

Preliminary Ecological Appraisal

Land off Alkrington Hall Road North

Middleton, Greater Manchester

September 2025

Prepared for: Lubek Developments

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EXECUTIVE SUMMARY

- On 14th August 2025 a Preliminary Ecological Appraisal was undertaken on land off Alkrington Hall Road North. The site comprises tall forb with sparse bramble.

Avoidance mitigation for protected species

- Reasonable avoidance measures are recommended to take into consideration the potential presence in the locality of badger, amphibians including common toad, reptiles, nesting birds and hedgehog.

Enhancement

- The proposals provide the opportunity to ensure the retention of functionality of the site for nesting birds, roosting bats and hedgehog and recommendations for this have been made.

Verity Webster

Ecology and Protected Species Consultancy

1 Introduction

1.1 Application Site

- 1.1.1. This report details a Preliminary Ecological Appraisal of land off Alkrington Road North, Middleton, Greater Manchester. Ordnance Survey grid reference (centre of site): SD86790527.
- 1.1.2. Lubeck Developments commissioned Verity Webster Ltd to undertake a Preliminary Ecological Appraisal to inform proposals for the site.

1.2 Objectives

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

1.3 Proposals

- 1.3.1 The proposals comprise the construction of a dwelling with associated landscape.

1.4 Ecologist

- 1.4.1 The Ecological Assessment was undertaken by Verity Webster. Verity is a Chartered Ecologist and a full member of the Chartered Institute of Ecology and Environmental Management. She has botanical skills FISC Level 4, Class 2 bat licence and Class 1 great crested newt licence.
- 1.4.2 Verity has worked as an ecological consultant for over 17 years. She has undertaken Ecological Assessments and protected species surveys for a large variety of projects and schemes, producing the required impact assessment and subsequent mitigation schemes and method statements when necessary.

2 Site Location and Description

2.1 Site Location

- 2.1.1 The survey site is located in a residential area of Alkrington, Middleton, approximately 1.1km northeast of the M60 and 45m west of Manchester New Road A664. The landscape to the east is built-up residential whilst to the west, lies Alkrington Woods LNR, an area of woodland with grassland waterbodies that extends west and southwest. The River Irk weaves southwest to northeast through the LNR approximately 450m to the northwest and Wince Brook weaves west to east approximately 200m to the north. Boardman Brook weaves southeast to northwest approximately 750m to the southwest.
- 2.1.2 Overall, the site is in an area with high suitability for wildlife. See Figures 1 and 2.

2.2 Site Description

- 2.2.1 The survey site encompasses a roughly triangular plot of land extending north from Alkrington Hall Road North. The site is small (approximately 145m²) and flat, supporting tall forb habitat with sparse bramble.
- 2.2.2 See UK Habitat Classification Plan, Figure 3.



Looking north across the survey

Figure 1: Ordnance survey map showing the location of the Survey Site



Figure 2: Aerial image showing the Survey Site and immediate surroundings



3 Legislation

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

3.1 Bats

3.1.1 All UK bats receive full protection under the Wildlife and Countryside Act 1981 and are also protected under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regs).

3.1.2 This makes it an offence to:

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

3.2 Badger

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

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

3.3 Reptiles

3.3.1 Smooth snake and sand lizard receive full protection under the Wildlife and Countryside Act 1981 and are also protected under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regs).

3.3.2 This makes it an offence to:

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

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

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

3.4 Amphibians

3.4.1 Great crested newts receive full protection under the Wildlife and Countryside Act 1981 and are also protected under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regs).

3.4.2 This makes it an offence to:

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

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

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

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

3.5 Barn Owl

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

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

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

Schedule 1 Birds

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

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

3.6 Section 41 Habitats and Species of Principal Importance

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

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

3.7 Designated Sites

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

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

3.7.3 Non-statutory sites can be designated by the Local Planning Authority, and different counties have different ways

of designating local wildlife sites. Examples are Local Wildlife Sites and Biological Heritage Sites.

3.8 Planning Policy and Legislation

Biodiversity Net Gain

3.8.1 In England, biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). This is referred to as biodiversity net gain in Planning Practice Guidance to distinguish it from other or more general biodiversity gains.

3.8.2 Under the statutory framework for biodiversity net gain, every grant of planning permission is deemed to have been granted subject to a general biodiversity gain condition to secure the biodiversity gain objective. This objective is to deliver at least a 10% increase in relation to the pre-development biodiversity value of the development granted permission. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits (Gov.Uk Biodiversity Net Gain, 2023).

The NERC Act, 2006

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

3.8.4 The National Planning Policy Framework (NPPF, 2021) encourages Local Planning Authorities to conserve and enhance biodiversity. This was updated in December 2023.

Chapter 15, Para 180 of NPPF states: *"The planning system should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils....*
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".*

Para 181 states: *"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."*

Para 185 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:

- a) "Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and peruse opportunities for securing measurable net gains for biodiversity."*

Para 186 states that *"when determining planning applications, local authorities should apply the following principles:*

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

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

4 Survey Methodology

4.1 Desk Study

- 4.1.1 The following data sources used to establish background information about protected species and their likely presence in the locality:
- Magic Map, Natural England (2018)
 - Bing Maps (2019)
 - Biological Records Data from Greater Manchester Ecology Unit (GMEU) (2025)
 - Data from iNaturalist for Alkrington Woods Local Nature Reserve (2025)
- 4.1.2 Online mapping facilities, including MAGIC (Defra 2015), Google earth (for aerial mapping) and Ordnance Survey maps for the area were consulted to assess the site in relation to the surrounding landscape and any statutory and non-statutory designated sites.
- 4.1.3 Records data from GMEU includes records of protected species and habitats of conservation interest within 1km of the survey site.
- 4.1.4 iNaturalist is an online database where recordings of species can be shared. Consideration is made regarding the validity of the records.

4.2 Site Survey

- 4.2.1 The survey site was walked in daylight 20th August 2025, and during the visits the habitat was assessed for potential for protected species. The surveyor searched for signs of the presence of protected species where appropriate, including pathways, burrows / nests / resting places, scratch markings, footprints and droppings etc. The presence of all animals and birds, if seen or heard, was recorded.
- 4.2.2 Habitats on site were assessed and described in accordance with UK Habitat Classification (UK Hab Ltd, 2023) and a list of conspicuous species recorded.
- 4.2.3 Consideration is also given to the surrounding landscape with respect to protected species including badger, bats, birds, amphibians and reptiles.

Ground Level Tree Assessment

- 4.2.4 As part of the daytime bat walkover a ground level assessment of the trees to record Potential Roost Features (PRFs) was undertaken if the trees have been identified as likely to be impacted by the proposals.

4.3 Survey Limitations

- 4.3.1 The survey work was undertaken in August 2025. At this time of year species such as bats, reptiles and amphibians are expected to be active, although an assessment of the likelihood of presence is based upon the habitat present and not sightings of animals.
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- 4.3.2 A proportion of higher plants are visible in August, but some species are more conspicuous or only present at some times of the year, and some species may have been missed. The species list constructed is not comprehensive, but given the habitat types expected, is sufficient to inform the appropriate habitat categorisation and recommendations for mitigation in this case.

5 Findings: Surrounding Designated Sites

- 5.0.1 Sites of conservation interest can be designated on a statutory or non-statutory basis.
- 5.0.2 The protection over European designated sites (or Natura 2000) sites and Ramsar sites require any potential direct and indirect impacts are assessed within at least a 5km radius of the survey site.
- 5.0.3 The protection over UK statutory sites (Sites of Special Scientific Interest and Local Nature Reserves) requires that any potential direct and indirect impacts from a development are assessed within at least a 2km radius of the survey site.
- 5.0.4 Any potential direct or indirect impacts upon non-statutory sites are assessed within 1km of the survey site.

5.1 Statutory Sites

- 5.0.5 The protection over UK statutory sites (Sites of Special Scientific Interest) requires that any potential direct and indirect impacts from a development are assessed within at least a 2km radius of the survey site, whilst the protection over European designated sites (or Natura 2000) sites and Ramsar sites require any potential direct and indirect impacts are assessed within at least a 5km radius of the survey site.
- 5.1.1 There are no EU statutory designated sites within 5km.
- 5.1.2 There is one UK statutory designated sites within 2km. See Figure 3.
 - **Alkrington Woods Local Nature Reserve (LNR)** located approximately 35m to the northwest at the closest point. The LNR encompasses woodland, grassland, marsh and waterbodies and extends to 49.4ha.

5.2 Non-Statutory Sites

- 5.2.1 There are two Sites of Biological Importance within the 1km search area.
 - **Alkrington Woods and Rhodes Lodges** As described above Alkrington Woods lies approximately 35m to the northwest of the site.
 - **Boardman Brook** located approximately 800m to the southwest of the survey site. This site comprises a brook, adjacent woodland and grassland.

Assessment of Impact

Statutory Designated Sites

- 5.2.2 Habitats within the survey site (tall forb) are may be present in similar form in the nearby ALkrington Woods LNR, but given the size of the survey site (145m²) the land is unlikely to be functionally linked, supporting populations of wildlife that are found in the much larger LNR. For this reason, no impacts upon interest features are anticipated.
- 5.2.3 The construction a single dwelling is not expected to result in significant disturbance as a result of noise, nor indirect harm as a result of dust as reasonable avoidance measures will be undertaken. The proposals will result in a small increase in the population of the local community, but this is not considered likely to result in an increase in recreational pressure of the LNR as it has many pathways for public use.
- 5.2.4 No further survey work or avoidance mitigation is considered necessary.

Non-Statutory Designated Sites

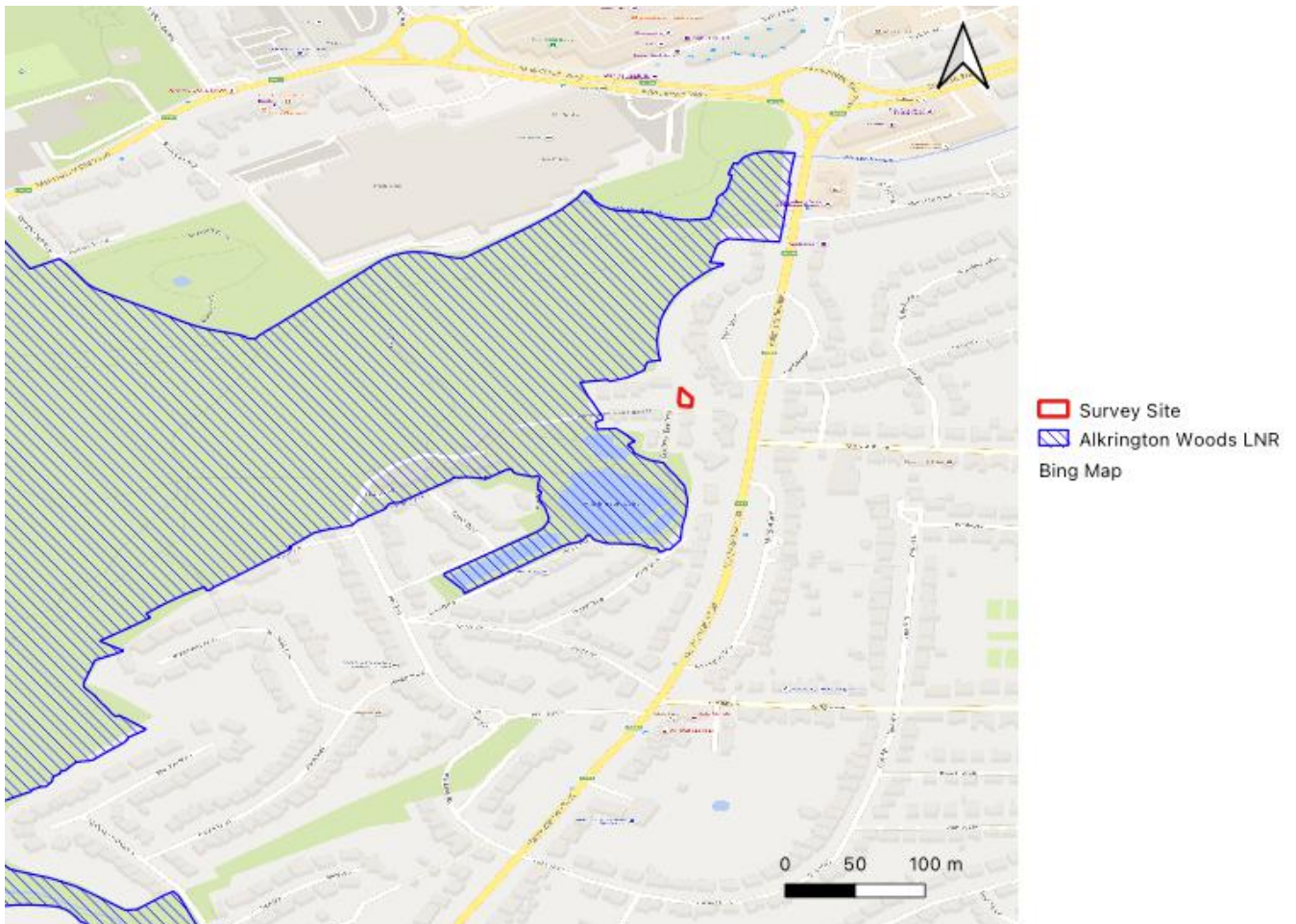
- 5.2.5 Alkrington Woods Site of Biological Interest lies in very close proximity to the survey site.
- 5.2.6 No direct impacts are anticipated as there are no connective habitats, such as watercourses. Avoidance mitigation to minimise noise and dust is considered sufficient to avoid indirect negative impacts.
- 5.2.7 The site may be functionally linked, such that flora and fauna associated with the woodland also utilises the survey site; this potentiality is taking into consideration below when considering each taxa.
- 5.2.8 Boardman Brook SBI is considered sufficiently distanced from the site that any direct or indirect impacts are highly unlikely.

Statutory Site Designations

Local Nature Reserve (LNR) Local Nature Reserves (LNRs) are a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 by principal local authorities. LNRs are areas of natural space for people and wildlife. They can be designated on the basis of wildlife and biodiversity, or for geological reasons.

Non-Statutory Sites Designations

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

Figure 3: The Survey Site in relation to Alkrington Woods LNR

6 Findings: Habitat Survey

6.1 Habitat Assessment

Data Search

- 6.1.2 The data from GMEU includes numerous records of one plant species within 1km of the survey site listed as endangered in the JNCC Red list; yellow bird's-nest (*Monotropa hypopitys*). This species is associated with beech and hazel on calcareous soils and occasionally in dunes and in acidic habitats. This species is rare in the county and is not expected to be present within the survey site.
- 6.1.3 In addition, bluebell (*Hyacinthoides non-scripta*) is listed on the citation for Alkrington Woods. Bluebell is Schedule 8 of the Wildlife and Countryside Act, 1981. It is associated with woodlands and hedgerows and is not expected within the survey site.

Survey Site

- 6.1.4 The site comprises a small, roughly rectangular area of land to the north of Alkrington Road North. From assessment of the Google Earth Timeline images, the site supported sparse shrubs in 2020, following clearance in 2019 and was cleared again in early 2025. At the time of survey the site supported tall forb vegetation with sparse bramble.
- 6.1.5 The UK Habitat classifications are as follows:
- g4 16 Tall forb
- 6.1.6 Refer to the UK Habitat Classification Plan (Figure 4) below.

Tall Forb g4 16

- 6.1.7 The tall forb habitat comprises abundant rosebay willowherb (*Chamerion angustifolium*) and common nettle (*Urtica dioica*) with dense hedge bindweed (*Calystegia sepium*) weaving through. Bramble (*Rubus fruticosus* agg.) is frequent. The herbs spear thistle (*Cirsium vulgare*), square-stalked willowherb (*Epilobium tetragonum*) and great willowherb (*Epilobium irsutum*) are frequent or occasional. Buddlia (*Buddlia davidii*) is rare.

Assessment

- 6.1.8 The habitat on site is common and widespread and is not considered to be of conservation value.

- 6.1.9 Overall, the proposals are considered unlikely to have any significant negative impacts upon flora in the locality.

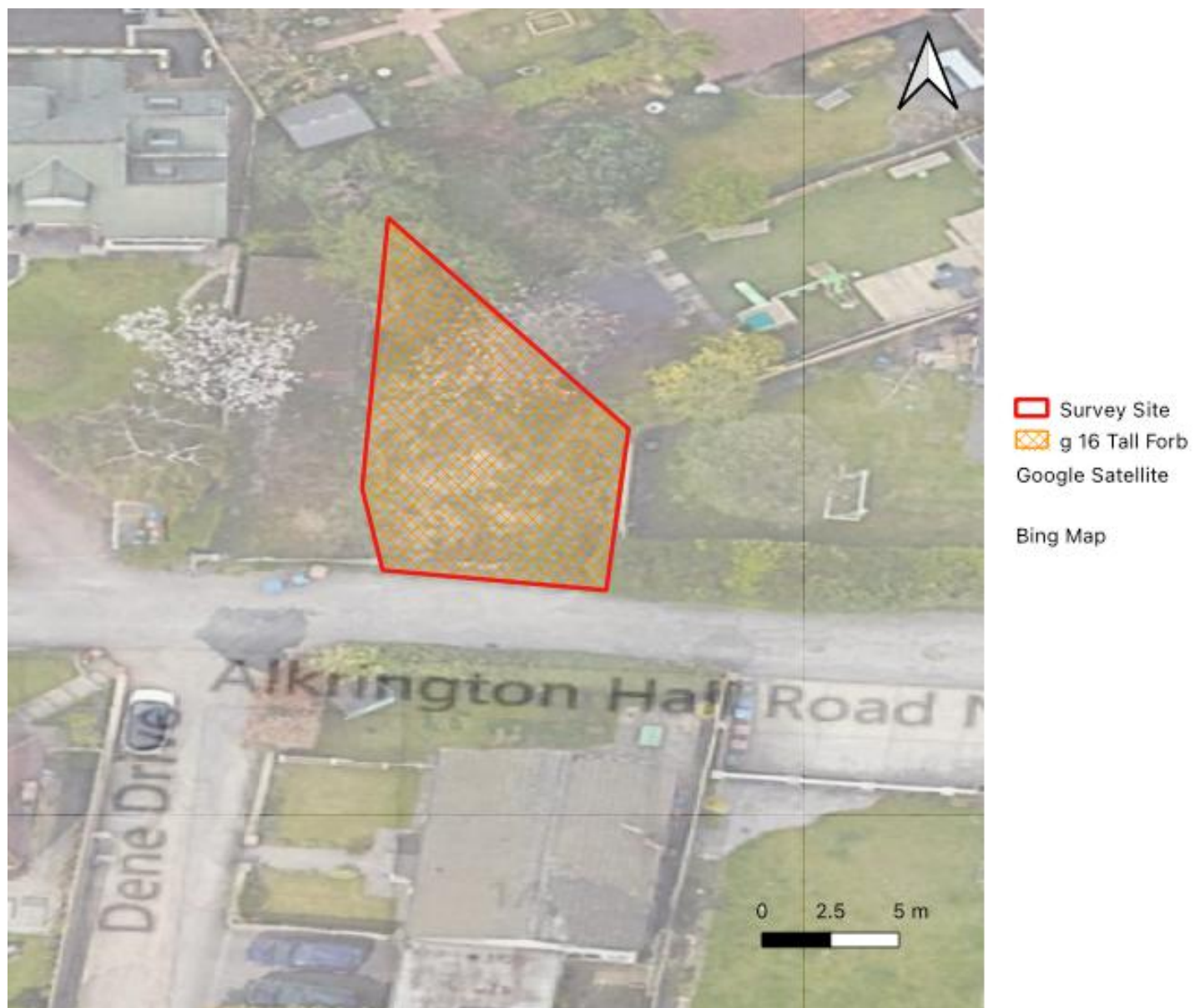


Tall forb in the survey site



Tall forb in the survey site

Figure 4: The Survey Site – UK Habitat Classification Plan



7 Findings: Protected Species

Mammals

7.1 Bats

Potential for Bats

- 7.1.1.1 At a landscape level, the area surrounding the survey site is very good for bats. Refer to Figure 2.
- 7.1.1.2 The surrounding habitat including grassland, woodland and waterbodies will support a variety of bat species including widespread species such as common and soprano pipistrelle bat (*Pipistrellus pipistrellus* and *Pipistrellus pygmaeus* respectively). Species that favour open habitats such as Leisler's (*Nyctalus leisleri*) and noctule bat (*Nyctalus noctula*) would also be expected, especially as these bats travel some distance to forage. Species that favour wooded habitat, such as brown long-eared bat (*Plecotus auritus*), Natterer's bat (*Myotis nattereri*), whiskered bat (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*) are also likely to be present as there is extensive woodland in the vicinity.
- 7.1.1.3 Linear features such as hedgerows along roadsides, brooks and field boundaries will act as habitat corridors, facilitating the movement of bats through the landscape.

Data Search

- 7.1.1.4 Data from GMEU include records of six species of bats 1km of the survey site:
- Common pipistrelle (*Pipistrellus pipistrellus*)
 - Soprano pipistrelle (*Pipistrellus pygmaeus*)
 - Brown long-eared bat (*Plecotus auritus*)
 - Noctule (*Nactylus noctula*)
 - Daubenton's bat (*Myotis daubentonii*)
 - *Myotis* bat species (whiskered, brandt's or Natterer's bat)
- 7.1.1.5 There are records of 13 roosts within 1km which is a high number, and reflective of the good quality of the surrounding habitat. The roosts are all those of pipistrelle bat species.

The Conservation Status of Bats in the Area

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

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

Species	Local	County	Regional
<i>Common pipistrelle</i>	<i>Likely to be common in the area. There are records of this species in the area (10km).</i>	<i>Common and widespread Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest</i>
<i>Soprano pipistrelle</i>	<i>Likely to be present due to the presence of riparian habitat.</i>	<i>Widespread. Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest</i>
<i>Nathusius's pipistrelle</i>	<i>Likely to be rare in the area.</i>	<i>Infrequently recorded, but this may be due to low survey effort. Not yet recorded breeding in the county.</i>	<i>Rare across the northwest. A migratory species.</i>
<i>Brown long-eared bat</i>	<i>Likely to be in the area. There is a recent record of this species within 10km of the site.</i>	<i>Common and widespread Frequently recorded.</i>	<i>Common and widespread Frequently recorded across the Northwest.</i>
<i>Natterer's bat</i>	<i>Likely to be in the area, although this species favours woodland habitat, which is infrequent in the landscape.</i>	<i>Frequently recorded</i>	<i>Widespread and scattered across the Northwest.</i>
<i>Noctule</i>	<i>Present</i>	<i>Widespread and frequently recorded.</i>	<i>Common and widespread. Frequently recorded in the Northwest.</i>
<i>Whiskered bat</i>	<i>Present but likely rare</i>	<i>Present</i>	<i>Widespread.</i>
<i>Brandt's bat</i>	<i>Rare / absent</i>	<i>Present</i>	<i>Widespread.</i>
<i>Alcathoe's bat</i>	<i>Unknown</i>	<i>Unknown</i>	<i>Widespread. Likely under-recorded.</i>
<i>Daubenton's</i>	<i>Presence is likely due to the riparian habitat present.</i>	<i>Widespread, frequently recorded near water.</i>	<i>Widespread</i>
<i>Serotine</i>	<i>Rare / absent</i>	<i>Unknown</i>	<i>Restricted to south and southwest Britain, rarely recorded in the northwest.</i>
<i>Leislars</i>	<i>Rare</i>	<i>Unknown</i>	<i>Rare, but widespread in Britain. Present in the northwest.</i>
<i>Barbastelle</i>	<i>Unlikely to be present in the area. This species is a woodland-specialist and there is a lack of this habitat present.</i>	<i>Unknown</i>	<i>Present south of a line from North Wales to the Wash.</i>

Ground Level Roost Assessment: Trees

- 7.1.1.7 There are no trees. None of the trees overhanging the site, including *Acer* species, *leylandii* (*Cupressus x leylandii*) and cherry (*Prunus avium* var.) support potential roost features such as split limbs, rot holes, knot holes or flaking bark.

Foraging and commuting bats

- 7.1.1.1 The tall forb provides limited potential foraging habitat for bats. Although bats are expected to forage close to and over the site, the small area of habitat renders it very unlikely to be of significance to local bat populations, especially given the high quality of nearby habitat.
- 7.1.1.2 **The proposals are not expected to be of significance with regard to foraging and commuting bats. No further survey work or mitigation is recommended.**

7.2 Badger

Survey and Assessment

- 7.2.1 The habitat within and adjacent to the survey site has some suitability for badger. However, the site is small in size, so limits the potential for badger. The woodland and grassland in the wider area is very good for this species, which are likely to be present in the area.
- 7.2.2 No evidence of use of the site by badger, including setts, latrines, tracks and snuffle holes were found on site. Nevertheless, due to the high likelihood of their presence in the surroundings, the potential for badger to cross the site upon occasion cannot be ruled out.
- 7.2.3 **No further survey work or mitigation for badger is recommended, but mitigation during works is proposed to reduce the risk of harm to individuals that may cross the site.**

7.3 Otter

Data Search

- 7.3.1 Data from GMLRC include records of otter (*Lutra lutra*) within 1km of the survey site.

Survey and Assessment

- 7.3.2 The River Irk and Wince Brook, located approximately 500m to the north of the site have suitability for otter, which may travel along the waterways regularly.
- 7.3.3 **The proposed development site is significantly distanced from the brook that any potential impact to passing otter is considered to be negligible. No further survey work is considered necessary.**

7.4 Hedgehog

Data Search

- 7.4.1 Data from GMEU include numerous records of hedgehog (*Erinaceus europaeus*) within 1km of the survey site.

Survey and Assessment

- 7.4.2 Hedgehog are a Species of Principal Importance under the NERC Act, 2006 (also known as UK Biodiversity Action Plan species).
- 7.4.3 The survey site, supporting tall forb, has high suitability for foraging and sheltering hedgehog. Adjacent woodland and gardens also have high suitability. This species is considered highly likely to be present.
- 7.4.4 **The proposals are unlikely to have a significant negative impact upon populations of this species, but reasonable avoidance measures to ensure the protection of hedgehog during works are proposed.**

7.5 Reptiles

Data Search

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

Survey and Assessment

- 7.5.2 The records for reptiles in the northwest are generally low. Reptiles are of very low distribution and found at low density even in ideal habitats such as rough grassland with scrub.
- 7.5.3 The habitat within the survey site comprising tall forb is potentially very good for common
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reptiles such as slow-worm (*Anguis fragilis*) and common lizard (*Zootoca vivipara*), however, the historic disturbance of the site as a result of previous clearance renders it highly unlikely that populations of reptiles will be present.

- 7.5.4 Surrounding habitat, including gardens, provide potential refuge for reptiles, however, and the possibility that individual animals will move onto site cannot be ruled out.
- 7.5.5 **No further survey work is considered necessary, but Reasonable Avoidance Measures are proposed to minimise the risk of harm to individual animals during works.**

7.6 Amphibians

Great crested newt

Data Search

- 7.6.1 The data from GMEU do not include any records of great crested newt (*Triturus cristatus*) within 1km of the survey site. There is a single record of great crested newt absence from a waterbody approximate 800m to the south of the site.
- 7.6.2 Data from INaturalist do not include any records of great crested newt within Alkrington Woods LNR. The records do include data for pond slider (*Trachemys scripta*), a non-native invasive species under Schedule 9 of the Wildlife and Countryside Act, 1981. This species would class as a predator of great crested newt, reducing the likelihood of their presence.

Survey and Assessment

- 7.6.3 Great crested newt, which have the highest protection of all amphibians under UK and EU law, favour still water bodies, such as ponds with good vegetation. They breed in ponds, but spend much of the year terrestrially, within habitat such as rough grassland and woodland, which provides good foraging and hibernacula. Great crested newts are known to travel, usually, within a 250m radius of breeding ponds, but can travel up to 500m.
- 7.6.4 According to the relevant Ordnance Survey and aerial maps there are two waterbodies within 250m and one additional waterbodies within 500m. See Figure 5.
- WB1 located approximately 65m to the southwest
 - WB2 located approximately 100m to the south (Alkrington Lake)
 - WB3 located approximately 180m to the southwest
 - WB4 located approximately 370m to the west.
- 7.6.5 There are no records of great crested news in the above waterbodies. The presence of pond slider (*Trachemys scripta*), in Alkrington Woods LNR reduces the likelihood of the presence of great crested newts as this species would be a predator, although the numbers of pond slider are unknown.
- 7.6.6 The habitat on site, comprising tall forb, is potentially suitable for foraging great crested newt.

7.6.7 Assessment of the risk to great crested newts is based upon knowledge of potential risks to great crested newts as a result of the proposed development procedures, reflecting the Natural England Rapid Risk Assessment (Natural England, 2000). The following factors are considered:

- The degree of impact upon breeding ponds
- The degree of Impact upon suitable terrestrial habitat within 250m of breeding ponds.
- Risk of harm to individual great crested newts during works.
- Potential indirect risk on individual animals following development (eg potholes, increased traffic or creating a barrier to dispersal).

7.6.8 In the knowledge that great crested newt are present in the locality, the following applies:

The degree of impact upon breeding ponds

7.6.9 No waterbodies will be impacted as a result of the proposals.

The degree of impact upon suitable terrestrial habitat within 250m of the breeding ponds

7.6.10 The proposed development will take place within the area of tall forb that is potentially suitable for great crested newt, but small in size (145m²).

7.6.11 The Natural England Rapid Risk Assessment (Natural England, 2000) indicates that loss of up to 0.5ha of land within 100-250m of a breeding pond is 'highly unlikely' to result in an offence if the ponds are not impacted.

Risk of harm to individual great crested newts during works

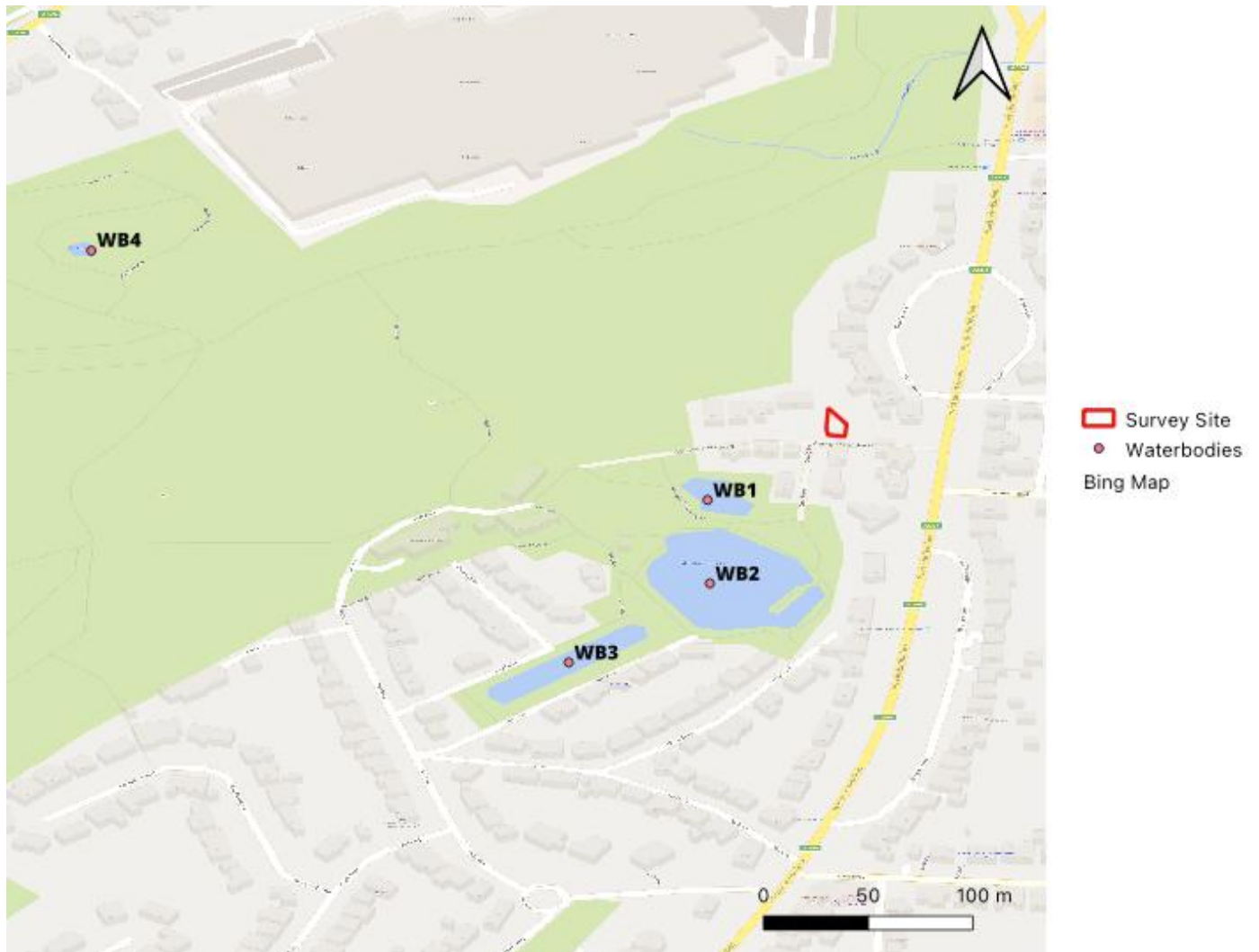
7.6.12 Works will take place with Reasonable Avoidance Measures (RAMS) in place to minimise the risk of harm to individual animals (Appendix C).

Potential indirect risk on individual animals following development (eg potholes, increased traffic or creating a barrier to dispersal).

7.6.13 No potential indirect negative impacts are anticipated. The proposed development will not result in any long-term alteration to the accessibility of the surrounding landscape to great crested newt. Indeed, the creation of gardens will result in creation of suitable habitat for this species, albeit smaller in area.

7.6.14 **The proposed development works are considered unlikely to have a significant impact upon the viability of populations of great crested newt in the locality. The likelihood of impact upon foraging or resting individuals of this species is considered to be low and can be reduced to negligible if an appropriate Reasonable Avoidance Measures are employed during works (See Appendix C). Further survey work in this instance, due to the known presence of the species, is not considered necessary. However, Reasonable Avoidance Measures are proposed during works to reduce the risk of harm to individual great crested newts to negligible.**

Figure 5: The Development Site in relation to surrounding waterbodies



Common Toad

Data Search

- 7.1.1 Data from INaturalist include records of common toad (*Bufo bufo*) within 1km of the survey site.

Survey and Assessment

- 7.1.2 Common toad are a Species of Principal Importance under the NERC Act, 2006 (also known as UK BAP species).
- 7.1.3 The habitat on site is potentially good for common toad, providing vegetation and cover for foraging and sheltering animals. Common toad is a mobile species and will regularly travel long distances to reach breeding ponds; they may travel across the site regularly.
- 7.1.4 **The proposals for the site are not expected to impact upon populations of this species, but reasonable avoidance measures are proposed during works to avoid unnecessary harm to individual animals.**

7.2 Nesting Birds

Data Search

- 7.1.1 Data from GMEU includes records of two bird species that are recorded on Schedule 1 of the Wildlife and Countryside Act, 1981; Kingfisher (*Alcedo atthis*) and hobby (*Falco subbuteo*).
- 7.1.2 It is highly unlikely that these species would breed on site as the habitat is unfavourable.
- 7.1.3 The data also include records of bird species listed on Section 41 of the NERC Act, 2006, and on the Red List of Birds of Conservation Concern (BoCC) that may nest on adjacent trees or forage on site, including house sparrow (*Passer domesticus*), dunnoek (*Prunella modularis*) and song thrush (*Turdus philomelos*).

Survey and Assessment

Habitat

- 7.1.4 No bird species were recorded on site during the survey. This is because the site is small, and does not support trees or dense scrub.
- 7.1.5 Nevertheless, the habitat, in particular bramble may provide habitat for nesting birds in the spring and summer months in upcoming years.
- 7.1.6 **Reasonable avoidance measures are proposed during vegetation works to reduce to negligible the potential impacts upon breeding birds.**
-

- 7.1.7 **The loss of a portion of the vegetation on site is unlikely to be of significance to the viability of local bird populations given the high quality of the surrounding habitat.**

7.3 Invertebrates

Data Search

- 7.3.1 Data from GMEU includes records of three invertebrate species within 1km of the site. This is a low number of species and is likely to reflect the absence of recording of invertebrates in the area rather than the absence of species.
- 7.3.2 The white-letter hairstreak butterfly () previously recorded is listed on Schedule 5 of the Wildlife and Countryside Act, 1981 and on Schedule 41 of the NERC Act, 2006 as a species of Principal Importance. This species is associated with elm (*Ulmus*) species and is not expected within the survey site.

Survey and Assessment

- 7.3.3 The habitat within the survey site is common and widespread, and for this reason is likely to support a range of common and widespread invertebrates. No invertebrates that are rare or protected are expected.
- 7.3.4 **The proposals are considered unlikely to have a significant impact upon populations of invertebrates in the area. No further survey work or mitigation is recommended.**

7.4 Other protected species and habitats.

- 7.4.1 Other protected species, including red squirrel (*Sciurus vulgaris*) and otter (*Lutra lutra*) are not expected on or near the site as there is no suitable habitat in close proximity.

8 Conclusion

- 8.0.1 The land off Alkrington Hall Road North comprises an area of tall forb habitat.
- 8.0.2 The site may support species of Principal Importance; hedgehog and common toad. Due to the high quality of surrounding habitat, the presence of badger, common reptiles and, in future seasons, nesting birds cannot be entirely ruled out.
- 8.0.3 Reasonable avoidance measures are recommended with regard to nesting birds, badger, reptiles, hedgehog, and amphibians, including common toad.
- 8.0.4 The proposals provide the opportunity to compensate for the loss of vegetation on site and to enhance the site for wildlife including nesting birds and bats, and recommendations for this have been made.

9 Recommendations

9.1 Badger

- 9.1.1 There is potential for badger to cross the site upon occasion and for this reason, the following is recommended to prevent harm to individual animals during works:
- Any holes or ditches created during works are covered over-night to prevent badger and other animals falling into them.
 - If this is not possible, a plank or other can be placed in the hole/ditch to enable animals to climb out.

9.2 Amphibians, Reptiles and Hedgehog

- 9.1.1 In order to reduce the risk of harm to individual reptiles, amphibians (including common toad) and hedgehog during works, the following Reasonable Avoidance Measures are recommended.
- Vegetation works are undertaken with care, initially by hand. The vegetation should be cut down to approximately 30cm in height and left for 3 nights in good weather (ie not raining or very cold) to allow animals to leave of their own volition. Topsoil clearance can then take place with care whilst checking for animals.
 - If animals such as hedgehog or common toad are found during works they can be moved by hand to a protected area or off site in suitable habitat.
 - Materials on site are stored on pallets on hard standing to prevent reptiles and amphibians hiding in them.

9.3 Nesting Birds

9.3.1 Birds may nest in the vegetation on site in the spring and summer months. In order to prevent disturbance and/or harm to nesting birds, it is recommended that:

- Initial vegetation works are timed to avoid the bird breeding season (breeding season: March – September).
- If this is not possible, a suitably qualified ecologist should check the vegetation on site to determine the presence / absence of nesting birds prior to the start of any works.
- If birds are found actively nesting on site, the nest and immediate surrounds (5m) must be left undisturbed until the young have fledged.

9.4 Enhancement for Biodiversity

9.4.1 The proposals provide the opportunity to enhance the site for some elements of biodiversity. .

Breeding Birds and Roosting Bats

9.4.2 Enhancement for nesting birds and roosting bats can be achieved through provision of bird nest boxes and bat boxes.

Provision of Bat Boxes

9.4.3 It is recommended that:

- At least two crevice-roost sites for roosting bats are installed on in the newly constructed buildings or installed on posts around the boundaries of the site. See the examples below. There are many alternatives at NHBS.com.

Provision of Bird Boxes

9.4.4 To retain the existing functionality of the site for nesting birds and to improve this, it is recommended that:

- At least two house sparrow boxes are integrated into the eaves of the new dwellings. The boxes should be installed in pairs since house sparrow like to nest in colonies. These should be installed on the east or west elevations, ideally, close to boundary vegetation. This will allow colonisation of this declining species onto site.

Hedgehog and other wildlife

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

Creation of a Hedgehog Highway

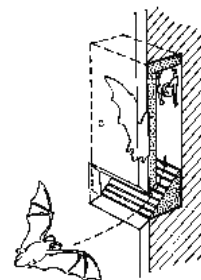
- 9.4.6 Fencing around the site boundaries should be raised 130mm above the ground, otherwise holes 130mmx130mm should be created along each boundary (where possible) to allow hedgehog to move in and out of the site.



Bat and Bird Boxes

1FE Schwegler bat access panel

This box is durable and does not require cleaning. For installation on buildings.



F2 Schwegler bat box

This box is durable and is ideal for small colonies of bat in woodland – for installation on trees, not the building



Vivara Pro WoodStone House Sparrow Nest Box



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• APPENDIX A: Wildlife Legislation and Planning Policy

1.0 UK AND EU LEGISLATION

KEY LEGISLATION

- In the UK, the following legislation relates to wildlife and habitats:
- Wildlife and Countryside Act 1981 (as amended)
 - The Countryside and Rights of Way Act (CROW), 2000
 - The Badger Act 1992
 - The Natural Environment and Rural Communities Act (NERC, 2006)
 - Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations (2017)
 - The Hedgerow Regulations (1997)

1.1 WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

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

BIRDS

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

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

Schedule 1 birds

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

Areas of Special Protection for Birds

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

Other offences

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

OTHER ANIMALS

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

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

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

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

Species that receive FULL PROTECTION under the act:

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

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

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

Species protected from TAKING and SALE only:

- Atlantic stream (white-clawed) crayfish

Species protected from SALE only:

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

Vascular Plants, Bryophytes, Lichens and Fungi (PLANTS)

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

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

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

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

Non-Native Species

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

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

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

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

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

- Under Section 14ZA (1) to sell, offers or exposes for sale, or has in his possession or transports for the purposes of sale an animal or plant to which this section 14 applies, or anything from which such an animal or plant can be reproduced or propagated.

- Under Section 14ZA (2) to publish or cause to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell an animal or plant to which this section applies, or anything from which such an animal or plant can be reproduced or propagated.

1.1.13 Section 14ZB gives the Secretary of State the power to issue codes of practice, or approve a code of practice issued by others, relating to non-native animal and plant species. It is intended that the codes will be used to provide recommendations, advice and information on how to stop the damage caused by non-native animals and plants.

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

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

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

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

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

Schedule 12

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

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

Schedule 9

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

1.4 THE BADGER ACT 1992

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

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

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

(b)destroying a badger sett;

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

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

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

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

1.5 THE HEDGEROWS REGULATIONS, 1997

1.5.1 The Hedgerows Regulations, 1997 ensure the protection from damage or destruction of 'important' hedgerows. Criteria within the regulations determine the importance.

1.6 THE CONSERVATION OF HABITATS AND SPECIES AND PLANNING (VARIOUS AMENDMENTS) (ENGLAND AND WALES) REGULATIONS 2017

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

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

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

Schedule 2: European Protected Species of Animals

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

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

- (a) deliberately capture, injure or kill any wild animal of a European protected species,
- (b) deliberately disturb a wild animal of any such species,
- (c) deliberately take or destroy the eggs of such an animal, or
- (d) damage or destroy a breeding site or resting place of such an animal,

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

- (a) to impair their ability—
 - (i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
- (b) to affect significantly the local distribution or abundance of the species to which they belong.

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

- (a) to be in possession of, or to control,
- (b) to transport,
- (c) to sell or exchange, or
- (d) to offer for sale or exchange any animal in Schedule 2.

Schedule 5: European Protected Species of Plants

- Shore dock
- Killarney Fern

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

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

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

- (a) to be in possession of, or to control,
- (b) to transport,
- (c) to sell or exchange, or
- (d) to offer for sale or exchange any plant in Schedule 5

European Designated Sites

1.6.8 These include:

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

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

1.7 NATURAL ENVIRONMENT AND RURAL COMMUNITIES (NERC) ACT 2006

Planning Authorities: A Duty to Conserve Biodiversity

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

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

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

Species of Principal Importance

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

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

1.8 DESIGNATED SITES OF CONSERVATION INTEREST

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

Statutory Sites

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

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

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

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

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

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

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

Non-Statutory Sites

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

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

2.0 Plans and Policies

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

- o National Planning Policy Framework (NPPF, 2021)
- o The Natural Environment White Paper 'The Natural Choice: Securing the Value of Nature'
- o Biodiversity – The UK Action Plan (1994, and subsequent revisions)
- o Local Biodiversity Action Plans where applicable
- o Neighbourhood plans where applicable

NATIONAL PLANNING POLICY FRAMEWORK

2.1.1 In March 2012 the Government introduced the National Planning Policy Framework (NPPF). This was revised in December 2023.

Chapter 15: Conserving and Enhancing the Natural Environment

Chapter 15, Para 180 of NPPF states: *"The planning system should contribute to and enhance the natural and local environment by:*

- b) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils....*
- e) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures".*

Para 181 states: *"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."*

Para 185 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:

- c) "Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- d) Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."*

Para 186 states that *"when determining planning applications, local authorities should apply the following principles:*

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

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

Para 188 states "the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined."

2.2 ODPM CIRCULAR 06/2005: BIODIVERSITY AND GEOLOGICAL CONSERVATION

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

2.3 The Natural Environment White paper

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

Biodiversity Offsetting

- 2.3.2 Biodiversity offsetting is described in the Natural Environment White Paper as 'conservation activities designed to deliver biodiversity benefits in compensation for losses in a measurable way. Good developments incorporate biodiversity considerations in their design but are still likely to result in some biodiversity loss. One way to compensate for this loss is by offsetting: the developer secures compensatory habitats elsewhere.'
- 2.3.3 The level of biodiversity offsetting required could be determine by means of assessments undertaken in accordance with the Department for Environment, Food and Rural Affairs (DEFRA) metric contained in Biodiversity Offsetting Pilots published in March 2012 as applied in the Defra offsetting pilot projects. Biodiversity offsetting could be delivered by developers in partnership with various partners including conservation organisations, local landowners and the borough council.

2.4 Biodiversity Action Plan (Local or UK)

UK Biodiversity Action Plan

- 2.4.1 Biodiversity: The UK Action Plan outlines how the UK plans to address biodiversity conservation in response to the Rio Convention on Biological Diversity (1992). In 2004 a UK Biodiversity Steering Group was formed and discussions resulted in the publication of 'Biodiveristy: the UK Steering Group Report – meeting the Rio challenge', which established a framework and criteria for identifying species and habitats of conservation concern. From this list, action plans for 391 species and 45 broad habitat types were prepared. In 2007, the UK List of Priority Species and Habitats was reviewd and the revised list identifies 1149 species and 65 habitats requiring conservation action.
- 2.4.2 These species are now listed in Section 41 of the NERC Act, 2006 and referred to as Habitats and Species of Principal Importance (HPI or SPI).

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

Local Biodiversity Action Plans

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

2.5 Other Species Lists of Species of Conservation Concern

- 2.5.1 Species lists of Species of Conservation Concern also considered within this assessment are as follows:
- Birds of Conservation Concern: Based on an assessment of the conservation status of British birds. Following an assessment of data on population and trends against established criteria, there are red, amber and green lists of BoCC. The latest review was BOCC 4 (Eaton et al, 2015)
 - Red Data Book Species: In 1999 the Species Status Assessment project (JNCC) assigned conservation status to the UK flora and fauna using the internationally approved IUCN Red Data Book criteria and categories. The reviews were published in a series of data sheets and assigned a conservation status to each species.