

Preliminary Ecological Appraisal

Land at Greenhill Road, Middleton Junction

Middleton, Manchester

August 2023

Prepared for: J Walker Homes Limited

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EXECUTIVE SUMMARY

- On 31st July 2023 a Preliminary Ecological Appraisal was undertaken on land at Greenhill Road, Middleton Junction, Manchester. The site comprises eleven structures, areas of hard standing and previously developed land, modified grassland, tall herb vegetation, open mosaic habitat with sparse ruderal vegetation and scattered trees.

- Ecological constraints relate to the following:

Rochdale Canal

- Precautionary measures to prevent accidental pollution of nearby Rochdale canal are proposed, although no significant direct or indirect impacts are anticipated.

Bats

- Bats are likely to foraging and commute along the site boundaries and avoidance measures with regard to lighting are proposed. Reasonable avoidance measures are also recommended for the removal of young ivy-clad trees.

Other protected species

- The site has potential to support nesting birds, common toad, hedgehog and common reptiles and avoidance mitigation is recommended to take these species into consideration.
- Badger are likely to be present in the locality and this species should also be considered prior to and during works.

Invasive plant species

- Japanese knotweed is present on site. Measures for biocontrol during works to prevent the spread of this species and the control and eradication of this species are proposed.

Enhancement

- The proposals provide the opportunity to compensate for the loss of habitat on site and to maintain and enhance the existing functionality of the site for wildlife. Recommendations for this have been made, including native species planting, installation of bird and bat boxes and creation of a hedgehog highway.



1 Introduction

1.1 Application Site

- 1.1.1. This report details a Preliminary Ecological Appraisal of land at Greenhill Road, Middleton Junction, Middleton, Manchester, M24 2BB. Ordnance Survey grid reference (centre of site): SD 8861 0519.
- 1.1.2. J Walker Homes Limited 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 Preliminary 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 demolition of the existing structures and construction of 24 new dwellings with associated 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 for over 15 years. 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 built-up residential area of Middleton Junction, Middleton, approximately 80m to the west of the railway line that runs north to south through the area and 2.3km north of the M60 that runs east to west.
- 2.1.2 Although the surrounding landscape is largely built-up there are areas of open space including an area of grassland with trees adjacent to the west of the site, a church yard and the grounds of a primary school approximately 50m to the northwest, playing fields approximately 200m to the northwest and, beyond the residential area approximately 320m to the southwest, Wince Brooke Park, an area of grassland and woodland with Wince Brook winding through from northwest to southeast. Rochdale Canal lies approximately 200m to the east.

2.2 Site Description

- 2.2.1 The survey site is roughly rectangular and comprises a complex of nine structures and two polytunnels, hard standing and areas of ruderal vegetation that have colonised the previously disturbed areas. There is a band of scrub and ruderal vegetation with trees to the southeast of the site.
- 2.2.2 See UKHab Habitat Plan, Figure 4.

Structures

Structure A

- 7.1.1 Structure A is a two-storey brick structure constructed of brick with a flat, felt roof. There is a wooden fascia around the eaves. The windows are boarded.

Structure B

- 7.1.2 Structure B is warehouse with a brick base and sheet metal walls with roller-shutter doors on the west elevation. The space is open to the eaves. The roof is constructed of single-sheet metal with skylights, supported by metal beams.

Structure C

- 7.1.3 Structure C is composed of several shipping containers welded and sealed together. There is a wooden fascia around part of the structure and a metal sheet roof covering the different containers.

Structure D

- 7.1.4 Structure D is a small flat-roof outbuilding with pebble-dash walls and a sheet-metal roof. There is a wood fascia around the eaves.



Structures E - H

7.1.5 Structures E-H are all shipping containers constructed of metal and tightly sealed.

Polytunnels

7.1.6 The polytunnels are composed of either transparent sheeting or green netting and held by a metal frame.



The northeast elevation of Structure A and the open mosaic habitat



The northwest elevation of Structure B



The northwest and southwest elevation of Structure B



Tall herb vegetation along the southwest boundary



The southwest elevations of the shipping containers



A polytunnel



The polytunnels



The southwest and southeast elevations of Structure D



The southeast elevation of Structure C



The interior of Structure C



Figure 1: Ordnance survey map showing the location of the proposed development site.





Figure 2: Aerial image showing the proposed development site and immediate surroundings





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 Regulations 2017 (as amended) (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 Regulations 2017 (as amended) (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 Regulations 2017 (as amended) (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 Barn Owl

3.5.1 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)).

3.5.2 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

3.5.3 In addition to the above, special penalties are available for offences related to birds listed on Schedule 1. Barn owl is included on this schedule.

3.5.4 It is an offence to disturb any Schedule 1 bird at the nest, or to disturb their dependent young.

3.6 Section 41 Habitats and Species of Principal Importance

3.6.1 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.

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

3.7 Designated Sites

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

3.7.2 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).

3.7.3 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.



3.8 Planning Policy and Legislation

- 3.8.1 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.
- 3.8.2 The National Planning Policy Framework (NPPF, 2021) encourages Local Planning Authorities to conserve and enhance biodiversity.

Chapter 15, Para 174 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 175 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 179 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."***

Para 180 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"***

- 3.8.3 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)
 - Biological records data from Greater Manchester Ecology Unit (GMEU) (2023)
- 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.
- 4.1.3 Records data from GMEU includes records of protected species and habitats of conservation interest within 2km of the survey site.

4.2 Site Survey

- 4.2.1 The survey site, was walked in daylight on 31st July 2023, 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 A general appraisal of their suitability of trees on site for bats was undertaken across the site. A detailed Preliminary Roost Assessment of the trees to record Potential Roost Features was undertaken if they have been identified for removal or may be significantly indirectly impacted (ie immediate surrounding conditions altered) as a result of the proposed works.
- 4.2.3 Habitats on site were assessed and described, and a list of conspicuous species recorded.

4.3 Survey Limitations

- 4.3.1 The survey work was undertaken in July 2023. At this time of year bats are active and likely to be occupying summer roost sites. Evidence of bats using external features of buildings may be present and evidence may also be found internally if bats are using the interior of the structure with regularity and evidence is protected from the weather. At this time of year wildlife, including reptiles, amphibians and birds are active.
- 4.3.2 The majority of higher plants are visible in July, but some species are more conspicuous at some times of the year than others, and due to the presence of dense vegetation in some areas, some species may have been missed. The species list constructed is not comprehensive.



5 Findings: Surrounding Designated Sites

- 5.0.1 Sites of conservation interest can be designated on a statutory or non-statutory basis.
- 5.0.2 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.
- 5.0.3 The protection over UK statutory sites (Sites of Special Scientific Interest and Local Nature Reserves) requires that any potential direct and indirect impacts from a development are assessed within at least a 2km radius of the survey site.
- 5.0.4 Any potential direct or indirect impacts upon non-statutory sites are assessed within 1km of the survey site.

Statutory Sites

- 5.0.5 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.
- 5.0.6 There is one EU designated sites within 5km: Rochdale Canal Special Area of Conservation, which is also a Site of Special Scientific Interest and lies approximately 205m to the east of the survey site at the closest point.
- 5.0.7 **Rochdale Canal Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC):**
- 5.0.8 The canal qualifies as an SAC (European designation) due to the presence of an Annex II plant species, floating water-plantain (*Luronium natans*), which is typical of botanically diverse water plant communities.
- 5.0.9 The SSSI citation (UK designation) describes the important aquatic flora, including *Potamogeton* (pondweed) species often associated with floating water-plantain and typical of good quality waters. The citation also refers to the rich emergent vegetation and invertebrate species.

Non-statutory sites

- 5.0.10 There are is one Site of Biological Importance (SBI) within 1km of the survey site, part of the Rochdale Canal:
 - Rochdale anal: Lock at Scowcroft Farm to Stott's Lane: This site, located approximately 205m to the east of the survey site is identified as a SBI because of the diverse assemblage of plants present both in the canal, along it's margins.

Assessment

- 5.0.11 Direct impacts upon the Rochdale Canal SAC, SSSI and SBI are unlikely as the site is distanced from the survey site and supports dissimilar habitats. The railway line and buildings provide a barrier to the direct



movement of debris and pollution and there is no direct habitat link. Nevertheless, avoidance measures to prevent the risk of accidental pollution are proposed.

- 5.0.12 Overall, no direct or indirect impacts are considered likely and no significant impact upon the canal is anticipated. No further survey work is recommended.

Statutory Site Designations

Special Area of Conservation (SAC). Special Areas of Conservation are areas of land designated under the EU's Habitat Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. The sites are designated on the basis of the presence of Annex I and II habitats or species of conservation interest.

Site of Special Scientific Interest (SSSI) A Site of Special Scientific Interest (SSSI) is the land notified as an SSSI under the Wildlife and Countryside Act (1981), as amended. SSSI are designated for wildlife and natural features (including geological features) in England. They support characteristic, rare and endangered species, habitats and natural features.

Non-statutory Site Designations

Sites of Biological Importance (SBI): Sites of Biological Importance are 'Local Wildlife Sites' in Greater Manchester. 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: Habitat Survey

6.1 Habitat Assessment

Data Search

- 6.1.2 Aside from the plant species associated with the Rochdale Canal, the data from GMEU does not include any records of plant species of conservation interest within 1km of the survey site.
- 6.1.3 Species associated with the Rochdale Canal are very unlikely to occur within the survey site as there are no similar habitat types on site.

Survey Site

- 6.1.4 The survey site comprises a complex of industrial buildings set within an area of hard standing colonised by ruderal vegetation and with a strip of grassland and tall herb vegetation along the southern boundary. There are scattered trees.
- 6.1.5 The UKHab Habitats are categorised as follows:
- Other Neutral Grassland (g3) Secondary code Tall Herb (16) and Scattered scrub (10)
 - Modified Grassland (g4)
 - Open Mosaic Habitat on Previously Developed Land (u1a)
 - Developed land; sealed surface (u1b)
 - Buildings (u1b5)
 - Scattered trees
- 6.1.6 Refer to the UKHab Habitat Plan below for Target Note (TN) references.
- 6.1.7 The UK HAB classifications are now commonly used as part of Biodiversity Net Gain and are becoming more frequently used to categorise habitats.

Other Neutral Grassland, Tall herb

- 6.1.8 The band of habitat along the southeast boundary comprises tall herb vegetation with grasses that represent some nutrient enrichment (TN1).
- 6.1.9 Species present comprise rosebay willowherb (*Chamaenerion angustifolium*), common nettle (*Urtica dioica*), rye grass (*Lolium perenne*), Yorkshire fog (*Holcus lanatus*), bush vetch (*Vicia sepium*), prickly sow thistle (*Sonchus asper*). There is a stand of reed canary grass (*Phalaris arundinacea*) (TN2) at the northwest end. Japanese knotweed (*Fallopia japonica*) is frequent (TN6). Bramble (*Rubus fruticosus* agg.) is sparse along the northwest boundary and in small patches to the northeast elevation of Structure A.



Modified Grassland

- 6.1.10 Modified grassland comprises a small area of previously maintained grassland along the mid-boundary of the industrial area (TN3). Species present comprise false oat-grass, creeping bent-grass (*Agrostis stolonifera*), white clover (*Trifolium repens*) and ribwort plantain (*Plantago lanceolata*).



Modified grassland (TN3)

Open Mosaic on Previously Developed Land

- 6.1.11 This open mosaic habitat (TN4) comprises the bare, previously developed land and modified ground upon which early successional communities are developing, including ruderal plants. Species present include Yorkshire fog, rosebay willowherb, ragwort (*Senecio jacobaea*), field horsetail (*Equisetum arvense*), wood avens (*Geranium urbanum*), dandelion (*Taraxacum* agg.), smooth sow thistle (*Sonchus oleraceus*), buddleia (*Buddleja davidii*), creeping thistle (*Cirsium arvense*), hedge bindweed (*Calystegia sepium*), herb Robert (*Geranium robertianum*), false oat-grass (*Arrhenatherum elatius*), sycamore (*Acer pseudoplatanus*) saplings and bramble.

Scattered Trees

- 6.1.12 There are scattered trees and shrubs across the site and along the southwest boundary, including leylandii (*Cupressus x leylandii*) at the northeast side of Structure A, sycamore and willow (*Salix* sp.) to the southwest of Structure A, Sycamore and willow along the northwest boundary, including two sycamore supporting dense ivy (*Hedera helix*) and ash (*Fraxinus excelsior*) and hawthorn (*Crataegus monogyna*) along the southwest boundary. There is a dense patch of trees towards the southeast corner of the site comprising willow and ash with bramble (TN5).



The southwest corner of the site (TN5)

Assessment

- 6.1.13 The habitats present are common and composed of common and widespread plant species and for this reason, the proposals are considered unlikely to have a significant negative impact upon plant species or habitats of interest within the locality. The open mosaic habitat type does not qualify as Priority Habitat under UKHab as the area is under 0.25ha. The area is also not considered to be of conservation value because it does not support rare or unusual species compositions.
- 6.1.14 However, the habitats do have intrinsic value to a variety of common wildlife including invertebrates, small mammals and birds. This value is enhanced due to the mosaic of habitats present (long grass, tall ruderal vegetation, trees and shrubs).
- 6.1.15 The proposals will result in the loss of tall ruderal vegetation, semi-mature trees and a small area of



modified grassland. However, the proposals also provide the opportunity to maintain some of the ecological functionality of the site, for example as a habitat corridor by retaining vegetated boundaries and reinforcing them with native species planting and by creating a habitat mosaic around the boundaries. Recommendations for this have been made.

- 6.1.16 Part of this enhancement will comprise the control and eradication of Japanese knotweed on the site. Measures to prevent the spread of this species must be undertaken during works on site.

Figure 4: The Survey Site – Habitat Plan



Target Notes

TN1 - Other neutral grassland/tall herb habitat

TN2 - Stand of reed canary grass

TN3 – Modified grassland

TN4 – Open mosaic habitat

TN5 - Dense willow and ash with bramble.

TN6 – Japanese knotweed

TN7 - Hard standing

TN8 – Young ivy-clad sycamore



7 Findings: Protected Species

Mammals

7.2 Bats

Potential for Bats

- 7.2.1 At a landscape level, the area surrounding the survey site is good for bats. Refer to Figure 2.
- 7.2.2 Green space is present within close proximity to the survey site, including Wince Brooke Park, an area of woodland, grassland and scrub with waterway, and the Rochdale Canal. Scattered trees, gardens and parks result in an essentially 'green' area with numerous roosting opportunities for bats in buildings and trees. The habitat including the waterways provides very good foraging opportunities and the linear features including the canal and railway line provide habitat corridors along which bats may commute through the built-up landscape to reach the patchwork of green space. The landscape will support a variety of bat species including widespread species such as common and soprano pipistrelle bat (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* respectively). Species that favour that favour open habitats such as Leisler's (*Nyctalus leisleri*) and noctule bat (*Nyctalus noctula*) are also likely to be present, whilst species that favour wooded habitat, such as brown long-eared bat (*Plecotus auritus*), Natterer's bat (*Myotis nattereri*), whiskered bat (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*) are less likely to be in the area as woodland is limited. Daubenton's bat (*Myotis daubentonii*), a species which forages primarily over water, is expected to be in the vicinity of the Rochdale Canal and Wince Brook.

Data Search

- 7.2.3 Data from GMEU include records of just three bat species within 1km of the survey site; common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*) and whiskered bat (*Myotis mystacinus*). There are records of two roosts, both of pipistrelle species and located over 500m to the northwest of the survey site.



The Conservation Status of Bats in the Area

7.2.4 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
<i>Common pipistrelle</i>	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
<i>Soprano pipistrelle</i>	Likely to be present due to the presence of riparian habitat.	Widespread. Frequently recorded.	Common and widespread Frequently recorded across the Northwest
<i>Nathusius's pipistrelle</i>	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.
<i>Brown long-eared bat</i>	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.
<i>Natterer's bat</i>	Likely to be in the area, although this species favours woodland habitat, which is infrequent in the landscape.	Frequently recorded	Widespread and scattered across the Northwest.
<i>Noctule</i>	Present	Widespread and frequently recorded.	Common and widespread. Frequently recorded in the Northwest.
<i>Whiskered bat</i>	Present but likely rare	Present	Widespread.
<i>Brandt's bat</i>	Rare / absent	Present	Widespread.
<i>Alcaethoe's bat</i>	Unknown	Unknown	Widespread. Likely under-recorded.
<i>Daubenton's</i>	Presence is likely due to the riparian habitat present.	Widespread, frequently recorded near water.	Widespread
<i>Serotine</i>	Rare / absent	Unknown	Restricted to south and southwest Britain, rarely recorded in the northwest.
<i>Leislars</i>	Rare	Unknown	Rare, but widespread in Britain. Present in the northwest.
<i>Barbastelle</i>	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.



Preliminary Roost Assessment

- 7.2.5 An appraisal of the structures and trees on site was undertaken to determine the potential for roosting bats.

Buildings

Structure A

- 7.2.6 **Structure A is considered to have negligible suitability for bats.**
- 7.2.7 This structure is generally well-sealed externally. The brickwork is in good condition with no crevices and the flat roof well-fitted. There is a small gap under the fascia, but this is too small for bats in most areas and no bats or evidence of bats was found when inspected with a torch.
- 7.2.8 There is no loft void internally and no evidence of gaps into the internal space. No further survey work or mitigation is recommended.

Structure B

- 7.2.9 **Structure B is considered to have negligible suitability for bats.**
- 7.2.10 This structure, constructed of metal sheeting and metal beams provides no suitable roost space for bats. The building is well-sealed from the exterior aside from some very small gaps around the roller door. Internally, the space is well-lit by natural light, a factor that is unfavourable for roosting bats. The only gaps, between the metal beams and metal sheeting are unsuitable for bats, especially as the materials would fluctuate widely with the external temperature.
- 7.2.11 The internal space is of a size that might be favourable for bats to fly prior to leaving a roost or for foraging on insects found internally, but no evidence of bats was found internally or externally.
- 7.2.12 No further survey work or mitigation is recommended.



The internal space of Structure B

Structure C

- 7.2.13 **Structure C is considered to have negligible suitability for bats.**
- 7.2.14 The metal shipping containers, which make up this structure are composed of sheet metal and well-sealed. There are gaps into part of the internal space through barns in the doors, but the internal space does not provide any visible roosting opportunities since there are no visible crevices in which bats may roost. The wooden fascial externally is well-fitted and any gaps between shipping containers are sealed with paint or filler. No evidence of bats was found during the inspection and no further survey work or mitigation is recommended.



Structure D

7.2.15 **Structure D is considered to have negligible suitability for bats.**

7.2.16 Structure D is well-sealed externally and internally, with no crevices or cracks within the walls or roof which may provide potential roost opportunities for bats. No evidence of bats was found during the inspection and no further survey work or mitigation is recommended.

Structures E-H

7.2.17 **Structures E-H, all of similar construction, are considered to have negligible suitability for bats.**

7.2.18 The shipping containers E-H are all constructed of metal and well-sealed, providing no suitable roosting opportunities for bats. No evidence of bats was found during the inspection and no further survey work or mitigation is recommended.

Polytunnels

7.2.19 **The polytunnels are considered to have negligible suitability for bats.**

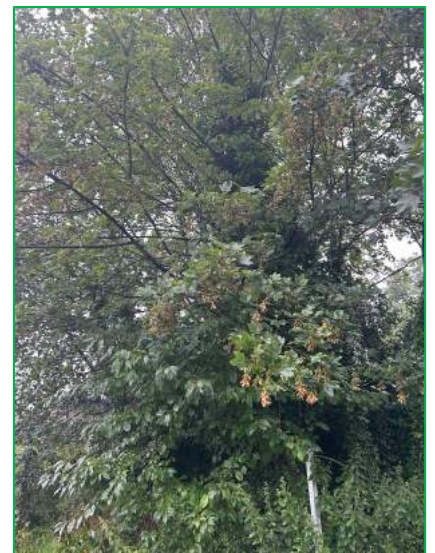
7.2.20 The polytunnels, constructed of transparent plastic sheeting or netting, provide no suitable potential roosting opportunities for bats. No evidence of bats was found during the inspection and no further survey work or mitigation for bats is recommended.

Trees and Shrubs

7.2.21 The trees on site are immature and have negligible suitability for bats as they lack the features such as split limbs, rot holes and flaking bark associated with potential roost features. However, three young sycamore on the northwest boundary (TN7) are clad in ivy and, although the use of ivy by bats is unlikely, reasonable avoidance measures are proposed to minimise the risk of harm to itinerant bats.

Habitat for foraging and commuting bats.

7.2.22 The grassland, tall ruderal vegetation and trees on site are likely to provide habitat for foraging bats. However, the green space is limited, and there are larger, more favourable areas of habitat within close proximity; the site is considered unlikely to provide a valuable foraging ground.



An ivy-clad sycamore at TN7

7.2.23 However, the vegetative boundary along the south of the site may provide a potential habitat corridor for commuting bats and the retention of this potential ecological functionality will be retained and enhanced. **Consideration will also be given to the disturbance of commuting bats as a result of lighting. No further survey work is considered necessary, however.**



7.3 Badger

Data Search

- 7.3.1 Data from GMEU do not include any records of badger (*Meles meles*) within 1km of the survey site.

Survey and Assessment

- 7.3.2 The habitat within the survey site, comprising tall herb vegetation and grassland has potential for foraging badger and the surrounding landscape, although built-up, has some suitability. The railway line, just 80m to the east provides potential for badger; badger setts are common along railway embankments and the linear habitat provides a good means of access into areas across urban landscape. Wince Brooke Park also has potential for badger, with a matrix of grassland a woodland, which is favoured by this species.
- 7.3.3 However, no evidence of badger (setts, tracks, latrines, snuffle holes) was found within the survey site. Accessibility into the site is limited given the fencing around the site, so this reduces the likely presence of badger.
- 7.3.4 **Overall, given the lack of evidence of this species, the proposals are unlikely to have any impact upon badger. However, due to the high potential for this species within the vicinity, precautionary mitigation is proposed, including a pre-check for setts prior to works and reasonable avoidance measures during works.**

7.4 Hedgehog

Data Search

- 7.4.1 Data from GMEU containS records of hedgehog (*Erinaceus eruopaeus*) within 1km of the survey site.

Survey and Assessment

- 7.4.2 Hedgehog are a Species of Principal Importance under the NERC Act, 2006 (also known as UK Biodiversity Action Plan species).
- 7.4.3 The survey site, comprising ruderal vegetation and grassland with shrubs, provides good habitat for foraging and sheltering hedgehog. Adjacent gardens provide additional habitat and hedgehogs are considered likely to be present in the area.
- 7.4.4 **The proposals are unlikely to have a significant negative impact upon populations of this species, and the proposals will result in the creation of modified habitat for this species. Maintenance of the ecological functionality of the site for this species as part of the wider area will be ensured with the creation of a hedgehog highway. Precautionary measures to ensure the protection of hedgehog during works are also proposed.**



7.5 Reptiles

Data Search

- 7.5.1 The data from GMEU does not include any records of reptiles within 1km of the survey site.

Survey and Assessment

- 7.5.2 The records for reptiles in the northwest are generally low. Reptiles are of very low distribution and found at low density even in ideal habitats such as rough grassland with scrub.
- 7.5.3 The longer grassland and ruderal vegetation within the survey site is considered to be potentially good for reptiles; the grassland provides potential foraging habitat shorter grazed areas provide basking areas.
- 7.5.4 The continuity of this habitat with gardens to the south, northwest and southeast increases the potential for these species, although, given the lack of records in the area, they are unlikely to be present at high density.
- 7.5.5 It is considered possible that common reptiles such as slow-worm and grass snake are present around the site boundaries in low numbers.
- 7.5.6 **The proposals will result in the loss of small areas of tall herb vegetation, sparse ruderal vegetation and modified grassland. This is unlikely to be of significance to the viability of reptile populations in the area, but avoidance mitigation to prevent harm to individual animals is recommended.**

7.6 Amphibians

Great crested newt

Data Search

- 7.6.1 The data from GMEU do not include any records of great crested newt (*Triturus cristatus*) within 1km of the survey site.

Survey and Assessment

- 7.6.2 Great crested newt, 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.
- 7.6.3 According to the relevant Ordnance Survey and aerial maps there are no waterbodies within 500m of the site.
- 7.6.4 The terrestrial habitat on site, including tall ruderal vegetation and grassland is good for great crested newt, providing potentially good foraging habitat and hibernacula.



7.6.5 However, given the lack of suitable waterbodies for this species within 500m, the likelihood of great crested newts is extremely low.

7.6.6 **The proposals are considered very unlikely to impact this species and no further survey work or mitigation is considered necessary.**

Common Toad

Data Search

7.1.1 Data from GMEU include records of common toad (*Bufo bufo*) within 1k of the survey site.

Survey and Assessment

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

7.1.3 The grassland and ruderal vegetation within the survey site provides good terrestrial habitat for common toad. Common toad are a mobile species and will regularly travel long distances to reach breeding ponds. They may travel across the site from further afield regularly.

7.1.4 **The proposals for the site are not expected to impact upon populations of this species, but precautionary measures are proposed during works to avoid unnecessary harm to individual animals.**

7.2 Nesting Birds

Data Search

7.2.1 Data from GMEU includes records of 16 bird species within 1km of the survey site. Of these, three species are on Schedule 1 of the Wildlife and Countryside Act, 1981; Peregrine (*Falco peregrinus*), little ringed-plover (*Charadrius dubius*) and kingfisher (*Alcedo atthis*). None of this species are likely to breed within the survey site as the habitat is unsuitable.

7.2.2 Of the species previously recorded, 13 are of conservation concern (BoCC) and are listed on Schedule 41 of the NERC Act (2006), including skylark (*Aluda arvensis*), bullfinch (*Pyrrhula pyrrhula*), dunnock (*Prunella modularis*), grasshopper warbler (*Locustella naevia*), herring gull (*Larus argentatus*), house sparrow (*Passer domesticus*), lapwing (*Vanellus vanellus*), lesser redpoll (*Carduelis cabaret*), linnet (*Carduelis cannabina*), reed bunting (*Emberiza schoeniclus*), spotted flycatcher (*Muscicapa striata*) and starling (*Sturnus vulgaris*).

7.2.3 Of these species, house sparrow, dunnock and starling be found nesting on site or close to the survey site. The other species are not considered likely as the habitat is unsuitable.

Survey and Assessment

7.2.4 Four bird species were recorded on site during the survey: Carrion crow (*Corvus corone*), robin (*Erithacus rubecula*), great tit (*Parus major*) and magpie (*Pica pica*).



- 7.2.5 Birds, including those of conservation concern may nest on site in vegetation in the spring and summer months.
- 7.2.6 **Avoidance mitigation will be necessary to prevent harm and unnecessary disturbance to nesting birds during any future vegetation works and to minimise the risk of indirect harm to nesting birds during works as a result of noise, vibration or accidental damage of boundary vegetation.**
- 7.2.7 **The proposals provide the opportunity to enhance the site for nesting birds and recommendations for this have been made.**

***Birds of Conservation Concern (BoCC):** These lists indicate the population status of birds in the UK, Channel Islands and the Isle of Man.

- BoCC Red list: Includes species globally threatened, a historical population decline in the UK, a severe (at least 50%) decline in the UK breeding population over the last 25 years or long-term period. A severe (at least 50%) contraction of the UK breeding range over the last 25 years or the longer term.
- Amber list: Includes species with unfavourable conservation status in Europe, a historical population decline, moderate (25-50%) decline in the UK breeding population over the last 25 years, moderate (25-50%) contraction in UK breeding or non-breeding range, rare breeders (1-300 breeding pairs in UK), rare non breeders, localised rare breeders or non-breeders, internationally important breeders or non-breeders.

7.3 Invertebrates

Data Search

- 7.3.1 Data from GMEU includes records of a single moth listed on Schedule 41 of the NERC Act, 2006 cinnabar moth (*Tyria jacobaeae*). Cinnabar moth favours similar habitat types and the larvae feed on ragwort, a plant not recorded on site.

Survey and Assessment

- 7.3.2 The majority of the survey site, comprising tall herb and sparse ruderal vegetation with a small area of modified grassland, is composed of common and widespread plant species and will support common and widespread invertebrates. No invertebrates that are rare and/or protected are expected on site.
- 7.3.3 The loss of the habitat on site is considered unlikely to be of significance to populations of common and widespread invertebrates in the locality. **No further survey or mitigation is recommended.**



7.4 Other protected species and habitats.

- 7.4.1 Other protected species, including red squirrel (*Sciurus vulgaris*) and white-clawed crayfish (*Austropotamobius pallipes*) are not expected on or near the site as the area is outside the distribution range of red squirrel and there is no suitable habitat for white-clawed crayfish.

8 Conclusion

- 8.0.1 The land at Greenhill Road Junction supports tall herb vegetation, modified grassland and open mosaic habitat of sparse ruderal vegetation with scattered trees, hard standing, industrial buildings, polytunnels and shipping containers.
- 8.0.2 The site lies approximately 205m to the west of Rochdale Canal SAC SSSI and SBI. Although in close proximity, there are no direct habitat links and no indirect or direct impacts are anticipated. However, avoidance measures to prevent any accidental pollution are proposed.
- 8.0.3 The structures on site are considered to have negligible suitability for bats. Similarly, the trees on site are not considered to have suitability for bats. However, precautionary methods of work are proposed to if removal of the ivy-clad sycamore are necessary. Avoidance mitigation is also proposed with regard to lighting and bats.
- 8.0.4 There is potential for common reptiles, nesting birds, hedgehog and common toad on site and avoidance mitigation for these species/groups is proposed.
- 8.0.5 Badger are likely to be present in the locality and precautionary measures of work are recommended to take this into consideration.
- 8.0.6 The loss of the habitat on site is not considered likely to have a significant negative impact upon local flora. However, control of the Japanese knotweed on site is necessary and biosecurity measures must be employed during works to prevent spread.
- 8.0.7 The proposals provide the opportunity to enhance the site for nesting birds, bats and other wildlife, maintaining the ecological functionality of the site and recommendations for this have been made.



9 Recommendations

9.1 Rochdale Canal

9.1.1 Measures must be put in place to prevent accidental pollution of the Rochdale Canal during works:

- Machinery must not be stored or left running on site without attendance.
- Precautions to prevent accidental pollution including run off must be undertaken, including retention of plant nappies on site for spills.
- Any works that might result in high levels of dust must be undertaken on damp days to minimise the risk of spread, otherwise materials dampened on site.

9.2 Bats

Commuting and Foraging Bats – Lighting

9.1.2 Bats are likely to commute and forage along the boundaries of the site. In order to minimise the impact of any lighting on commuting and foraging bats, the following is recommended:

- Lighting during the construction and operational phase will be directed to avoid the site boundaries, especially the southwest boundary.
- Directional downlighting and baffles must be used to avoid spillage of light into the sky and into areas toward the site boundaries.
- Lux levels within 10m of the site boundaries must be <5lux to maintain dark corridors.
- Outside lighting installed during the operational phase will be warm white LED. This form of lighting has a lower UV output, which reduces the attraction of insects and have been shown to have the least impact on bat foraging behaviour. Outside lighting if absolutely necessary, for example to allow safe access to homes, should be on a timer to minimise light pollution.

Bats and Trees

9.1.3 If the young sycamore trees on the northwest boundary of the site are to be removed, the following must be undertaken:

- The trees must be soft-felled whilst checking for crevices and holes that may be utilised by bats.
- Limbs covered in ivy must be left overnight on the ground to allow any animals to leave of their own volition.
- If there is any concern about the presence of bats, an ecologist must be contacted for advice.



9.3 Badger

9.0.1 Badger are likely to be present within the locality and must be considered during works.

- Prior to the start of works a pre-check of the site must be undertaken by a suitably qualified ecologist to check for the presence of badger setts.
- During works any large holes or ditches created must be covered overnight to prevent mammals falling into them. If this is not possible, then a plank or similar should be left in the hole to allow badgers and other wildlife to climb out.

9.4 Reptiles and Amphibians

9.0.2 In order to reduce the risk of harm to individual reptiles and amphibians (common toad) during works, the following is recommended:

- Machinery or materials are stored on hard standing where possible.
- If the above is not possible, materials on site are stored on pallets to prevent reptiles and amphibians hiding in them.
- Vegetation should be strimmed to approximately 15cm prior to clearance or works on the site and left for at least two nights. This will encourage any wildlife to move away prior to works. The vegetation should then be maintained at this length during works.
- Care must be taken when clearing vegetation and debris. Careful watch must be taken whilst clearing topsoil. If any wildlife is found, for example common toad, they can be moved to a safe place away from the area of works where there is vegetative cover.

9.5 Hedgehog

9.5.1 There is potential for hedgehog on site. In order to reduce the risk of harm to these species during works, the following is recommended:

- Any works to remove vegetation is undertaken by hand with care, whilst checking for wildlife. This is especially important around the site boundaries and where vegetation is long.
- If hedgehog are found during works, they can be picked up and moved to a safe place away from the area of works where there is vegetative cover.



9.6 Nesting Birds

9.6.1 Birds may nest in the trees and hedgerow within the site and adjacent to 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:

- Initial and heavy construction works are timed to avoid the bird breeding season (breeding season: March – September).
- If heavy machinery is required on site in the bird breeding season, this must be stored as far away from boundary trees and shrubs as possible, to minimise the risk of disturbance.
- 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.

9.7 Japanese Knotweed

9.7.1 Japanese knotweed is present on site. It is recommended that this species is:

- Treated on site to control the plants and prevent further spread.
- Treatment of Japanese knotweed can take place by stem-injection. This should be sufficient to ensure control and eradication from site. Note, however that the root zone of the plant extends into the adjacent land.
- The site is checked by a competent person for the presence of this species prior to the start of works.
- If any soil is removed within 7m of the Japanese knotweed stand, this must be treated as contaminated waste.
- All machinery and operatives working within 10m of the knotweed must use bio-control to prevent the spread of this species; they must wash down machinery and boots/clothing with water on site, prior to leaving site.
- Operatives on site should be informed of the presence of this species and a Toolbox Talk regarding this species and its management on site delivered to all persons working on site prior to the start of works.



Japanese knotweed on site



9.8 Compensation and Enhancement for Biodiversity

9.8.1 The proposals provide the opportunity to retain and enhance the existing biodiversity.

Native species planting

9.8.2 It is proposed that native species are used for planting plans, for example planting of native species hedgerow around part or all of the wider site boundary. Species that could be used include hawthorn (*Crataegus monogyna*), guelder rose (*Viburnum opulus*), rowan (*Prunus aucuparia*), hazel (*Corylus avellana*), holly (*Ilex aquifolium*), dog rose (*Rosa canina*) and honeysuckle (*Lonicera periclymenum*).

9.8.3 A strip of longer grass aside the hedgerow will add structural complexity and will be valuable for a range of wildlife.

Invertebrates

9.8.4 Native species planting around the site boundaries and on site where possible will improve opportunities for invertebrates.

9.8.5 A wildflower seed mix could be sown adjacent to the hedgerow to enhance species diversity.

Breeding Birds and Roosting Bats

9.8.6 In addition to maintenance of existing habitat, additional enhancement for nesting birds and roosting bats can be achieved through provision of bird nest boxes and bat boxes.

Provision of Bat Boxes

9.8.7 It is recommended that:

- At least eight crevice-roost sites for roosting bats are integrated into the new buildings on site.
- These could be in the form of bat roost slates, to allow bats to enter a space in the roof, between the slates and the lining. See Appendix B. However, it is imperative that bitumen roofing felt (not breathable roofing membrane) is used beneath these spaces as bats get caught in the fibre of breathable roofing membrane.
- Alternatively, bat boxes could be attached externally to the building, or integrated into the stonework – see the examples below. There are many alternatives at NHBS.com.

Provision of Bird Boxes

9.8.8 In addition to installation of barn owl boxes, it is recommended that:

- At least eight bird boxes are installed on trees within the wider site, or on the new buildings. Boxes should be a mix of 28mm holes, 32mm holes and open nest boxes. The Vivara Pro Seville Woodstone Nest Box would provide suitable nesting habitat for passerine birds. The 2H Schwegler Robin Box is suitable for open-box nesting species such as robin, wren and spotted flycatcher. The boxes are made of woodcrete and are very durable.
- At least four sparrow nest boxes should be installed on buildings close to the boundary



woodland. House sparrow are a declining species and provision of nest opportunities for this species would be beneficial to the maintenance of the population in the area. The boxes should be installed at least two together as house sparrows like to nest in colonies.

Hedgehog

- 9.8.9 Hedgehogs are likely to be present in the area. In order to maintain the ecological functionality of the site for this species, in addition to native-species planting it will be necessary to ensure continued access with the creation of a hedgehog highway.

Creation of a Hedgehog Highway

- 9.8.10 Fencing around the site boundaries should be raised 130mm above the ground, otherwise several holes 130mmx130mm should be created along each boundary to allow hedgehog to move in and out of the site.

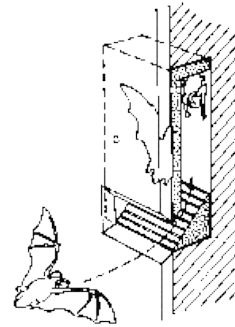




Bat and Bird Boxes

1FE Schwegler bat access panel

This box is durable and does not require cleaning.



Beaumaris Woodstone Bat Box

This box is durable and does not require cleaning.

All bat boxes are available from NHBS Ltd

Vivara Pro Seville Woodstone Nest Box



2H Schwegler Robin Box

Vivara Pro House Sparrow Nest Box





10 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 Regulations 2017 (as amended).
- 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 or 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, possess 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 cinquefoil, 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 Section 14ZB 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 destruction of 'important' hedgerows. Criteria within the regulations determine the importance.

1.6 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (as amended)

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 Regulations 2017 (as amended) (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) in 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 **principal 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 Wildlife 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 Planning Policy Framework (NPPF, 2021)
- 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 2021

Chapter 15: Conserving and Enhancing the Natural Environment

Chapter 15, Para 174 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 175 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 179 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 pursue opportunities for securing measurable net gains for biodiversity."***

Para 180 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 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.***

Para 182 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 coherent 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 through 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 determined 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 'Biodiversity: 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 reviewed 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 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.



• APPENDIX B: Bat Access Slate

