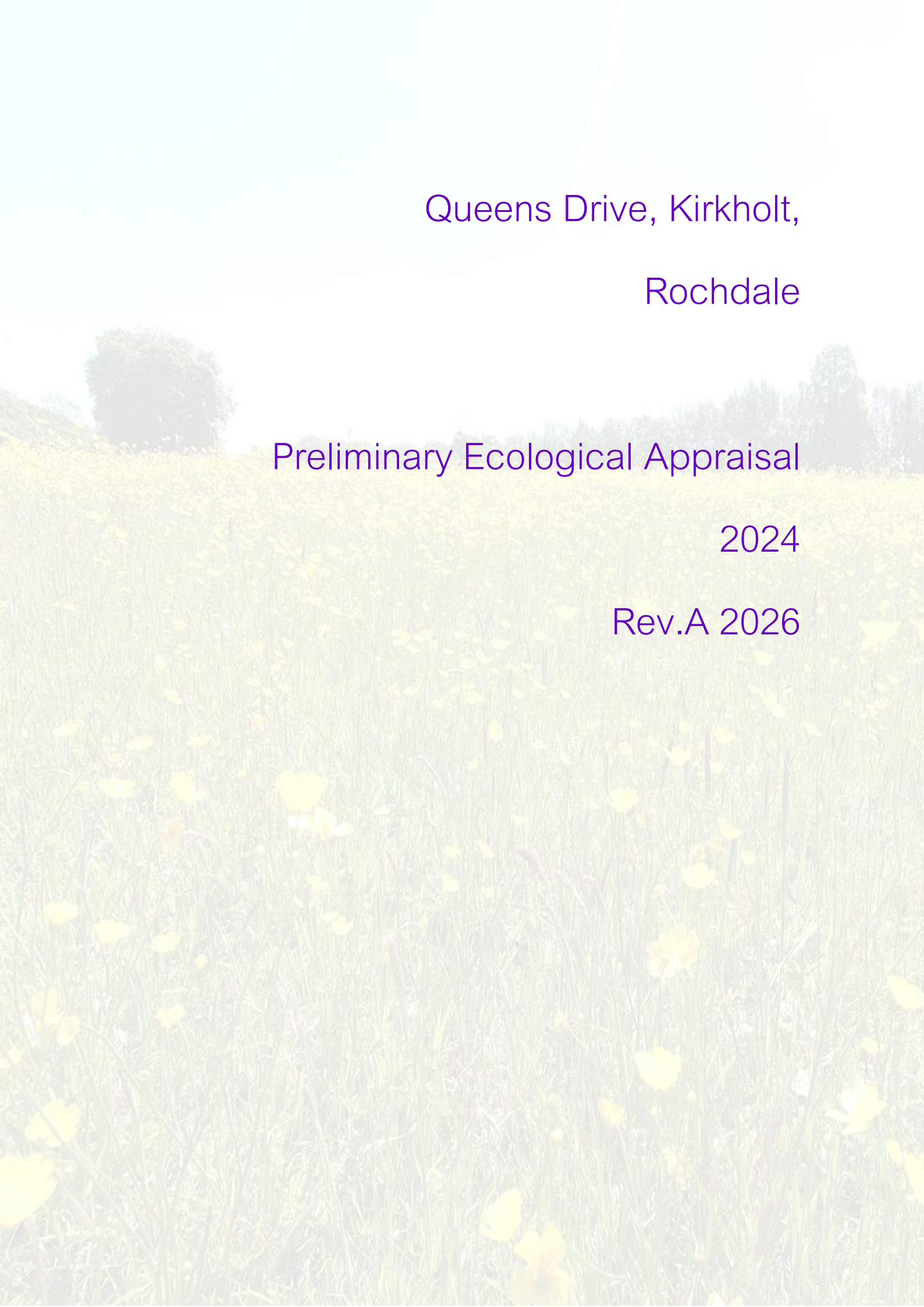


The background of the entire page is a photograph of a field. In the foreground, there is a dense field of tall green grass with many yellow buttercup flowers scattered throughout. In the middle ground, a single, dark green, rounded tree stands on the left side. The background shows a line of more trees under a clear, bright blue sky. The overall image is slightly faded to allow the text to be legible.

Queens Drive, Kirkholt,

Rochdale

Preliminary Ecological Appraisal

2024

Rev.A 2026

Client Triangle Architects Ltd (on behalf of MSV Housing)

Project Title Queens Drive, Kirkholt

Project Reference RHE.4415

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Executive Summary

Development Details

The client is proposing the residential development of land off Queen Drive in Kirkholt, Rochdale, hereafter referred to as the 'site'.

This report describes the ecological features of the site and its surroundings and assesses the potential impacts of the development on the ecological interest. Recommendations are provided so that the development is compliant with biodiversity policy and legislation.

Ecological Interest

The site has a low level of ecological interest. Ecological features of interest include individual mature trees and potential foraging and refugia habitat for reptiles, breeding habitat for birds, foraging and dispersal opportunities for Badger and Hedgehog and potential roosting opportunities for bats.

Outcomes

Further survey work is not considered necessary.

Mitigation measures to avoid harm/disturbance to notable/protected species are provided in this report. These include precautionary measures during site clearance for reptiles, nesting birds, Badger, Hedgehog and bats.

Regarding Biodiversity Net Gain, at the time of writing the landscape masterplan is not yet available. A complete BNG assessment will be undertaken when landscape plans become available.



1. Introduction

1.1 Project Brief

- 1.1.1 Rachel Hacking Ecology Limited was commissioned in 2024 by Triangle Architect Limited (on behalf of MSV Housing) to carry out an ecological appraisal of land off Queens Drive, in Kirkholt, Rochdale OL11 2NW, hereafter known as the 'site'. The site is located at O.S. grid reference: SD 89286 11307 (see Figure 1).

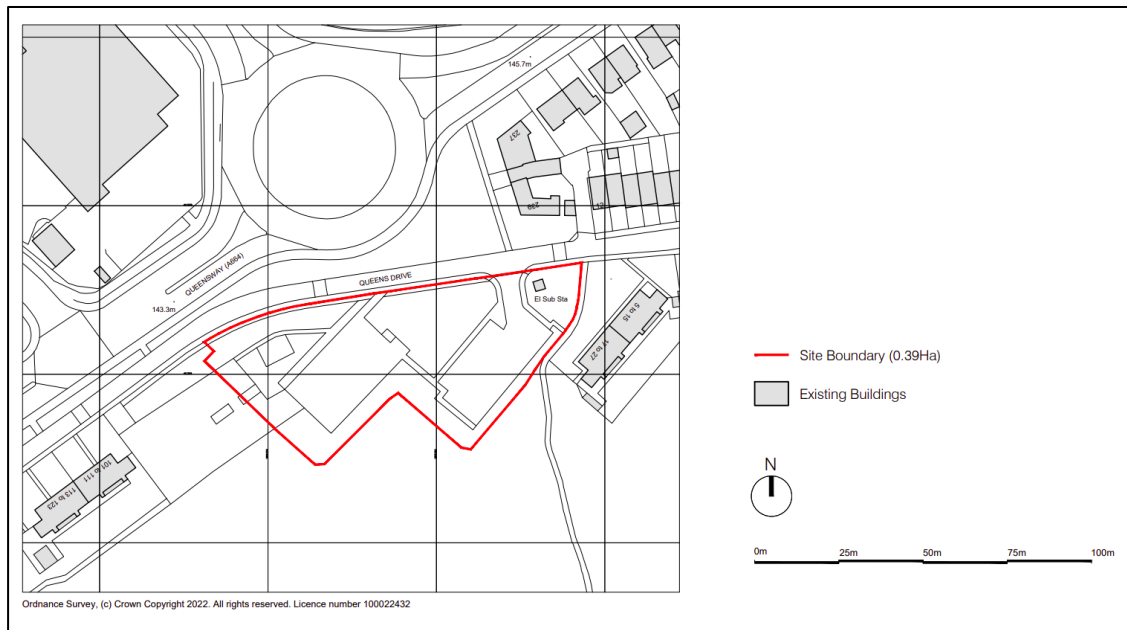


Figure 1. Map showing the location of the site as provided by the client.

- 1.1.2 The site features a community gardens site surrounded by previously developed land, former car park and derelict amenity grassland.

1.2 Scope of Work

- 1.2.1 The Client commissioned Rachel Hacking Ecology to carry out the following works:
- Phase 1 Habitat Survey of the land to be affected to JNCC and UK Habs standards, mapping the habitats.
 - Assess the habitats on site and immediately adjacent for their potential to support protected species.
 - Daytime Bat Survey of all structures to be affected on site, searching for evidence of bat activity.
 - Assessment of any affected trees for their suitability to support roosting bats.

- Survey for invasive non-native species on the site.
- Detailed report including full results, impact assessment and recommendations for further protected species surveys/mitigation, if necessary.

1.3 Site Visit Information

Surveyor Details

- 1.3.1 Lucia Ruiz Mut (Ecologist) visited the site on 4th December 2024. Lucia has over two years' professional experience carrying out similar surveys and is a Qualifying member of CIEEM.

Weather

- 1.3.2 The weather at the time of the survey was dry with cloud and sunny spells, and an average temperature of 5°C. Weather conditions were appropriate for a full assessment to be undertaken.



2. Methods

2.1 Desk Study

- 2.1.1 The Magic website (Multi-Agency Geographical Information for the Countryside) was interrogated for the presence of Statutory Designated Sites (and European Protected Species licences) within a 2km radius of the site
- 2.1.2 The site was checked to determine if it is located within an Impact Risk Zone for any Site of Special Scientific Interest (SSSI) and if so, whether the Local Planning Authority will need to consult Natural England.
- 2.1.3 Local Planning Authority Policy maps were interrogated for the locations of non-statutory designated sites within a 1km radius of the site.

2.2 Field Survey

Extended Phase 1 Habitat Survey

- 2.2.1 In accordance with JNCC guidelines¹ and the UK Habitat Classification System² (UKHabs) the site was walked over and the habitats and features of ecological interest were mapped and described. Habitats and features of particular interest were target noted.
- 2.2.2 During the walkover habitat and features were assessed for their suitability to support protected and notable species in accordance with CIEEM guidelines³. Field signs of protected, notable, and invasive non-native species, if encountered, were mapped, and described.

Bats

- 2.2.3 The exterior of the site was surveyed from the ground using binoculars and a high-powered torch, where necessary. Features offering potential access to roosting bats were recorded. Such features may include suitable gaps in roof coverings, gaps behind external cladding/facia and gaps in masonry.
- 2.2.4 Evidence indicating the presence of roosting bats was also searched for. This may include bat droppings on walls, windows or on the ground below roost entrances or staining from fur oil around roost entry points.

¹ JNCC (2010). *Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit*. Joint Nature Conservation Committee, Peterborough

² Butcher, B., Carey, P., et al (2020). UK Habitat Classification – Habitat Definitions V1.1 at <http://UKhab.org>

³ CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal*. Chartered Institute of Ecology and Environmental Management, Winchester.

- 2.2.5 Any trees on the site that are to be affected by the proposals were given a ground-level assessment, searching for Potential Roosting Features (PRF's), such as flaking bark, woodpecker holes, knot holes and limb splits.

2.3 Mitigation Hierarchy

- 2.3.1 Mitigation measures should be embedded within the masterplan design and planning application process. Measures during the construction phases should be included in a Construction Environmental Management Plan: Biodiversity (CEMP). This process from proposal to implementation needs to consider the 'mitigation hierarchy' of avoid, reduce, compensate, and enhance:
- Aim to avoid negative effects through the design process.
 - Mitigate if negative effects cannot be avoided.
 - Use compensation measures to offset residual impacts.
 - Identify and implement opportunities to enhance biodiversity.



3. Results

3.1 Survey Constraints

- 3.1.1 The site was fully accessible, and no constraints exist.
- 3.1.2 Field survey results are valid for a limited duration and no investigation can provide a complete description and characterisation of a site. The composition of habitats and species can change depending on environmental variables and the mobility of species, so the results of a study become less reliable over time. In some cases, surveys that are 3 years old may be acceptable for a project assuming that habitats have not significantly changed in the intervening period, but for protected species it is likely that survey data will need to be no more than 18 months old.

3.2 Designated Sites

- 3.2.1 The desk study provided information on the statutory and non-statutory designated sites, and these are listed below in Table 1.

Table 1. Designated Sites				
Name	Status	Location/distance	Interest	
Rochdale Canal	Special Area of Conservation (SAC) International Importance Site of Special Scientific Interest (SSSI) National Importance	0.19km North	Rochdale Canal supports a significant population of the Schedule 8 plant Floating Water-plantain <i>Luronium natans</i> in a botanically diverse waterplant community. This population of <i>Luronium</i> is representative of the formerly more widespread canal populations of north-west England.	

- 3.2.2 The desk study identified that the site was located within the Impact Risk Zone of Rochdale Canal SSSI. The proposed development will not require the Local Planning Authority to consult with Natural England since the proposals do not meet the criteria for this requirement.

3.3 Local Plan

- 3.3.1 The area south of the site features Deciduous Woodland Priority Habitat and is identified in the local plan as green network and local urban open space.

3.4 Habitats

- 3.4.1 Habitats are classified in accordance with the Defra Statutory Metric classification. Target Notes and photographs are contained in Appendix 2 and the habitats survey plan is contained in Appendix 3.
- 3.4.2 The site is split between an active community gardens site and the grounds of a former NHS Medical centre, which has now been demolished.

Urban - Allotments

- 3.4.3 Within the community gardens, the western half comprises the allotments/horticulture site (1). The dominant ground cover is modified grassland with poor species diversity and regularly mown. Species present are characteristic of low distinctive grassland such as dominant Perennial Rye-grass *Lolium perenne* with occasional Dandelion *Taraxacum officinale* agg., White Clover *Trifolium repens*, Creeping Buttercup *Ranunculus repens*, Ribwort Plantain *Plantago lanceolata*, Common Mouse-ear *Cerastium fontanum* and Speedwell *Veronica* sp.
- 3.4.4 The grassland cover is intersected with bare ground patches covered in mulch and pebbles, growing plots, wooden plant beds and small greenhouse structures.

Cropland – Intensive Orchard

- 3.4.5 This refers to the eastern edge of the community garden, which features a small, young orchard (2). Tree species include Apple *Malus* spp., Cherry *Prunus* sp., and Pear *Pyrus* sp.. The ground cover features modified grassland with slightly higher species diversity than (1) but still poor. Species present include all of those present within (1) groundcover, plus Common Vetch *Vicia sativa*, Meadow Buttercup *Ranunculus acris* and ruderal herbs such as Broad-leaved Dock *Rumex obtusifolius* and Common Ragwort *Jacobaea vulgaris*. These are all characteristic of low distinctiveness grassland. Sward height is varied and not regularly mown.
- 3.4.6 Whereas (2) is not intensively managed for commercial purposes, it is considered that the classification as 'Intensive Orchard' is the most appropriate for this parcel, as it closely matches the definition for this habitat in UKHabs (c1e), showing Modified Grassland groundcover and young trees.

Urban - Artificial Unvegetated; Unsealed Land

- 3.4.7 This habitat (3) includes a small patch in the middle of the orchard habitat featuring bare ground covered in pebbles, and the westernmost edge of the community garden, featuring bare ground covered in mulch. This is used to provide vehicular access and as a base for storage/workshops units.

Urban - Developed Land; Sealed Surface

- 3.4.8 The hardstanding surfaces (4) comprise the former car park ancillary to the, now demolished, NHS building and surrounding pedestrian walkway.



Sparsely Vegetated Land – Ruderal/Ephemeral

- 3.4.9 The former NHS building footprint features previously developed land, that has been colonized sparsely by ephemeral and ruderal vegetation (5). Species present include Creeping Bent grass *Agrostis stolonifera*, Perennial Rye-grass, Fescue *Festuca* sp., Rosebay Willowherb *Chamaenerion angustifolium*, Creeping Buttercup, Plantain *Plantago* sp., White Clover, Ragwort, Spear Thistle *Cirsium vulgare*, Dock, and Herb Robert *Geranium robertianum*.

Grassland - Modified Grassland (A)

- 3.4.10 This refers to the modified grassland habitat (6) featured at the northeast corner of the site, within the road verge. This habitat is intensively managed showing a very short sward and poor species diversity including dominant Perennial Rye-grass and Fescue with occasional White Clover.

Grassland - Modified Grassland (B)

- 3.4.11 This comprises the grassland habitat (7) surrounding the former building footprint and associated car park. This habitat is not regularly mown, showing a similar structure and composition to the groundcover of the orchard habitat. That is, varied sward height with similar low distinctiveness and poor species diversity including the herbaceous and ruderal herbs previously described within (2) groundcover. This habitat extends outside the red line boundary, to the south, at the easternmost section of the site.
- 3.4.12 Some scrub (TN1) is present at the southern corner, featuring Bramble *Rubus fruticosus* agg., and the invasive, non-native species Wall Cotoneaster *Cotoneaster horizontalis* (TN2) and other Ornamental species. These do not meet the minimal size required to be considered as a habitat on their own and therefore are only target noted.

Building/Structures

- 3.4.13 These include the five metal containers within the site which are used as welfare units and/or storage, and the electricity substation building.
- 3.4.14 These are described in detail in Section 3.4 Bats in relation to their roosting potential.

Hedgerow

- 3.4.15 There is a very short hedge (8) southwest of the site. The species is unknown, and it only extends to 0.02km.

Individual Trees

- 3.4.16 These refer to individual, scattered trees, which are not considered as part of the orchard. There is a total of 11 individual trees. Species include Norway Maple *Acer platanooides*, Cherry, Balsam Poplar *populus balsamifera*, Hawthorn *Crataegus monogyna*, Ash *Fraxinus excelsior*, Holly *Ilex aquifolium*

and Common Laburnum *Laburnum angyroides*. Most of them are young or semi-mature which the exception of two Norway Maple specimens (T1 and T9) and one decaying Hawthorn (T5) at the entrance of the site. To avoid confusion these have been labelled in the Habitat Classification Map, shown in Appendix 3, as referred to in the Arboricultural Impact Report⁴.

- 3.4.17 T1 offers roosting opportunities for bats and is described in further detail in Section 3.4 Bats.

Ornamental Shrub

- 3.4.18 Adjacent to the southern boundary of (1), outside the red line, there is an area of planted Dogwood *Rosa canina* shrub (9).

Bramble scrub

- 3.4.19 Bramble scrub (10) extends along the southern boundary of the middle section of the site, outside the red line, encroaching towards the edge. Bramble is dominant with frequent Ivy and Rosebay Willowherb and Dock.

3.5 Species

Invertebrates

- 3.5.1 Habitats on site are not likely to support rare assemblages of invertebrates given the urban context of the site and the general low biodiversity of habitat presents.
- 3.5.2 The logs and brash piles, and the invertebrate houses scattered across the site, may be used by solitary bees or other insects. However, these features are not considered to significantly contribute to the conservation status of the local insect population. Thus, invertebrates are not discussed further in this report.

Great Crested Newt

- 3.5.3 There is no suitable breeding or terrestrial habitat for Great Crested Newt (GCN) *Triturus cristatus* on site. There are no ponds or waterbodies featuring standing water within 0.25km of the site. No European Protected Species Licence (EPSL) for GCN have been granted within 1km of the site.
- 3.5.4 It is considered highly unlikely that GCN may be present on site and therefore, this species is not further considered in this report.

⁴Tree Solutions (2024) Land off Queens Drive, Kirkholt, Rochdale. Arboricultural Impact Assessment

Reptiles

- 3.5.5 The modified grassland on site offers some forage opportunities for reptiles, and the scrub along the boundaries as well as the logs and brash piles on site provide shelter and refugia habitats (TN3). The site is well connected to other suitable habitats south of the site.

Nesting Birds

- 3.5.6 Individual trees and scrub on site provide nesting opportunities on birds. Additional nesting opportunities are available in the form of bird boxes.

Badger

- 3.5.7 There is no suitable sett creation habitat for Badger *Meles meles*. The woodland south of the site provides suitable habitat for Badger.

Hedgehog

- 3.5.8 The site offers foraging and dispersal habitat for hedgehog, in the form of modified grassland and Bramble scrub edges.

Bats

- 3.5.9 The buildings/structures on site were assessed for their suitability for roosting bats.
- 3.5.10 The metal containers (see Photographs 1, 2, 3 and 4) do not offer any Potential Roosting Features (PRFs) and cannot provide the necessary conditions for roosting bats. These are deemed as offering **negligible** suitability for roosting bats.



Photographs 1 (left) and 2 (right) showing the containers in the middle of the community gardens



Photographs 3 (left) and 4 (right) showing the container at the western end of the site adjacent to the vehicular access.

- 3.5.11 The substation building is comprised of brick walls and flat metal roof with wooden barge boards (see Photograph 5). There is a small gap between the wall and the barge board (see Photograph 6) that may be used by bats as an access point or as a roosting feature itself. However, the building does not provide enough space, shelter, appropriate conditions or suitable surrounding habitat to be used regularly or by larger numbers of bats. The substation building is assessed as offering **low** suitability for roosting bats.



Photographs 5 (left) and 6 (right) showing the substation building and the gap between the wall and the barge board, respectively.

- 3.5.12 T1 offers PRFs for bats. Details are shown in Appendix 4.

3.6 Invasive Species

- 3.6.1 During the field survey Wall Cotoneanester (TN2) was recorded within habitat (7), at the southern corner, surrounding T6.

4. Assessment

4.1 Development Context

- 4.1.1 The following assessment assumes that all habitats comprising the former NHS facilities and the eastern section of the community gardens, currently featuring the orchard will be lost to the development. Removal of T1, T6 and T7 is also proposed.

4.2 Impacts on Designated Sites

- 4.2.1 No impacts on designated sites are anticipated given the distances involved and the lack of impact pathways.

4.3 Impacts on Habitats

- 4.3.1 No impacts are anticipated to the Deciduous Woodland Priority Habitat, which is located outside the red line boundary, to the south, and at higher altitude. The works will be restricted to the red line boundary which is already fenced off not affecting the woodland.
- 4.3.2 Habitats on site are of low ecological value, common and widespread and their loss is considered a negative impact at the site level only. No specific mitigation is required for the loss of these habitats, however, for the purpose of Biodiversity Net Gain, any loss of biodiversity units provided by these habitats will require compensation.
- 4.3.3 The mature and early mature Norway Maple specimens (T1 and T9), as well as the semi-mature Ash trees (T6 and T7) are considered of higher ecological value and will preferably be retained. If this is not feasible, their loss must be compensated. See mitigation in Section 5.

4.4 Impacts on Species

Reptiles

- 4.4.1 There is a risk of reptiles being harmed due to vegetation clearance and removal of suitable shelter and potential refugia habitats. Given the size of the site, further surveys are not considered appropriate, however mitigation is required (see Section 5).

Nesting Birds

- 4.4.2 Removal of habitats suitable for nesting birds such as trees, pruning works, and other vegetation clearance could result in nesting birds being harmed/disturbed. Mitigation is recommended (see Section 5).

Badger

- 4.4.3 Badger may be present within the deciduous woodland south of the site and can be attracted to the site when construction works start because of spoil heaps and exposed soils that offer foraging opportunities. Thus, there is a risk of harm through entrapment and contact with hazardous machinery and harmful substances, should they be able to trespass the current site fence. Mitigation is recommended (see Section 5).

Hedgehog

- 4.4.4 The site offers dispersal and refugia opportunities for Hedgehog. These can also be harmed when accessing construction sites and there is potential for similar impacts than those to Badger. Mitigation is recommended (see Section 5).

Bats

- 4.4.5 The containers on site are of negligible suitability for bats. The substation offers low suitability; however, this will not be impacted by the development.
- 4.4.6 T1 is set to be removed. This will result in the loss of two PRF-Is and could potentially result in bats being harmed/disturbed. Mitigation is recommended (see Section 5).

4.5 Invasive Species

- 4.5.1 It is not an offence to have Wall Cotoneaster on your land, but it is an offence to allow the species to spread into neighbouring areas or to grow in the wild. Therefore, it will be necessary to ensure appropriate measures are in place to prevent development activities from causing further spread of the species to new areas (see Section 5).

5. Recommendations

5.1 Further Surveys

- 5.1.1 No further surveys are considered necessary.

5.2 Mitigation and Enhancement Measures

- 5.2.1 Protection of ecological features (habitats and species) during the construction phase will be described in a Construction Environmental Management Plan (CEMP). Mitigation measures to protect, maintain and enhance ecological features during the operational phase of development will be described in a Biodiversity Management Plan (BMP). Management Plans will contain Operational Aims and Objectives, Rationale for management, Prescriptions and schedules detailing the timing and responsibility for delivering the prescriptions. It is anticipated that the CEMP and BMP will be provided as a planning condition in advance of the commencement of the proposed development.

Habitats

- 5.2.2 Removal of trees must be compensated with native tree planting at a 2:1 ratio, at a minimum. Further planting may be required to provide biodiversity net gain.
- 5.2.3 For the proposed developments to achieve an overall net gain for biodiversity it will be necessary to seek mitigation or compensation for any shortfall in units. This will be calculated once landscape plans become available.
- 5.2.4 Biodiversity net gains might be achieved through on-site mitigation via enhancement or creation of ecologically valuable habitats within POS such as wildflower grassland, mixed scrub and including tree planting, as well as creating native hedgerows, prioritising vegetated gardens over patios and/or including other green urban features such as green roofs or sustainable drainage system within the developed areas. If required, where on-site mitigation is not enough to provide gains, other land under the same ownership might be used to provide off-site compensation.

Reptiles

- 5.2.5 To avoid harm to reptile species, should these be present, it is recommended that reptile specific Reasonable Avoidance Measures (RAMs) are enforced, this may include, but are not limited to:
- The vegetation clearance phase should be cleared in two stages, up to 10cm first and down to ground level 24hrs after.

- Any brash piles or other piles of debris, discarded materials, etc. should be dismantled by hand. No dismantling should take place during the hibernation period (October – February inclusive).

Nesting Birds

- 5.2.6 Impacts on nesting birds should be avoided by carrying out site clearance and similar operations outside of the bird breeding season (March- August). Construction activities that might directly impact upon breeding birds should hence be limited to the September-February period. If vegetation has to be cleared during the bird breeding season checks immediately before clearance by a suitably qualified ecologist will be required. If nesting activity is detected work in that area will need to stop until the ecologist considers that nesting activity is finished.

Badger & Hedgehog

- 5.2.7 To ensure that badger and any other mammals are not trapped or harmed during the construction work, smaller excavations should be covered if left overnight. Larger excavations, if left overnight or for longer periods, should be ramped to enable animals to escape.

Bats

- 5.2.8 According to the BCT Good Practice Guidance⁵, trees with PRF-I features only do not require further surveys. However, the guidance notes that where there is at least one PRF-I present, a Precautionary Working Method Statement must be produced to cover the felling works, and that appropriate compensation, such as provision of roosting opportunities, should be delivered in advance of impacts. That is, a minimum of two bat boxes must be included in the proposals.

Invasive Species

- 5.2.9 It is recommended that Wall Cotoneaster is eradicated from the site by a specialist contractor using suitable methodology.

⁵ Collins, J. (ed.) (2023) Bat Surveys for Professional Ecologist: Good Practice Guidelines (4th edition). The Bat Conservation Trust, London

Appendix 1: Planning Policy & Legislation

National Policy

The National Planning Policy Framework (NPPF 2023) describes the Government's planning policy for England and how it should be applied. Within this framework, the requirements in relation to biodiversity are included within several policies. The two most relevant to individual planning decisions are Paragraphs 180 and 186, shown below:

- 180. Planning policies and decisions 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 (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
- 186. When determining planning applications, local planning authorities should apply the following principles:
 - a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments),



should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Legislation

The Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000) includes the notification and confirmation of Sites of Special Scientific Interest (SSSIs). SSSIs can be notified for their floral, faunal, geological, or physiographical features. Protection against damaging operations and management of SSSIs is also included within the Act. Impact Risk Zones (IRZs) are zones around an SSSI account for the particular sensitivities of the features for which it is notified and identify development proposal which could have adverse impacts.

The Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000) protects native animals, plants and habitats. Under the Act it is an offence to intentionally kill, injure or take any wild animal listed on Schedule 5 and it is an offence to interfere with places used for shelter or protection, or intentionally disturb animals occupying such places. The Act prohibits picking, uprooting or destroy any wild plant (or any attached seed or spore) listed in Schedule 8.

European Protected Species (EPS) such as bats, Hazel Dormouse, Otter, Natterjack Toad, Smooth Snake, Sand Lizard and Great Crested Newt are protected by the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000) and the Conservation of Habitats and Species Regulations 2017. The Acts make it an offence to:

- a) Deliberately capture, injure or kill an EPS;
- b) Deliberately impair an EPS's ability to survive, breed, reproduce, rear or nurture young; to hibernate or migrate; or significantly affect the local distribution or abundance of the EPS.
- c) Possess or control live or dead EPS or any part of, or anything derived from a EPS;
- d) Damage or destroy a breeding site or resting place of an EPS;



- e) Intentionally or recklessly obstruct access to any place that is used for shelter or protection by an EPS;
- f) Intentionally or recklessly disturb a structure or place that it uses for shelter or protection that is occupied by an EPS.

All common herptiles are protected under the Wildlife and Countryside Act 1981 (as amended by the CROW Act 2000). Grass Snake, Slow Worm, Common Lizard, Adder are protected against intentional killing or injury. Common Frog, Common Toad, Smooth Newt and Palmate Newt is protected against sale. In addition, all British reptiles, Common toad and Great Crested Newt are listed as Species of Principal Importance.

All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill, injure or take any wild bird or take, damage, or destroy its nest whilst in use or being built, or take or destroy its eggs. It is an offence to intentionally or recklessly disturb a species listed on Schedule 1 of the Act while they are nest building or at or near a nest with eggs or young, or to disturb the dependent young.

The Protection of Badgers Act 1992 makes it an offence to wilfully, or to attempt to kill, injure, take, possess or cruelly ill-treat a Badger, or intentionally or recklessly interfere with a sett. Interference of a sett includes disturbing badgers during occupation of a sett, or damaging or destroying a sett, or obstructing access to the sett.

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on every public authority to have regard to conserving biodiversity. Section 41 of the same Act requires the Secretary of State to publish a list of the living organisms and types of habitats that are of 'Principal Importance' for the purpose of conserving biodiversity. The Secretary of State must take steps, as appear reasonably practicable, to further the conservation of those living organisms and habitats in any list published under this section. The list of species and habitats of principal importance currently includes 943 species and 56 habitats. These are the species and habitats found in England which are regarded as conservation priorities under the UK Post-2010 Biodiversity Framework

The Hedgerows Regulations 1997 protect 'important' hedgerows from destruction or damage. A hedgerow is 'important' if it (a) has existed for 30 years or more; and (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations. Under the Regulations, it is against the law to remove or destroy 'important' hedgerows unless permitted by the local planning authority.

The Environment Act 2023 makes it mandatory for housing and development, subject to some narrow exemptions, to achieve at least a 10% net gain in value for biodiversity – a requirement that habitats for wildlife must be left in a measurably better state than before the development. Developers must submit a 'biodiversity gain plan' alongside usual planning application documents. The local authority must assess whether the 10% net gain requirement is met in order to approve the biodiversity gain plan.

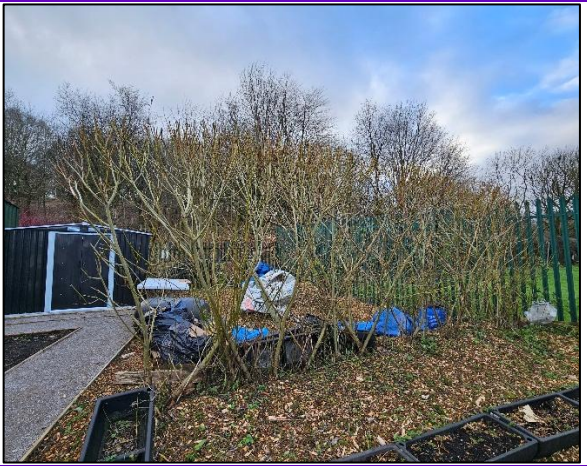
The Environment Act 2023 strengthens the duty on public authorities (NERC Act, 2006) to have regard to the conservation of biodiversity.

The Environment Act 2023 amends the Wildlife and Countryside Act 1981 to introduce an additional purpose for granting a protected species licence in relation to development, 'for reasons of overriding public interest', and two additional tests for the granting of such licences: that there is 'no other satisfactory solution' and that granting the licence is 'not detrimental to the survival of any the population of the species concerned'. These changes will reduce the scope for unlicensed activities to provide clear safeguards before licences can be granted, providing legal certainty and clarity to developers about their environmental obligations.

Appendix 2: Target Notes

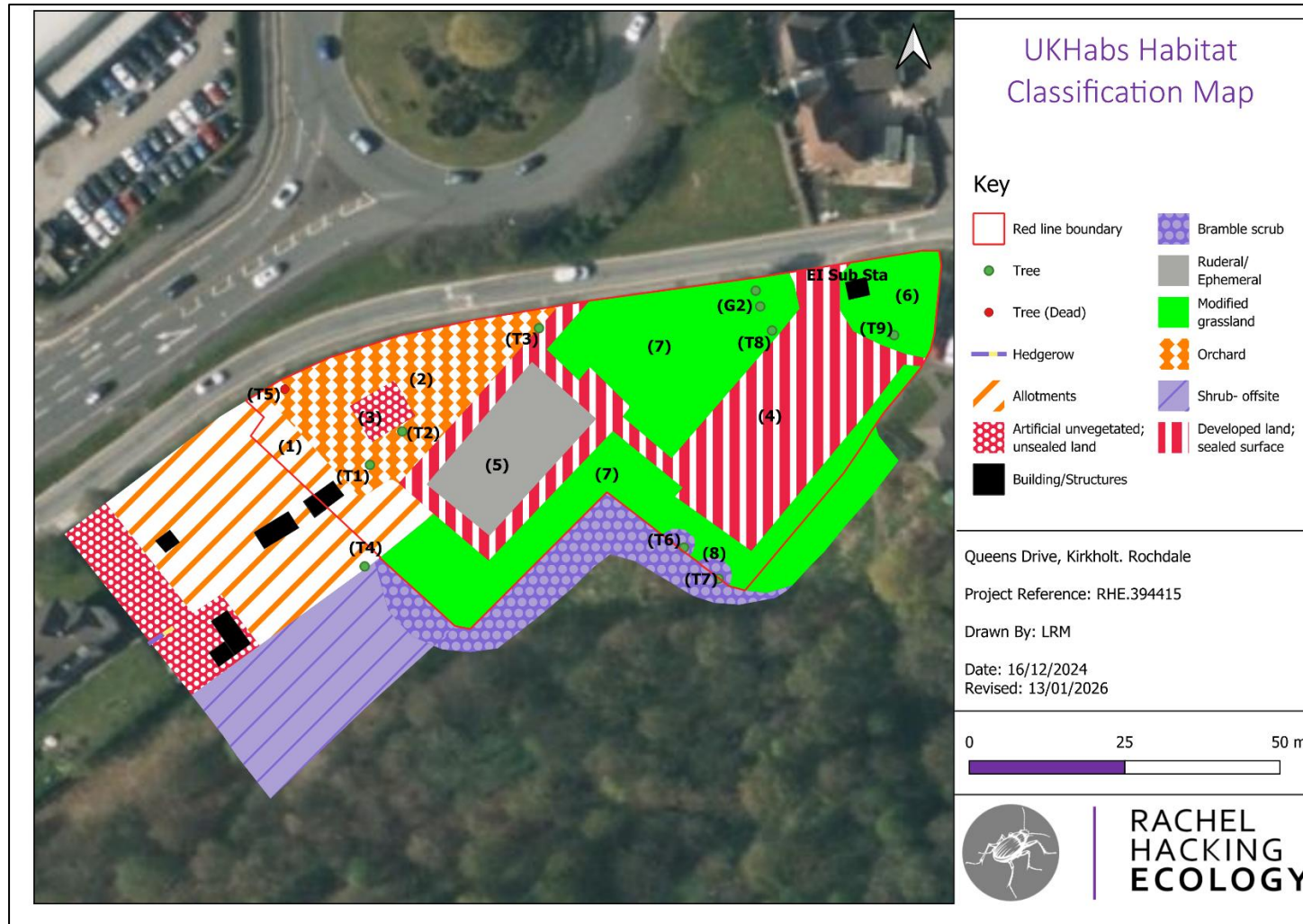
Reference No.	Habitat	Photograph
(1)	Allotments	
(2)	Orchard	
(3)	Artificial unvegetated land; not sealed	

(4)	Developed land; sealed surface	
(5)	Sparsely vegetated urban land; Ruderal/Ephemeral	
(6)	Modified grassland (A)	
(7)	Modified grassland (B)	

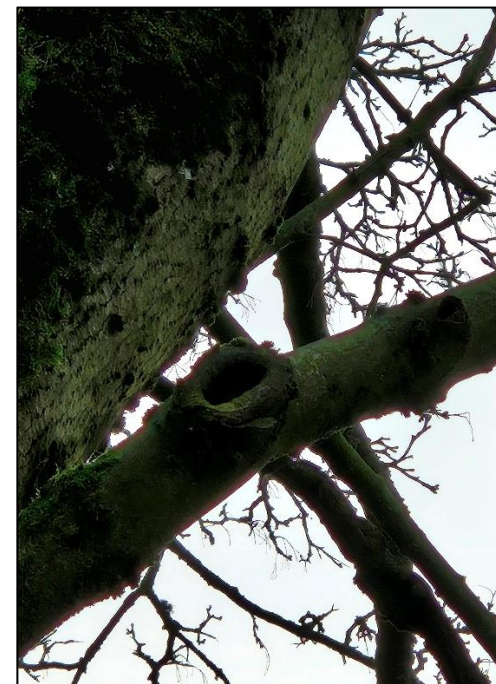
(8)	Hedgerow	
(9)	Dogwood shrub (off-site)	
(10)	Barmble scrub (off-site)	
TN1	Scrub (on-site)	

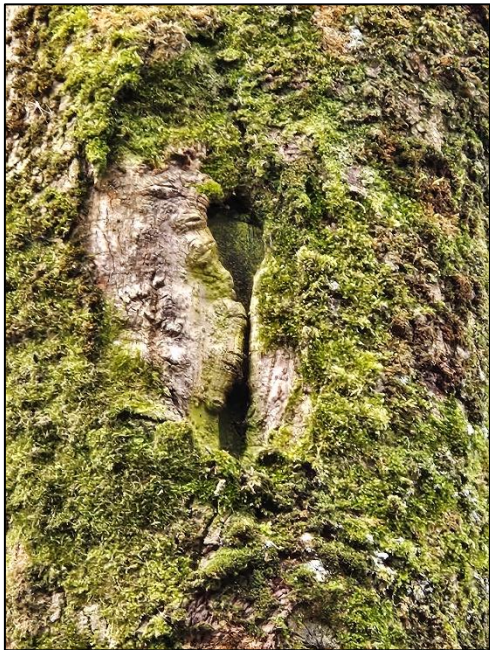
TN2	Wall Cotoneaster	
TN3	Potential reptile refugia	

Appendix 3: UKHabs Habitat Classification Map



Appendix 4: Ground-level Tree Assessment

Table A1. Ground-level Tree Assessment Results						
Tree Ref. no	Tree Species	Location (What3Words)	PRF(s) Description	Tree Suitability	PRF(s) Suitability	Photographs
T1	Norway Maple	///dined.cares.ages	1) Small knot hole, circa 3.5m high, facing northwest. Located at the elbow of a brach extending south. 2) Wound that have been partially covered with barck regrowth forming fissure that leade to small cavity underneath the barck. Located in the trunk, circa 3m high and facing east.	PRF	1) PRF-I 2) PRF-I	1) 

						2) 
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