

Preliminary Ecological Appraisal

78 Park Road

Prestwich, Greater Manchester

March 2026

Prepared for: My Property Survey

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REPORT ARRANGED BY*

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EXECUTIVE SUMMARY

- On 4th March 2025 a Preliminary Ecological Appraisal was undertaken on land at 78 Park Road, Prestwich, Manchester. The site comprises other neutral grassland, bramble scrub, a mature oak and ornamental and non-native species hedgerow.

Consideration for protected species

- A site visit on 23rd February 2026 confirmed the land has recently been cleared. The hedgerow and mature oak tree are still present. Enhancement to compensate in part for the loss of habitat and functionality of the site for wildlife will be undertaken.
- Recommendations have been made for native species planting, installation of bat and bird boxes and creation of a 'hedgehog highway'.
- The mature oak tree will be retained and protected during works.

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 at 78 Park Road, Prestwich M25 0FA. Ordnance Survey grid reference (centre of site): SD830028.
- 1.1.2. My Property Survey 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 four dwellings with associated access and landscape.

1.4 Ecologist

- 1.4.1 The Ecological Assessment was undertaken by Verity Webster. Verity is a Chartered Ecologist and a full member of the Chartered Institute of Ecology and Environmental Management. 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 19 years. She has undertaken Ecological Assessments and protected species surveys for a large variety of projects and schemes, producing the required impact assessment and subsequent mitigation schemes and method statements when necessary.

2 Site Location and Description

2.1 Site Location

- 2.1.1 The survey site is located in a built-up residential area of Prestwich, Greater Manchester, approximately 4km north of Manchester city centre. The site lies approximately 600m south of Heaton Park, an area of grassland and woodland with waterbodies. The A576 Middleton Road runs north to south approximately 500m to the east, and the A665 Bury Old Road runs north to southeast approximately 300m to the west. Although the immediate surroundings are residential, the area is 'green' due to the large numbers of residential trees and gardens.
- 2.1.2 Other areas of open green space in the locality comprise Broughton Park, an area of grassland and waterbody approximately 700m to the south and Kersal Wetlands, which lie approximately 1.3km to the west within the bounds of the River Irwell, which weaves through the landscape approximately 1.1km to the southwest.
- 2.1.3 The survey site is considered to be in a locality with moderate suitability for protected species and habitats of interest. See Figures 1 and 2.

2.2 Site Description

- 2.2.1 The survey site is roughly square and comprises an area of other neutral grassland with tall forb and scattered young trees. There is a small area of bramble scrub around the boundary and a mature oak tree in the northwest corner.
- 2.2.2 There is no evidence of prior clearance of the site (post-January 2020). The site previously supported a house and gardens (2018) prior to demolition and clearance (Google Earth, 2025).
- 2.2.3 See UK Habitat Classification Plans, Figure 3.

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

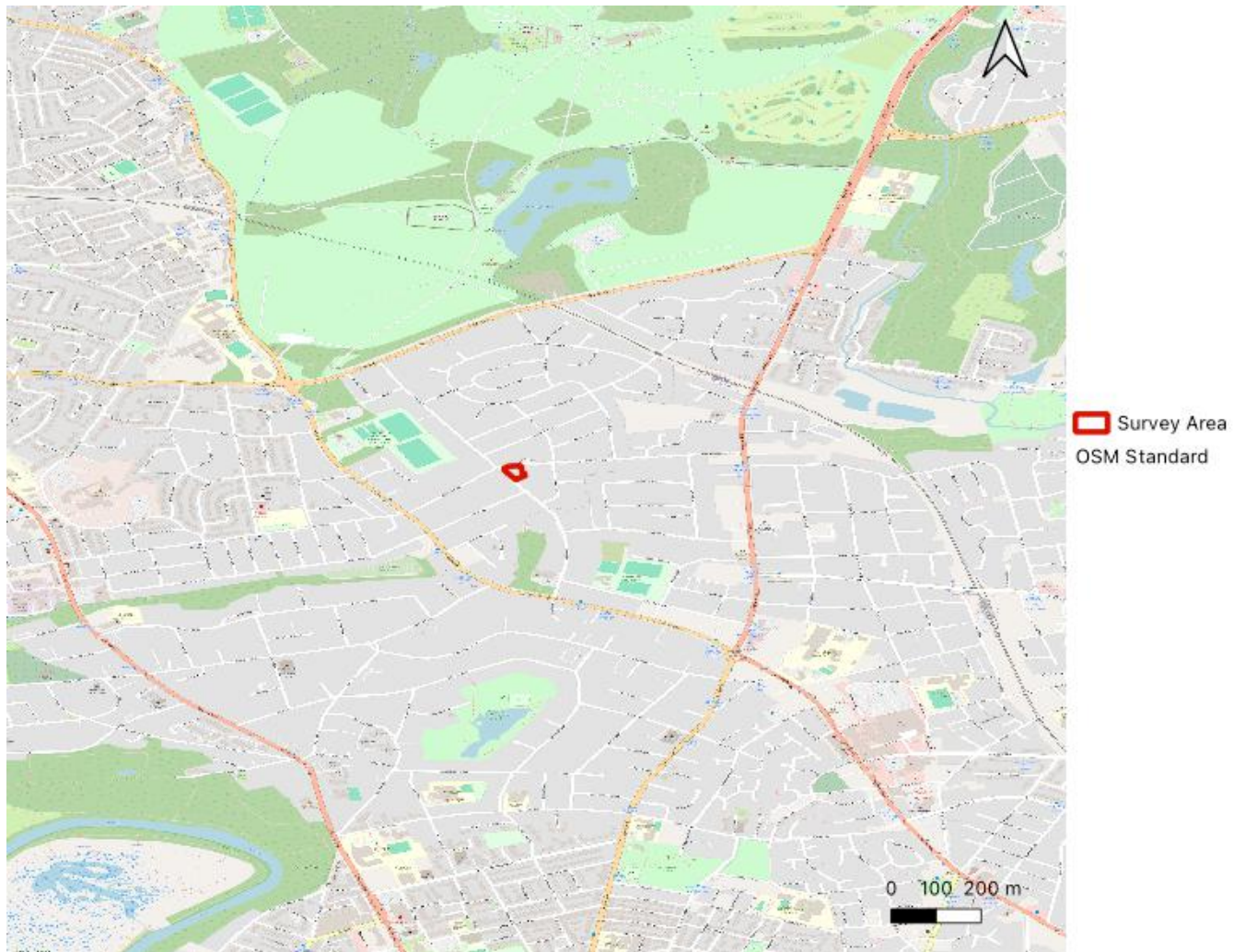
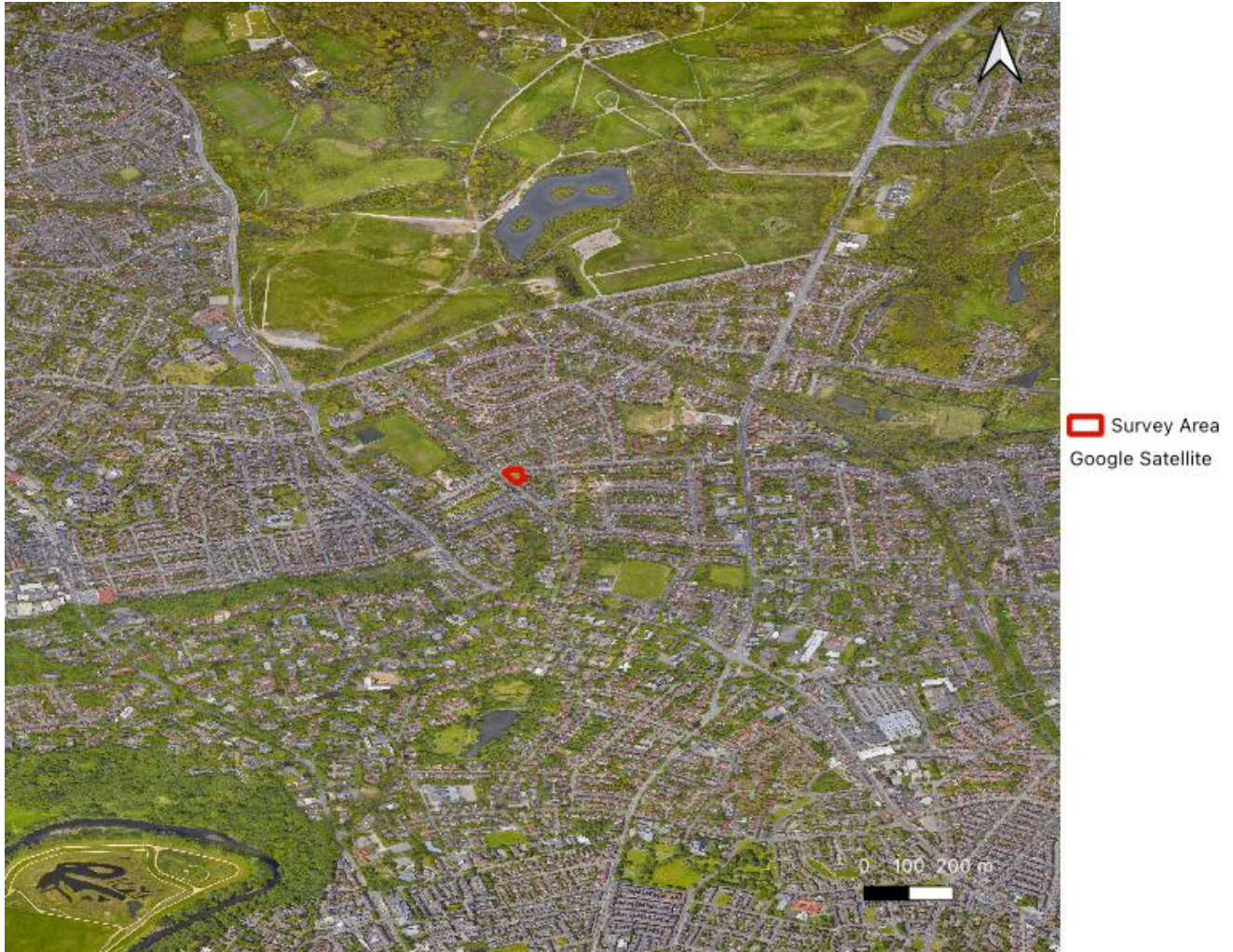


Figure 2: Aerial image showing the Survey Site and immediate surroundings



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 Breeding Birds

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)
- Greater Manchester Local Record Centre (GMLRC) (2026)

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 GMLRC includes records of protected species and habitats of conservation interest within 1km of the survey site.

4.2 Site Survey

4.2.1 The survey site was walked in daylight 4th March 2025 and again on 23rd February 2026, 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

4.0.1 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. This work was undertaken following the latest good practice guidance (Collins, 2023).

4.0.2 Potential Roost Features (PRFs) include features created as a result of disease and decay, damage or association:

Damage PRFs:

- Branch scars and rips
- Lightning strikes
- Subsidence
- Cracks
- Shearing cracks
- Horizontal cracks and splits such as hazard beams
- Welds

- Desiccation
- Fissures
- Frost cracks
- Flaking or partially-detached bark

Disease and Decay PRFs

- Rot holes, including butt-rot
- Woodpecker holes
- Cankers with cavities
- Knot holes
- Squirrel holes
- Wounds
- Compression forks

Association PRFs

- Holes between double-leaders
- Fluting
- Dense ivy

Other:

- Bird, bat or dormouse boxes.

Suitability of trees for bats

4.0.3 Trees were assessed as having suitability for bats as follows:

- **None:** Lack any Potential Roost Features (PRFs) in tree or highly unlikely to be any. Precautionary methods of work may be required prior to felling / tree works.
- **FAR (Further Assessment Required):** Further assessment required to establish if PRFs are present in the tree.
- **PRF (Potential Roost Feature):** A tree with at least one PRF present.

Initial categorisation of Potential Roost Features

4.0.4 Potential Roost Features may be categorised as follows, although, on the basis of a ground level tree assessment, this may be an estimate only:

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

Potential Roost Feature Survey

4.0.5 If considered subject to direct or indirect impact by the proposals, PRFs present, further survey work may be necessary to inspect the PRFs with the use of an endoscope (Ridgid SeeSnake Inspection Camera CA-150). The inspection would assess the following factors:

- Presence of bats
- Presence of droppings or odour
- The dust / debris present
- Whether the interior is smooth or rough, damp, wet etc.
- Presence of association species (woodlice and dusky slug)

4.0.6 As a result of the inspection, the PRFs are categorised as to whether or not the features were likely to be, or are confirmed bat roosts or not.

4.0.7 Further survey is recommended depending upon the findings.

Categorisation of Potential Roost Features

4.0.8 Potential Roost Features were assessed as follows:

- **Unsuitable** – feature is not suitable for roosting bats.
- **Unlikely to be a roost** – features does not provide factors often favoured by bats. Very unlikely to be a roost. Precautionary method of work during felling may be required
- **Possible roost** – Conditions of the PRF suggest that it may be suitable, but there are no signs to confirm this. Further survey work may be required to determine whether the site is a roost. Precautionary method of work during felling will be necessary, including a pre-check of any features for bats and signs of bats
- **Confirmed roost** – Condition of the PRF or signs present confirm or strongly suggest the feature is a roost. Further survey work will be necessary. It would be a requirement to obtain an European Protected Species Mitigation (EPSM) licence from Natural England prior to works being undertaken. Appropriate mitigation will be necessary.

4.3 Survey Limitations

4.3.1 The survey work was undertaken in early-March 2025 and late-February 2026. At this time of year species such as bats, reptiles and amphibians are not very active, although an assessment of the likelihood of presence is based upon the habitat present and not sightings of animals.

4.3.2 A proportion of higher plants are visible in early-March, 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 Sites within 5km of the survey site.
- 5.1.2 There are three UK statutory designated sites within 2km:
- **Blackley Forest Local Nature Reserve (LNR)** located approximately 900m to the northeast of the survey site. This site comprises woodland, grassland, standing water and marsh. The River Irk flows through the reserve.
 - **Kersal Moor LNR** located approximately 1.28km to the southwest of the survey site. This site comprises a mosaic of grassland with trees.
 - **The Cliff/Kersal Dale LNR** located approximately 1.3km to the southwest of the survey site. This site comprises woodland, standing water, marshland and semi-natural grassland.

5.2 Non-Statutory Sites

- 5.2.1 There are three Sites of Biological Interest within the 1km search area.
- **Bowker Vale Reservoir** located approximately 800m to the northeast of the survey site. This is an area of standing water and grassland.
 - **Blackley Forest and Heaton Vale Reservoirs** located approximately 950m to the northeast of the survey site. This is an area of woodland, grassland and marsh with standing water.

- **Lakeside Woodland in Heaton Park** located approximately 900m to the northeast of the survey site. This is a wet woodland.

Assessment of Impact

Statutory Designated Sites

- 5.2.2 Habitats within the survey site comprising other neutral grassland and bramble scrub are similar to those associated with The Cliff LNR and could potentially form a functional link, although this is unlikely given the distance and the isolation of the survey site within the urban landscape.
- 5.2.3 The statutory designated sites are considered sufficiently distanced from the survey site that any direct or indirect impacts are very unlikely.

Non-Statutory Designated Sites

- 5.2.4 The Sites of Biological Importance are significantly distanced from the survey site and significantly isolated by urban landscape that no direct or indirect impacts are anticipated.
- 5.2.5 No further survey work or avoidance mitigation is considered necessary.

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.

6 Findings: Habitat Survey

6.1 Habitat Assessment

Data Search

- 6.1.2 The data from GMLRC does not include any records of flora in the locality. This is likely due to a lack of recorder effort and does not reflect the absence of species. Habitat of value in the locality is reflected in the presence of the Sites of Biological Interest in the area.

Survey Site

- 6.1.3 The survey site is unkempt and now supports scrub and tall forb with some areas of sparsely vegetated ground where access has been created.
- 6.1.4 The UK Habitat classifications are as follows:
- Other neutral grassland g3c with secondary codes 16 'tall forb', 202 'self-set trees', 521 'unmanaged'
 - Mature broadleaved tree g 203
 - Bramble scrub h3d
 - Ornamental or non-native hedgerow h2b
- 6.1.5 Refer to the UK Habitat Classification Plan (Figure 3) below.
- 6.1.6

g3c, 16, 202, 521 – Other neutral grassland

- 6.1.7 The majority of the survey site supported other neutral grassland. The stand is dominated by grasses, Yorkshire fog (*Holcus lanatus*), fescue (*Festuca* sp.), creeping bent-grass (*Agrostis stolonifera*), meadow grass species (*Poa* sp.) and cock's-foot grass (*Dactylus glomerata*). Compact rush (*Juncus conglomeratus*) is frequent and conspicuous.



Showing other neutral grassland

- 6.1.8 Herbs are frequent, comprising over 20% of the vegetation cover in March, and are likely to be more abundant in April and May. Herbs include colt's-foot (*Tussilago farfara*), yarrow (*Achillia millefolium*), ribwort plantain (*Plantago lanceolata*), creeping cinquefoil (*Potentilla reptans*), creeping buttercup (*Ranunculus repens*), dandelion (*Taraxacum* agg.), ragwort (*Senecio jacobaea*), common mouse-ear (*Cerastium fontanum*), agrimony (*Agrimonia eupatoria*), mallow (*Malva* sp.), mugwort (*Artemisia vulgaris*), strawberry (*Fragaria* sp.) and rosebay willowherb (*Chamerion angustifolium*).
- 6.1.9 Some species reflective of the prior garden status are also present including montbretia (*Crocsmia* sp.), tutsan (*Hypercium androsaemum*) and a *Rhododendron* shrub in the northeast corner.

- 6.1.10 Broom (*Cytisus scoparius*) is present in the centre of the site and sparsely around the boundary in the areas of bramble (*Rubus fruticosus* agg.) scrub.
- 6.1.11 Sapling trees are mainly birch (*Betula* sp.), oak (*Quercus* sp.) and willow (*Salix* sp.) and are under 7.5cm DBH.
- 6.1.12 Given the density of herbs, the fact that white clover and rye grass are rare or absent and there is more than one grass species not sown for agricultural production, the site is considered other neutral grassland. Average species per m² is 7sp. in early March and is considered likely to reach 8 or above later in the year when herbs are more conspicuous and annual grasses appear.

hd3 Bramble scrub

- 6.1.13 The bramble scrub stretched around the site boundary and supports some tall forb growth between.

h2b Ornamental hedgerow

- 6.1.14 The privet (*Ligustrum* var) hedgerow around the site boundary (H1) is considered ornamental because it was previously in a garden and is composed of an ornamental privet variety and rarely, holly (*Ilex aquifolium*). There is a short stretch (H2) of leylandii hedgerow on the northeast boundary.

g 203 - Broadleaved tree

- 6.1.15 A single mature oak (*Quercus* sp.) is present on site.



Showing other neutral grassland and bramble scrub along the eastern boundary of the site.



Showing bramble scrub along the northern boundary of the site.

Assessment

- 6.1.16 The habitat on site had developed over years of non-intervention and as a result creates a habitat mosaic of other neutral grassland and scrub.
- 6.1.17 The habitat is not considered to be of conservation significance and the loss of the habitat is not considered to be of significance to local flora.
- 6.1.18 Nevertheless, the proposals should in part compensate for the loss of the functionality of the habitat present. This will, in part, be taken into account under Biodiversity Net Gain requirements.



Looking northwest across the survey site. Showing the other neutral grassland, young self-sown trees and the large, mature oak tree.

Figure 3: 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 waterways 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 as they travel far to forage. Species associated with wooded habitat, such as brown long-eared bat (*Plecotus auritus*), Natterer's bat (*Myotis nattereri*), whiskered bat (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*) are less likely to be present in abundance as woodland is more limited in the landscape.
- 7.1.1.3 Linear features such as hedgerows woodland boundaries and waterways will act as habitat corridors, facilitating the movement of bats through the landscape.

Data Search

- 7.1.1.4 Data from GMLRC include records of at least four species of bats 1km of the survey site:
- Common pipistrelle (*Pipistrellus pipistrellus*)
 - Brown long-eared bat (*Plecotus auritus*)
 - *Myotis* species
 - Nathusius's pipistrelle (*Pipistrellus nathusii*)
 - Natterer's bat (*Myotis nattereri*).
- 7.1.1.5 There numbers of records are low, suggesting a lack of recorder effort rather than an absence of the species. There are records of six pipistrelle species bat roost sites within 1km, reflecting the good quality of the habitat in the wider area.

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 The mature oak tree on site was assessed for their suitability for bats. The mature tree does not support potential roost features, but does hold a bat box, which may support bats upon occasion.
- 7.1.1.8 The other trees on site are immature and lack potential roost feature such as split limbs, rot holes, knot holes or flaking bark. These trees have no suitability for bats.

Foraging and commuting bats

- 7.1.1.1 The scrub and other neutral grassland on site provided good potential foraging habitat for bats, which are likely to forage over the site and adjacent, continuous habitat.
- 7.1.1.2 The loss of habitat is considered unlikely to be of significance to bats in the locality, however, due to the extent of suitable habitat in the wider area.
- 7.1.1.3 The impact on commuting bats is also likely to be negligible, but **avoidance mitigation is recommended with regard to any lighting on site to minimise the risk of indirect impacts upon commuting and foraging bats long-term.**

7.2 Badger

Data Search

- 7.2.1 Data from GMLRC includes any records of badger (*Meles meles*) within 1km of the survey site.

Survey and Assessment

- 7.2.2 The habitat within the survey site has suitability for badger, but the land is well-fenced and isolated from any open areas of space that might offer more extensive cover, such as open land over 600m to the north and over 1km to the southwest. The survey site was searched for signs of badger including setts, latrines, tracks and snuffle holes and none were found.
- 7.2.3 The proposals are unlikely to directly impact badger or their setts.
- 7.2.4 **No further survey work or mitigation for badger is necessary.**

7.3 Hedgehog

Data Search

- 7.3.1 Data from GMLRC include several records of hedgehog (*Erinaceus europaeus*) within 1km of the survey site.

Survey and Assessment

- 7.3.2 Hedgehog are a Species of Principal Importance under the NERC Act, 2006 (also known as UK Biodiversity Action Plan species).
- 7.3.3 The survey site, supporting dense scrub and other neutral grassland, had high suitability for foraging and sheltering hedgehog. Adjacent gardens also have suitability. This species is considered highly likely to be present in the locality and may have been present on site.
- 7.3.4 **To ensure the functionality of the site for hedgehog is retained, it is proposed that a hedgehog highway is installed.**

7.4 Reptiles

Data Search

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

Survey and Assessment

- 7.4.2 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.
- 7.4.3 The habitat within the survey site, comprising scrub and rough grassland had some potential for reptiles, which require cover as well as open areas for basking and foraging. However, the likelihood that viable populations were present is considered very low.
- 7.4.4 **Gardens created as part of the proposals provide opportunities for reptiles and creating a 'hedgehog highway' will ensure that opportunities for these species in the locality remain.**

7.5 Amphibians

Great crested newt

Data Search

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

Survey and Assessment

- 7.5.2 Great crested newt, which have the highest protection of all amphibians under UK and EU law, favour still water bodies, such as ponds with good vegetation. They breed in ponds, but spend much of the year terrestrially, within habitat such as rough grassland and woodland, which provides good foraging and hibernacula. Great crested newts are known to travel, usually, within a 250m radius of breeding ponds, but can travel up to 500m.
- 7.5.3 According to the relevant Ordnance Survey, MAGIC and aerial maps there are no waterbodies within 500m of the survey site.
- 7.5.4 The terrestrial habitat within the survey site is potentially suitable for great crested newts, but the absence of waterbodies in the locality make the likelihood of this species negligible.
- 7.5.5 **The proposals are considered unlikely to have a significant negative impact upon individual or populations of great crested newt and no further survey work or mitigation is considered necessary.**

Common Toad

Data Search

- 7.1.1 Data from GMLRC include several 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 present within survey site was very good for common toad, providing habitat 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 **Gardens created as part of the proposals provide opportunities for common toad and creating a 'hedgehog highway' will ensure that opportunities for these species in the locality remain.**

7.2 Nesting Birds

Data Search

- 7.1.1 Data from GMLRC includes records of two species recorded on Schedule 1 of the Wildlife and Countryside Act, 1981; Kingfisher (*Alcedo atthis*), peregrine (*Falco peregrinus*).
- 7.1.2 These species are highly unlikely to nest on site as there is not suitable habitat.
- 7.1.3 The data also includes records of six additional Species of Principal Importance under the NERC Act, 2006; house sparrow (*Passer domesticus*), bullfinch (*Pyrrhula pyrrhula*), dunnoek (*Prunella modularis*), redpoll (*Acanthis flammea*), song thrush (*Turdus philomelos*) and starling (*Sturnus vulgaris*).
- 7.1.4 These species are also listed on the Red and Amber list of Birds of Conservation Concern (BoCC).
- 7.1.5 Redpoll is a winter visitor and whilst it may have foraged on site, will not nest. The scrub and trees on site provide suitable habitat for the other passerine birds listed above, which may have nested on site in the spring and summer months.

Survey and Assessment

Habitat

- 7.1.6 The scrub and trees within the survey site provides ideal habitat for nesting birds in the spring and summer months.
- 7.1.7 Clearance of the vegetation on site in the winter months, which has been undertaken, is unlikely to have impacted nesting birds.
- 7.1.8 **The proposals provide the opportunity to retain the functionality of the site for nesting birds and recommendations for this have been made.**

7.3 Invertebrates

Data Search

- 7.3.1 Data from GMLRC includes records for a single invertebrate species within 1km of the site; Cinnabar moth (*Tyria jacobaeae*). This species is a Species of Principal Importance under Section 41 of the NERC Act, 2006. Cinnabar moth is associated with ragwort (*Senecio jacobaea*) a species that was recorded within the survey area. However, the site is unlikely to have supported significant viable population of this moth.
- 7.3.2 The lack of records for other invertebrates in the locality is a reflection of the lack of recording, rather than the absence of species.

Survey and Assessment

- 7.3.3 The habitats within the survey site, comprising scrub and other neutral grassland were valuable to a range of common and widespread invertebrates. However, no invertebrates that are rare or protected are expected.
- 7.3.4 **The loss of habitat is considered unlikely to have a significant impact upon populations of invertebrates in the area.**

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 the vicinity.

8 Conclusion

- 8.0.1 The land at 78 Park Lane, Manchester comprised bramble scrub and other neutral grassland.
- 8.0.2 The site had potential to support hedgehog, common toad, and nesting birds.
- 8.0.3 Bats were likely to forage in the area and recommendations have been made with regard to lighting to minimise any future disturbance.
- 8.0.4 If the mature oak on site is retained in perpetuity and protected during works, there is no requirement for a check of the bat boxes present.
- 8.0.5 Mitigation and compensation is proposed to ensure the ecological functionality of the site is retained in part, for nesting birds, small mammals and amphibians. Mitigation includes native species planting, creation of a 'hedgehog highway' and provision of bird and bat boxes.

9 Recommendations

9.1 Bats

Foraging and Commuting bats

9.1.1 Bats are likely to commute and forage close to the site with regularity. Reasonable Avoidance Measures with regard to lighting are proposed to avoid any indirect impacts upon foraging and commuting bats. It is recommended that:

- LED lighting is utilised for external or security lighting on site.
- External lighting should be on a timer to minimise the usage time.
- Lighting should be directed to avoid trees and installed bat roost boxes.
- Baffles should be used to minimise light spillage into the sky and surrounding vegetation.

Mature Oak Tree

9.1.2 The mature oak must be retained and protected during works. If works must take place to the tree, the existing bat boxes must be checked for the presence of bats by a licensed ecologist and appropriate mitigation and compensation followed.

9.2 Compensation and retention of ecological functionality

9.2.1 The proposals provide the opportunity compensate in part for the loss of biodiversity and ecological functionality on site.

Breeding Birds and Roosting Bats

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

Provision of Bat Boxes

9.2.3 It is recommended that:

- At least six 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.
- Alternatively, crevice-roost sites can be installed beneath slates in the buildings. See Appendix B. Note that bitumen 1F roofing felt must be used beneath access slates. Breathable membrane is harmful to bats.

Provision of Bird Boxes

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

- At least four bird boxes are installed on buildings on site. Boxes should be a mix of 28mm holes, 32mm holes and open nest boxes. For example, the Vivara Pro Seville Woodstone Nest Box would provide suitable nesting habitat for passerine birds. Alternatively swift nest boxes can be installed in the eaves of the buildings. Swift boxes should be installed in groups since the birds' nest in colonies.
- In addition, at least four house sparrow boxes are integrated into the eaves of the new buildings. 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.

Creation of habitat for wildlife

9.2.5 In order to maintain ecological functionality of the site for wildlife it is recommended that:

- A native species hedgerow is planted around the site boundaries where possible. This could be composed of hawthorn (*Crataegus monogyna*), holly (*Ilex aquifolium*), guelder rose (*Viburnum opulus*) and hazel (*Corylus avellana*) to provide a variety of species. Native hedgerows provide screening and a filter for noise and pollution, as well as important habitat for a variety of wildlife including nesting birds and commuting bats.
- Where possible native species shrubs are used in planting on site.



Example of a native species hedgerow

Hedgehog Highway

9.2.6 In order to maintain ecological functionality of the site for small amphibians and mammals such as hedgehog, creation of a hedgehog highway is recommended:

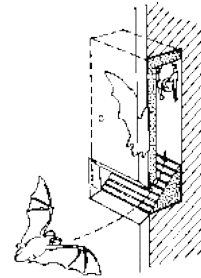
- The fencing around the boundary of the site is raised by 13 cm to allow wildlife to pass beneath or holes are created in the boundaries to allow animals to pass through. The holes must be 13 cm x 13 cm.



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 Seville Woodstone Nest Box



Vivara Pro WoodStone House Sparrow Nest Box



Vivara Pro Woodstone Swift 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 of derivative).
- Section 9(4)(a) to cause damage to, destruction of, obstruction of access to any structure or place used by a scheduled animal for shelter or protection.
- Section 9(4)(b) to disturb any animal on the schedule occupying such as structure or place.
- Section 9(4)(c) to obstruct access to any structure or place which any such animal uses for shelter or protection.
- Section 9(5)(a) to sell, offer or expose for sale, possess or transport for the purpose of sale, any live or dead wild animal, or part or derivative of an animal included in Schedule 5.
- Section 9(5)(b) to publish or cause to be published any advertisement likely to be understood as conveying that he buys or sells, or intends to buy or sell, any of those things.

Species that receive FULL PROTECTION under the act:

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

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

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

Species protected from TAKING and SALE only:

- Atlantic stream (white-clawed) crayfish

Species protected from SALE only:

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

Vascular Plants, Bryophytes, Lichens and Fungi (PLANTS)

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

- Section 13(1)(a) to intentionally pick, uproot or destroy plants in Schedule 8.
- Section 13(1)(b) to undertake unauthorised intentional uprooting of any wild plant not included in Schedule 8.
- Section 13(2)(a) to sell, offer for sale, 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 mielichhoferi*), 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'- 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 through the planning system.'

Biodiversity Offsetting

- 2.3.2 Biodiversity offsetting is described in the Natural Environment White Paper as 'conservation activities designed to deliver biodiversity benefits in compensation for losses in a measurable way. Good developments incorporate biodiversity considerations in their design but are still likely to result in some biodiversity loss. One way to compensate for this loss is by offsetting: the developer secures compensatory habitats elsewhere.'
- 2.3.3 The level of biodiversity offsetting required could be 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 'Biodiversity: the UK Steering Group Report – meeting the Rio challenge', which established a framework and criteria for identifying species and habitats of conservation concern. From this list, action plans for 391 species and 45 broad habitat types were prepared. In 2007, the UK List of Priority Species and Habitats was reviewed and the revised list identifies 1149 species and 65 habitats requiring conservation action.
- 2.4.2 These species are now listed in Section 41 of the NERC Act, 2006 and referred to as Habitats and Species of Principal Importance (HPI or SPI).
- 2.4.3 Outcome 3 of the Government's Biodiversity 2020 strategy (DEFRA, 2011) contains an ambition to ensure that *"By 2020, we will see an overall improvement in the status of our wildlife and will have prevented further human-induced extinctions of known threatened*

species". Protecting and enhancing England's Species and Habitats of Principal Importance is key to delivering this outcome.

Local Biodiversity Action Plans

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

2.5 Other Species Lists of Species of Conservation Concern

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

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

APPENDIX B:

