

Preliminary Ecological Assessment and Biodiversity Net Gain Plan

At:

Alberts Restaurant,
Edenfield Rd,
Norden,
OL12 7TT

For:

Elle R Leisure Ltd

Private and Confidential

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Association of Geotechnical &
Geoenvironmental Specialists



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Consultancy Ltd

Executive Summary

JW Biodiversity Management has been commissioned to carry out an updated Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain Assessment (BNG) of a former restaurant, Edenfield Road, Norden, Rochdale. This report will provide a baseline assessment of the site reporting on the current conditions of the habitats present within the Biodiversity Net Gain Metric.

This report follows on from an extended Phase I survey conducted in 2022 and a subsequent bat emergence survey in 2023 carried out by Rachel Hacking Ecology.

Site Description

The redline boundary of the site (figure 1) currently comprises a restaurant with parking to the east.

The proposed development site currently comprises a restaurant with parking to the east. The wider estate includes an access road, gardens and woodland. The site is bordered by mixed broadleaved woodland, a farmyard to the west and pastoral farmland and Edenfield Road to the south. In a wider context the site lies in a rural setting, just on the outskirts of Norden. The car park contains a few scattered trees and shrubs, and an area of lawn habitat is located to the west and south of the main building. A relatively large area of grassland has established on a former area of bare ground to the southeast of the site. A long winding driveway leads off Edenfield road to the southwest northward to the car park. The wider site (blue line figure 1) contains larger areas of grassland and scattered trees with woodland surrounding the site.

The site is bordered by mixed broadleaved woodland, a farmyard to the west and pastoral farmland and Edenfield Road to the south. In a wider context the site lies in a rural setting, just on the outskirts of Norden.

The site is with the Rochdale Council Local Planning Authority and the Southern Pennines National Character Area (NCA). The site (as shown on figure 1) is located in Norden, Rochdale, SD 84819 15065.

Protected and Notable Species

Following the site visit and desktop assessment the site was assessed for its potential to support protected and notable species. The table below summarises the sites potential to support these species.

Species	Sites potential to support
Bat roost buildings	Moderate
Bat roost Trees	PRF-I
Bat foraging/ commuting areas	High
Badgers	Low
Dormice	Negligible
Small mammals	Low
Reptiles	Low
Amphibians	Low
Breeding birds	Moderate

BNG Results

The table below provides a summary of the results of the Biodiversity Net Gain Assessment, more detail is provided in the appendix. The proposed enhancements will produce a 10.94% net gain in habitat units and a 39.47% gain in hedgerow units.

This meets the desired target of demonstrating a measurable net gain.

FINAL RESULTS		
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	0.25
	<i>Hedgerow units</i>	0.05
	<i>Watercourse units</i>	0.00
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	10.94%
	<i>Hedgerow units</i>	39.47%
	<i>Watercourse units</i>	0.00%
Trading rules satisfied?	Yes ✓	

Recommendations

A Biodiversity Net Gain assessment has been conducted by a competent ecologist and recommendations have been made to ensure the projects achieves a net gain. This is in line with local and national planning policies. Recommendations have also been made in relation to protected and notable species.

Recommendation	Action	Justification
Protection of breeding birds*	Carry out building demolition outside of breeding bird season or under supervision of ecologist following a breeding bird survey	The buildings are likely providing several opportunities for breeding birds.
Obtain European protected Species licence*	Following granting of planning permission apply for protected species licence from Natural England. No demolition works until licence is obtained.	This will ensure lawful removal of the bat roost.
Remove vegetation in stages*.	Cut down vegetation in stages to reduce risk of impacting protected/ notable species.	This will allow small mammals, if present to leave the area safely.
Appropriate lighting for bats*	Avoid illuminating bat foraging and commuting habitat- woodland/ scattered trees. During and post development.	This will help limit disturbance to bat species in the longer term.
Adequate pollution control	Habitats on site should be adequately protected to ensure no polluted runoff in on site or adjacent land. All oils, fuels and chemicals should be adequately stored on site in bunded contains with appropriate spill kits and emergency procedures in place.	This will protect habitats on site and those in the nearby landscape.
Inclusion of bird and bat boxes in the development/ landscaping	Place boxes in suitable locations within the landscaping.	This would benefit local bird and bat populations on the site and within the local area.
Follow biodiversity enhancement measures	Carry out planting as per BNG assessment.	This will provide a greater longer-term benefit for wildlife and ensure the project achieves the required net gain.
Compile long term management plan	Once layout agreed compile Habitat Management and Monitoring Plan.	This will ensure long term management of habitats on site.

* Denotes recommendation relating to legislation.

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1. Introduction

JW Biodiversity Management has been commissioned to carry out an updated Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain Assessment (BNG) of a former restaurant, Edenfield Road, Norden, Rochdale. This report will provide a baseline assessment of the site reporting on the current conditions of the habitats present within the Biodiversity Net Gain Metric.

This report follows on from an extended Phase I survey conducted in 2022¹ and a subsequent bat emergence survey in 2023² carried out by Rachel Hacking Ecology.

1.1 Development outline

JW Biodiversity Management Ltd understands that the development will involve the refurbishment of the restaurant and the creation of additional parking areas.

1.2 Site Description

The redline boundary of the site (figure 1) currently comprises a restaurant with parking to the east.

The proposed development site currently comprises a restaurant with parking to the east. The wider estate includes an access road, gardens and woodland. The site is bordered by mixed broadleaved woodland, a farmyard to the west and pastoral farmland and Edenfield Road to the south. In a wider context the site lies in a rural setting, just on the outskirts of Nordon. The car park contains a few scattered trees and shrubs, and an area of lawn habitat is located to the west and south of the main building. A relatively large area of grassland has established on a former area of bare ground to the southeast of the site. A long winding driveway leads off Edenfield road to the southwest northward to the car park. The wider site (blue line figure 1) contains larger areas of grassland and scattered trees with woodland surrounding the site.

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The site is with the Rochdale Council Local Planning Authority and the Southern Pennines National Character Area (NCA). The site (as shown on figure 1) is located in Norden, Rochdale, SD 84819 15065.

¹ Extended PHASE 1 Habitat Survey & Daytime Bat Survey. Alberts Restaurant, Edenfield Road, Norden, Rochdale. Rachel Hacking Ecology. January 2022.

² Albert's Restaurant, Rochdale. Bat Emergence Surveys. 2023. Rachel Hacking Ecology. 08/09/2023. RHE.3255.02

1.3 Aims of Report

The aim of this PEA is to:

- Identify the likely ecological constraints associated with a project;
- Identify any mitigation measures likely to be required, following the 'Mitigation Hierarchy'
- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (EclA); and
- Identify the opportunities offered by a project to deliver ecological enhancement.

The aim of the BNG assessment is to:

- Provide a baseline assessment of the habitats on the site using the DEFRA metric.
- Provide a predicted score based on proposed habitat creation and enhancement using DEFRA metric.
- Provide suitable long term management recommendations for the site, to ensure habitats reach and maintain their desired condition.

1.4 Limitations

The contents of this report are based on a single site visit and a search of the local records bureau. Though the survey and interpretations of the data were carried out by a competent ecologist there may be things that have been overlooked or missed.

The area measurements are based on plans provided by third parties.

1.5 Relevant Legislation and Planning Policies

Relevant legislation implications for this site include;

- The Conservation of Habitats and Species Regulations 2010 (as amended);
- The Wildlife and Countryside Act 1981 (as amended);
- The Countryside and Rights of Way Act 2000;
- The Natural Environment and Rural Communities Act (NERC Act) 2006;
- Environment Act (2021)

Planning policies, both local and national, may affect any proposed development. Relevant planning policies to this development include;

- National Planning Policy Framework (NPPF)
- Rochdale Borough Council Biodiversity Net gain information³.

³ [Biodiversity net gain \(BNG\) | Rochdale Borough Council](#)

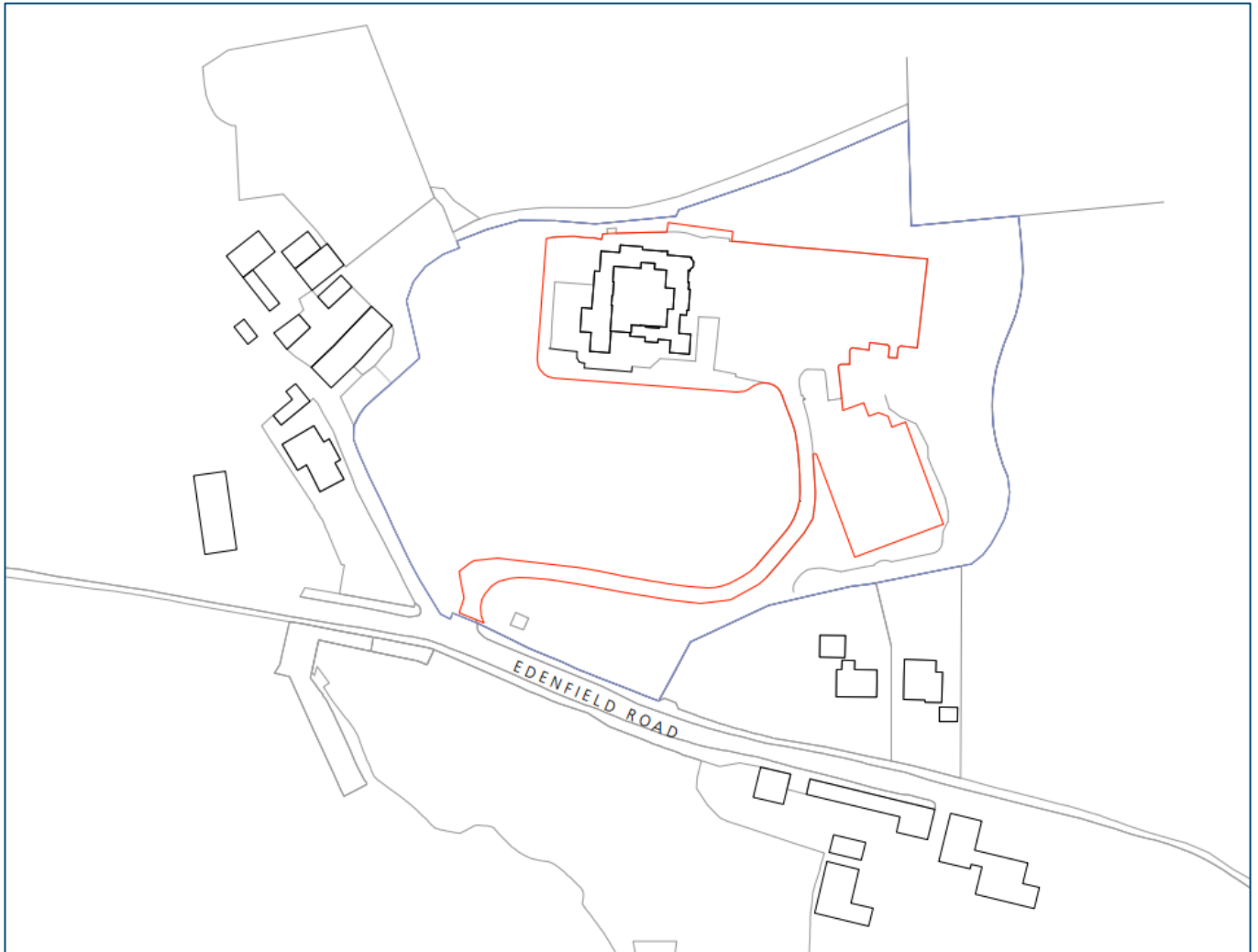


Figure 1: Approx. Assessment area (red line) and wider site (blue line).

2. Methods

2.1 Site Visit

JW Biodiversity management undertook a PEA site visit on the 31st of August 2024. This was to carry out a walk over of the site, determining the basic habitats present and their current condition. The potential for these habitats to support protected and notable species was also recorded. The site visit was carried out by an experienced ecologist who is able to appropriately identify habitats and assess their quality and suitability to support species.

The methodology followed that of an Extended Phase 1 Habitat Survey following the methodology of JNCC (1993) as modified by IEA (1995). The Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are likely to be ecologically important.

2.2 Protected Species

The following evidence of protected species or habitats to support them was assessed;

2.2.1 Badgers

Evidence of badger activity on site was assessed by searching for:

- Presence of setts, indicated by suitably sized holes or burrows with evidence of badgers such as badger hair and footprints
- Evidence of well runs supported by secondary evidence such as foraging signs or footprints; and
- Presence of badger latrines

2.2.2 Bats

The site was assessed for its potential to support:

- Roosting bats; and
- Foraging and commuting bats.

Features which could indicate a potential bat roost include:

- Holes and fissures in trees; and
- Gaps in buildings that could allow access to areas such as roof voids, e.g. holes in soffits, broken, loose or missing tiles, damaged lead flashing, etc.

The methodology for assessing bat roost potential followed that recommended by the Bat Conservation Trust⁴.

2.2.3 Breeding Birds

The site was assessed for its potential to support nesting and breeding birds, considering factors including sufficient habitat cover and food sources.

2.2.4 Dormice

The site was surveyed for suitable dormouse habitat, such as the presence of a well-connected understorey broadleaf habitat, and suitable food sources such as hazel, oak and other nut-bearing trees, fruiting trees and shrubs, flowers and invertebrates. Where hazel nut shells were found, these were inspected for evidence of dormouse feeding.

2.2.5 Aquatic Mammals

Aquatic habitats were assessed for their potential to support aquatic mammals such as Otter or water vole. Signs including; foot prints, droppings and evidence of feeding were searched for.

2.2.6 Reptiles

The site was assessed for its potential to support reptile populations. Suitable habitat for reptiles includes long grass, scrub, woodland and hedgerow borders and wood/rubble piles that act as hibernacula.

2.2.7 Amphibians

Any aquatic habitat was assessed for its potential to support amphibian species, including Great Crested Newts. Any ponds on site were assessed, using the Habitat Suitability Index, for its potential to support Great Crested Newts. Terrestrial habitat was also assessed for its ability to support amphibians.

2.2.8 Other species

The site was assessed for its potential to support other notable species.

2.3 Desktop Study

Magic.gov.uk was also reviewed for additional relevant protected species and habitat information. Information of protected species and habitats within 1 km of the site was obtained from the Greater Manchester Ecology Unit (GMEU).

⁴ Collins J. (ed) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition)*. The Bat Conservation Trust, London).

2.4 Biodiversity net Gain

A Biodiversity Net Gain Assessment has been conducted using the DEFRA Statutory Biodiversity Metric. This was conducted by a competent and qualified ecologist. The methodology set out in the Statutory Biodiversity Metric User guide was followed⁵. The statutory metric uses habitats, the places in which species live, as a proxy to describe biodiversity. These habitats are converted into 'biodiversity units'. These biodiversity units are the 'currency' of the metric.

More detail is provided on calculating units further on in the report.

⁵ The Statutory Biodiversity Metric: User Guide. February 2024. DEFRA.

3. Results

3.1 Habitat Assessment

The location and extent of the habitats are shown in appendix 1. TN refers to a target note. CIEEM guidance recommends that the value or potential value of an ecological resource or feature should be determined within a defined geographical context. It recommends the following frame of reference.

- International;
- UK;
- National (i.e. England/Northern Ireland/Scotland/Wales);
- Regional;
- County (or Metropolitan - e.g. in London);
- District (or Unitary Authority, City, or Borough);
- Local or Parish; and
- Site
- Within zone of influence only (which might be the project site or a larger area).

The habitats will be assessed based on these criteria.

The current habitat layout is shown on figure 2. The previous 2022 habitat layout is shown in appendix 1.

3.1.1 Developed land; sealed surface.

The restaurant building is a large, detached property which is currently not in use and has undergone some clearance and vandalism since the site assessment in 2022. This was a large three-storey converted church with a loft space and basement level. The property is constructed from sandstone brickwork and mortar, with a tiled pitched roof. Single-storey extensions exist on all elevations.

Large areas of hardstanding in the form of car parks were present to the east of the restaurant and a driveway leads off the road to the southwest up to the car park. Areas of hardstanding were noted around the building.

The developed land, particularly the buildings, provide opportunities for protected species. The developed land; sealed surface is considered as having a benefit at a site level.



Photo 1: Showing exterior of the restaurant building.

3.1.2 Modified Grassland

An area of modified grassland was located to the west and south of the restaurant. This was part of a much larger area of similar grassland habitat that extended across the wider site. Pockets of modified grassland were also located within the car park.

This was frequently mown and was currently being cut on the day of the survey. Species comprised Sweet vernal (*Anthoxanthum odoratum*), Yorkshire-fog (*Holcus lanatus*), Rough meadow-grass (*Poa trivialis*), Common Bent (*Agrostis capillaris*), Perennial Rye-grass (*Lolium perenne*) and Cock's-foot (*Dactylis glomerata*). Forbs were more abundant around the edges but creeping buttercup (*Ranunculus repens*) and white clover (*Trifolium repens*) were frequent throughout. Tall ruderal species such as ragwort (*Senecio jacobaea*), hoary willowherb (*Epilobium parviflorum*) common nettle (*Urtica dioica*) were recorded along the edges of the grassland. The non-native invasive plant Himalayan Balsam (*Impatiens glandulifera*) was also frequent around the edges. Small areas of shrubs were located on the edge of the grassland.

The short length of the grasslands means it is unlikely to support protected and notable species. The grassland is considered as having a benefit at a site level.



Photo 2: Showing modified grassland looking across wider site towards restaurant.

3.2.3 Other Neutral grassland

Located to the southeast of the site this was previously bare ground but is now a fairly species-rich grassland comprising similar species noted in the modified grassland above but with more forb diversity such as creeping thistle (*Cirsium arvense*), selfheal (*Prunella vulgaris*), broadleaved dock (*Rumex obtusifolius*), common knapweed (*Centaurea nigra*), marsh thistle (*Cirsium palustre*), water figwort (*Scrophularia auriculata*) and common birdsfoot trefoil (*Lotus corniculatus*).

This habitat was surrounded by trees and woodland and formed a varied sward. It has potential to support protected and notable species. The grassland is considered as having a benefit at a site level.



Photo 3: Showing other neutral grassland.

3.2.4 Introduced shrubs

Some small pockets of introduced shrub were located within the car park areas. These were a mix of ornamental and non-native species that were dense and well established. The denser shrubs have potential to support species such as nesting birds. The introduced shrubs are considered as having a benefit at a zone of influence level.

3.2.5 Individual Trees

The wider site contains several individual trees including mature and semi-mature trees. On site there are three trees located within the car park. Two semi mature trees to the south of the car park near where the driveway enters the car park. A mature Sycamore (*Acer pseudoplatanus*) tree is located on the western edge of the site. Other species include Norway Maple (*Acer platanoides*) and Purple Plum (*Prunus cerasifera*).

The trees on site are part of a wider network of trees located on the wider site. The trees on site have potential to support protected species. The trees are considered as having a benefit at a local level.



Photo 4: Showing trees within car park area.

3.3.6 Native Hedgerow

A section of beech (*Fagus sylvatica*) dominated hedgerow is located to the south of the restaurant building. This is a relatively short section of species poor hedgerow that has potential to support nesting birds. The hedgerow is considered as having a benefit at a site level.

3.3.7 Wider Site

The wider site contains a variety of habitats. These are mentioned here as they have relevance in terms of the potential ecology on the site and are important for the BNG assessment outline below.

The wider site contains modified grassland, shrubs and individual trees similar to those found on site and described above. The wider site also contained areas of broadleaved woodland to the west, east and north. The woodland canopy was dominated by Sycamore and Ash (*Fraxinus excelsior*) but also comprised some Beech (*Fagus sylvatica*), Horse Chestnut (*Aesculus hippocastanum*) and English Oak (*Quercus robur*). The understorey was sparse of young trees and scrub in the northern areas and was dominated by Himalayan Balsam throughout. Where the wood was more open species comprised Bramble (*Rubus fruticosus*), Pendulous sedge (*Carex pendula*), ragwort, tufted hair-grass, Yorkshire-fog and bracken (*Pteridium aquilinum*).

As the woodland runs south along the eastern boundary the ground flora is dominated more by common nettle indicating nutrient enrichment. The southern section of woodland is evidently wetter due to the presence of more sedges, alder (*Alnus glutinosa*) and willow (*Salix sp.*) scrub. As well as Himalayan Balsam, Monbretia (*Crocsmia x crocosmiiflora*) was also recorded here. Nonnative Rhododendron was dominant in places.

3.3.8 Summary

The table below summaries the habitats on site and their value within a geographical context.

Habitat	Value	Comments
Developed land; sealed surface	Site	Developed land with buildings that have potential to support protected and notable species.
Modified grassland	Site	Area of short mown grassland part of wider grassland habitat.
Other Neutral Grassland	Site	Area of species rich grassland established on former bare ground.
Introduced shrubs	Zone of influence	Small pockets of ornamental species.
Individual trees	Local	Individual trees scattered across the site. Part of wider tree network.
Native Hedgerow	Site	Section of species poor native hedgerow.

Table 1: Summary of value of habitats on site.

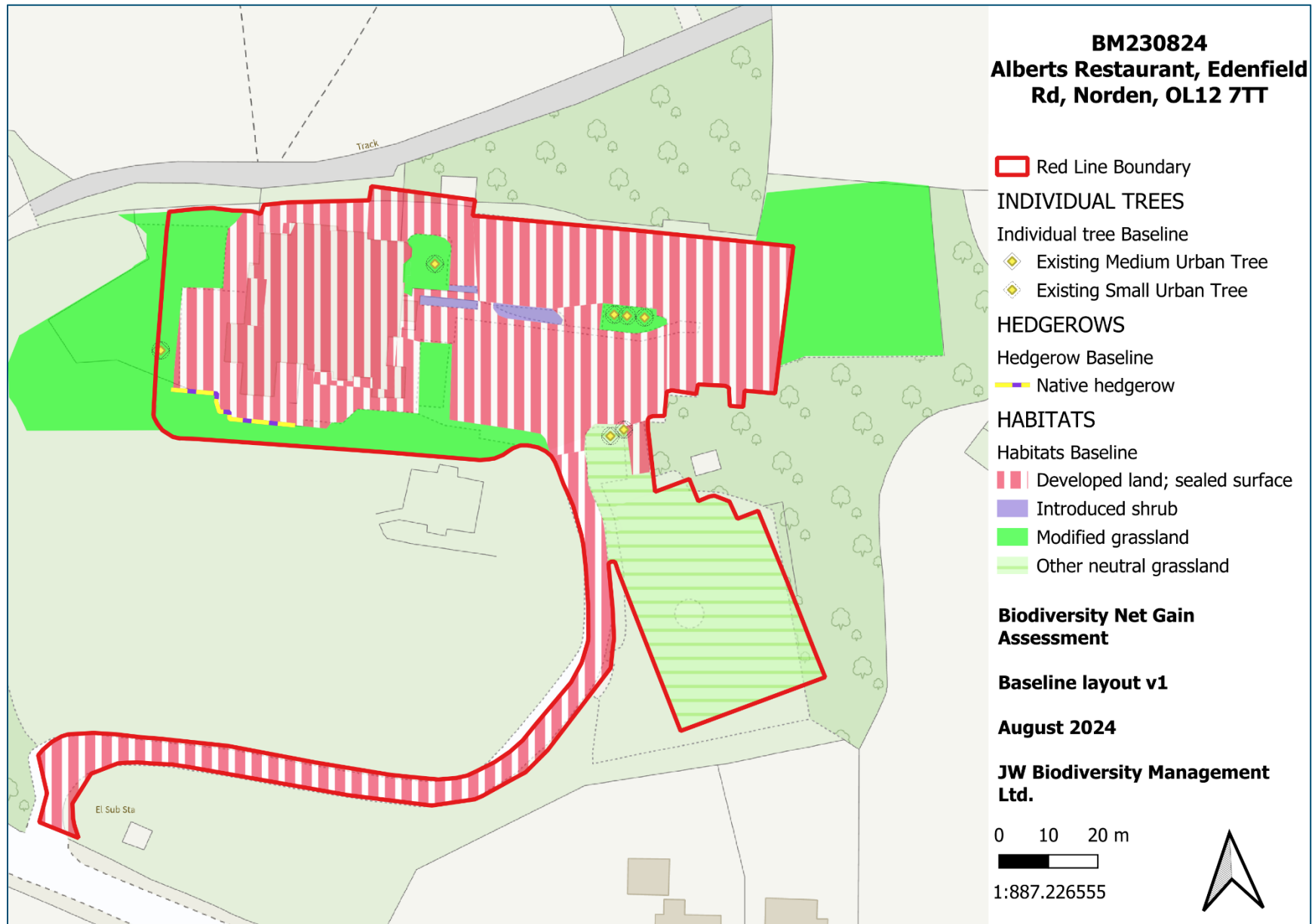


Figure 2: Current habitat layout.

3.2 Species Desktop Results

A recent biological record bureau search from GMEU produced some records of protected and Species of Conservation Concern (SoCC) within 1 km of the site. Table one below summarises the key species groups and protected areas within these results. A full list of the species can be seen on request.

Protected species are those listed on EC Habitats Directive- Annexes II and IV, EC Bird Directive- Annex I, Conservation (Natural Habitats) Regulations 1994- Schedules 2 & 5, NERC 2006 Section 41, Wildlife and Countryside Act 1981 (as amended)-Schedules 1, 5 & 8, Protection of Badgers Act 1992. Notable species are categorised as being a: BAP priority National, Red list species (not least concern) and or Red status bird species, Red Data Book Species, NERC species. Legislation and BAP designation are explained in the appendix.

Sites and Habitats	Present/Absent	Details		
Statutory sites	Absent	There are no statutory protected areas within 1 km of the site		
Non-Statutory sites or Local Wildlife Sites	Present	Non- statutory protected areas are located within 1 km of the site.		
Ancient Woodland	Absent	Ancient woodland is located within 1 km of the site.		
Priority Habitats	Present	The local landscape contains areas of priority habitat including deciduous woodland. Priority woodland habitat is located on the wider site.		
Protected and Notable Species	Number of species	Number of records	Date of earliest record	Date of recent record
Amphibian Species	1	68	2011	2012
Reptile Species	0	0	-	-
Invertebrate species	3	208	2010	2021
Terrestrial Mammal Species (excl. Bats)	2	23	2021	2021
Bat Species	5	30	1995	2022
Bird species	20	153	1980	2021

Table 2: Summary of protected areas and species information.

3.3.1 Other desktop results

Additionally, the Natural England resource; Magic map⁶, was consulted for any granted protected species licences that may be in the area. The closest is a record of a bat licence located approximately 4.3 km to the east of the site.

⁶ www.magic.gov.uk

3.2 Species Site Assessment

The following assessment takes into account the information from the desktop study as well as an assessment of the habitats on site and their potential to support protected and notable species. The likelihood of species being found on site is defined as follows;

- High- Definite signs of species identified on site and habitat considered suitable.
- Medium/ moderate- habitat considered suitable but obvious signs not necessarily detected.
- Low- no obvious signs and habitat considered sub-optimal. Though species may be present.
- Negligible- highly unlikely that species is present

3.2.1 Bat Commuting/ Foraging Habitat

The protected species licencing information from the Magic map produced A record of granted protected species licences within 4.3 km to the east of the site. All bat species in the UK eat insects and forage along habitats such as hedgerows, woodlands, grasslands and waterways⁷. Bats use woodland edges, hedgerows, rivers and other linear features like tree-lined footpaths as corridors to commute from one area of countryside to another⁸. The trees on site as well as the woodland and trees on the wider site provide suitable foraging and commuting opportunities. The local records data includes a map of local bat records supplied by the south Lancs Bat Group. The map includes records of (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), brown long-eared (*Plecotus auritus*), whiskered/ Brandt's bat (*Myotis mystacinus/ brandtii*) and noctule (*Nyctalus noctule*).

The records show a record of common pipistrelle located on the site and several of common pipistrelle with proximity of the site. Other records of several bat species, including roosts, are located to the east within Rochdale and to the northeast close to the Greenbooth Reservoir.

Bat emergence surveys conducted in 2023⁹ recorded common pipistrelle and noctule bats foraging and commuting on site. The site is considered as having a **high** potential to support commuting and foraging bats.

⁷ <https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/foraging-habitats>

⁸ <https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats/commuting-habitats>

⁹ Albert's Restaurant, Rochdale. Bat Emergence Surveys. 2023. Rachel Hacking Ecology. 08/09/2023. RHE.3255.02

3.3.2 Bat Roost Assessment

Buildings are known to provide suitable roosting opportunities for a number of bat species¹⁰. An external inspection of the buildings on site was carried out to assess their potential to support bat roosts, following Bat conservation trust guidelines¹¹. An internal inspection was undertaken where possible inspecting all roof voids and potential roosting locations with a high-powered torch looking for signs of bats in the form of staining, droppings, feeding remains and the bats themselves. This was followed by an external inspection of the buildings looking for potential ingress points through soffits, eaves, missing roof tiles/slates and brickwork and windows.

The table below summarises the guidelines for assessing the potential suitability of structures. This table is taken from the Bat Conservation Trust good practice guidelines 2023¹².

Potential suitability	Description	
	Roosting habitats in structures	Potential flight-paths and foraging habitats
None	No habitat features on site likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels).	No habitat features on site likely to be used by any commuting or foraging bats at any time of the year (i.e. no habitats that provide continuous lines of shade/protection for flight-lines, or generate/shelter insect populations available to foraging bats).
Negligible ^a	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.	No obvious habitat features on site likely to be used as flight-paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions ^b and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site, but could be used by individual hibernating bats ^c).	Habitat that could be used by small numbers of bats as flight-paths such as a gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions ^b and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).	Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions ^b and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.	Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.
^a Negligible is defined as 'so small or unimportant as to be not worth considering, insignificant'. This category may be used where there are places that a bat could roost or forage (due to one attribute) but it is unlikely that they actually would (due to another attribute). ^b For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance. ^c Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten <i>et al.</i>, 2016 and Jansen <i>et al.</i>, 2022). Common pipistrelle swarming has been observed in the UK (Bell, 2022 and Tomlinson, 2020) and winter hibernation of numbers of this species has been detected at Seaton Delaval Hall in Northumberland (National Trust, 2018). This phenomenon requires some research in the UK, but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in prominent buildings in the landscape, urban or otherwise.		

Table 3: Summary of guidelines for assessing bat potential.

¹⁰ Bats and Buildings. Bats and the Build Environment Series. Bat Conservation Trust. January 2012.

¹¹ Collins J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). The Bat Conservation Trust, (London).

¹² Collins J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). The Bat Conservation Trust, (London).

The daytime bat roost assessment in 2022¹³ identified several external features with potential to support a bat roost as well as a small number of bat droppings and feeding remains.

Subsequent bat surveys conducted in 2023 by Rachel Hacking Ecology identified multiple emerging common pipistrelle bats from several different points across the building (photos 5 and 6). The surveys concluded that the site supports a day roost used by 10 Common Pipistrelle bats. The bat droppings and feeding remains recorded during the Daytime Bat Survey indicate that the site also supports a feeding roost used by (probably one) Brown Long-eared bat.



Photo 5: showing some of the emergence (2023) locations on the southern elevation.



Photo 6: showing some of the emergence (2023) locations from the eastern elevation.

¹³ Extended PHASE 1 Habitat Survey & Daytime Bat Survey. Alberts Restaurant, Edenfield Road, Nordon, Rochdale. Rachel Hacking Ecology. January 2022.

An updated roost assessment was conducted in August 2024. The property, exhibiting a sandstone brick structure, presents as a large, detached building that has undergone some clearance works and vandalism was evident. While the exterior walls remain in good condition, the slate pitched rooves appear to have areas of missing roof and ridge tiles. The roof is pitched with slate roof and ridge tiles as well as hipped sections creating valleys with lead flashing. Gaps were particularly noticeable from inside the large open loft space.

The main building windows are timber sash and are set into the surrounding brickwork. While intact these are generally in a poor condition and have begun to rot due to the extensive damp throughout the building. This is probably due to a historic leak paired with an open roof. The building appears to have had numerous extensions, evidenced by the newer brickwork and differing structures. The front extension for example has uPVC windows with wooden cladding.

The assessment in 2022 noted some missing tiles in the roof it appears that more tiles and section of roof are missing in the recent, 2024, assessment. Despite this the exterior of the building appears to be in a similar condition as that noted in 2022 and 2023.



Photo 7: Showing section of missing ridge tiles in 2024 that were present in 2022.

The interior of the building had evidently undergone some works and vandalism since the assessment in 2022. Equipment and furniture had been removed throughout. Flooring, plaster and ceiling panels have been removed throughout the building across all floors including the basement.



Photo 8: Showing interior of the building with evidence of some dismantling/ vandalism taking place.

Fresh feeding remains were noted in 2024 though no bat droppings were noted.

The building is considered as still being likely to support the bat roosts identified in 2023. Though the building has undergone some clearance/ vandalism works this is unlikely to of made the building overall unsuitable for bats. Therefore, the building is still considered as having a **moderate** potential to support a bat roost.

3.3.3 Tree roost assessment

The table below summarises the guidelines for assessing the potential suitability of trees. The trees on site were assessed against this criterion. This table is taken from the Bat Conservation Trust good practice guidelines 2023¹⁴.

Suitability	Description
PRF-I	PRF is only suitable for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitats.
PRF-M	PRF is suitable for multiple bats and may therefore be used by a maternity colony.

Table 4: Summary of guidelines for assessing bat potential.

¹⁴ Collins J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). The Bat Conservation Trust, London).

Some of the trees on site were semi mature or mature in nature and contained small features that have potential to support a bat roost. The trees on site are considered as having a **PRF-I** to support a bat roost.

3.3.4 Badger Assessment

The site was investigated for evidence of Badger (*Meles meles*); setts or signs such as tracks, hair or latrines. No evidence of badgers was seen on the site. The wider site contains suitable habitat, and several areas of badger activity was noted across the wider site in the 2022 report. The site itself contains some limited suitability for badgers, it is possible they are seen on site as the site is within proximity of suitable habitat. The local records data contains several records of badgers, including setts, though none within 500m of the site. The potential for badgers to be on site is considered to be **low**.

3.3.5 Dormouse Assessment

Across its range dormice (*Muscardinus avellanarius*) prefer the successional stage of woody vegetation; this is the new growth that arises after woodland management such as coppicing, ride widening, thinning or glade creation, they may also occur in scrubby habitat¹⁵. The site itself contains no suitable habitat for this species and they are absent from the region. The likelihood of dormouse being present is considered **negligible**.

3.3.6 Small Mammal Assessment

Hedgehogs (*Erinaceus europaeus*) prefer habitats such as woodland edges and hedges as well as suburban areas¹⁶. The local records data includes a record of hedgehog from 2021 approximately 800m to the southwest. The local records data also includes records of brown hare (*Lepus europaeus*) including some within 400m to the north of the site. The habitats on the site provide some suitability for species such as this and there is suitable habitat across the wider site. The likelihood of small mammals being seen on site is considered to be **low**.

3.3.7 Aquatic Mammals

No suitable waterbodies were present on site.

3.3.8 Reptile Assessments

Reptiles prefer sites with a diversity of habitats containing a number of micro habitats that provide suitable foraging and refuge sites¹⁷. The site contains some limited suitability for reptiles with some longer areas of grassland and woodland edge habitat. The wider site also contains suitable habitat and there is connectivity between the two. The likelihood of reptiles being present is considered **low**.

¹⁵ <https://ptes.org/get-informed/facts-figures/hazel-common-dormouse-muscardinus-avellanarius/>

¹⁶ http://www.mammal.org.uk/sites/default/files/factsheets/hedgehog_complete_0.pdf

¹⁷ Edgar, P., Foster, J. and Baker, J. (2010). Reptile Habitat Management Handbook. Amphibian and reptile Conservation, Bournemouth

3.3.9 Amphibian Assessment

The European protected species Great Crested Newt (*Triturus cristatus*) require both suitable aquatic habitats for breeding and terrestrial habitats to forage and shelter during the active season and hibernate over winter¹⁸. The site and wider site lacks any suitable aquatic habitats, looking at the OS map there are several waterbodies in the local area the closes being approximately 250m to the east of the site.

The local records data does not contain any records of GCN the magic ap shows licence returns for GCN indicating their presence approximately 3.9km to the southwest near the M66. The local records data indicates that GCN are absent from ponds surveyed in the area. The local records data includes records of common toad (*Bufo bufo*) approximately 580m to the northeast. The site itself does not provide much in the way of suitable terrestrial habitats for amphibians though suitable habitat does exist on the wider site and areas of longer grassland on site. The likelihood of amphibians being present is **low**. The site is considered to be unlikely to support GCN.

3.3.10 Bird Assessment

The site has potential to support nesting birds, the buildings, scrub and trees provide suitability for nesting birds. The potential for the site to support nesting birds is considered to be **moderate**.

3.3.11 Invertebrate Assessments

The habitats on site have some potential to support notable invertebrates. Butterfly species were noted in the local biological records data. The habitats on site provide some suitability for notable invertebrates. The likelihood of notable invertebrates being present is **low**.

¹⁸ Great crested newt mitigation guidelines. August 2001. English Nature.

3.3.12 Summary

Table 3 below summarises the sites potential for protected and notable species. Designations for potential are as follows;

- High- Definite signs of species identified on site and habitat considered suitable.
- Medium/ moderate- habitat considered suitable but obvious signs not necessarily detected.
- Low- no obvious signs and habitat considered sub-optimal. Though species may be present
- Negligible- highly unlikely that species is present.

Species	Sites potential to support	Justification
Bat roost buildings	Moderate	Following an updated roost assessment and bat emergence surveys in 2023 the building is considered to support a number of common pipistrelle day roosts and a brown long-eared feeding roost.
Bat roost Trees	PRF-I	The larger trees on site contain small features that could support a low number of roosting bats.
Bat foraging/ commuting areas	High	Bats recorded commuting and foraging on site in 2023.
Badgers	Low	Suitable habitat around site, evidence recorded on wider site.
Dormice	Negligible	Habitats on site lack suitability and no evidence seen on site.
Small mammals	Low	Some suitable habitats on site and boarding site. Records within local area.
Reptiles	Low	Some suitable habitats on site with connectivity to bordering habitats.
Amphibians	Low	Site lacks waterbodies, there are waterbodies within local area and some suitable terrestrial habitats on site. Site unlikely to support GCN.
Breeding birds	Moderate	Potential nesting bird habitat on site.
Invertebrates	Low	Habitats on site have some potential to support notable invertebrates.

Table 5: Summary of sites potential to support certain protected and notable species.

3.3 Protected Areas

3.3.1 Statutory Protected Areas

There are no statutory protected areas within 1 km of the site.

3.3.2 Non-statutory protected areas

There are several Sites of Biological Importance (SBI) within 1 km of the site (figure 3). None of these directly border the site or located within proximity. These sites are largely designated for their woodland habitats.

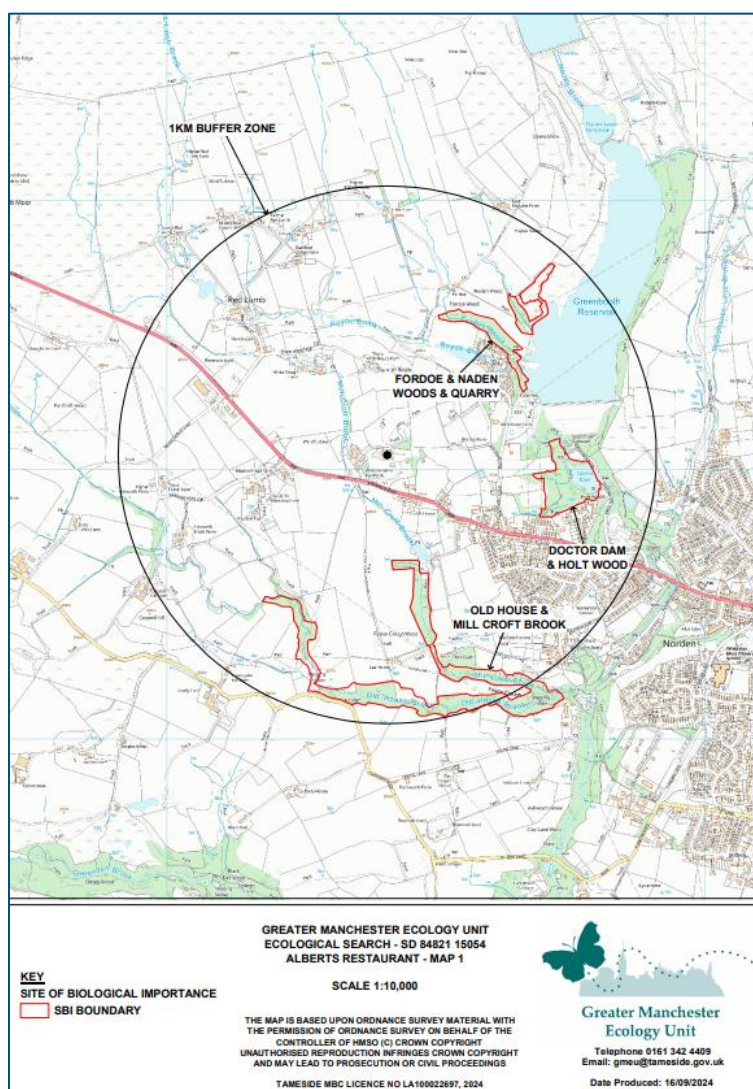


Figure 3: Location of protected areas.

3.3.3 Priority Habitats

Habitats listed on the Priority Habitat Inventory (PHI) are located on site and across the local landscape and the site, taken from the MAGIC map. The woodland to the west, east and north on the wider site is designated as priority woodland habitat. This designation overlaps with areas on the site that are not necessarily currently recognised as woodland habitats at present (figure 4). In particular the area of grassland and trees to the southeast of the site. Additionally, some of the grassland habitats on the wider site are part of this designation. The designation likely predates current land use activities.

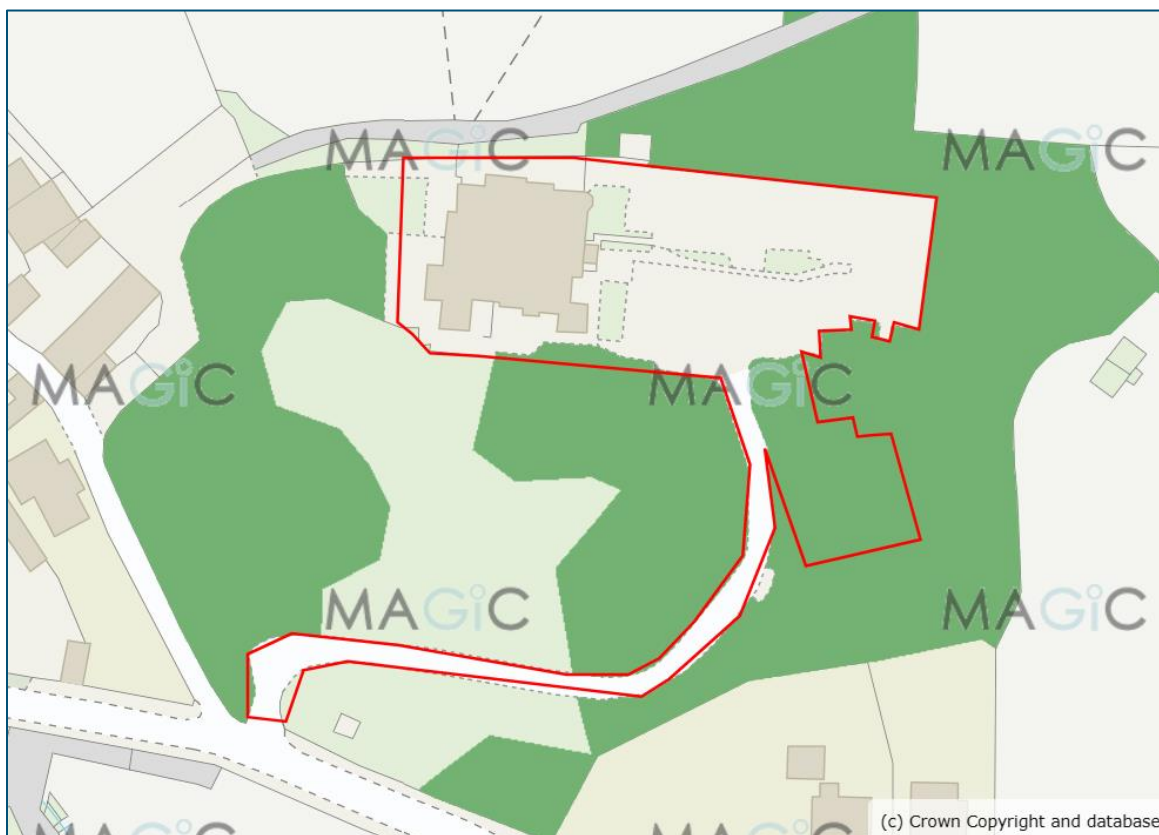


Figure 4: Shows priority deciduous habitat (green) with overlay of approximate site boundary (red line) taken from MAGIC map.

Other pockets of priority woodland are located within the local landscape, often associated with the SBIs in figure 3. Ancient woodland is located to the south, within 300m, and to the east within 600m. Priority upland heath habitat is located approximately 900m to the northwest of the site.

4. Discussion

The following sections consider the effects on protected areas, priority habitats, protected species, notable species and habitats on site. Recommendations for additional surveys and or enhancements are made as necessary.

4.1 Effects of Designated Sites

The site is not located within proximity of designated areas. General pollution control measures are set out below. Following this during construction will help minimise any potential impacts during construction.

4.2 Effects on Priority Habitats

As shown in figure 4 above the site contains and is located adjacent to areas of priority woodland habitat. The area of the proposed overspill parking to the southeast of the site is within the priority woodland habitat. This area, as shown on figure 2, is currently considered as a grassland habitat that has established on previously bare earth. Though currently grassland habitat the area likely contains the potential to develop into woodland habitat again. A large proportion of this will be turned into developed area which means the potential to return to woodland habitats will be lost. To help compensate for this loss the proposed enhancements, as part of the BNG assessment, will enhance habitats on the site and wider site provide a benefit for wildlife.

Works will be carried out within proximity of priority habitats. These areas will not be directly impacted by the proposed development, by following the pollution control measures set out below any indirect impacts will be minimised.

4.3 Effects on Habitats on Site

As can be seen in appendix 2 the development will largely impact areas of existing built areas. The grassland to the southeast will be lost to make way for additional car parking. The existing trees on site will be retained along with the pockets of modified grassland across the existing car park.

Below is an assessment of the potential impacts to protected and notable species.

4.4 Effects on Protected and Notable Species

4.4.1 Bats

The buildings were assessed as having a moderate potential to support a bat roost. Following the BCT guidelines two dusk/ dawn surveys are required for a building of moderate. The surveys were conducted in May and June 2023¹⁹. As discussed, this identified several common pipistrelle day roosts and a brown long eared bat feeding roost.

Following an updated daytime visit in 2024 the building, though undergoing some clearance works and acts of vandalism, appears to largely be in a similar condition to that previously noted. Therefore it is likely to still support similar roost assemblages of roosts.

As the proposed works will result in unavoidable unlawful impacts to bats and their roosts, it will be necessary to obtain a bat licence in order for the proposed works to proceed lawfully. To obtain a licence, the applicant will need to demonstrate that appropriate mitigation measures and proportional compensation will be implemented to account for the impacts of the development.

Once obtained, the bat licence would permit actions that would otherwise be unlawful (i.e. disturbance of bats and temporary exclusion of a roost) and the development may proceed under the terms set out in the licence method statement and under the supervision of a licensed bat ecologist.

Planning permission must be granted prior to submission of the application. Submitting an application does not guarantee that the licence will be granted; they may request further information. Further Information Requests may be subject to at least a further 30-working-day determination period.

Though it is considered that sufficient survey effort has been conducted to characterise the roost types on the site, additional surveys may be required as part of the licence application.

It is recommended that no demolition works be carried out until a licence is obtained from Natural England or a suitable method statement agreed with the LPA for works that would not require a licence.

It should be noted that bat absence is very difficult to prove definitively due to their mobility and size, and single or small numbers of bats are able to roost in extremely small spaces, such as in gaps between panels. The development work should be undertaken with care, for example with roof tiles lifted rather than dragged. If during development works a bat (or an accumulation of bat droppings) is discovered at any time, work is to temporarily cease whilst an experienced bat ecologist is contacted for guidance and assistance. This can be the Bat Conservation Trust (BCT) helpline (0845 1300 228).

¹⁹ Albert's Restaurant, Rochdale. Bat Emergence Surveys. 2023. Rachel Hacking Ecology. 08/09/2023. RHE.3255.02.

A sensitive lighting scheme should be incorporated into the final design to protect existing habit habitats and any newly created habitats on the site. To protect potential roost or bat foraging/ commuting habitat in the area it will be important to;

- Using Low-pressure sodium lamps instead of high- pressure sodium or mercury lamps;
- Maintaining the brightness as low as possible;
- Directing the lighting to where it is needed to avoid light spillage; and,
- Minimising upward lighting to avoid light pollution.
- Avoid illuminating the wider habitats on site, particularly any mature trees or hedgerows and the pond, at dusk or nighttime- Guidelines provided by the Bat Conservation trust and ILP should be followed²⁰

4.4.2 Badgers

Though no setts or signs of activity were seen on the site badger activity, though not setts, has been recorded on the wider site. To help ensure badgers are not harmed during the development the following actions are recommended.

- To prevent badgers becoming trapped in open earth works or excavations that any excavations, that are to be left overnight, should either be covered over or a board placed securely within the excavation that allows access from the bottom of the excavation to the ground level.
- All excavations and trenches should be inspected each morning before works commence. If a badger is found trapped on site the ecologist or local badger group/ RSPCA should be contacted.
- Any loose or soft material such as topsoil should be covered overnight and when not in use to discourage their use by badgers as potential setts. Any mounds should be inspected daily to ensure badgers have not established a sett. If a potential sett is discovered an ecologist should be consulted immediately and the area not disturbed.
- If pipework (over 120mm in diameter) is stored on site the ends should be covered and inspected before use.
- Chemicals will be stored in a secure/ bunded container to avoid disturbance by badgers.

4.4.3 Small Mammals

Small mammals such as hedgehogs may be present on the site. Any vegetation removal should be cleared systematically by hand and cut down to ground level. Any debris such as log or brush pile should be dismantled by hand and removed. This will allow any animals present to leave the work area safely.

²⁰ <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

4.4.4 Dormouse

Hazel Dormice, their breeding sites and resting places are protected by law²¹. Dormouse are not considered a constraint for this site.

4.4.5 Reptiles & common amphibians

Some of the habitats on site are considered as having potential to support reptiles and common amphibians; reptiles are protected from recklessly injuring or killing under UK law. The majority of habitats that will be impacted are unlikely to support these species. To further reduce possible impacts, it is recommended that the habitats, that will be directly impacted, be cleared using a suitable method statement to reduce the likelihood of impacting reptiles;

Stage 1

The vegetation will need to be reduced to a height 150-200mm using hand tools (e.g. strimmers). It is recommended that cutting works towards retained areas, where there is connectivity to wider habitats. All potential refugia such as log or rubble piles should be removed by hand to outside of work area.

Stage 2

After a period of at least one day has passed a second vegetation cut should be undertaken to ground level. Again, it is recommended that this second-stage cutting works towards the eastern edge of the site. All cuttings to be removed from work area. The site can then be completely cleared and worked upon as necessary.

If a reptile or amphibian is seen, then works should stop until an appropriate mitigation strategy can be agreed and implemented.

4.5.6 Nesting Birds

To ensure breeding birds are not impacted any buildings that may require removal should be removed outside of the breeding bird season, this typically runs from March to September. If vegetation/ buildings require removal during the nesting bird season the area should be subjected to a survey by an experienced ecologist. If there are any nest sites located within the work area a suitable exclusion zone will have to be established until the chicks have fledged. All bird nests are protected in the Wildlife and Countryside Act (see appendix). Additional planting and inclusion of nest boxes would help replace any potential loss in nesting habitat.

²¹ <https://www.gov.uk/guidance/hazel-or-common-dormice-surveys-and-mitigation-for-development-projects>

4.5 General Ecological protection Measures

The following measures are suggested to help minimise the impact to the wider environment:

- Screen all adjoining woodland and trees during development with appropriate fencing or hoarding.
- Suppression and monitoring of dust where relevant.
- Control sources of aquatic pollution, particularly from entering local water courses or ground water.
- All proposed work must strictly be in accordance with all relevant Pollution Prevention Guidelines (PPG) published by the Environment Agency which may include but is not limited to PPG1 (general), PPG5 (works in, near, or liable to affect watercourses) and PPG6 (work at construction & demolition sites). Contingency plans should be drawn up to address chemical spillage, collision, etc.

4.6 Ecological Enhancements

A number of enhancements can be made to the final development to help reduce potential ecological impacts, as well as to try and achieve biological net gain. It is important to utilise native species of local provenance in landscaping schemes to enhance the ecological value of the development.

A Biodiversity Net Gain assessment has been conducted (section 5).

4.6.1 Planting

Areas of grassland will be enhanced on the site and the wider site as well as proposed tree planting. These will help create long term benefits for wildlife.

4.6.2 Additional Features

To enhance the local bat population and provide roosting opportunities within the site artificial roost sites could be incorporated into the development.

The inclusion of bird boxes into the proposed development would provide a benefit for local bird population. A range of different boxes is recommended.

5 Biodiversity Net Gain Assessment

5.1 Net Gain Target

Mandatory Biodiversity Net Gain, as part of the Environment Act (2021), came into effect in early 2024. Mandatory net gain requires a minimum of a 10% net gain.

The target will therefore be to show at least a 10% net gain. The Statutory metric will be used to measure the net gain.

5.2 Net Gain Assessment

A Biodiversity Net Gain Assessment has been conducted using the DEFRA Statutory Biodiversity Metric. This was conducted by a competent and qualified ecologist. The methodology set out in the Statutory Biodiversity Metric User guide was followed²². The statutory metric uses habitats, the places in which species live, as a proxy to describe biodiversity. These habitats are converted into 'biodiversity units'. These biodiversity units are the 'currency' of the metric.

A site visit to confirm habitats present, their relative condition (using the DEFRA metric condition assessment sheets) was conducted on the 1st of August 2024. This was conducted by an experienced and qualified ecologist who is proficient in the use of the Biodiversity Metric.

5.2.1 Mitigation Hierarchy

The Statutory Biodiversity Metric supports and reinforces the application of the mitigation hierarchy which is an important principle of ecological good practice. Applying the mitigation hierarchy means aiming to retain habitats in situ and avoiding or minimising habitat damage so far as possible, before looking to enhance or recreate habitats. This sequential approach is encouraged by biodiversity metric because it allows overall biodiversity gains to be achieved more easily through the avoidance of on-site habitat losses, rather than relying solely on the creation of new habitat or the enhancement of existing habitat. It works this way because the metric applies multipliers that are based on the risks inherent in creating or restoring habitat, and which are not applicable when existing habitat is safeguarded.

5.2.2 Statutory Obligations

The use of the biodiversity metric does not negate the projects statutory obligations in relation to protected species and habitats.

²² The Statutory Biodiversity Metric: User Guide. February 2024. DEFRA.

5.2.3 Calculating Units

Biodiversity units are calculated using the size of a parcel of habitat and its quality. The metric uses habitat area (measured in hectares) as its core measurement, except for linear habitats (hedgerows and lines of trees and rivers and streams) where habitat length (measured in kilometres) is used.

To assess the quality of a habitat biodiversity metric scores:

- Habitats of different types, such as woodland or grassland, according to their relative biodiversity value or distinctiveness. Habitats that are scarce or declining typically score highly relative to habitats that are more common and widespread.
- The condition of a habitat. Scoring the biodiversity value of the habitat relative to others of the same type.
- Being 'better' and 'more joined-up' are important facets of habitats that can contribute to halting and reversing biodiversity declines, so the metric also accounts for whether or not the habitat is sited in an area identified, typically in a relevant local strategy or plan, as being of strategic significance for nature.

5.2.3 Principles and rules of Biodiversity Metric

Principles

The Biodiversity metric works under the following principles;

- Principle 1: The metric assessment should be completed by a competent person.
- Principle 2: The use of this biodiversity metric does not override existing biodiversity protections, statutory obligations, policy requirements, ecological mitigation hierarchy or any other requirements. This includes consenting or licensing processes, for example woodlands.
- Principle 3: This biodiversity metric should be used in accordance with established good practice guidance and professional codes.
- Principle 4: This biodiversity metric is not a complex or comprehensive ecological model and is not a substitute for expert ecological advice.
- Principle 5: Biodiversity units are a proxy for biodiversity and should be treated as relative values.
- Principle 6: This biodiversity metric is designed to inform decisions in conjunction with locally relevant evidence, expert input, or guidance.
- Principle 7: Habitat interventions need to be realistic and deliverable within a relevant project timeframe.

- Principle 8: Created and enhanced habitats should be, where practical and reasonable, local to any impact and deliver strategically important outcomes for nature conservation
- Principle 9: The metric does not enforce a minimum habitat size ratio for compensation of losses. However, proposals should aim to:
 - maintain habitat extent (supporting more, bigger, better and more joined up ecological networks) and
 - ensure that proposed or retained habitat parcels are of sufficient size for ecological function.
- Principle 8: Created and enhanced habitats should be, where practical and reasonable, local to any impact and deliver strategically important outcomes for nature conservation.
- Principle 9: The SSM does not enforce a minimum habitat size ratio for compensation of losses. However, proposals should aim to:
 - maintain habitat extent (supporting more, bigger, better and more joined up ecological networks) and
 - ensure that proposed or retained habitat parcels are of sufficient size for ecological function.

Rules

The following rules apply to the biodiversity metric;

- Rule 1: The trading rules of this biodiversity metric must be followed.
- Rule 2: Biodiversity unit outputs, for each type of unit, must not be summed, traded, or converted between types. The requirement to deliver at least a 10% net gain applies to each type of unit.
- Rule 3: To accurately apply the biodiversity metric formula, you must use the statutory biodiversity metric calculation tool or small sites biodiversity metric tool (SSM) for small sites. The tools remove the need for a user to manually calculate the change in biodiversity value. The tool will summarise the results of the calculation and inform a user whether the biodiversity net gain objective has been met.
- Rule 4: In exceptional ecological circumstances, deviation from this biodiversity metric methodology may be permitted by the relevant planning authority.

5.3 Baseline Assessment Scores

5.3.1 Habitat Condition

Habitat condition is a measure of the state of a habitat and is used to measure variation between parcels of the same habitat type. Condition is often linked to past management, present management, and land use.

The biodiversity metric provides a list of assessment criteria for each habitat type. The condition of the habitat is then assessed against these criteria; the more criteria present within the habitat the higher the assessed condition. Condition assessment sheets are provided in the appendix. Location of current habitats are shown in figure 2.

5.3.2 Habitat Distinctiveness

Distinctiveness is a measure based on the type of habitat and its distinguishing features. Professional survey is required to determine habitat type.

The biodiversity metric tool automatically assigns distinctiveness category to your selected habitats.

5.3.3 Strategic Significance

Strategic significance is the local significance of the habitat based on its location and habitat type. Where a Local Nature Recovery Strategy (LNRS) has been published, you should use the relevant published LNRS. If an LNRS has not yet been published, a relevant planning authority should specify alternative documents for assigning strategic significance whilst an LNRS is put in place.

Greater Manchester is developing a LNRS. Relevant Biodiversity Action Plans and MAGIC map was consulted.

The table below summarises the baseline habitat assessment. Full details can be seen in the appendix.

5.3.4 Off Site Assessment

To help achieve the required net gain areas on the wider site will be enhanced. For the purpose of the BNG assessment these are classed as off site as they are outside the red line boundary.

Broad habitat	Habitat type	Area (Ha)	Condition	Distinctiveness	Strategic Significance
Onsite Habitats					
Urban	Developed land; sealed surface	0.5509	N/A	Very low	V. Low Strategic Significance
Urban	Introduced Shrub	0.006	N/A	Low	Low Strategic Significance.
Grassland	Modified grassland	0.1048	Moderate	Low	Low Strategic Significance.
Grassland	Other neutral grassland	0.1543	Moderate	Medium	High Strategic Significance
Individual Trees	Urban Tree	3x small tree 4 x medium tree	Moderate	Medium	Medium Strategic Significance
Hedgerow	Native Hedgerow	0.03km	Moderate	Low	Medium Strategic Significance
Off Site Habitats					
Grassland	Modified grassland	0.1957	Moderate	Low	High Strategic Significance
On-site Baseline					2.32 Habitat Units
					0.13 Hedgerow Units
Offsite Baseline					0.90 Habitat Units

Table 5: Summary of BNG baseline assessment.

Tree size is determined in the metric as; small- DBH < 30cm, Medium- DBH >30 to < 60cm, Large DBH > 60 to < 90cm, very large- DBH > 90cm.

5.4 Post Development Assessment

The main impact of the development, in terms of BNG, is the loss of the grassland to the southeast of the site. Most of the development will largely impact areas of existing built areas. The area of modified grassland to the west and south of the restaurant will also be lost. However, the smaller areas within the car park will be retained and enhanced. The individual trees within the site will also be retained and enhanced. A small area of other neutral grassland between the existing and proposed car park will be retained and enhanced.

To help achieve the required net gain it is proposed to enhance two areas of modified grassland on the wider site to the west and east of the site. The area to the west will be enhanced into a 'lowland meadow' habitat and the area to the east will be enhanced into 'other neutral grassland' habitat. These will be a more florally and structurally diverse habitat and will be managed in a way to ensure it achieves and retains the desired condition. This will involve leaving the grass sward to grow long through spring and summer and carrying out a hay cut in the autumn.

A section of native hedgerow will be created on the edge of the grassland to the west of the site. This will provide the required net gain in hedgerow units as well as helping to screen the grassland from the new access. In addition, five 'medium' trees will be planted across the enhanced grassland areas (Tree size is determined in the metric as; small- DBH < 30cm, Medium- DBH >30 to < 60cm, Large DBH > 60 to < 90cm, very large- DBH > 90cm). These areas are within the designated priority woodland areas. Though these habitats are not classified within the biodiversity metric as woodland habitats grasslands are an important part of a woodland environment and along with the proposed tree planting will help to create habitats that will benefit the woodland areas.

The proposed layout is shown in figure 3.

The table below summarises the habitats that will be in place post development. Broad details of the required ecological enhancements for each habitat are provided.

Retained/ Newly Created Habitat	Area (Ha)	Distinctiveness	Desired condition	Strategic Significance	Required Enhancements
On site					
Developed land; sealed surface (New and retained)	0.777	Very Low	N/A	Low	Follow ecological protection measures during construction.
Other neutral grassland (Enhanced)	0.0175	Medium	Good	High	- Sow with suitable wildflower mix - Maintain Varied sward height- >20% <7cm and >20% <7cm. - Maintain Bracken <20% and scrub <5%. - Maintain an absence of non-native species and <5% undesirable species/ damage. - Allow sward to grow through spring/ summer then cut and collect in autumn.
Modified grassland (enhanced)	0.0063	Low	Moderate	Low	- Sow low growing wildflower mix - Varied sward height- >20% <7cm and >20% <7cm. - Maintain Bracken <20% and scrub <5%. - Maintain an absence of non native species and <5% undesirable species/ damage.
Urban Tree (enhanced)	Retained- 3x small tree 4 x medium tree	Medium	Good	Medium	- Plant native trees - Manage to good horticultural standard. - Allow micro habitats to develop - Maintain vegetated habitats around trees
Native Hedgerow	0.05 km	Low	Moderate	Medium	- Plant native tree species - Maintain an average height of at least 1.5m along its length. - Maintain an average width of at least 1.5m along its length. - Ensure there are no gaps present - Limit trimming to winter months, where possible, and trim sections on rotation to maintain a diversity of structure.
Off-site					
Other neutral grassland (Enhanced from Modified grassland)	0.1107	Medium	Good	High	- Sow with suitable wildflower mix - Maintain Varied sward height- >20% <7cm and >20% <7cm. - Maintain Bracken <20% and scrub <5%. - Maintain an absence of non-native species and <5% undesirable species/ damage. - Allow sward to grow through spring/ summer then cut and collect in autumn. - Remove non-native species
Lowland Meadow (enhanced from modified grassland)	0.085	V. high	Moderate	High	- Sow low growing wildflower mix - Varied sward height- >20% <7cm and >20% <7cm. - Maintain Bracken <20% and scrub <5%. - Maintain an absence of non native species and <5% undesirable species/ damage. - Remove non-native species
Urban tree (planted)	Planted- 5 x medium trees	Medium	Moderate	High	- Plant native trees - Manage to good horticultural standard. - Allow micro habitats to develop - Maintain vegetated habitats around trees

Table 5: Summary of habitats post development.

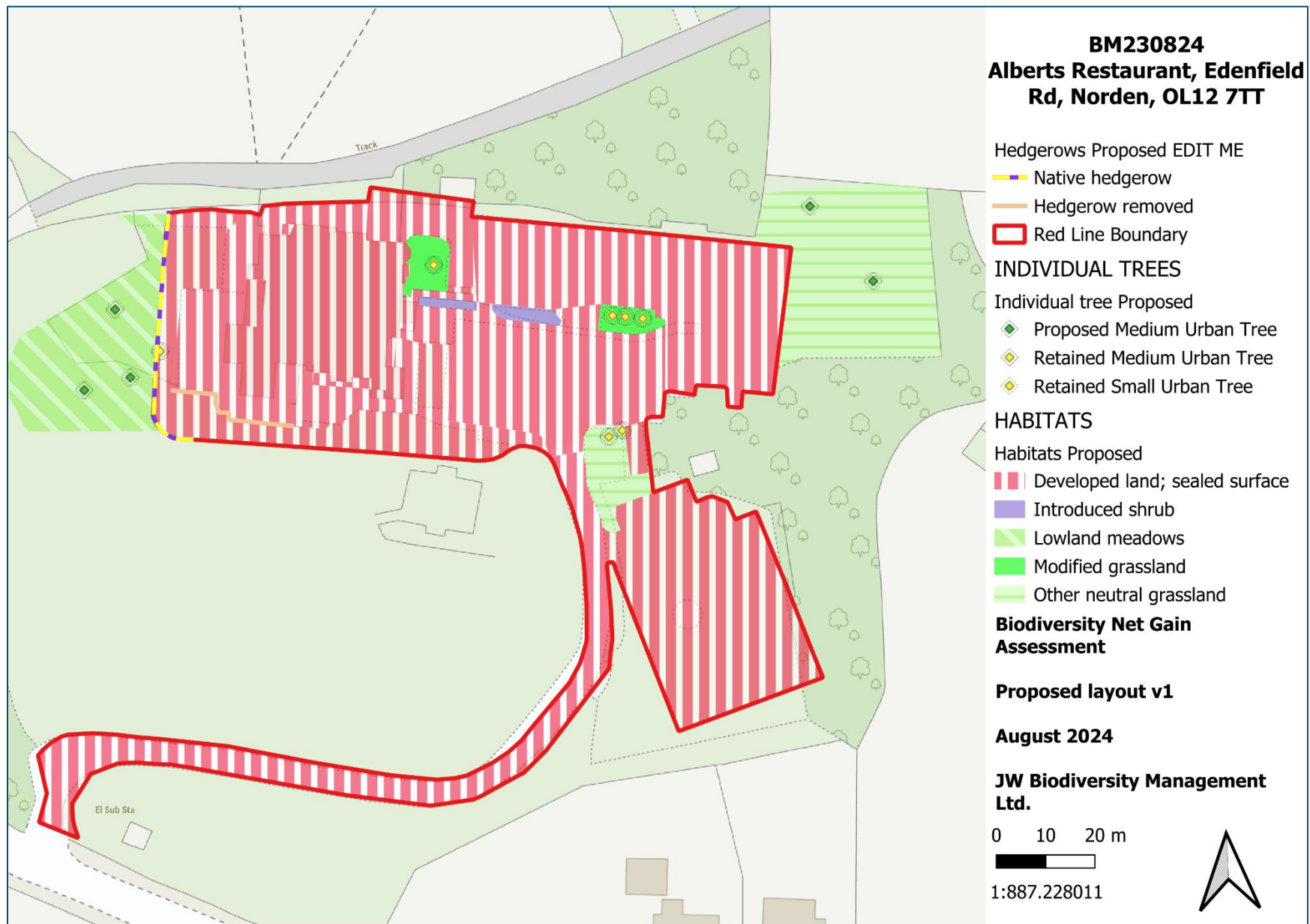


Figure 5: Proposed Habitats Layout.

5.5 Biodiversity Net Gain Results

The table below provides a summary of the results of the Biodiversity Net Gain Assessment, more detail is provided in the appendix. The proposed enhancements will produce a 10.94% net gain in habitat units and a 39.47% gain in hedgerow units.

This meets the desired target of demonstrating a measurable net gain.

FINAL RESULTS		
Total net unit change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	0.25
	<i>Hedgerow units</i>	0.05
	<i>Watercourse units</i>	0.00
Total net % change (Including all on-site & off-site habitat retention, creation & enhancement)	<i>Habitat units</i>	10.94%
	<i>Hedgerow units</i>	39.47%
	<i>Watercourse units</i>	0.00%
Trading rules satisfied?	Yes ✓	

Table 6: Summary of BNG calculations.

5.5.1 Trading Rules

The trading rules set minimum habitat creation and enhancement requirements to compensate for specific habitat losses, up to the point of no net loss. They are based on the habitat type and distinctiveness of the lost habitat.

The trading rules for this proposed development have been met.

5.5.2 Long term management

Once the proposed layout has been agreed with the local planning authority a Habitat Management and Monitoring Plan (HMMP) will need to be produced to ensure the habitats on site reach and maintain their desired condition. This could be granted as a condition of planning permission should the local authority be so inclined.

A formal agreement between the landowner and the local authority will also need to be entered into to ensure the long term (at least 30 years) management of the habitats on site

6. Conclusion

A Biodiversity Net Gain assessment has been conducted by a competent ecologist and recommendations have been made to ensure the projects achieves a net gain. This is in line with local and national planning policies. Recommendations have also been made in relation to protected and notable species.

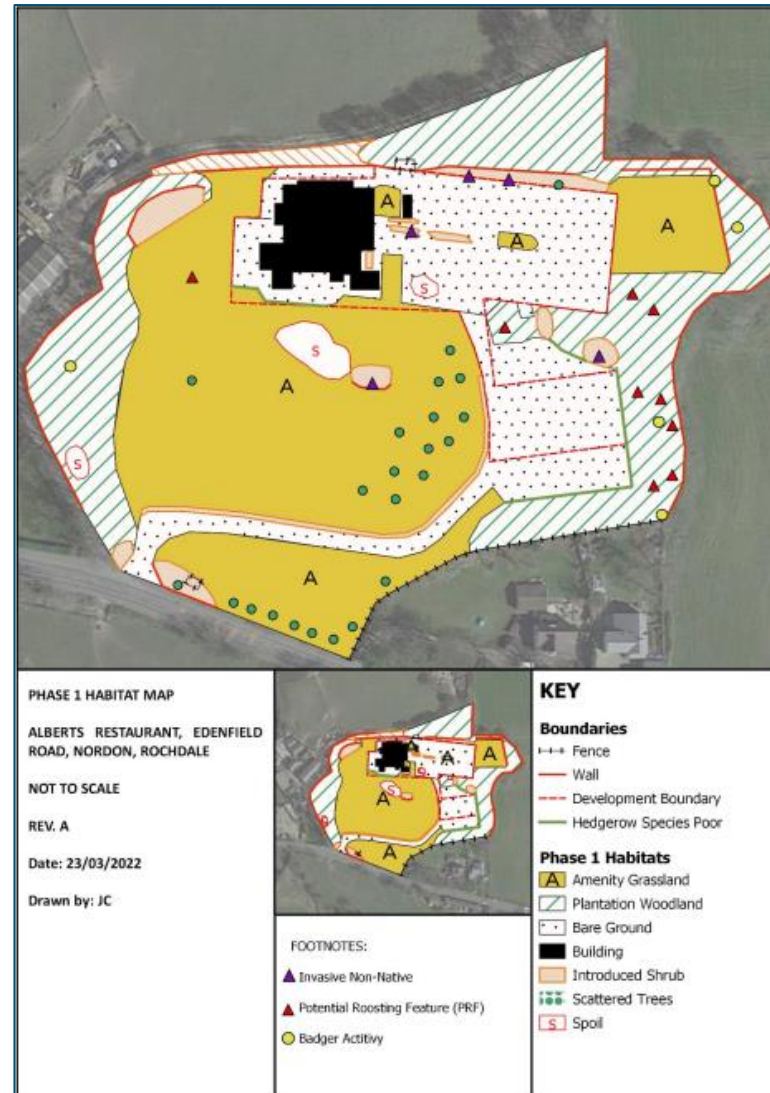
Recommendation	Action	Justification
Protection of breeding birds*	Carry out building demolition outside of breeding bird season or under supervision of ecologist following a breeding bird survey	The buildings are likely providing several opportunities for breeding birds.
Obtain European protected Species licence*	Following granting of planning permission apply for protected species licence from Natural England. No demolition until licence is obtained.	This will ensure lawful removal of the bat roost.
Remove vegetation in stages*.	Cut down vegetation in stages to reduce risk of impacting protected/ notable species.	This will allow small mammals, if present to leave the area safely.
Appropriate lighting for bats*	Avoid illuminating bat foraging and commuting habitat- woodland/ scattered trees. During and post development.	This will help limit disturbance to bat species in the longer term.
Adequate pollution control	Habitats on site should be adequately protected to ensure no polluted runoff in on site or adjacent land. All oils, fuels and chemicals should be adequately stored on site in bunded contains with appropriate spill kits and emergency procedures in place.	This will protect habitats on site and those in the nearby landscape.
Inclusion of bird and bat boxes in the development/ landscaping	Place boxes in suitable locations within the landscaping.	This would benefit local bird and bat populations on the site and within the local area.
Follow biodiversity enhancement measures	Carry out planting as per BNG assessment.	This will provide a greater longer-term benefit for wildlife and ensure the project achieves the required net gain.
Compile long term management plan	Once layout agreed compile Habitat Management and Monitoring Plan.	This will ensure long term management of habitats on site.

Table 7: Summary of recommendations

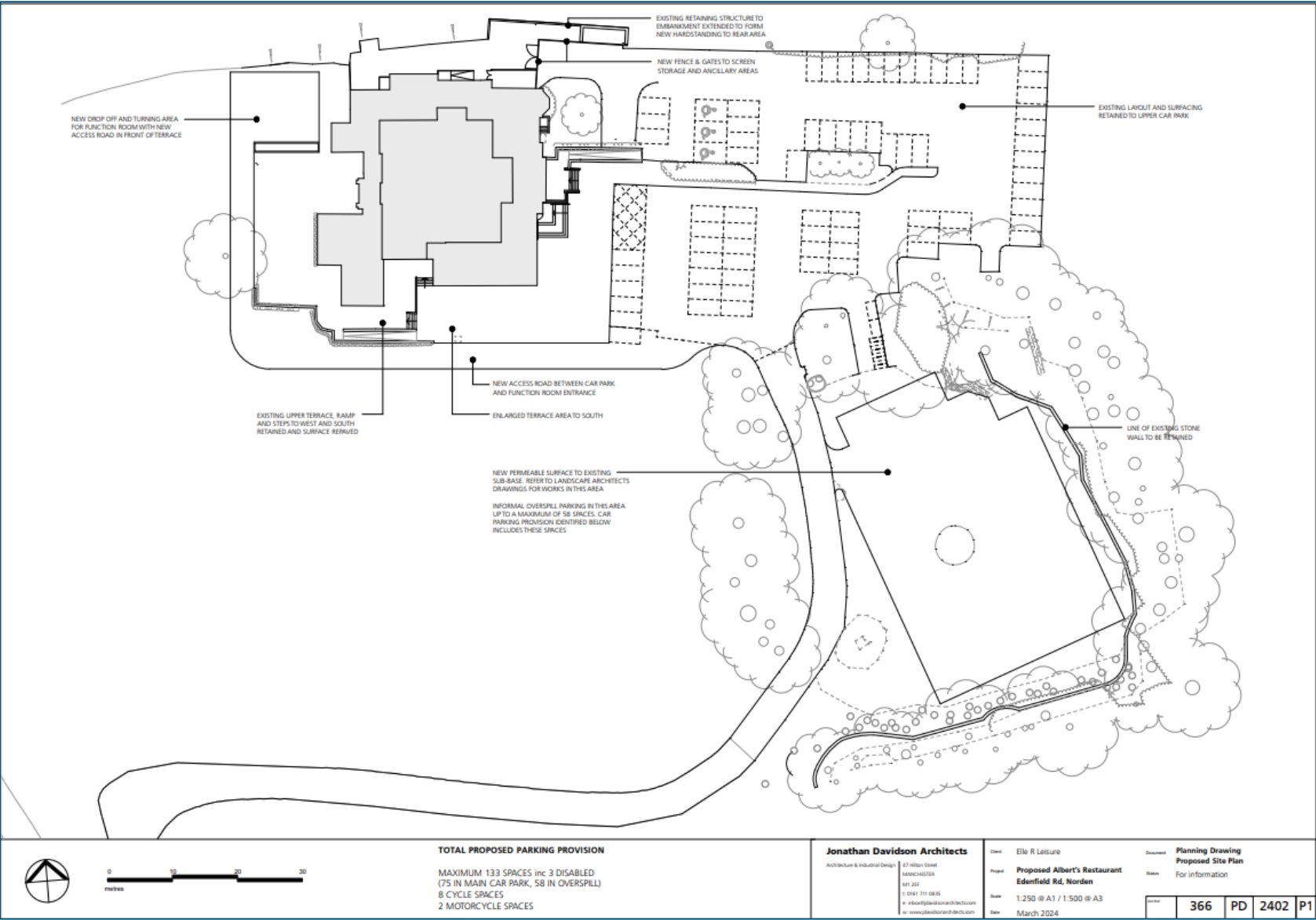
* Denotes recommendation relating to legislation.

7. Appendix

7.1 Appendix 1: Habitat Map 2022



7.2 Appendix 2: Proposed Development Outline



Existing hedgerow habitats	Distinctiveness	Condition	Strategic significance	Ecological
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Proposed habitats	Distinctiveness	Condition	Strategic significance	Temporal multirisk	Difficulty risk multirisk
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[illegible]

Post intervention habitats											
Broad Habitat	Proposed habitat	Area (hectares)	Distinctiveness	Condition	Strategic significance	Temporal risk multiplier		Difficulty risk	Spatial risk multiplier	Habitat units delivered	
					Strategic significance	Standard or adjusted time to target condition	Final time to target condition (years)	Final difficulty of creation	Spatial risk category		
Individual trees	Urban tree	0.0814	Medium	Moderate	Formally identified in local strategy	Standard time to target condition applied	27	Low	Compensation inside LPA boundary or NCA of impact site	0.29	
	Total habitat area	0.08									0.29

[illegible]

7.4 Appendix 3: Condition Assessments

Modified grassland

A	There are 6-8 vascular plant species per m ² present, including at least 2 forbs (these may include those listed in Footnote 1). Note - this criterion is essential for achieving Moderate or Good condition. Where the vascular plant species present are characteristic of medium, high or very high distinctiveness grassland, or there are 9 or more of these characteristic species per m ² (excluding those listed in Footnote 1), please review the full UKHab description to assess whether the grassland should instead be classified as a higher distinctiveness grassland. Where a grassland is classed as medium, high, or very high distinctiveness, please use the relevant condition sheet.	N	
B	Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for vertebrates and invertebrates to live and breed.	N	
C	Any scrub present accounts for less than 20% of the total grassland area. (Some scattered scrub such as bramble <i>Rubus fruticosus</i> agg. may be present). Note - patches of scrub with continuous (more than 90%) cover should be classified as the relevant scrub habitat type.	Y	
D	Physical damage is evident in less than 5% of total grassland area. Examples of physical damage include excessive poaching, damage from machinery use or storage, erosion caused by high levels of access, or any other damaging management activities.	Y	
E	Cover of bare ground is between 1% and 10%, including localised areas (for example, a concentration of rabbit warrens) ² .	Y	
F	Cover of bracken <i>Pteridium aquilinum</i> is less than 20%.	Y	
G	There is an absence of invasive non-native plant species ³ (as listed on Schedule 9 of WCA ⁴).	N	
Essential criterion achieved (Yes or No)			
Number of criteria passed			
Condition Assessment Result (out of 7 criteria)	Condition Assessment Score	Score Achieved x/✓	
Passes 6 or 7 criteria including passing essential criterion A	Good (3)		
Passes 4 or 5 criteria including passing essential criterion A	Moderate (2)		
Passes 3 or fewer criteria; OR Passes 4 - 6 criteria (excluding criterion A)	Poor (1)	X	

Other neutral grassland

Condition Assessment Criteria		Criterion passed (Yes or No)	Notes (such as justification)
A	The parcel represents a good example of its habitat type, with a consistently high proportion of characteristic indicator species present relevant to the specific habitat type (and relative to Footnote 3 suboptimal species which may be listed in the UKHab description).¹ Note - this criterion is essential for achieving Moderate or Good condition for non-acid grassland types only.	Yes	
B	Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for insects, birds and small mammals to live and breed.	Yes	
C	Cover of bare ground is between 1% and 5%, including localised areas, for example, rabbit warrens².	Yes	
D	Cover of bracken <i>Pteridium aquilinum</i> is less than 20% and cover of scrub (including bramble <i>Rubus fruticosus</i> agg.) is less than 5%.	Yes	
E	Combined cover of species indicative of suboptimal condition³ and physical damage (such as excessive poaching, damage from machinery use or storage, damaging levels of access, or any other damaging management activities) accounts for less than 5% of total area. If any invasive non-native plant species⁴ (as listed on Schedule 9 of WCA⁵) are present, this criterion is automatically failed.	No	
Additional Criterion - must be assessed for all non-acid grassland types			
F	There are 10 or more vascular plant species per m² present, including forbs that are characteristic of the habitat type (species referenced in Footnote 3 and 5 cannot contribute towards this count). Note - this criterion is essential for achieving Good condition for non-acid grassland types only.	No	
Essential criterion for Good condition achieved (for non-acid grassland) (Yes or No)		Yes	
Number of criteria passed		4	
Condition Assessment Result	Condition Assessment Score	Score Achieved x/√	
Acid grassland types (Result out of 5 criteria)			
Passes 5 criteria	Good (3)		
Passes 3 or 4 criteria	Moderate (2)		
Passes 2 or fewer criteria	Poor (1)		
Non-acid grassland types (Result out of 6 criteria)			
Passes 5 or 6 criteria, including essential criterion A and additional criterion F.	Good (3)		
Passes 3 - 5 criteria, including essential criterion A.	Moderate (2)	X	
Passes 2 or fewer criteria; OR Passes 3 or 4 criteria excluding criterion A and F.	Poor (1)		

Native Hedgerow

Hedgerow favourable condition attributes					
Attributes and functional groupings (A, B, C, D and E)		Criteria - the minimum requirements for 'favourable condition'	Criteria description	Criterion passed (Yes or No)	Notes (such as justification)
Core groups - applicable to all hedgerow types					
A1.	Height	>1.5 m average along length	The average height of woody growth estimated from base of stem to the top of the shoots, excluding any bark beneath the hedgerow, any gaps or isolated trees. Newly laid or coppiced hedgerows are indicative of good management and pass this criterion for up to a maximum of four years (if undertaken according to good practice). A newly planted hedgerow does not pass this criterion (unless it is >1.5 m height).	Y	
A2.	Width	>1.5 m average along length	The average width of woody growth estimated at the widest point of the canopy, excluding gaps and isolated trees. Outgrowths (such as blackthorn <i>Prunus spinosa</i> suckers) are only included in the width estimate when they are >0.5 m in height. Laid, coppiced, cut and newly planted hedgerows are indicative of good management and pass this criterion for up to a maximum of four years (if undertaken according to good practice).	Y	
B1.	Gap - hedge base	Gap between ground and base of canopy <0.5 m for >90% of length	This is the vertical 'gappiness' of the woody component of the hedgerow, and its distance from the ground to the lowest leafy growth. Certain exceptions to this criterion are acceptable (see page 65 of the Hedgerow Survey Handbook).	Y	
B2.	Gap - hedge canopy continuity	Gaps make up <10% of total length; and No canopy gaps >5 m	This is the horizontal 'gappiness' of the woody component of the hedgerow. Gaps are complete breaks in the woody canopy (no matter how small). Access points and gates contribute to the overall 'gappiness' but are not subject to the >5 m criterion (as this is the typical size of a gate).	Y	
C1.	Undisturbed ground and perennial vegetation	>1 m width of undisturbed ground with perennial herbaceous vegetation for >90% of length; - Measured from outer edge of hedgerow; and - Is present on one side of the hedgerow (at least).	This is the level of disturbance (excluding wildlife disturbance) at the base of the hedgerow. Undisturbed ground is present for at least 90% of the hedgerow length, greater than 1 m in width and must be present along at least one side of the hedgerow. This criterion recognises the value of the hedgerow base as a boundary habitat with the capacity to support a wide range of species. Cultivation, heavily trodden footpaths, poached ground etc. can limit available habitat niches.	N	
C2.	Nutrient-enriched perennial vegetation	Plant species indicative of nutrient enrichment of soils dominate <20% cover of the area of undisturbed ground.	The indicator species used are nettles <i>Urtica</i> spp., cleavers <i>Galium aparine</i> and docks <i>Rumex</i> spp. Their presence, either singly or together, does not exceed the 20% cover threshold.	Y	
D1.	Invasive and neophyte species	>90% of the hedgerow and undisturbed ground is free of invasive non-native plant species (including those listed on Schedule 9 of WCA ⁶) and recently introduced species.	Recently introduced species refer to plants that have naturalised in the UK since AD 1500 (neophytes). Archaeophytes count as natives. For information on archaeophytes and neophytes see the 'JNCC website', as well as the BSI website ⁷ where the 'Online Atlas of the British and Irish Flora' contains an up-to-date list of the status of species. For information on invasive non-native species see the GB Non-Native Secretariat website ⁷ .	N	
D2.	Current damage	>90% of the hedgerow or undisturbed ground is free of damage caused by human activities.	This criterion addresses damaging activities that may have led to or lead to deterioration in other attributes. This could include evidence of pollution, piles of manure or rubble, or inappropriate management practices (for example, excessive hedgerow cutting).	Y	
Additional group - applicable to hedgerows with trees only					
E1.	Tree class	There is more than one age-class (or morphology) of tree present (for example: young, mature, veteran and/or ancient ⁸), and there is on average at least one mature, ancient or veteran tree present per 20 - 50m of hedgerow.	This criterion addresses if there are a range of age-classes or morphologies which allow for replacement of trees and provide opportunities for different species.		
E2.	Tree health	At least 95% of hedgerow trees are in a healthy condition (excluding veteran features valuable for wildlife). There is little or no evidence of an adverse impact on tree health by damage from livestock or wild animals, pests or diseases, or human activity.	This criterion identifies if the trees are subject to damage which compromises the survival and health of the individual specimens.		
The hedgerow condition assessment generates a weighting (score) ranging from 1 - 3, which is used within the Statutory Biodiversity Metric. The scores for each are set out in the tables below.					
Condition categories for hedgerows without trees					
Category		Category Requirements	Metric Score		
Good		No more than 2 failures in total; AND No more than 1 failure in any functional group.	3		
Moderate		No more than 4 failures in total; AND Does not fail both attributes in more than one functional group (for example, fails attributes A1, A2, B1 and C2 = Moderate condition).	2		
Poor		Fails a total of more than 4 attributes; OR Fails both attributes in more than one functional group (for example, fails attributes A1, A2, B1 and B2 = Poor condition).	1		
Score achieved:			Moderate		

7.5 Appendix 5: Legislation

Protected species have protection under national legislation such as the Wildlife and Countryside Act 1981 and European legislation such as the Habitats Directive.

Please note the following:

- (1) If there is no record of a particular protected species, this does not signify that the species is absent from the site in question. It may mean that it has not been recorded, that the site has not been surveyed for this species, or that data relating to its presence has not been made available to us.
- (2) The presence of a protected species record does not mean that the species is still present. It means that the species was recorded at that time and place. The implications of the record should be further evaluated, and a survey to establish the current status may be required.
- (3) The following summary of legislation is designed purely as a basic guide, if any action is to be taken regarding any of the protected species listed, then it is imperative that the full relevant legislation be consulted.

WILDLIFE PROTECTION LEGISLATION IN ENGLAND

Legislation that protects wildlife in England exists at the European and national level.

European Law

The Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979) was aimed at ensuring conservation and protection of all wild plants and animals, increasing cooperation between states, and affording special protection to the most vulnerable or threatened species. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The Bonn Convention on Migratory Species of Wild Animals (1979 & 1994) requires the protection of migratory animals. It was implemented by the EC Birds Directive (Council Directive 79/409/EEC) and the EC Habitats Directive (Council Directive 92/43/EEC).

The EC Habitats Directive aims to establish a network of protected areas in order to maintain the distribution and the abundance of threatened species and habitats. A number of species are listed in the annexes.

Annex II lists animals and plants whose conservation requires the designation of Special Areas of Conservation (SACs).

Annex IV lists animals and plants in need of strict protection. For the animals, this prohibits deliberate capture, killing, disturbance (especially during breeding period), destruction or taking of eggs from wild, and destruction or deterioration of breeding sites or resting places. For the plants,

this prohibits deliberate picking, collecting, uprooting, cutting, destruction, and trade in entire plants or parts, at all stages of life.

Annex V lists animals and plants for which taking in the wild may be subject to management measures

National Law

Wildlife and Countryside Act The Wildlife and Countryside Act 1981 (as amended) is the main source of legal protection for wildlife in England and was strengthened by the Countryside and Rights of Way Act 2000. A statutory five-yearly review of Schedules 5 and 8 (protected wild animals and plants) is undertaken by the relevant authorities. Species protection is provided under Schedules 1, 5, 6 and 8:

Schedule 1 lists bird species that are rare, endangered, declining or vulnerable. The Schedule is divided into two parts. Part I lists birds which receive special protection; these birds receive additional protection from disturbance at the nest. Part II lists birds that receive the same level of special protection, but only during the breeding season.

Schedule 5 protects animal (other than bird) species from certain actions, according to the sections of the Act under which they are listed:

S9 (1) prohibits the intentional killing, injury or taking. S9 (2) protection is limited to possessing and controlling. S9 (4a) prohibits the damaging, destroying or obstructing access to any place used by the animal for shelter or protection. S9 (4b) prohibits disturbing the animal while it is occupying any structure or place which it uses for shelter or protection. S9(5) prohibits the selling, offering for sale, possessing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from such an animal. Species on this Schedule do not appear on the PSI.

Schedule 6 lists animals that may not be killed by certain methods. Even humane trapping for research requires a licence.

Schedule 8 lists plant species for which it is prohibited to intentionally pick, uproot, destroy, trade in, or possess (for the purposes of trade).

Under the Wildlife and Countryside Act, all wild plants in Britain are protected from intentional uprooting by an unauthorised person. Landowners, land occupiers, persons authorised by either of these, or persons authorised in writing by the Local Authority for the area are exempt from this, except for Schedule 8 species.

Conservation Regulations the Conservation of Habitats and Species Regulations 2010 (as amended) transpose the EC Habitats Directive into national law. In addition to enabling the designation of SACs, the regulations also provide species protection:

Schedule 2 protects the listed animals from deliberate capture, killing, disturbance or trading in.

Schedule 4 protects the listed plants from picking, collecting, uprooting, destroying or trading in.

These actions can be made lawful through the granting of licences by the appropriate authorities. Licences may be granted for a number of purposes, but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild the population of the species concerned.

Protection of Badgers Act the Protection of the Badgers Act prohibits the killing, injuring or taking of badgers and damage or interference with a badger sett, unless licensed to do so by a statutory authority.

International and European Obligations

In the UK, species receiving protection under international legislation and agreements are protected through the Wildlife and Countryside Act, so are not shown separately in the BMERC notable species lists. For reference, the relevant categories are shown below.

Bern Convention on the Conservation of European Wildlife and Natural Habitats the Bern Convention aims to ensure the conservation of wild flora and fauna species and their habitats.

- Appendix 1 (strictly protected flora) - Plants for which contracting parties will prohibit deliberate picking, collecting, cutting or uprooting.
- Appendix 2 (strictly protected fauna) - Animals for which contracting parties will prohibit deliberate capture, possession, killing, damage to or destruction of breeding or resting sites, disturbance or destruction or taking of eggs. Appendix 3 (protected fauna) - Animals for which contracting parties will include closed seasons and regulate their sale, keeping for sale, and transport for sale or offering for sale of live and dead wild animals. (Not included in Notable Species List).

Bonn Convention on Migratory Species the Bonn Convention aims to conserve terrestrial, marine and avian migratory species throughout their range.

- Appendix 1 (migratory species threatened with extinction) - Species for which contracting parties will strictly protect and endeavour to conserve or restore the places where they live, mitigating obstacles to migration and controlling other factors that might endanger them.
- Appendix 2 (migratory species that need or would benefit from international co-operation) - Species for which contracting parties will be encouraged to conclude global or regional agreements for the conservation and management of individual species or, more often, of a group of species. (Not included in Notable Species List).

The EC Council Directive on the Conservation of Wild Birds the Birds Directive provides a framework for the conservation and management of all wild birds in Europe. As well as designating important sites for birds as Special Protection Areas, birds are generally protected from deliberate killing or capture and destruction of or damage to their nests or eggs, and deliberate disturbance. Allowances are made for game birds.

UK BAP & notable species

UK Biodiversity Action Plan and Section 41 Species

Biodiversity, or biological diversity, is the whole variety of life on Earth. The Convention on Biological Diversity (CBD) came about as a result of the 1992 Earth Summit. As one of 168 countries to sign up to the CBD, the UK was required to develop a national strategy for the conservation of biodiversity; the UK Biodiversity Action Plan (UKBAP) was born.

The UKBAP is the result of contributions involving a wide range of people and organisations, enabling the identification of species and habitats that are listed as priorities for conservation action. A 2007 review of the UKBAP has resulted in 1149 species and 65 habitats being listed as conservation priorities. For more information see www.ukbap.org.uk.

In addition to the national priorities and targets, action is also being taken at local level. The Essex Biodiversity Project is responsible for implementing the Essex Biodiversity Action Plan, which has 28 priority species and 15 priority habitats currently listed. For more information see www.essexbiodiversity.org.uk.

The UK BAP

(From Explanatory Note by Defra and Natural England on Section 41 of the Natural Environment and Rural Communities

(NERC) Act 2006 - Habitats and Species of Principal Importance in England)

The England Biodiversity List has been developed to meet the requirements of Section 41 of the Natural Environment and Rural Communities Act (2006). This legislation requires the Secretary of State to publish a list of species of flora and fauna and habitats considered to be of principal importance for the purpose of conserving biodiversity.

The S41 list will be used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006 'to have regard' to the conservation of biodiversity in England, when carrying out their normal functions. In particular:

- Regional Planning Bodies and Local Planning Authorities will use it to identify the species and habitats that should be afforded priority when applying the requirements of National Planning Policy framework (NPPF) and PPS9 Circular to maintain, restore and enhance species and habitats.
- Local Planning Authorities will use it to identify the species and habitats that require specific consideration in dealing with planning and development control, recognising that under NPPF and PPS9 Circular the aim of planning decisions should be to avoid harm to all biodiversity.
- All Public Bodies will use it to identify species or habitats that should be given priority when implementing the NERC Section 40 duty.

Habitats of Principal Importance Fifty-six habitats of principal importance are included on the S41 list. These are all the habitats in England that have been identified as requiring action in the UK Biodiversity Action Plan (UK BAP). They range from habitats such as upland hay meadows to lowland mixed deciduous woodland and from freshwater habitats such as ponds to marine habitats such as subtidal sands and gravels.

Species of Principal Importance There are 943 species of principal importance included on the S41 list. These are the species founding England which have been identified as requiring action under the UK BAP. In addition, the Hen Harrier has also been included on the List because without continued conservation action it is unlikely that the Hen Harrier population will increase from its current very low levels in England.

Relationship with the UK Biodiversity List of Species and Habitats the UK BAP list of priority species and habitats is an important reference source and will be the focus for conservation action across the UK over the next decade. It has been used to draw up the species and habitats of principal importance in England under S41 of the NERC Act.

The revised UK BAP list of priority species and habitats can be downloaded from the UK Biodiversity Website: <http://www.ukbap.org.uk/NewPriorityList.aspx>

Relationship with the biodiversity duty under Section 40 of the NERC Act There is a general biodiversity duty in the NERC Act (Section 40) which requires every public body in the exercising of its functions to 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

There is no direct relationship between the Section 41 duty on the Secretary of State to publish the list and promote the taking of steps to conserve the habitats and species on it, and the Section 40 duty on public bodies to have regard to the purpose of conserving biodiversity. Importantly:

(a) Biodiversity, as covered by the Section 40 duty includes all biodiversity and not just the habitats and species of principal importance. However, there is an expectation that public bodies would refer to the S41 list when complying with the section 40 duty.

(b) The duty on the Secretary of State to promote the taking of steps by others is not restricted to public bodies.

Defra guidance for local authorities and public bodies on implementing the biodiversity duty in the NERC Act draws attention to the S41 list, emphasising that local authorities and public bodies have a role to play in ensuring the protection of these species and habitats. Copies of the guidance can be downloaded from: <http://archive.defra.gov.uk/environment/biodiversity/documents/pa-guid-english.pdf>