

Preliminary Ecological Appraisal

Ferns Farm

Turton Road, Tottington, Bury

November 2022

Prepared for: Ms Sheppard

Report prepared by: Verity Webster BSc (Hons) MSc CEcol CMIEEM



EXECUTIVE SUMMARY

- On 26th October 2022 a Preliminary Ecological Appraisal was undertaken on land at Ferns Farm, Turton Road, Tottington, Bury.
- The site comprises a stable block and hard standing.

Habitats

- The majority of the site is composed of hard standing and buildings with a small area of improved grassland sparse ruderal vegetation. This habitat is of low conservation significance.
- Wood at Bottoms Hall Site of Biological Importance lies approximately 150m to the north of the site. No negative impacts are anticipated but measures should be employed during works to minimise dust and noise.

Protected Species

- Swallows nest in the stable block and other bird species may nest in the nearby mature tree. Avoidance mitigation is proposed to reduce the risk of disturbance and harm to nesting birds.
- Badger are likely to be in the wider area and avoidance mitigation is proposed to prevent harm to this species in the event they pass through the site.

Biodiversity Compensation and Enhancement

- Proposals are made to compensate for the loss of the swallow nest habitat and recommendations are made to enhance the site for nesting birds and roosting bats.

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 Ferns Farm, Turton Road, Tottington, Bury, BL8 3QH. Ordnance Survey grid reference (centre of site): SD 76781376.
- 1.1.2. Ms Sheppard commissioned Verity Webster Ltd to undertake a Preliminary Ecological Appraisal to inform the planning application.

1.2 Objectives

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

1.3 Proposals

- 1.3.1 The proposals comprise the demolition of the existing stable block and construction of a 4-bedroom detached house.

1.4 Ecologist

- 1.4.1 The Ecological Assessment was undertaken by Verity Webster. Verity is a Chartered Ecologist and a full member of the Chartered Institute of Ecology and Environmental Management.
- 1.4.2 Verity has worked as an ecological consultant for over 15 years. She has undertaken Ecological Assessments and protected species surveys for a large variety of projects and schemes, producing the required impact assessment and subsequent mitigation schemes and method statements when necessary.



2 Site Location and Description

2.1 Site Location

- 2.1.1 The survey site is located in a rural location approximately 250m northwest of the northwestern outskirts of Tottington.
- 2.1.2 The site lies within Ferns Farm, located a short distance of approximately 55m northeast of the B6213 Turton Road, which runs northwest to southeast towards Tottington from Turton Bottoms.
- 2.1.3 Open countryside surrounds the site, comprising grazed pasture and arable land with patches of woodland and scattered waterbodies. Small waterways thread through the landscape.
- 2.1.4 Wood at Bottoms Hall, a Site of Biological Importance, lies approximately 120m to the north.

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



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

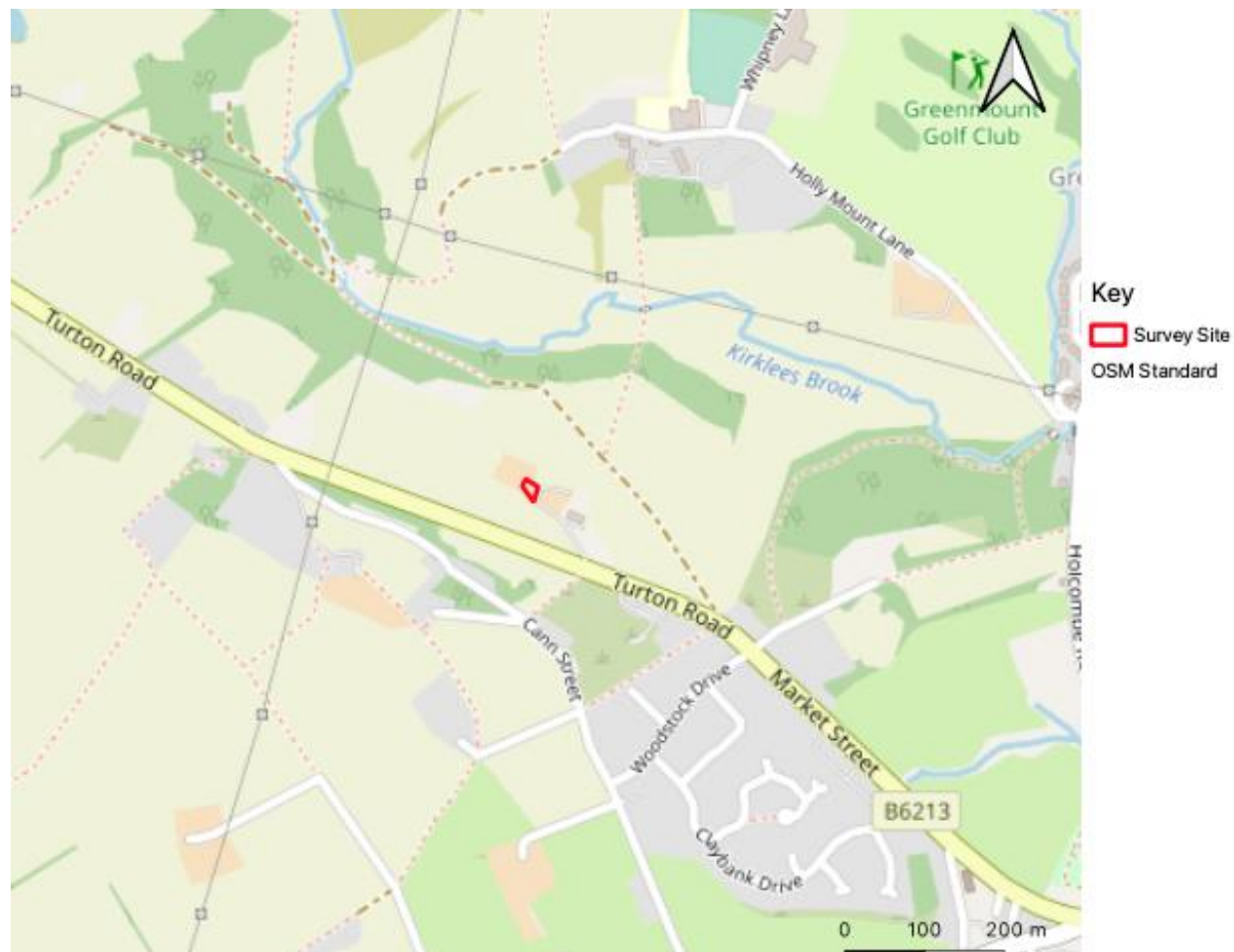




Figure 2: Aerial image showing the proposed development site and immediate surroundings





2.2 Site Description

- 2.2.1 The site comprises a stable block, shipping container and shed, horse holding area (fenced) and hard standing with a small strip of improved grassland along the southwest boundary.
- 2.2.2 The site is bounded by a wall to the southwest, beyond which is grazed pasture and a single, mature ash (*Fraxinus excelsior*) tree. To the northwest there is a sand school, and to the north, hard standing. To the east there is hard standing, beyond which lies the farm house.
- 2.2.3 The improved grassland at the base of the wall supports species typical of this habitat type; rye grass (*Lolium perenne*), cock's-foot grass (*Dactylus glomerata*), ribwort plantain (*Plantago lanceolata*), white clover (*Trifolium repens*) and daisy (*Bellis perennis*).
- 2.2.4 At the base of the stables in cervices between the walls and the hard standing there is foxglove (*Digitalis purpurea*). The horse holding area, a disturbed, gravel triangle fenced and adjacent to the northwest of the stables, ruderal plant species grow including false oat-grass (*Arrhenatherum elatius*), willowherb (*Epilobium* sp.), fescue (*Festuca* sp.) and tufts of cock's-foot grass.

The Structures

- 2.2.5 The stable block is roughly square, situated to the east of the site. It is constructed of brick and rendered with a flat corrugated metal roof with plastic skylights and a plastic soffit. There are wooden beams internally.
- 2.2.6 The shipping container is constructed of metal and well-sealed.
- 2.2.7 The wooden shed is open to the north and constructed of single-sheet wood with a flat, corrugated metal roof.



The stable block



The shipping container



The shed



Figure 3: Showing the Survey Site within the wider Ferns Farm





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 Section 41 Habitats and Species of Principal Importance

3.5.1 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.

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

3.6 Designated Sites

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

3.6.2 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).

3.6.3 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.

3.7 Planning Policy and Legislation

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

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

Chapter 15, Para 174 of NPPF states: *"The planning system should contribute to and enhance the natural and local environment by:*

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

Para 175 states: *"Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."*

Para 179 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:

- "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***
- Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity."***



Para 180 states that “*when determining planning applications, local authorities should apply the following principles:*

- 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”*

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



4 Survey Methodology

4.1 Desk Study

- 4.1.1 The following data sources used to establish background information about protected species and their likely presence in the locality:
- Magic Map, Natural England (2018)
 - Bing Maps (2019)
 - Biological records data from Greater Manchester Ecology Unit (GMEU) (2022)
- 4.1.2 Online mapping facilities, including MAGIC (Defra 2015), Google earth (for aerial mapping) and Ordnance Survey maps for the area were consulted to assess the site in relation to the surrounding landscape and any statutory and non-statutory designated sites.
- 4.1.3 Records data from GMEU includes records of protected species and habitats of conservation interest within 1km of the survey site.

4.2 Site Survey

- 4.2.1 The survey site, comprising the development site was walked in daylight on 26th October 2022, 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. Habitats on site were assessed and described.

Preliminary Roost Assessment

Buildings

- 4.2.2 An internal and external inspection of the structures was undertaken during daylight to determine the suitability for bats and establish, if possible, whether bats are using the building or have been in the past.
- 4.2.3 All accessible parts of the structures were inspected to look for bats and signs of the presence of bats, including:
- Droppings.
 - Feeding remains including moth and butterfly wings.
 - Staining from urine or oils near crevices or holes or on timber (such as roof beams), walls, chimney breasts etc.
 - Scratch marks on walls and timber.
 - Squeaking or chattering calls.
- 4.2.4 The systematic search inside the building included inspection of beams, floors, surfaces of stored materials, loose roof insulation or felt covering, junctions between roof timbers and timbers and the walls, and crevices within brickwork. Potential access into the building was also inspected by searching for holes in insulation and any light penetration into the interior from the outside.
- 4.2.5 The assessment outside the building included inspection of all walls, windows, window sills, fascias, soffits, eaves and tiles, including a search for any crevices under tiles, under lifted lead flashing or lifted



roofing felt, missing mortar, gaps in the ridge or gable end of the roofs, crevices in brickwork or under flaking paintwork or render, gaps in cladding or hanging tiles and any other potential bat roost opportunities.

- 4.2.6 Equipment: During the survey, a strong torch with directional beam was used to inspect the buildings.
- 4.2.7 As a result of the preliminary roost assessment, the structure on site was characterised as having 'negligible', 'low', 'medium' or 'high' suitability for bats. It may also be possible to confirm the presence of a roost.
- 4.2.8 Buildings or structures typically characterised as having:
- **Negligible** suitability for bats will lack features with any potential to support roosting bats. Modern or newly-built well-sealed structures may fall into this category. Structures that are metal clad with metal internal beams might have negligible potential if there are no favourable roosting spaces. Structures may also be unfavourable due to the level of disrepair, being subject to poor weather conditions.
 - **Low** suitability for bats will have sub-optimal roost features with limited potential for roosting bats. Features may be used by single bats opportunistically, but do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis by large numbers of bats.
 - **Medium** suitability for bats may have few features with potential for bats, that provide enough space, shelter, protection and other suitable conditions, or several features with limited potential for bats. It may also be that a potentially suitable structure is situated in an area with habitat that has an only low potential for foraging and commuting bats.
 - **High** suitability for bats will support at least one or more features that provide opportunities for roosting bats such that they might be used regularly, for longer periods by larger numbers of bats. These may be external features, such as lifted weatherboard or crevices in brick or stonework, or internal, such as large loft spaces with potential access. Barns, with open doorways and windows with wooden rafters and beams, may fall into this category. If a structure is close to good habitats, such as a waterway, marshland or woodland, this also increases the potential for roosting bats.
 - **Confirmed** roost presence when it is evident as a result of signs from inspection, such as droppings, or sight of bats, that a roost exists within the building. It is not always possible to ascertain the presence or absence of a roost even if some signs, such as droppings or feeding remains are found.

Trees

- 4.2.9 A general appraisal of their suitability of trees on and adjacent to the site for bats was undertaken across the site. A detailed Preliminary Roost Assessment of the trees to record Potential Roost Features was undertaken if they have been identified for removal or may be significantly indirectly impacted (ie immediate surrounding conditions altered) as a result of the proposed works.
- 4.2.10 Potential Roost Features include:
- Rot holes, including butt-rot



- Woodpecker holes
- Branch scars and rips
- Cankers with cavities
- Horizontal cracks and splits such as hazard beams
- Flaking or partially-detached bark
- Holes between double-leaders
- Dense ivy
- Bird, bat or dormouse boxes.

4.2.11 The signs and condition of the PRFs were assessed, including assessment of the following factors:

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

4.2.12 As a result of the preliminary roost assessment, the trees(s) and the PRFs are categorised as to whether or not the features were likely to be, or are confirmed bat roosts or not.

4.2.13 Further survey is recommended depending upon the findings.

Suitability of trees for bats

4.2.14 Trees were assessed as having low, moderate or high suitability for bats as follows:

- **Negligible suitability:** Lack any Potential Roost Features (PRFs)
- **Low suitability:** Have one or a small number of PRFs that are superficial and unlikely to be roost sites. Precautionary methods of work will be required prior to felling / tree works.
- **Moderate suitability:** Have one or more PRFs that require further assessment. Inspection of PRFs from the ground or by climbing will be necessary in order to categorise the features.
- **High suitability:** Have one or more PRFs that appear likely to provide suitable roost opportunities. Inspection of PRFs from the ground or by climbing will be necessary in order to categorise the features.

4.3 Survey Limitations

4.3.1 The survey work was undertaken in October 2022. At this time of year most wildlife is active. Bats are likely to be active but are unlikely to be accommodating summer roost sites. Evidence of bats using external features of trees or buildings may be present, unless it has been washed away by the weather.

4.3.2 The majority of higher plants are visible in October, but some species are more conspicuous at some times of the year than others, so some species may have been missed.



5 Findings: Surrounding Designated Sites

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

Statutory Sites

- 5.0.5 There is one UK designated site within 2km; Kirklees Valley Local Nature Reserve (LNR) which is situated approximately 830m to the east of the survey site.
- 5.0.6 Kirklees Valley is designated for the variety of habitats present, comprising woodland, grassland, heathland, ponds and streams.

Non-statutory sites

- 5.0.7 There are two Sites of Biological Importance (SBI) within 1km of the survey site:
 - Wood at Bottoms Hill: This site is located approximately 120m to the north of the survey area and adjoins the area of improved grassland directly at the northeast boundary of the land within the clients ownership. The SBI is composed of mature broadleaf woodland, scrub, wet woodland, marsh and acid grassland.
 - Hawkshaw Brook: This site lies approximately 860m to the northwest of the survey area at the closest point. The SBI is comprises broadleaf woodland, scrub, unimproved acid grassland, neutral grassland, streams and large waterbodies.

Assessment

Statutory Designated Sites

- 5.0.8 Kirklees valley, located 830m to the east of the survey site is considered very unlikely to be significantly impacted directly or indirectly by the proposals. The habitats within the survey site are dissimilar from those found within the LNR. The works will be temporary so any influence of dust or noise, which would be limited, is considered unlikely to be of significance.
- 5.0.9 Overall, no direct or indirect negative impacts upon designated sites are anticipated.

Non-Statutory Designated Sites

- 5.0.10 The survey site contains habitats dissimilar from the non-statutory designated sites which comprise



woodland and waterbodies.

- 5.0.11 Although the Wood at Bottoms Hill lies within close proximity, due to the small size of the proposed development, no direct or indirect impacts, as a result of the proposals, including dust or noise are likely to be significant. Measures will be put in place during works to minimise noise and dust.

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 Site Designations

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

Figure 4: The Survey Site in relation to the nearby Site of Biological Importance





6 Findings: Habitat Survey

6.1 Habitat Assessment

Data Search

- 6.1.2 The data from GMEU does not contain any records of protected plant species or species of conservation value in the locality.
- 6.1.3 The lack of records are likely to reflect a lack of recorders in the area rather than an absence of species, however.

Survey Site

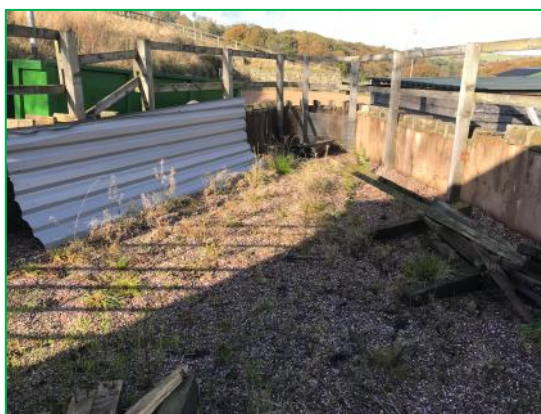
- 6.1.4 The survey site comprises the structures, hard standing (driveway), improved (modified) grassland and some sparse ruderal vegetation. See description in paragraph 2.2.

Appraisal of conservation importance and potential impact

- 6.1.5 The majority of the site, comprising hard standing is of negligible conservation value, whilst the small area of improved grassland and ruderal vegetation is of low conservation value. The habitats present are common and widespread. No plant species of conservation value, either rare or protected were recorded.
- 6.1.6 The loss of a small area of improved grassland is not considered to be of conservation significance.
- 6.1.7 A large ash tree lies immediately outside the southeast boundary of the site. This tree will have intrinsic value for wildlife, but the loss of the tree, if required for the works, is unlikely to be of significance to biodiversity.
- 6.1.8 **Overall, the proposals are considered very unlikely to have a negative impact upon flora in the locality and the proposals provide the opportunity to significantly enhance the site for wildlife. Recommendations for this have been made.**



The mature ash tree



Sparse ruderal vegetation in the holding area



7 Findings: Protected Species

Mammals

7.1 Bats

Potential for Bats

- 7.1.1 At a landscape level, the area surrounding the survey site is very good for bats. Refer to Figure 2.
- 7.1.2 Countryside extends in all directions and comprises a matrix of arable and pasture land with tree lines, scattered plots of woodland and waterbodies and waterways within close proximity. The habitat 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 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 likely to be present as well as species that favour open habitats such as Leisler's (*Nyctalus leisleri*) and noctule bat (*Nyctalus noctula*).
- 7.1.3 The linear features (hedgerows, tree lines and waterways) provide good habitat links that are likely utilised by commuting bats and will facilitate the movement of bats through the landscape.

Data Search

- 7.1.4 Data from GMEU include records of six bat species within 1km of the survey site; common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), noctule bat (*Nyctalus noctula*), Daubenton's bat (*Myotis daubentonii*), whiskered bat (*Myotis mystacinus*) and Brandt's bat (*Myotis brandtii*).
- 7.1.5 There are three known roost sites within 1km, all those of pipistrelle species. There are no records of a roost within the survey site.



The Conservation Status of Bats in the Area

7.1.6 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>Scattered distribution in the county.</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>



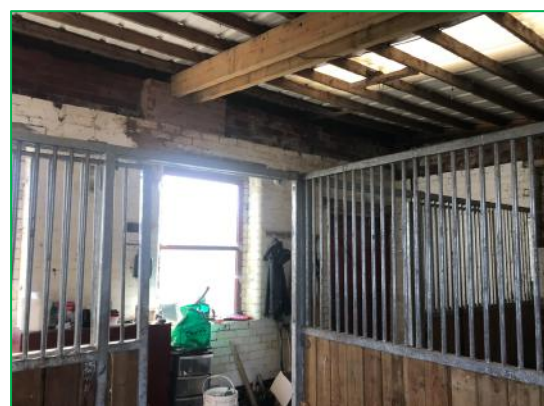
Preliminary Roost Assessment - Tree

- 7.1.7 A bat roost assessment of the mature ash tree adjacent to the site was undertaken in daylight on 26th October 2022.
- 7.1.8 The trees is considered to have negligible suitability for bats as it lacks potential roost features such as rot holes, flaking bark or split limbs.

Preliminary Roost Assessment

The Stable Block

- 7.1.9 The stables are considered to have negligible suitability for bats. This is because it is constructed of brick, with a flat, corrugated metal roof with skylights. Externally the structure is well-sealed with no potential roost features, such as crevices in which bats may roost.
- 7.1.10 Internally, the space is well-lit by natural light, a factor which would deter open-roosting bats, such as brown long-eared bat. There are no visible crevices internally in which bats may roost.
- 7.1.11 No evidence of bats, such as droppings or feeding remains was found during the inspection.



The interior of the stable block

The Shipping Container

- 7.1.12 The shipping container is considered to have negligible suitability for bats as it is constructed of metal and well-sealed. There are no potential roost features visible.
- 7.1.13 No evidence of bats was found internally or externally

The Shed

- 7.1.14 The wooden shed is considered to have negligible suitability for bats. The shed is constructed of single-sheet wooden panels with no visible potential crevices in which bats may roost. The structure is open to the north and bats could enter to forage, but no evidence was found.
- 7.1.15 Overall, the proposals are considered unlikely to impact upon roosting bats and no further survey work or mitigation is recommended.



7.2 Badger

Data Search

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

Survey and Assessment

- 7.2.2 The habitat surrounding the survey site, comprising woodland and grassland is ideal for badger, which are considered likely to be in the area.
- 7.2.3 However, no evidence of badger (setts, tracks, latrines, snuffle holes) was found within the survey site, nor within 150m of the survey site.
- 7.2.4 The proposals are therefore unlikely to impact this species.
- 7.2.5 **However, given the high quality of the surrounding habitat for this species, there is potential for badger to cross the site upon occasion. For this reason, reasonable avoidance measures are proposed to minimise the risk of harm to badger during works.**

7.3 Hedgehog

Data Search

- 7.3.1 Data from GMEU does not contain any 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, comprising a small area of improved grassland and otherwise, hard standing and buildings has little suitability for hedgehog.
- 7.3.4 **The proposals are unlikely to impact this species, which is not expected within the survey site. No further survey work or mitigation is recommended.**

7.4 Brown Hare

Data Search

- 7.4.1 Data from GMEU does not contain any records of brown hare (*Lepus europaeus*) within 1km of the survey site.

Survey and Assessment

- 7.4.2 The survey site, comprising a small area of improved grassland hard standing and buildings does not provide ideal habitat for brown hare, which like larger areas of tussocky grassland that provides cover.



7.4.3 Although hare may well be present in the area, the survey site unlikely to be of value to this species.

7.4.4 **The proposals are considered very unlikely to have any negative impact upon this species and no further survey work is considered necessary.**

7.5 Reptiles

Data Search

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

Survey and Assessment

7.5.2 The records for reptiles in the northwest are generally low. Reptiles are of very low distribution and found at low density even in ideal habitats such as rough grassland with scrub.

7.5.3 The habitat within the survey site comprising a small area of improved grassland, hard standing and buildings is unfavourable for reptiles, which prefer rougher grassland with areas of cover.

7.5.4 **The proposals are very unlikely to have any impact on reptiles in the locality and no further survey work or mitigation is considered necessary.**

7.6 Amphibians

Great crested newt

Data Search

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

Survey and Assessment

7.6.2 Great crested newt (*Triturus cristatus*), which have the highest protection of all amphibians under UK and EU law, favour still water bodies, such as ponds with good vegetation. They breed in ponds, but spend much of the year terrestrially, within habitat such as rough grassland and woodland, which provides good foraging and hibernacula. Great crested newts are known to travel, usually, within a 250m radius of breeding ponds, but can travel up to 500m.

7.6.3 There is one waterbody within 250m of the site, located approximately 150m to the north. This waterbody is connected to a stream and there are no other waterbodies within 250m of this one, rendering it rather isolated. Great crested newt populations depend on an archipelago of surrounding ponds to support a viable population. The likelihood that this waterbody would support great crested newt, even if suitable, is considered low.

7.6.4 Although the grazed pasture provides potential foraging habitat for amphibians, the survey site is located within an area almost entirely composed of hard standing, habitat unfavourable to newts, with additional



hard standing between the site and the surrounding grazed pasture. It is considered very unlikely that newts located in the waterbody would travel onto the survey site.

- 7.6.5 **Great crested newts are not expected within the survey site and the proposals are considered unlikely to have any impact upon this species. For this reason, no further survey work or mitigation is considered necessary.**

Common Toad

Data Search

- 7.1.1 Data from GMEU do include any 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 within the survey site, comprising mainly hard standing is considered to be unfavourable to common toad, which are not expected on site, although they may be present travelling across surrounding pasture.
- 7.1.4 **The proposals are considered unlikely to impact this species and no further survey work or mitigation is recommended.**

7.2 Nesting Birds

Data Search

- 7.2.1 Data from GMEU includes records of 4 bird species of conservation concern and listed on Schedule 41 of the NERC Act (2006) within 1km of the survey site; bullfinch (*Pyrrhula pyrrhula*), curlew (*Numenius arquata*), grasshopper warbler (*Locustella naevia*), house sparrow (*Passer domesticus*), lapwing (*Vanellus vanellus*) and tree pipit (*Anthus trivialis*).
- 7.2.2 These species are unlikely to be found within the survey site as the habitat present is unsuitable.

Survey and Assessment

- 7.2.3 Two bird species were recorded on site during the survey: blackbird (*Turdus merula*) and chaffinch (*Fringilla coelebs*). Old swallow (*Hirundo rustica*) nests are present within the stables.
- 7.2.4 Birds may nest in the mature ash tree and swallow are likely to nest in the stables in the spring and summer months.
- 7.2.5 **Avoidance mitigation is proposed to prevent harm to nesting birds during works as a result of nest disturbance, noise and vibration.**



A disused swallow nest in the stable block



- 7.2.6 The proposals provide the opportunity to enhance the site for nesting birds and recommendations for this have been made.



Looking north over the survey site

7.3 Invertebrates

Data Search

- 7.3.1 Data from GMEU includes records of one invertebrate species within 1km, a moth listed (unnamed) on Schedule 41 of the NERC Act (2006).
- 7.3.2 The lack of records of any other invertebrate species is likely a reflection of the lack of survey and recording than the absence of species.

Survey and Assessment

- 7.3.3 The survey site, comprising a small area of improved grassland, some sparse ruderal vegetation, hard standing and buildings has very limited suitability for invertebrates and the habitats present will support common and widespread invertebrate species. No invertebrates that are rare and/or protected are expected on site.
- 7.3.4 **The proposed development will not be of significance to populations of common and widespread invertebrates in the locality, which may be represented in limited numbers.**
- 7.3.5 **For this reason, no further survey or mitigation is recommended.**
- 7.3.6 The proposals provide the opportunity to enhance the site for invertebrates and recommendations for this have been made.

7.4 Other protected species and habitats.

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



8 Conclusion

- 8.0.1 The land at Ferns Farm, Turton Road, Bury comprises a small area of improved grassland with some sparse ruderal vegetation, hard standing and buildings.

Habitats

- 8.0.2 Loss of a small area of improved grassland is not considered to be of conservation significance and the proposals provide the opportunity to improve the habitat biodiversity of the site.

Protected Species

- 8.0.3 The survey site has limited potential for protected species. The structures and adjacent tree are considered to have negligible suitability for bats.
- 8.0.4 Swallows nest in the stables and this species is likely to nest in the structure in upcoming seasons. Birds may also nest in the adjacent mature ash tree. Avoidance mitigation for nesting birds is recommended.
- 8.0.5 There is a risk that badger may cross the site from time to time and avoidance mitigation is recommended to take this into consideration.

Biodiversity Enhancement

- 8.0.6 The proposals provide the opportunity to enhance the site for wildlife and recommendations for this have been made.

9 Recommendations

9.1 Wood At Bottoms Hill Site of Biological Importance

- 9.1.1 The proposals at Ferns Farm are considered unlikely to have any significant indirect impact upon the biological heritage site, but as a precaution the following is recommended.
- Precautions are made to minimise any noise and dust during works on site to prevent the unnecessary spread of contaminants.

9.2 Badger

- 9.2.1 Badgers are likely to be present within the locality and must be considered during works.
- 9.2.2 It is therefore recommended that during works:
- Large holes or ditches should be covered overnight to prevent mammals falling into them. If this is not possible, then a plank or similar should be left in the hole to allow badgers and other wildlife to climb out.



- Heras fencing around the boundaries, used to protect vegetation, will provide a temporary barrier to the movement of badger into the site.

9.3 Nesting Birds

9.3.1 Birds are likely to nest within the stable block and in the tree adjacent to the site in the spring and summer months. In order to prevent disturbance and/or harm to nesting birds, if vegetation works are necessary, it is recommended that:

- Any works to the tree, and initial works to the building are undertaken in the winter months (October – February) to avoid the bird breeding season.
- If this is not possible, a suitably qualified ecologist should check the vegetation on site to determine the presence / absence of nesting birds prior to the start of any works.
- If birds are found actively nesting on site, the nest and surrounding vegetation (5m), or in the case of the stable block, the inside and roof of the building, must be left undisturbed until the young have fledged.

9.4 Biodiversity Compensation and Enhancement

9.4.1 The existing biodiversity and ecological functionality of the site for wildlife will be retained and significantly enhanced as part of the proposals.

Breeding Birds and Roosting Bats

9.4.2 Compensation for the loss of the swallow nest sites and enhancement for nesting birds and roosting bats can be achieved through provision of bird nest boxes and bat boxes.

Bats

9.4.3 It is recommended that:

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



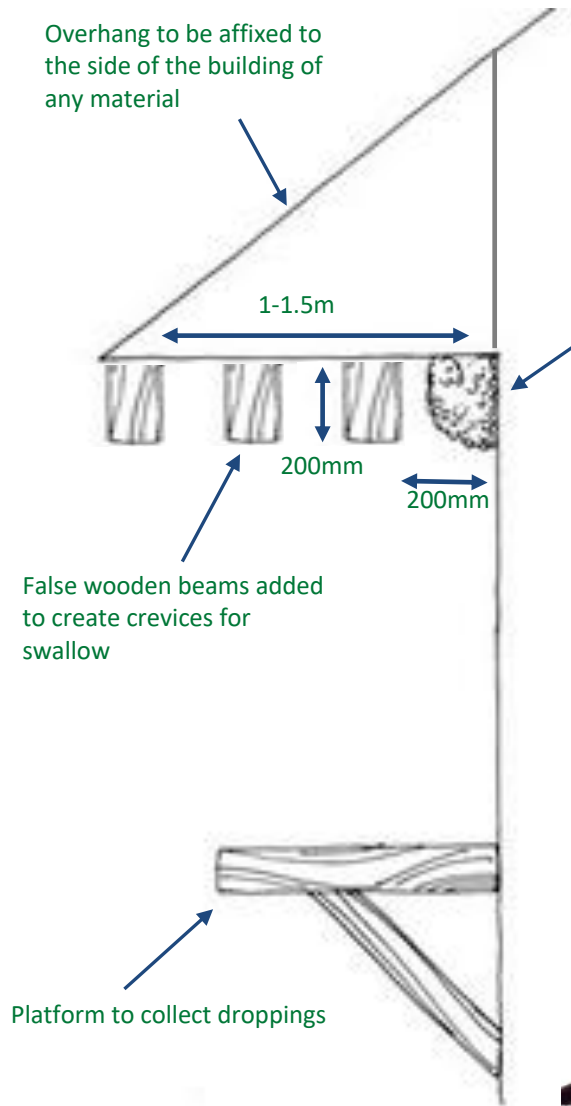
Birds

9.4.4 It is recommended that:

- At least four bird boxes are installed on the new building or on buildings or trees within the wider site, or on the building. 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. The 2H Schwegler Robin Box is suitable for open-box nesting species such as robin, wren and spotted flycatcher. The boxes are made of woodcrete and are very durable so do not require regular replacement.
- Four artificial No. 10 Schwegler Swallow Nests will be installed under a covered 'porch' on the exterior of the building to provide sheltered space replicating deep eaves. The boxes will be located on the east or south elevation for maximum warmth. See Figure 1.
- The swallow 'porch' and nest boxes will be installed by the end of February to ensure they are in place for the arrival of swallows in March.
- The platform can be cleaned when required from November – February.

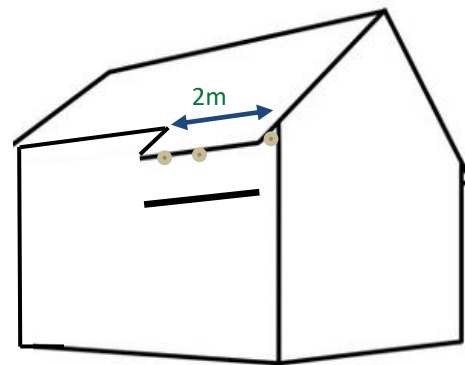


Figure 1: Swallow Nest 'Porch'



Swallow nest

Positioning on a building.



Swallows are communal nesters so a long sheltered space will allow for installation of four artificial nests and space for sparrows to construct natural nests



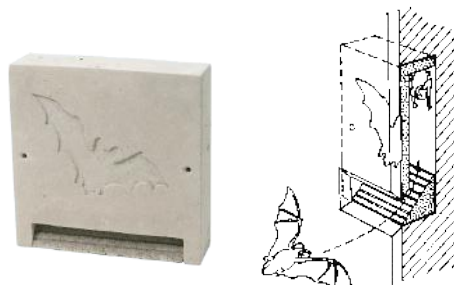
No. 10 Schwegler Swallow Nest



Bat and Bird Boxes

1FE Schwegler bat access panel

This box is durable and does not require cleaning.



Ibstock Enclosed Bat Box 'C'

This box is durable and does not require cleaning.



Beaumaris Woodstone Bat Box

This box is durable and does not require cleaning.

All bat boxes are available from NHBS Ltd



Vivara Pro Seville Woodstone Nest Box



2H Schwegler Robin Box





10 References

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• APPENDIX A: Wildlife Legislation and Planning Policy

1.0 UK AND EU LEGISLATION

KEY LEGISLATION

In the UK, the following legislation relates to wildlife and habitats:

- Wildlife and Countryside Act 1981 (as amended)
- The Countryside and Rights of Way Act (CROW), 2000
- The Badger Act 1992
- The Natural Environment and Rural Communities Act (NERC, 2006)
- Conservation of Habitats and Species Regulations 2017 (as amended).
- The Hedgerow Regulations (1997)

1.1 WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

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

BIRDS

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

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

Schedule 1 birds

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

Areas of Special Protection for Birds

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

Other offences

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

OTHER ANIMALS

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

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

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



Species that receive FULL PROTECTION under the act:

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

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

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

Species protected from TAKING and SALE only:

- Atlantic stream (white-clawed) crayfish

Species protected from SALE only:

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

Vascular Plants, Bryophytes, Lichens and Fungi (PLANTS)

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

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

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

1.1.10 Bluebell, Wood calamint, Rock chinquefoil, Early spider orchid, Spring gentian, Stinking goosefoot, Small hare's-ear, Alpine copper moss (*Melichoferia melichoferi*), 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. Criterial within the regulations determine the importance.

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

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

1.6.2 The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regs) consolidate the amendments made to the Conservation (Natural Habitats. &c.) Regulations 1994 in England and Wales. The Regulations transpose the Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora (EC Habitats Directive) into UK law.

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



Schedule 2: European Protected Species of Animals

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

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

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

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

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

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

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

Schedule 5: European Protected Species of Plants

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

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

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

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

European Designated Sites

1.6.8 These include:

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



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

1.7 NATURAL ENVIRONMENT AND RURAL COMMUNITIES (NERC) ACT 2006

Planning Authorities: A Duty to Conserve Biodiversity

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

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

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

Species of Principal Importance

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

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

1.8 DESIGNATED SITES OF CONSERVATION INTEREST

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

Statutory Sites

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

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

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

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

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

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

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

Non-Statutory Sites

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

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

2.0 Plans and Policies

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

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



- 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 2021

Chapter 15: Conserving and Enhancing the Natural Environment

Chapter 15, Para 174 of NPPF states: "The planning system should contribute to and enhance the natural and local environment by:

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

Para 175 states: "Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."

Para 179 identifies that plans should do the following to protect and enhance biodiversity and geodiversity:

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

Para 180 states that "when determining planning applications, local authorities should apply the following principles:

- b) **if significant harm to biodiversity from a development cannot be avoided...,adequately mitigated, or, as a last resort compensated for, then planning permission should be refused"**
- c) **Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;**
- d) **Development result in the loss of deterioration of irreplaceable habitats (such as ancient woodland or ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensatory strategy exists; and**
- e) **Development 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 182 states "the presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined."

2.2 ODPM CIRCULAR 06/2005: BIODIVERSITY AND GEOLOGICAL CONSERVATION

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

2.3 The Natural Environment White paper

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

Biodiversity Offsetting

2.3.2 Biodiversity offsetting is described in the Natural Environment White Paper as 'conservation activities designed to deliver biodiversity benefits in compensation for losses in a measurable way. Good developments incorporate biodiversity considerations in their design but are still likely to result in some biodiversity loss. One way to compensate for this loss is by offsetting: the developer secures compensatory habitats elsewhere.'

2.3.3 The level of biodiversity offsetting required could be 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: Bat Access Slate

