the site as the habitat within and immediately surrounding the site is not suitable.

# 7. Conclusion

7.0.1 The land at 15 Oakenrod, Rochdale supports common and widespread plant species associated with widespread habitat types.

7.0.2 The habitat has suitability to support nesting birds. Avoidance mitigation is recommended to avoid harm to nesting birds in the spring and summer months.

7.0.3 Precautionary methods of work are proposed to minimise the risk of harm to reptiles, badgers, amphibians, hedgehog and other wildlife.

7.0.4 Avoidance mitigation is recommended in relation to the potential impact of new lighting on foraging bats in the area.

7.0.5 One non-native plant, cotoneaster, was found present on site and measures to control and/or remove this species is recommended.

7.0.6 The proposals provide the opportunity to retain the ecological functionality of the site and compensate for the loss of nesting habitat for birds and the loss of the grassland. Recommendations for this have been made.

7.0.7 It is considered that planting of native species hedgerow and installation of bird and bat boxes will ensure net gain in overall biodiversity on site, since, at present, the amenity grassland provides little ecological value.

# 8. Recommendations: Mitigation and Compensation

## 8.1 Invasive Plant Species

8.1.1 Cotoneaster is present on site. It is recommended that this species is:

- Maintained to limit any spread on site, or removed.
- If removed, the hedgerow could be replaced with native species, including hawthorn (*Crataegus monogyna*) and holly (*Ilex aquifolium*).

8.1.2 Himalayan balsam and Japanese knotweed are known to be present in the locality. Although these species have not been recorded on site, it is recommended that:

- Prior to the start of works on site, the site and surroundings within 7m (Japanese knotweed roots are known to spread up to 7m) are checked by a competent person for the presence of Himalayan balsam and Japanese knotweed. Note that if works are to commence in winter months, checks for these species must be done in late summer, whilst they are still conspicuous.
- If these species are discovered, an ecologist must be contacted for advice.

## 8.2 Bats and Lighting

8.2.1 Bats are expected to forage in the valley to the south of the site. In order to minimise the impact of lighting on commuting and foraging bats, the following is recommended:

- Lighting during the construction and operational phase will be directed to avoid the woodland canopy to the south.
- Exterior lighting installed on buildings during the operational phase will be High or Low Pressure Sodium or LED. These forms of lighting have a lower UV output, which reduces the attraction of insects.
- Baffles will be used to avoid spillage of light into the sky and into areas toward the southern boundary.

## 8.3 Hedgehog

8.3.1 There is potential for hedgehog to be present on site. In order to avoid harm to these species it is recommended that:

- Works to clear the vegetation are undertaken with care, by hand.
- If hedgehogs are found during works, they can be picked up (with gloves on) and moved to an area with suitable cover outside the works site.

## 8.4 Badgers

8.4.1 Badger are not expected within the work site, but may cross the site from time to time.

8.4.2 In order to prevent harm to badger during works, it is recommended that:

- A plank or other object is positioned in any large holes dug and left open over-night to allow any large mammals, such as badger to climb out.

## 8.5 Nesting Birds

8.5.1 Birds may nest in grassland and trees site in the spring and summer months. In order to prevent disturbance and/or harm to nesting birds, if vegetation works are necessary, it is recommended that:

- Vegetation works, including any works to trees, shrubs, grassland and scrub are undertaken in the winter months (October – February).
- If this is not possible, a suitably qualified ecologist should check the vegetation on site to determine the presence / absence of nesting birds prior to the start of any works.
- If birds are found actively nesting on site, the nest and surrounding vegetation (5m) must be left undisturbed until the young have fledged.

## 8.6 Amphibians, reptiles and other wildlife

7.0.1 Although unlikely, there is limited potential for reptiles and amphibians to be present on site. In order to avoid harm to these species groups and other wildlife, it is recommended that:

- Construction materials will be stored on pallets or hard standing where possible. This minimises the risk of animals utilising the stored materials for shelter.
- Grass within the gardens is maintained at the existing short length to deter wildlife from entering the area of works.
- Any common toads, frogs or other common amphibians, and any common reptiles, such as common lizard ound can be moved to a safe place outside the area of works to prevent harm.

## 8.7 Compensation and Enhancement

### Compensation: Nesting birds



*1B Schwegler nest box*

8.7.1 There will be a loss of nesting habitat (hedgerow/shrubs) as a result of the creation of an entrance on the west side of the survey site.

8.7.2 In order to compensate for this loss, it is proposed that:

- At least 4 bird nest boxes suitable for a range of small passerine birds are installed on mature trees around the site boundaries (for example the mature trees on the southern boundary of the site), or installed on or integrated into new buildings on site.

  Boxes should be durable and form a mix of 26mm and 32mm holes. For example the 1B Schwegler Nest Box available from NHBS (nhbs.com). The boxes must be cleaned each winter (when birds have finished nesting) so accessibility must be considered during installation.

  Nest boxes suitable for integration into buildings include the Vivara Pro WoodStone House Sparrow Nest Box.



*Vivara Pro WoodStone House Sparrow Nest Box*

- Creation of additional hedgerow along the southern boundary of the site (at the moment this is disjunct), and in replacement of the contoneaster hedge on the east boundary will provide additional nesting habitat for a range of birds (see below).

### Compensation: Hedgerow Planting

8.7.3 There would be benefit for all wildlife if habitat connectivity around the site boundary were reinforced through appropriate native species hedgerow planting.

8.7.4 Hedgerows provide habitat corridors for the movement of wildlife, but also provide nesting, resting and foraging habitat for small mammals and birds.

8.7.5 Hedgerows are a habitat of principle importance under the NERC Act, 2006.

8.7.6 If hedgerows are planted along the eastern and western boundaries (where replacing cotoneaster) and along the southern boundary (creating a continuous hedgerow), it is considered that the habitat will compensate for the loss of the amenity grassland, which provides little ecological functionality.

8.7.7 Shrubs planted would ideally be native species that produce berries, providing dense cover and food sources for passerine birds and small mammals. Species could include: Hawthorn (*Crataegus monogyna*), elder (*Sambucus nigra*), dogwood (*Cornus sanguinea*) and holly (*Ilex aquifolium*).

# 9. References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# • APPENDIX A: Wildlife Legislation and Planning Policy

## 1.0 UK AND EU LEGISLATION

### KEY LEGISLATION

In the UK, the following legislation relates to wildlife and habitats:

- Wildlife and Countryside Act 1981 (as amended)
- The Countryside and Rights of Way Act (CROW), 2000
- The Badger Act 1992
- The Natural Environment and Rural Communities Act (NERC, 2006)
- Conservation of Habitats and Species and Plannning (Various Amendments) (England and Wales) Regulations (2018)
- The Hedgerow Regulations (1997)

#### 1.1 WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

1.1.1 The Wildlife and Countryside Act 1981 consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the conservation of wild birds (Birds Directive) in Great Britain (NB Council Directive 79/409/EEC has now been replaced by Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (codified version)).

##### BIRDS

1.1.2 **The Act makes it an offence (with exception to species listed in Schedule 2) to intentionally:**

- kill, injure, or take any wild bird,
- take, damage or destroy the nest of any wild bird while that nest is in use or being built (also [take, damage or destroy the nest of a wild bird included in Schedule ZA1] under the Natural Environment and Rural Communities Act 2006), or
- take or destroy an egg of any wild bird.

Schedule 1 birds

1.1.3 Special penalties are available for offences related to birds listed on Schedule 1, for which there are additional offences of disturbing these birds at their nests, or their dependent young, for example Barn Owl and Red Kite.

Areas of Special Protection for Birds

1.1.4 The Secretary of State may also designate Areas of Special Protection (subject to exceptions) to provide further protection to birds.

Other offences

1.1.5 The Act also prohibits certain methods of killing, injuring, or taking birds, restricts the sale and possession of captive bred birds, and sets standards for keeping birds in captivity.

##### OTHER ANIMALS

1.1.6 The Act makes it an offence (subject to exceptions) to intentionally ([or recklessly] - only under the Nature Conservation (Scotland) Act 2004) kill, injure or take any wild animal listed on Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places. The Act also prohibits certain methods of killing, injuring, or taking wild animals.

1.1.7 For animals listed in Schedule 5 of the act, it is an offence under:

- Section 9(1) to kill, injure or take the animal by any method
- Section 9(2) to possess or control a dead or live animal (or part of derivative).
- Section 9(4)(a) to cause damage to, destruction of, obstruction of access to any structure or place used by a scheduled animal for shelter or protection.
- Section 9(4)(b) to disturb any animal on the schedule occupying such as structure or place.
- Section 9(4)(c) to obstruct access to any structure or place which any such animal uses for shelter or protection.
- Section 9(5)(a) to sell, offer or expose for sale, possess or transport for the purpose of sale, any live or dead wild animal, or part or derivative of an animal included in Schedule 5.

- Section 9(5)(b) to publish or cause to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things.

Species that receive FULL PROTECTION under the act:

- All UK bats
- Otter
- Water vole
- Dormouse
- Red squirrel
- Wildcat
- Reptiles – Smooth snake and sand lizard
- Amphibians – Great crested newt, Natterjack toad, Pool frog
- Invertebrates – some including, but not restricted to Swallowtail butterfly, Marsh fritillary butterfly, Large copper butterfly, Heath fritillary butterfly, Large blue butterfly, Barberry carpet moth, Rainbow leaf beetle, Violet click beetle, Medicinal leech.

Species that protected from intentional KILLING, INJURY and SALE only:

- Reptiles – widespread species; Common lizard, Slow-worm, Grass snake and Adder.

Species protected from TAKING and SALE only:

- Atlantic stream (white-clawed) crayfish

Species protected from SALE only:

- Common toad
- Common frog
- Palmate newt
- Smooth newt
- Invertebrates – Some including 18 butterflies such as Chalk hill blue butterfly, Adonis blue butterfly, Large tortoiseshell butterfly.

Vascular Plants, Bryophytes, Lichens and Fungi (PLANTS)

1.1.8 For any vascular plant, bryophyte, lichen or fungi listed in Schedule 8 of the Act, it makes it an offence under:

- Section 13(1)(a) to Intentionally pick, uproot or destroy plants in Schedule 8.
- Section 13(1)(b) to undertake unauthorised intentional uprooting of any wild plant not included in Schedule 8.
- Section 13(2)(a) to sell, offer for sale, posess or transport for the purpose of sale any plant (live or dead, part or derivatives) on Schedule 8.
- Section 13(2)(b) to publish or causes to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things.

1.1.9 Species with protection under Schedule 8 include, but are not restricted to:

1.1.10 Bluebell, Wood calamint, Rock chinquefoil, Early spider orchid, Spring gentian, Stinking goosefoot, Small hare's-ear, Alpine copper moss (*Mielichoferia mielichoferi),* Goblin lights lichen (*Catolechia wahlenbergii*).

Non-Native Species

1.1.11 Species listed in Schedule 9 of the Act are non-native species, which the establishment of in the wild may be detrimental to native wildlife. Species listed in Schedule 9 include Japanese knotweed, Himalayan Balsam and Giant hogweed.

1.1.12 For species listed in Schedule 9 of the act it is an offence:

- Under Section 14(1) if any person releases or allows to escape into the wild any animal which—

  (a) is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or

  (b) is included in Part I of Schedule 9,

- Under Section 14ZA (1) to sell, offers or exposes for sale, or has in his possession or transports for the purposes of sale an animal or plant to which this section 14 applies, or anything from which such an animal or plant can be reproduced or propagated.
- Under Section 14ZA (2) to publish or cause to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell an animal or plant to which this section applies, or anything from which such an animal or plant can be reproduced or propagated.

1.1.13 Section14ZB gives the Secretary of State the power to issue codes of practice, or approve a code of practice issued by others, relating to non-native animal and plant species. It is intended that the codes will be used to provide recommendations, advice and information on how to stop the damage caused by non-native animals and plants.

## 1.2 SITES OF SPECIAL SCIENTIFIC INTEREST (SSSIs) AND OTHER PROTECTED AREAS

1.2.1 Sections 28 to 33 of Part 2 of the Wildlife and Countryside Act detail the law regarding SSSIs.. Sections 34 to 53 deal with other protected areas within Great Britain.

- The Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) – these sites are identified for their flora, fauna, geological or physiographical features – by the country conservation bodies in England (Natural England) and Wales (Natural Resources Wales).
- The Act also contains measures for the protection and management of SSSIs.
- The Act provides for the making of Limestone Pavement Orders, which prohibit the disturbance and removal of limestone from such designated areas
- The Act provides means for the designation of Marine Nature Reserves.
- The Act prohibits the undertaking of agricultural or forestry operations on land within National Parks which has been either moor or heath for 20 years, without consent from the relevant planning authority.

## 1.3 THE COUNTRYSIDE AND RIGHTS OF WAY (CROW) ACT 2000

1.3.1 The Countryside and Rights of Way Act 2000 strengthened the Wildlife and Countryside Act 1981 in the following ways:

Schedule 12

1.3.2 Schedule 12 of the Act amends the species provisions of the Wildlife and Countryside Act 1981 and strengthens the legal protection of species by:

- Providing provisions to make certain offences 'arrestable'
- Changing the term ‘intentional’ to ‘reckless’ with regard to disturbance offences, such that ignorance of the law is no longer a defence.
- Conferring greater powers to police and wildlife inspectors for entering premises and obtaining wildlife tissue samples for DNA analysis, and;
- Enabling heavier penalties on conviction of wildlife offences.

Schedule 9

1.3.3 Schedule 9 of the Act amends SSSI provisions of the Wildlife and Countryside Act 1981, including provision to change SSSIs and providing increased powers for their protection and management, placement of a duty on public bodies to further the conservation and enhancement of SSSIs and increases in penalties on convictions where the provisions are breached.

## 1.4 THE BADGER ACT 1992

1.4.1 Under the Badger Act 1992, it is an offence to:

- Section 1 – Take, injure or kill a badger, or attempt to do so
- Section 2 – Cruelly ill-treat a badger, inclusive of digging for a badger
- Section 3 – Interfere with a badger sett. A person is guilty of an offence if, except as permitted by or under this Act, he interferes with a badger sett by doing any of the following things—

  (a)damaging a badger sett or any part of it;

  (b)destroying a badger sett;

  (c)obstructing access to, or any entrance of, a badger sett;

  (d)causing a dog to enter a badger sett; or

  (e)disturbing a badger when it is occupying a badger sett,

- Section 4 – To sell or possess a live badger.
- Section 5 – To mark or ring a badger unless under licence to do so.

## 1.5 THE HEDGEROWS REGULATIONS, 1997

1.5.1 The Hedgerows Regulations, 1997 ensure the protection from damage or desturction of 'important' hedgerows. Criterial within the regulations detemine the importance.

## 1.6 THE CONSERVATION OF HABITATS AND SPECIES AND PLANNING (VARIOUS AMENDMENTS) (ENGLAND AND WALES) REGULATIONS 2018

1.6.1 In addition to the Wildlife and Countryside Act 1984, certain species have additional protection under European Law.

1.6.2 The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 (the Habitats Regs) consolidate the amendments made to the Conservation (Natural Habitats. &c.) Regulations 1994 in England and Wales. The Regulations transpose the Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora (EC Habitats Directive) into UK law.

1.6.3 The Habitats Regulations 2010 provide protection for 'European Protected Species' and protection and designation for 'European Protected Sites'.

Schedule 2: European Protected Species of Animals

- All UK bats
- Dormice
- Otter
- Large blue butterfly
- Wild cat
- Sand lizard
- Smooth snake
- Great crested newt
- Natterjack toad
- Fishers estuarine moth
- Lesser whirlpool ram'- horn snail
- Sturgeon
- Marine turtles
- All dolphins, porpoises and whales.

1.6.4 For species listed in Schedule 2, Under Part 3 Regulation 41(1) it is an offence to

(a) deliberately capture, injure or kill any wild animal of a European protected species,

(b) deliberately disturb a wild animal of any such species,

(c) deliberately take or destroy the eggs of such an animal, or

(d) damage or destroy a breeding site or resting place of such an animal,

1.6.5 Under Part 3 Regulation 41 (2) For the purposes of paragraph (1)(b), disturbance of animals includes in particular any disturbance which is likely—

(a) to impair their ability—

(i) to survive, to breed or reproduce, or to rear or nurture their young, or

(ii)i n the case of animals of a hibernating or migratory species, to hibernate or migrate; or

(b) to affect significantly the local distribution or abundance of the species to which they belong.

Under Part 3 Regulation 41.(3) It is an offence for any person—

(a )to be in possession of, or to control,

(b) to transport,

(c) to sell or exchange, or

(d) to offer for sale or exchange any animal in Schedule 2.

Schedule 5: European Protected Species of Plants

- Shore dock
- Killarney Fern
- Early Gentian
- Lady's-slipper
- Creeping marshwort
- Slender naiad
- Fen orchid
- Floating-leaved water plantain
- Yellow-marsh saxifrage.

1.6.6 For species listed in Schedule 2, Under Part 3 Regulation 45(1) It is an offence deliberately to pick, collect, cut, uproot or destroy a wild plant of a European protected species.

1.6.7 Under Part 3 Regulation 45(1) (2) It is an offence for any person

(a) to be in possession of, or to control,

(b) to transport,

(c) to sell or exchange, or

(d) to offer for sale or exchange any plant in Schedule 5

European Designated Sites

1.6.8 These include:

- Special Protection Areas – SPAs are classified in accordance with Article 4 of the EC Birds Directive for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species
- Special Areas of Conservation – SACs are classified in accordance with Article 3 of the EC Habitats Directive. SACs are designated to establish a European network of important high-quality conservation sites that will make a significant contribution to conserving the 189 habitat types and 788 species identified in Annexes I and II of the Directive (as amended).

1.6.9 Natura 2000 is the name of the European Union-wide network of nature conservation sites established under the EC Habitats and Birds Directives. This network will comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). Marine Natura 2000 sites contribute to our ecologically coherent network of marine protected areas.

## 1.7 NATURAL ENVIRONMENT AND RURAL COMMUNITIES (NERC) ACT 2006

Planning Authorities: A Duty to Conserve Biodiversity

1.7.1 Under this legislation, planning authorities are obliged to make sure that they have all the information on the presence of protected species on site *before* they make a decision on the planning permission.

1.7.2 Part 2, Section 40 confers on the planning authorities a duty to conserve biodiversity and states:

''*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of biodiversity*''

Species of Principal Importance

1.7.3 Part 3, Section 41 requires the Secretary of State to ''*publish a list of the living organisms and types of habitat which in the Secretary of State's opinion are of* ***principle importance*** *for the purpose of conserving biodiversity*''.

1.7.4 This requirement lead to production of a list of species and habitats of Principal Importance, which should be a material consideration during the planning process.

## 1.8 DESIGNATED SITES OF CONSERVATION INTEREST

1.8.1 Sites of conservation interest can be designated on a statutory or non-statutory basis.

Statutory Sites

1.8.2 Statutory sites can be designated under UK legislation (the Widlife and Countryside Act 1981), European Law (the Habitats Regulations 2010) or International law (Ramsar Convention).

1.8.3 The designated sites are referred to under the relevant legislation above.

1.8.4 UK designated sites include Sites of Special Scientific Interest (SSSIs).

1.8.5 European designated sites include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

1.8.6 Ramsar sites are wetlands of international importance designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971.

1.8.7 Local Nature Reserves (LNRs): Under the National Parks and Access to the Countryside Act 1949 LNRs may be declared by local authorities after consultation with the relevant statutory nature conservation agency. LNRs are declared and managed for nature conservation, and provide opportunities for research and education, or simply enjoying and having contact with nature.

1.8.8 National Nature Reserves (NNRs): are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981.

Non-Statutory Sites

1.8.9 Local authorities for any given area may designate certain areas as being of local conservation interest. The criteria for inclusion, and the level of protection provided, if any, may vary between areas. Most individual counties have a similar scheme, although they do vary.

1.8.10 These sites, which may be given various titles such as 'Listed Wildlife Sites' (LWS), 'Local Nature Conservation Sites' (LNCS), 'Sites of Importance for Nature Conservation' (SINCs), 'Biological Heritage Sites' (BHS) or 'Sites of Nature Conservation Importance' (SNCIs), together with statutory designations, are defined in local and structure plans under the Town and Country Planning system and are a material consideration when planning applications are being determined.

# 2.0 Plans and Policies

In the UK, the following plans and policies relate to wildlife and habitats:

- National Planing Policy Framework (NPPF, 2018)
- The Natural Environment White Paper 'The Natural Choice: Securing the Value of Nature'
- Biodiversity – The UK Action Plan (1994, and subsequent revisions)
- Local Biodiversity Action Plans where applicable
- Neighbourhood plans where applicable

## NATIONAL PLANNING POLICY FRAMEWORK

2.1.1 In March 2012 the Government introduced the National Planning Policy Framework (NPPF). This was revised in 2018.

Chapter 15: Conserving and Enhancing the Natural Environment

Chapter 15, Para 170 of NPPF states: *''The planning system should contribute to and enhance the natural and local environment by:*

*b)* ***protecting and enhancing valued landscapes, sites of biodiversity*** *or geological value and soils….*

e) ***minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures***".

Para 171 states: "*Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.''*

Para 174 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:

***c)*** "***Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and***

**d)** ***Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and peruse opportunities for securing measurable net gains for biodiversity.''***

Para 175 states that "*when determining planning applications, local authorities should apply the following principles:*

**b)** ***if significant harm to biodiversity from a development cannot be avoided…,adequately mitigated, or, as a last resort compensated for, then planning permission should be refused''***

c) ***Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.*** *The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

d) ***Development result in the loss of deterioration of irreplaceable habitats (such as ancient woodland or ancient or veteran trees) should be refused,*** *unless there are wholly exceptional reasons and a suitable compensatory strategy exists; and*

**e)** ***Development whos 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.***

Para 177 states "*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.*"

## 2.2 ODPM CIRCULAR 06/2005: BIODIVERSITY AND GEOLOGICAL CONSERVATION

2.2.1 This document, to be read in conjunction with NPPF provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It makes it clear that it is the intention of the government that local authorities and developers consider protected species at the earliest possible stage in the planning process. Any planning application that is likely to affect protected species should come with details of the surveys which have been undertaken and should include, if necessary, recommendations for mitigation. Applications which do not include sufficient data should be rejected.

## 2.3 The Natural Environment White paper

2.3.1 The Natural Environment White Paper 'The Natural Choice: Securing the Value of Nature' states that 'We want to create a resilient and *coherient ecological network at national and local levels across England… To make this happen the government will put in place a clear institutional framework to support nature restoration. This means: establishing Local Nature Partnerships… Creating new Nature Improvement Areas (NIAs) and strengthening support though the planning system*.'

### Biodiversity Offsetting

2.3.2 Biodiversity offsetting is described in the Natural Environment White Paper as 'conservation activities designed to deliver biodiversity benefits in compensation for losses in a measurable way. Good developments incorporate biodiversity considerations in their design but are still likely to result in some biodiversity loss. One way to compensate for this loss is by offsetting: the developer secures compensatory habitats elsewhere.'

2.3.3 The level of biodiversity offsetting required could be determine by means of assessments undertaken in accordance with the Department for Environment, Food and Rural Affairs (DEFRA) metric contained in Biodiversity Offsetting Pilots published in March 2012 as applied in the Defra offsetting pilot projects. Biodiversity offsetting could be delivered by developers in partnership with various partners including conservation organisations, local landowners and the borough council.

## 2.4 Biodiversity Action Plan (Local or UK)

### UK Biodiversity Action Plan

2.4.1 Biodiversity: The UK Action Plan outlines how the UK plans to address biodiversity conservation in response to the Rio Convention on Biological Diversity (1992). In 2004 a UK Biodiversity Steering Group was formed and discussions resulted in the publication of 'Biodiveristy: the UK Steering Group Report – meeting the Rio challenge', which established a framework and criteria for identifying species and habitats of conservation concern. From this list, action plans for 391 species and 45 broad habitat types were prepared. In 2007, the UK List of Priority Species and Habitats was reviewd and the revised list identifies 1149 species and 65 habitats requiring conservation action.

2.4.2 These species are now listed in Section 41 of the NERC Act, 2006 and referred to as Habitats and Species of Principal Importance (HPI or SPI).

2.4.3 Outcome 3 of the Government's Biodiversity 2020 strategy (DEFRA, 2011) contains an ambition to ensure that "*By 2020, we will see an overall improvement in the status of our wildlife and will have prevented further human-induced extinctions of known threatened species*". Protecting and enhancing England's Species and Habitats of Principal Importance is key to delivering this outcome.

### Local Biodiversity Action Plans

2.4.4 Local Biodiversity Action Plans (LBAPs) are a means for delivering UK Biodiversity Action Plan targets at a local level. LBAPs were launched in 1997 by a partnership of conservation groups, government agencies and local authorities. They set out a framework for nature conservation in the specified area. This framework includes priority species and habitats and sets targets to maintain and enhance their conservation status.

## 2.5 Other Species Lists of Species of Conservation Concern

2.5.1 Species lists of Species of Conservation Concern also considered within this assessment are as follows:

- Birds of Conservation Concern: Based on an assessment of the conservation status of British birds. Following an assessment of data on population and trends against established criteria, there are red, amber and green lists of BoCC. The latest review was BOCC 4 (Eaton et al, 2015)

Red Data Book Species: In 1999 the Species Status Assessment project (JNCC) assigned conservation status to the UK flora and fauna using g the internationally approved IUCN Red Data Book criteria and categories. The reviews were published in a series of data sheets and assigned a conservation status to each species.