



VINCI Construction

Bury Market

Preliminary Ecological Appraisal Report

2482901 Bury Market (Rev00)

NOVEMBER 2021

RSK
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EXPERTS IN ECOLOGY

RSK GENERAL NOTES

Project No.: 2482901

Title: Bury Market – Preliminary Ecological Appraisal Report

Client: VINCI Construction

Date: 12/11/2021

Office: Manchester

Status: Rev00

Author	Lowri Thomas	Technical reviewer	Celia Barlow
Signature		Signature	
Date:	19/10/2021	Date:	19/10/2021
Project manager	Amy Harris	Quality reviewer	Mark Lang – Associate Director MCIEEM, CEcol, CEnv
Signature		Signature	
Date:	01/11/2021	Date:	01/11/2021

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This work has been undertaken in accordance with the quality management system of RSK Biocensus.

EXECUTIVE SUMMARY

This report presents the results of a Preliminary Ecological Appraisal (PEA), comprising a background data search and a Phase 1 habitat survey with an assessment for protected species. The survey was carried out on 01st October 2021. This report has been produced to support the demolition of the buildings and building canopies at Bury Market. The appraisal was based on the red line boundary plan of the development site (the 'site' shown in Figure 1).

The site comprised Bury Market, including a series of commercial and residential units and market stalls. Hardstanding pavements and roads dissected the site. Amenity grassland verges, areas of introduced shrub and scattered trees defined the southern site boundary.

During the PEA no invasive plant species (listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)) were identified within the site boundary.

The habitats on site were determined to have limited value for local wildlife. However, the scattered trees are likely to provide nesting opportunities for birds and foraging opportunities for bats. The scattered trees should be retained where possible.

Building 1 (B1) and Building 4 (B4) were assessed as having Low bat roosting potential due to the presence of roosting features which could support crevice dwelling bat species. If these features are to be impacted by the demolition works, further surveys will be required.

Further surveys to determine the extent of potential constraints, and to inform the planning decision, are recommended as follows:

- One nocturnal bat survey on B1 between May and August (Inclusive).
- One nocturnal bat survey on B4 between May and August (Inclusive) if the bat roosting features on B4 are to be damaged, destroyed or impacted by the canopy works.
- Breeding bird surveys of any buildings to be impacted by the proposed developed.

Mitigation measures required include:

- Precautionary Working Methods for bats during the demolition of the canopy on B4, only if the canopy demolition does not damage, destroy or impact the bat roosting features. If the roosting features are to be impacted further surveys as mentioned above will need to be undertaken.
- If the scattered trees require removal, they should be removed outside of the breeding bird season (March to August inclusive). If this is not possible, a nesting bird check should be undertaken by a suitably qualified ecologist up to 24 hrs before works commence. If a nest, or nest in construction, is located, then a stand-off distance should be maintained until the young have fledged.

Enhancement opportunities are suggested to meet any requirement for biodiversity net gain (BNG), including:

- Retention of the scattered trees.
- Installation of bat and bird boxes.
- Native planting including fruiting and flowering species.

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1.0 INTRODUCTION

Purpose of this report

- 1.1.1 This report presents the results of a Preliminary Ecological Appraisal (PEA), comprising a background data search and a Phase 1 habitat survey, with assessment for protected or otherwise notable species, at Bury Market (Grid Ref SD 80612 10543). The survey area included the land within the red-line boundary (the site), plus adjacent land up to 30 m where access was possible. Figure 1.
- 1.1.2 All waterbodies within 500 m were assessed for their suitability to support great crested newts. A ground-level assessment was undertaken of all trees and man-made structures potentially suitable for bats, within the site and along the site boundary.
- 1.1.3 The report identifies ecological constraints relevant to the project, specifies any further survey or mitigation requirements (e.g. for any Ecological Impact Assessment), gives recommendations for avoidance and protection through design changes, and suggests opportunities for ecological enhancement, in particular to deliver biodiversity net gain. The appraisal was carried out on behalf of VINCI Construction.

1.2 Landscape context

- 1.2.1 The site includes Bury Market, located within the center of Bury. The site encompassed a series of active commercial buildings, residential flats, and market stalls with associated hardstanding, introduced shrub and scattered trees.
- 1.2.2 The site is accessed via Angouleme Way which defines the southern and eastern boundary of the site. Bury Interchange is located adjacent to the west of the site, while commercial units are located north. The surrounding landscape is well developed including numerous commercial units and residential housing. A wider review of the surrounding landscape using aerial photographs and Ordnance Survey maps shows an active treelined railway line is located approximately 235 m south of the site. The River Irwell is located approximately 770 m west of the site at its closest point, while the River Roch is situated approximately 880 m south-east at its closest point.

Development proposals

- 1.3.1 Detailed development proposals were unavailable at the time of writing; however, demolition plans indicate the removal of a series of units, and the demolition of additional unit canopies. These are presented in Figure 2.

2.0 METHODS

Overview

- 2.1.1 The PEA was undertaken in line with guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM, 2017); it therefore included:
- 2.1
- a desk study (here called a background data search (BDS)), which included a review of aerial photographs; obtaining information from DEFRA, JNCC and Magic Mapping, and data from the local records centre Greater Manchester Ecology Unit (GMEU) -The Biodiversity Information System for Greater Manchester, and;
 - a field survey that informed habitat mapping, an assessment of the possible presence of protected or priority species and the likely importance of habitat features.
- 2.1.2 The PEA report includes an ecological description of the site and information about species that may occur there. Notes and mapping of any incidental sightings of invasive non-native plant species and protected or priority fauna species are also provided.
- 2.1.3 The survey was carried out on 01st October 2021 by Lowri Thomas. Lowri is a suitably qualified and experienced ecological consultant, a member of CIEEM, and is experienced in carrying out preliminary ecological appraisals.

2.2 Background data search

- 2.2.1 A search was made in October 2021 for relevant reference materials. A list of sources is given in Table 1.

Table 1 Data sources

Information obtained	Available from
Protected and noteworthy species-records	Greater Manchester Ecology Unit (GMEU)
MAGIC (the Multi-Agency Geographic Information website) to view statutory designated nature conservation sites	MAGIC Mapping www.magic.gov.uk [NB: this site is included for convenience as a viewer, but data to create maps for any figures used is extracted from Open Source data provided by the SNCBs]
Nationally designated site locations and citations	Joint Nature Conservation Committee (JNCC) website and MAGIC
European and Internationally designated site locations and citations	Joint Nature Conservation Committee (JNCC) website
Local Designated site locations and citations	Greater Manchester Ecology Unit (GMEU)
Designations and legal protection of noteworthy species	Joint Nature Conservation Committee (JNCC) website
Details of species and habitats listed on the LBAP	Local Biodiversity Action Plan (LBAP) website https://www.gmwildlife.org.uk/projects/gm_bap/

2.2.2 A search was made for the following international and national statutory designated sites of ecological importance within 10 km of the site boundary: Ramsar sites, Special Areas of Conservation (SAC), Special Protection Areas (SPA)¹. A search was also made for statutory designated sites including Sites of Special Scientific Interest (SSSI) and Local Nature Reserves (LNR) within 2 km of the site. SSSI risk zones were considered during assessment.

2.2.3 A search was also made for non-statutory designated (often important in a local context) within 1 km of the site boundary. A 1 km search area was utilised with this being deemed an appropriate distance for the zone of influence of the site. The 1 km search was selected as the site largely formed man-made structures and habitats which have little value for fauna and did not provide connectivity to the wider landscape. The surrounding areas have also been considered which largely include commercial units and residential properties which are anticipated to offer limited value for local wildlife.

2.2.4 The BDS also included a search for records within 1 km of the site boundary of noteworthy species, which might pose a constraint to the proposed development. Species included in the search were:

- European protected species (listed on Schedules 2 and 5 of The Conservation of Habitats and Species Regulations 2017 (as amended));
- nationally protected species under Schedules 1, 5 and 8 of The Wildlife & Countryside Act 1981 (as amended) and The Protection of Badgers Act 1992;
- species listed as critically endangered, endangered or vulnerable based on the IUCN Red List Categories and Criteria 2001;
- all species listed on the RSPB's Birds of Conservation Concern 4 (Eaton *et al.*, 2015) as red' or 'amber';
- nationally rare or nationally scarce species;
- notable² invertebrates; and
- species of principal importance listed under The Natural Environment and Rural Communities (NERC) Act 2006 or priority species under the relevant local biodiversity action plan.

2.3

Plants and habitats

Phase 1 habitat survey

2.3.1 The field survey was based on the Phase 1 habitat survey approach (Joint Nature Conservation Committee, 2010). This field survey was undertaken in line with CIEEM 2017 and involved the following elements:

¹ SACs and SPAs were formerly called 'European Sites' and part of the Natura 2000 network; post-'Brexit', they are now considered part of the UK's 'national site network'. Ramsar sites are sites of international importance. See Appendix A for details. Note that SPAs, SACs and Ramsar sites are also underpinned by SSSI designations whose citations/boundaries may be slightly different.

- habitat mapping using a set of standard colour codes to indicate habitat types on a habitat map (Figure 2); and
- a description of features of possible ecological or nature conservation interest in notes relating to numbered locations on the habitat map.

2.3.2 Vascular plant species were recorded during the survey, although no attempt was made to produce an exhaustive species list (additional species would almost certainly be found during more detailed surveys or repeat surveys at various times of the year). A plant species list was recorded for the site and is given in Appendix F.

2.3.3 Plant nomenclature in this report follows Stace (2019) for native and naturalised species of vascular plant. Introduced species and garden varieties were identified using relevant Floras. Plant names in the text are given with common names with the scientific name (in italics) immediately following the first time it is mentioned.

Invasive non-native species (INNS)

2.3.4 Phase 1 habitat survey does not involve exhaustive surveying for individual plant species, and various invasive species may be little in evidence at various times of year (depending on the species). A survey seeking to identify habitat types cannot therefore be relied upon to provide firm information about the presence or extent of any INNS. However, any INNS that were encountered during the habitat survey were noted, as well as any invasive non-native species of animals.

2.4 Protected and notable animals

General

2.4.1 The site was assessed for its suitability to support protected or otherwise notable animals that are likely to occur in the area. Taking into account the results of the BDS, the geographic location, connectivity to natural habitats in the wider landscape, the nature and extent of habitats at the site, and the proposed development, specific assessment was also carried out for the species/species groups outlined below.

Invertebrates

2.4.2 The site was assessed for its suitability to support notable species and/or assemblage of invertebrates, but no specific surveys were undertaken. The habitat requirements of particular invertebrates are often species-specific, so consideration was given to the presence of features and habitats that might be suitable for the notable species identified in the BDS.

Great crested newts

2.4.3 Although standing water is essential for their breeding, great crested newts (*Triturus cristatus*) are terrestrial for most of the year and have been recorded up to 500 m from their breeding ponds. Ordnance Survey maps and aerial imagery was reviewed to identify any ponds within 500 m of the site boundary, and the site was assessed for its suitability for both terrestrial and breeding great crested newts. Optimal breeding ponds tend to be well-vegetated, relatively clean and unpolluted, free of fish and wildfowl, and retentive of

water throughout most summers (but not necessarily all). Highly suitable terrestrial habitats include woodland, scrub and tussocky grassland, although great crested newts can be found in a broad range of sub-optimal habitats as well. Habitat suitability for other amphibians was similarly assessed.

- 2.4.4 Water features were assessed to determine whether they were suitable for great crested newts using the habitat suitability index (HSI) methodology developed by Oldham *et al.* (2000). This comprises a numerical index, where 0 indicates unsuitable habitat and 1 represents optimal habitat.
- 2.4.5 There is a positive correlation between HSI scores and presence and abundance of great crested newts in ponds. Generally, ponds with high HSI scores are likely to support larger populations. However, the relationship is not sufficiently precise to conclude that any pond with a high HSI will support newts in high populations, or that any pond with a low score will support low numbers of newts or no newts at all.

Birds

- 2.4.6 Birds nest, forage, and roost in a wide variety of habitats including scrub, woodland, hedgerows and trees, wetland, arable and pastoral farmland and rough grassland. Some species also use open bare ground and man-made structures.
- 2.4.7 The site was assessed for its suitability to support diverse assemblages and/or uncommon species of breeding and non-breeding birds, with an emphasis on those species that are listed on Schedule 1 of the Wildlife & Countryside Act 1981 (as amended), the red and amber lists of the RSPB's Birds of Conservation Concern 4 (Eaton *et al.*, 2015) and other notable species recorded in the BDS, including any species that are qualifying features of nearby designated sites. Consideration was given to the site's connectivity to landscape features that are likely to be of particular importance to birds, such as extensive areas of semi-natural woodland or wetlands. The presence of nests or signs of nest building were recorded, and buildings were surveyed for their suitability for barn owls and other species, with signs including nesting sites, feathers, droppings and pellets.

Bats

- 2.4.8 Habitats were assessed for their suitability for foraging and commuting bats, in line with guidance provided in Collins (2016). Areas of particular interest vary between species, but generally include sheltered areas and habitats with good numbers of insects, such as woodland, scrub, rivers and species-rich or rough grassland.
- 2.4.9 Trees and man-made structures were noted if they had potential suitability for roosting bats (Collins, 2016). This involved identifying features that roosting bats may favour (e.g. holes, cracks and cavities that might be used as bat access-points or roost sites).

Preliminary roost assessment (PRA) of built structures

- 2.4.10 Internal access to the buildings was not possible during the survey, due to access constraints. Buildings were assessed externally to ascertain suitability for roosting bats, taking account of the following factors that influence the likelihood of bats roosting:

- Surrounding habitat: whether there are potential flight-lines and bat foraging areas nearby.
- Construction detail: the type and construction of architectural features such as attics, soffit boxes, lead flashing and hanging tiles that could be used by roosting bats. Some construction details and materials are more favourable to bat occupation than others.
- Building condition: whether the building has no roof or has a sound roof without any potential bat-access points.
- Internal conditions: bats favour sheltered locations with a stable temperature regime, protection from the elements and little wind/light/rain penetration.
- Potential bat-access points: whether there is flight and crawl access.
- Potential roosting locations: descriptions of all bat-accessible voids, cracks and crevices.

2.4.11 The building's potential to support roosting bats was then categorised as defined in Table 2.

Table 2: Categorisation of the suitability of buildings or trees for roosting bats (Collins 2016)

Category (Potential to support roosting bats)	Description
Negligible suitability	Negligible habitat features on site likely to be used by roosting bats.
Low suitability	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential.
Moderate suitability	A structure or tree with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely for a roost of high conservation status (with respect to roost type only – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High suitability	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.
Confirmed roost	Bats or evidence of bats recorded during the initial inspection surveys or during dusk/dawn surveys. A confirmed record (supplied by records centre/local bat group) would also apply.

2.4.12 The buildings were then inspected for evidence of bats. Visual, systematic examinations were made for bats and evidence of bats, both externally, of the following:

- roof slopes and the ridge;
- wall, window and door surfaces;
- window and door frames;
- wall bases;
- wall ledges and wall tops;
- cracks, crevices and sheltered voids; and
- external features such as soffits and lead flashing.

2.4.13 Evidence of roosting bats includes droppings, urine stains, staining from fur-oils, wear marks, feeding remains, dead bats, odour, squeaking and chattering, and in some cases the absence of cobwebs. Bat droppings can prove beyond doubt that bats use a building and can help to identify roosting locations because piles often accumulate beneath roosting sites or entrance points.

Ground-Level Tree Surveys

2.4.14 All trees within the site were surveyed from ground level. Features that might be used by roosting bats were described and categorised according to accepted guidelines (Collins, 2016). Each tree was given a category during the ground-level surveys (see Table 2) based on its potential for roosting bats.

- 2.4.15 Trees may also be categorised as having *unknown potential* if the surveyor's view of the tree is obscured. This can be caused by dense Ivy (*Hedera helix*) covering the trunk and major limbs so as to conceal potential roosting features from view.

Constraints and limitations

- 2.5.1 Less conspicuous plant species (including INNS) may have been missed as a result of the survey being undertaken outside of the ideal survey season. However, the majority of plants present were confidently identified, and the survey was sufficient to make a broad assessment of the habitats present on the site.
- 2.5 Internal access to all the buildings on-site was not possible during survey. This has been taken into consideration during the assessment.
- 2.5.2 A single waterbody was located approximately 170 m south of the site. Full access to the waterbody could not be obtained, as a result a full assessment and HSI could not be carried out. A baseline assessment was made from Market Street located approximately 13 m west of the pond.

3.0 RESULTS

Background Data Search

Statutory designated sites

- 3.1.1 There is one internationally designated site within 10 km of the site boundary, comprising Rochdale Canal, Special Area of Conservation (SAC), Site Special Scientific Interest SSSI, the site also falls within the Impact Risk Zone of this SSSI. A single Local Nature Reserve was located within 2 km of the site. These sites are listed in Table 3 in order of proximity to the site; short descriptions are given for the sites.

Table 3: Statutory sites within 10 km of the site boundary (2km LNRs)

Site name	Reasons for designation	Approximate distance (m) and direction from site
Chesham Woods Local Nature Reserve (LNR)	The Main habitats include broad leaved semi-natural woodland, broad leaved semi-natural plantation, scrub, improved grassland, amenity grassland, neutral grassland and an orchard.	1.5 km north-east
Rochdale Canal (SSSI), Special Area of Conservation (SAC)	The site is designated as a SAC under Article 4(4) of the Directive (92/43/EEC) as it supports Annex II species floating water-plantain (<i>Luronium natans</i>). The site is designated as an SSSI as it contains important habitats for submerged aquatic plants and emergent vegetation, including extensive colonies of floating water-plantain and a diverse assemblage of aquatic flora, notably its assemblage of pondweeds (<i>Potamogeton spp.</i>).	7.6 km east of the site

Non-Statutory Sites

- 3.1.2 There is one non-statutory designated sites within 1 km of the site boundary, namely Townside Site of Biological Interest (SBI). The designated sites present within the study area are listed in Table 4 along with their proximity to the site.

Table 4: Non-statutory designated sites within 1 km of the site boundary

Site name	Approximate distance (m) and direction from site
Townside SBI	145 m south

Habitats

- 3.1.3 Multiple copses of deciduous woodland are located within proximity to the site, with the closest areas located approximately 480 m south-west, 660 m, which area likely to offer foraging and refuge for numerous fauna within the local area.
- 3.1.4 An active treelined railway line is situated approximately 235 m south of the site. This feature is likely to act as a wildlife corridor for a variety of species, providing connectivity to high value habitat including the River Roch located 880 m south-east of the site, an area of good quality semi-improved grassland is situated approximately 1.2 km south-west and lowland heathland located approximately 2 km south-east of the site.
- 3.1.5 The River Roch is anticipated to offer essential aquatic habitat within an urban environment, presenting valuable habitat to waterfowl, bats and common amphibians. The good quality semi-improved grassland is likely to host diverse species of flora, supporting a range of invertebrate communities, while the lowland heath may offer habitat for specialist fauna including ground-nesting birds and reptiles. However, commercial units and Angouleme Way are located between the site and the railway line, potentially acting as a dispersal barrier from these habitats to the site for some species.

Protected and Notable Species

- 3.1.6 At least 18 noteworthy species are recorded from places within 1 km of the site boundary. Noteworthy species include species of principal importance that are listed under Section 41 of The Natural Environment and Rural Communities (NERC) Act 2006.
 - 3.1.7 Of these 9 are birds, 1 is a fish and 8 are mammals (of these, 7 are bats). Species that are protected by law under Schedules 2 and 5 of The Conservation of Habitats and Species Regulations 2017 (as amended), Schedules 1, 2, 5 and 8 of The Wildlife and Countryside Act 1981 (as amended) or The Protection of Badgers Act 1992 that have been recorded in the search area are highlighted in the full species list is given in *Appendix B*. Those of relevance to the site and the current proposals are discussed in Sections 4.2 and 4.3.
- 3.2

Plants and habitats

Phase 1 Habitat Survey

Buildings, Walls and Hardstanding

- 3.2.1 The site is made up almost entirely of buildings with associated hardstanding and walls. The hardstanding was well maintained and included concrete slabs, hardcore, car parks and roads. Small areas of the hardstanding were colonised by dandelion (*Taraxacum officinale agg.*) and herb-Robert (*Geranium robertianum*). Two walls were located within the site boundary. Wall 1 (W1) was located within the south-west of the site and included a red brick wall defining a car park. Wall 2 (W2) is located within the east of site and defined a pedestrian path leading under Angouleme Way. The walls were determined to have negligible bat roosting potential as they did not contain any features that could support roosting bats. (Plate 1)

Amenity grassland

- 3.2.2 Small areas and verges of amenity grassland were located within the south of the site. The grassland was well maintained with a short sward. Species included dandelion, herb-Robert, red clover (*Trifolium pratense*), meadow buttercup (*Ranunculus acris*), creeping thistle (*Cirsium arvense*), common ragwort (*Jacobaea vulgaris*), creeping bent (*Agrostis stolonifera*), and broadleaved-dock (*Rumex obtusifolius*). (Plate 2)

Introduced shrub

- 3.2.3 Areas of introduced shrub were located along the southern site boundary, associated with the amenity grassland, and scattered trees. Species included spindle (*Euonymus europaeus*), Franchet's cotoneaster (*Cotoneaster franchetii*), Portugal laurel (*Prunus lusitanica*) and redclaws (*Escallonia Rubra*). (Plate 3)

Scattered trees

Scattered trees were located along the southern boundary associated with amenity grassland. Species included Swedish whitebeam (*Sorbus intermedia agg.*) and silver birch (*Betula pendula*). An area of scattered trees including sycamore (*Acer pseudoplatanus*) were also



located immediately north of B1. (

- 3.3 3.2.4 Plate 4)

Protected and notable animals

Invertebrates

- 3.3.1 On site habitats included amenity grassland, scattered trees, introduced shrub, hardstanding and buildings. Due to the lack of floristic diversity within the amenity grassland, scattered trees and introduced shrub notable invertebrates are not anticipated to be present on-site. However common invertebrates are expected to utilise the scattered trees, amenity grassland and introduced shrub.

Fish

- 3.3.2 One record of brown trout (*Salmo trutta*) was returned during consultation with the BDS. No aquatic habitats were located within the site or within proximity to the site. As such fish are discounted for assessment.

Great crested newts

- 3.3.3 No records of great crested newts were returned within 1km of the site boundary during the BDS. During consultation with Magic, no European Protected Species Licences were identified within 1 km of the site boundary.
- 3.3.4 The site largely comprised hardstanding and buildings, with small areas of introduced shrub, amenity grassland and scattered trees. Due to the developed nature of the site the site lacks suitable terrestrial habitat in terms of foraging, and refuge. As such it is determined that the site will not support the species.
- 3.3.5 From a review of maps and aerial images a single waterbody was located within 500 m of the site, located approximately 170 m south of the site. However, a full assessment of the waterbody could not be determined due to access constraints, as such a HSI assessment could not be undertaken. A baseline assessment was made from Market Street located approximately 13 m west, from this position the waterbody was found to be dry.
- 3.3.6 As there were no suitable waterbodies located within the site, or within 500 m of the site and as the site lacked the suitable habitat to support great crested newts within their terrestrial phase they are discounted from further assessment.

Reptiles

- 3.3.7 No records of reptiles were returned from the 1 km BDS area. The site was found to provide limited value for reptiles, given the majority of the site comprised hardstanding, which lacks the diverse structure and habitat quality to support the species group. As such no further surveys or mitigation is proposed for this species group.

Birds

- 3.3.8 The BDS returned records of 34 priority bird species from the 1km radius around the site, such as dunnock (*Prunella modularis*), herring gull (*Larus argentatus*), hobby (*Falco subbuteo*), house sparrow (*Passer domesticus*), kingfisher (*Alcedo atthis*), lapwing (*Vanellus vanellus*), lesser redpoll (*Acanthis cabaret*), song thrush (*Turdus philomelos*), starling (*Sturnus vulgaris*).
- 3.3.9 During the survey, carrion crow (*Corvus corone*), feral pigeon (*Columba livia*), pied wagtail (*Motacilla alba*), house sparrow and magpie (*Pica pica*) were identified within the site boundary.
- 3.3.10 Priority species identified by the BDS with the potential to be associated with habitats within or immediately adjacent to the site were: dunnock, house sparrow and starling.
- 3.3.11 The site was determined to have some value for common bird species; however, this was restricted to the scattered trees along the boundary features and buildings onsite. The scattered trees are anticipated to offer nesting opportunities.

Bats

- 3.3.12 The BDS returned records of the following bat species within 1km of the site:
- Brown long eared (*Plecotus auritus*) (1 record recorded 620 m from the site associated with Duster Road); and

- Common pipistrelle (*Pipistrellus pipistrellus*) (93 records, closest located approximately 40 m from the site associated with a building); and
- Pipistrelle species (*Pipistrellus sp.*) (15 records, closest being recorded along Heywood Street approximately 490 m from the site); and
- Bat species (3 records, closest being 780 m from the site); and
- Soprano pipistrelle (*Pipistrellus pygmaeus*) (5 records, approximately 290 m from the site); and
- Whiskered Bat (*Myotis mystacinus*) (1 record recorded 620 m from the site associated with Duster Road); and,
- Whiskered/ Brandts Bat (*Myotis brandtii*) (1 record recorded 620 m from the site associated with Duster Road); and
- Daubenton's bat (*Myotis daubentonii*) (2 records, closest being 620 m from the site associated with Duster Road).

- 3.3.13 The Defra MAGIC website indicated that one European Protected Species Licence (EPSL) was identified within the search area. The licence was issued in 2012 for the destruction of a common pipistrelle resting place.
- 3.3.14 During the site survey, an inspection of trees and buildings was undertaken as per guidance set out in Collins (2016), to assess the features for suitability for roosting bats. Two buildings (B1 and B4) located within the site were identified as having Low bat roosting potential.
- 3.3.15 B1 comprised a two story, red brick building which was used for commercial purposes. Along the southern and eastern aspect were numerous weep holes above the ground floor, a single missing roof tile was located on the eastern aspect of the building. These features were anticipated to offer roosting opportunities for crevice dwelling bats on an occasional basis. Plate 5
- 3.3.16 B4 included a two story building, a series of commercial shops were located on the ground floor with residential flats located above. On the southern aspect of the building, an area of tiled paneling on the residential flats, located above the canopy to be demolished was damaged. The area included cracked/missing tiles and lifted lead flashing; these features may provide suitable roosting opportunities for crevice dwelling bat species on an occasional basis. Weep holes were located on the eastern aspect of the building, above the canopy, which may offer suitable roosting conditions for bat species. Plate 6
- 3.3.17 All trees within the site boundary and adjacent to the site were assessed as having Negligible bat roosting potential as they contained no potential roosting features and/or were of an age that could not support roosting bats.
- 3.3.18 The site provides limited foraging opportunities for bats, which is restricted to the scattered trees. The wider landscape features including the active treelined railway located approximately 235 m south of the site and the River Irwell located 770 m west of the site are expected to provide good quality foraging areas for bats and commuting opportunities. The river may also provide essential aquatic habitat for Daubenton's bat which specialises feeding along watercourses.

Dormice

- 3.3.19 No records of Dormice (*Muscardinus avellanarius*) were returned during the BDS.
- 3.3.20 The site largely contained hardstanding and buildings with no suitable foraging or refuge for the species. Furthermore, the site is outside the species' known range. Therefore, the species is assumed to be absent from the site.

Water voles and otters

- 3.3.21 During consultation no records of water vole (*Arvicola amphibius*) were identified within the 1 km search area. During the BDS three records of otter were identified within the search area which were associated with the River Irwell. The records were located approximately 980 m west of the site boundary.
- 3.3.22 During the survey no watercourses were located within the site or within proximity to the site. The closest watercourse is the River Irwell located approximately 770 m west of the site, at its closest point. The River Irwell is not hydrologically connected to the site, and it is unlikely that water voles and otters would have the desire to travel to the site, which comprises unsuitable habitat. Given that the site predominately comprises hardstanding and buildings, with no identified aquatic habitat present, water voles and otters are assumed to be absent. As such water voles and otters are therefore not considered further within this report.

Badgers

- 3.3.23 No records of badger were returned during the BDS.
- 3.3.24 No field signs of badger including setts, tracks, latrines, snuffle holes and hairs on boundary fences were noted on-site or within 30 m of the site.
- 3.3.25 The site mainly contained hardstanding and buildings with only small areas of amenity grassland, introduced shrub and scattered trees. The habitats on site lacked the suitable habitat requirements to support the species. The short amenity grassland, the scattered introduced shrub and the exposed understory of the scattered trees did not provide sufficient cover for sett building opportunities. Furthermore, the site lacked adequate foraging opportunities for the species as only small areas of amenity grassland were present. This species is therefore likely to be absent from the site.
- 3.3.26 The habitat adjacent to the site comprises Bury Interchange and commercial units, due to the developed nature of the area, badger are not anticipated to utilise the habitat immediately surrounding the site. However, the railway located approximately 235 m south of the site may support the species.

Other species

- 3.3.27 The field survey did not record the presence of any other animals of nature conservation importance.
- 3.3.28 Three records of hedgehogs within 1 km of the site were identified during the BDS. Hedgehogs require refuge, shelter from predators and suitable foraging opportunities. The site was determined to be unsuitable for the species as the introduced shrub and understory of scattered trees was determined to be too exposed. Furthermore, the

habitats within the site were isolated within the wider environment providing no commuting opportunities for the species.

- 3.3.29 No amphibian records were returned during the BDS. Amphibians require shelter from excessive heat, dryness, and predation, with sufficient foraging areas and access to prey species (ARC, 2019). The scattered areas of introduced shrub and the short sward of the amenity grassland was determined to be too exposed to support the species. As such the presence of common amphibians within the site is reasonably discounted.

4.0 EVALUATION

Internationally Designated Sites

- 4.1.1 SACs and SPAs are part of the 'national site network'¹ and are afforded protection under the provisions of The Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations') or their equivalents in the devolved administrations (refer to Appendix A). These sites are designated as being of international importance for ecology and nature conservation. Furthermore, Ramsar sites are also of international importance, being wetlands that have been designated under the criteria of the Ramsar Convention on Wetlands for containing representative, rare or unique wetland types or for their importance in conserving biological diversity (see Appendix A).
- 4.1.2 The site is located within the Impact Risk Zone of Rochdale Canal SAC, SSSI, located approximately 7.6 km east of the site boundary. The site is designated as a SAC under Article 4(4) of the Directive (92/43/EEC) as it supports Annex II species floating water-plantain. The site is designated as an SSSI as it contains important habitats for submerged aquatic plants and emergent vegetation, including extensive colonies of floating water-plantain and a diverse assemblage of aquatic flora, notably its assemblage of pondweeds.
- 4.1.3 Due to the distance between the site and the designated site, and as Rochdale Canal SAC, SSSI is not hydrologically connected the site water pollution is not anticipated as a result of the demolition works. Equally as the habitat between the site and Rochdale Canal SAC, SSSI is not functionally linked, no detrimental effects are anticipated on the designated features of the site, which includes submerged aquatic plants.
- 4.1.4 Given the reasons outlined above, no significant adverse effects are anticipated on any of the internationally designated sites.
- 4.1.5 Chesham Woods, LNR is situated approximately 1.5 km north-east of the site. Considering the distance between the LNRs and the site, and the scale of the works, the development is not anticipated to have a negative impact on the LNR.

Non-statutory designated sites

- 4.1.6 There is one non-statutory designated site within the 1 km search area including Townside, SBI, located approximately 145 m south of the site. Due the small scale of the works and considering the anthropogenic barriers that lie between the site and the SBI, including the A58, no negative impacts are expected on the SBI.

Habitats and plants

- 4.1.7 The site comprises habitats that were found to be widespread within the local area; however, they did contain value for wildlife such as bats and birds. The hardstanding is of lowest value for wildlife, with the scattered trees comprising the areas of highest value.
- 4.1.8 The scattered trees are anticipated to support invertebrates, provide foraging opportunities for bats, and nesting opportunities for birds. As such it is recommended the are retained and protected through development. If some areas require removal, the trees should be replaced as soon as practicable. Any replacement planting should

endeavor to be on the same aspect as that to be lost. It is recommended that any future landscape planting comprises native species and species known to be of value for the attraction of wildlife. This will include fruiting and flowering species.

- 4.1.9 Any trees or shrubs within the site or boundary, to be retained, are to be appropriately protected during the construction phase. Temporary protective demarcation fencing will be used to protect the trees and shrubs. The fencing must extend outside the canopy of the retained trees and must remain in position until works are complete. The fencing will be in accordance with BS 5837:2012 Trees in Relation to Design, Demolition and Construction: Recommendations.

Protected and other notable species

- 4.1.10 The scattered trees located along the southern boundary of the site and buildings 1 and 4 were determined to provide potential nesting opportunities for birds.
- 4.1.11 Building 1 and Building 4 (B1 and B4) were determined to have Low bat roosting potential during the survey. B1 had a series of weep holes along the eastern and southern boundary, with a missing roof tile located on the eastern boundary. B4 had a series of broken/missing tiles and lifted flashing on the southern aspect of the first floor, and weep holes were located on the eastern aspect of the building. These features were assessed as providing suitable roosting opportunities for crevice dwelling bat species on an occasional basis.
- 4.1.12 A single nocturnal bat survey is required between May and August (Inclusive) on B1 before demolition. If the roosting features on B4 are to be impacted by the canopy demolition a further single survey will be required. However, If the area of bat roosting potential is not to be damaged, destroyed or impacted (through noise, vibration or illumination) by the demolition of the canopy, the demolition may be completed under precautionary working methods with no survey required.
- 4.1.13 The site was determined to have limited foraging opportunities for bats which is restricted to the scattered trees within the site, they are anticipated to attract invertebrate prey.
- 4.1.14 Enhancement measures for birds and bats are recommended, as outlined in Section 5.

5.0 RECOMMENDATIONS

Key constraints to design and construction

Birds

- 5.1.1 The site was determined to have value for nesting birds within the scattered trees. It is recommended that the scattered trees are retained where possible. If the scattered trees require removal, it should be removed outside of the breeding bird season (March to August inclusive). If this is not possible, then these areas will have to be checked for nests by an ecologist immediately prior to clearance. If nests are found, they must be retained (with a suitable, species-specific buffer from works established) and protected from damage or abandonment until the young have fledged.
- 5.1.2 There is also limited nesting potential in the onsite buildings. However, as the PEA was completed outside of the bird breeding season (March to August inclusive) a detailed assessment could not be undertaken. Therefore, we recommend a breeding bird survey prior to the demolition/ works to any buildings onsite.

Bats

- 5.1.3 B1 and B4 were determined to have Low bat roosting potential. Bats are protected under the Habitats Regulations and the Wildlife and Countryside Act 1981 (as amended) (see Appendix A). A single nocturnal bat survey between May and August (inclusive) is required to identify if any bats are roosting in B1 and B4 (if the roosting features at B4 are to be impacted), and if so, the mitigation measures that might be required as part of the design proposals. The removal of the buildings would need to be undertaken under licence, and there may be restrictions on timing dependent on the status of any roost.
- 5.1.4 While it is unlikely that the site represents a critical foraging resource for bats, a sensitive lighting scheme should be maintained during and after development to maintain the scattered trees as dark zones. Therefore, it is recommended that the proposed lighting plan considers the habitats of highest importance and maintains scattered trees as dark areas. It is recommended that any security lighting during construction is appropriately placed to avoid being directed at retained habitats. Lighting should also be placed to avoid being directed at the buildings adjacent to the site boundary assessed as having bat roosting potential.
- 5.1.5 It is recommended that lighting is to be pre-fixed on the proposed buildings, located near retained habitats or proposed habitats, to minimise the impact of lighting. Lighting should follow the protocols outlined in the Institute for Lighting Engineers document "Guidance for the Reduction of Obtrusive Lighting" (2005) and BCT's "Bats and Artificial Lighting in the UK" (2018) to minimise disturbance and sky-glow off site.

Further surveys required

- 5.2.1 Recommended further surveys are outlined below. Under current planning guidance and case law, a planning consent is likely to be obstructed or withheld at the time of the application if the results of required ecological surveys are unavailable. Given that many surveys can only be carried out at certain times of the year, it would be prudent to undertake these further surveys as soon as possible (unless it can be foreseen that it would make them out-of-date by the time of the application).

Bats

- 5.2.2 During the survey no evidence of roosting bats was found, however an internal assessment could not be undertaken due to access constraints. Although no evidence of bats were identified during the survey, it was concluded that a B1 and B4 had Low bat roosting potential.
- 5.2.3 B1 was found to have Low bat roosting potential due to the presence of weep holes and a single missing roof tile. As such, a single nocturnal bat survey is required to confirm the presence or absence of roosting bats before the building is demolished, as outlined in Section 5 of this report.
- 5.2.4 It is understood that demolition works will only apply to the canopy of B4. This work is not anticipated to affect the potential roosting features, including the cracked/missing tiles, lifted lead flashing and weep holes, located above the canopy. If the potential roosting features are not to be damaged, destroyed or impacted (through noise, vibration, or illumination) by the demolition of the canopy, the demolition can be completed under precautionary working methods. However, if the potential roosting features are to be impacted by the works a single nocturnal bat survey will be required to confirm the presence or absence of bats prior to the demolition.
- 5.2.5 Bats are afforded protection through the Conservation of Habitats and Species Regulations 2017 (as amended) as well as the Wildlife and Countryside Act 1981 (as amended) (refer to Appendix A for further details). Mitigation may therefore be necessary to ensure compliance with this legislation. This is outlined further in Section 5 of this report. Other buildings and structures on site were found to have a Negligible potential for roosting bats and no further action is required regarding these structures.
- 5.2.6 Low potential buildings require a single dusk emergence or dawn re-entry survey. These surveys will need to be undertaken during the season when bats are most active, in order to watch and listen for bats emerging from the building at dusk or re-entering at dawn. They should be undertaken between May and September (ideally between May and August). The methods should follow current Bat Conservation Trust guidelines (Collins, 2016). This information would be required to support a licence application if bats are found to be roosting.
- 5.2.7 The scattered trees within the site boundary were determined to have Negligible bat roosting potential. As such they do not require further surveys. However, they do provide foraging opportunities for bats by attracting invertebrate prey. As such they are recommended for retention where possible and a lighting strategy should ensure they are maintained as dark areas.

Birds

- 5.2.8 Due to the PEA being undertaken outside of nesting bird season, we recommend a detailed breeding bird survey to be completed ahead of any works to the existing buildings to ensure there are no nesting birds are present. A breeding bird survey will need to be completed in the period March to June. If this is not possible, demolition works to buildings should avoid the bird breeding season March to August inclusive.

Mitigation requirements

Birds

- 5.3 5.3.1 All active birds' nests, regardless of species, are protected by UK law. A nest is deemed to be active even if it is in the process of being built and does not yet contain eggs or young. To avoid impacts on nesting birds, if the scattered trees which are suitable for nesting birds are to be cut during the nesting season (March to August inclusive), they will have to be checked for nests by an ecologist immediately prior to clearance. If nests are found, they must be retained (with a suitable, species-specific buffer from works established) and protected from damage or abandonment until the young have fledged.
- 5.3.2 Removal of suitable bird nesting habitat including building demolition (if nesting birds likely to be present) should be conducted over the winter months between October and February to avoid the breeding bird season (March to August inclusive), where possible.
- 5.3.3 Throughout the site, to minimise the risk of damaging or destroying a bird's nest, including significant disturbance of the birds (if present), the following measures should be adopted:
- Fell trees and shrubs, and reduce bramble scrub and other above-ground vegetation to 30cm height either: (a) outside the main bird breeding season (March to August inclusive, taking care to avoid impacts to features on the ground which may be used by hibernating reptiles or amphibians, and thereafter retaining habitat as unsuitable for use by breeding birds; or (ii) during the main bird breeding season, but only once an ecological clerk of works has conducted checks for nesting birds prior to site clearance operations.
- 5.3.4 If a bird's nest is discovered on site, the works should cease and the advice of an ecologist should be obtained. This is likely to involve leaving the nest undisturbed to allow eggs to hatch and young to fledge a period of 6 to 8 weeks.

Bats

- 5.3.5 Further surveys (as detailed in Section 5.2.3) will be required to determine the extent of any impacts on bats, and the data gathered from these surveys used to determine appropriate impact avoidance, mitigation or compensation measures and inform a licence application.
- 5.3.6 If B4 does not require a further nocturnal bat survey as the roosting features are not to be damaged, destroyed or impacted (through noise, vibration or illumination) by the works, they demolition of the canopy of B4 may be completed under precautionary working methods with no survey required. Precautionary working methods include:

Opportunities for enhancement

Landscaping

- 5.4.1 The planting of native species including flower-, berry- and fruit-bearing species would benefit local wildlife. Furthermore, planting trees and hedgerows on site would create a commuting corridor for many species including bats and hedgehogs. If created these features would be kept as dark corridors and should have strips of rough native grassland planted adjacent to them to attract invertebrates.
- 5.4

Nest/Roost boxes

- 5.4.2 Bird and bat boxes and/or bricks should be incorporated into the future development design, including those suitable for a range of bat species, swift, house sparrow and/or starling, which are all species of conservation concern and are likely to be present within 1 km of the site. These features would provide additional roosting/nesting sites for these species groups and help offset impacts associated with habitat loss.

Biodiversity Net Gain

- 5.4.3 The scheme should strive to achieve biodiversity net gain, as per “Biodiversity Net Gain; Good Practice Principles for Development” CIEEM, CIRIA, IEMA (2016). Full details of this and a calculation of net gain could be completed to inform the scheme design. A final calculation could be undertaken after the preparation of landscape plans.
- 5.4.4 The following habitat measures will increase the on-site biodiversity:
- Retaining the Scattered Trees.
 - Native Hedgerow Planting.
 - Native Scrub Planting.
- 5.4.5 Habitat measures should be provided within areas of open space or designated wildlife zones. A 30-year management plan could be produced to ensure biodiversity is secured on-site.

6.0 CONCLUSIONS

- 6.1.1 The site was determined to have limited ecological value as it mainly comprised hardstanding and buildings, although the site did hold potential for bats and birds. The scattered trees are likely to offer nesting opportunities for birds and attract invertebrate prey which will act as a foraging resource for bats.
 - 6.1.2 B1 was determined to have Low bat roosting potential, due to the presence of a missing roof tile and weep holes. As such a single nocturnal bat survey is required between May and August (inclusive) prior to the demolition of the building. If bats are identified roosting within the building, additional nocturnal surveys will need to be undertaken and a European Protected Species Licence will be required.
 - 6.1.3 B4 was determined to have Low bat roosting. The demolition plans indicate the canopy is the only area to be impacted by the works. If the works to the canopy will affect the areas of bat roosting potential, a single nocturnal bat survey will be required. However, If the areas with bat roosting potential are not to be damaged, destroyed or impacted (through noise, vibration, or illumination) by the works, they may be completed under precautionary working methods with no further surveys required.
 - 6.1.4 Additionally, there were nesting bird opportunities within buildings and scattered trees onsite. It is recommend that a detailed breeding bird survey, in the period March to June, is completed ahead of any works to the existing buildings to ensure there are no nesting birds are present.
 - 6.1.5 The surveys would be valid for two years to inform a planning application. If bats are identified roosting within the building, three surveys would be required to characterise the roost and a European Protected Species Licence will be required with up-to-date surveys from the survey season prior to the application submission.
 - 6.1.6 The scattered trees are recommended for retention. If they require removal a nesting bird check will be required as outlined in 5.1.1.
- 6.2

Validity of Data

- 6.2.1 Unless the site changes significantly, the surveys carried out for this report should remain valid for at least 18 months, (CIEEM 2019).

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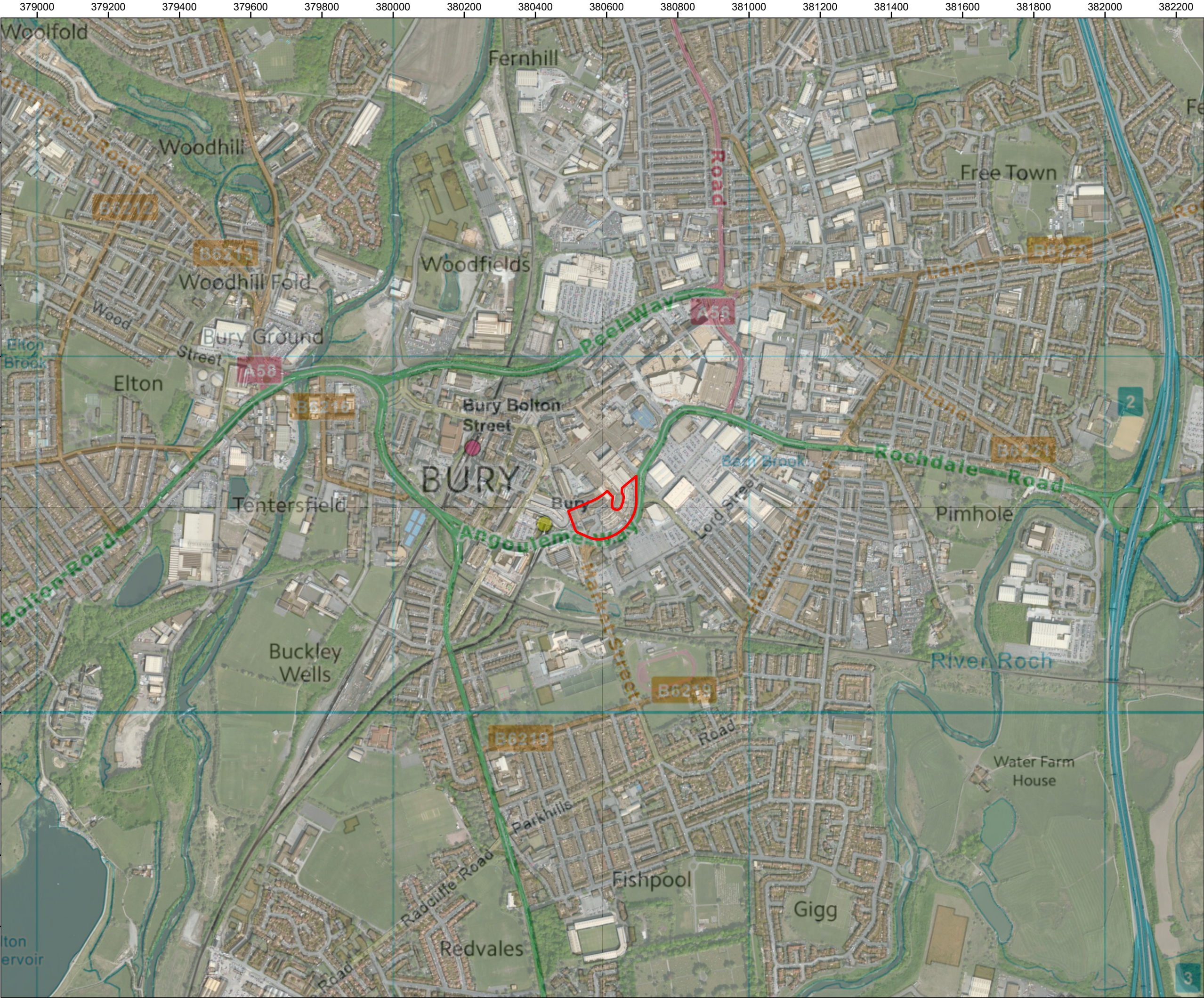
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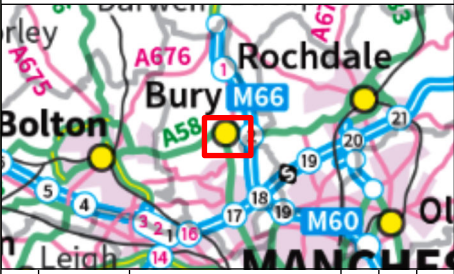
FIGURES

Figure 1 Site Location Plan

Figure 2 Habitat Map



Legend:
 Site Boundary

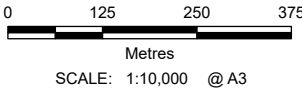


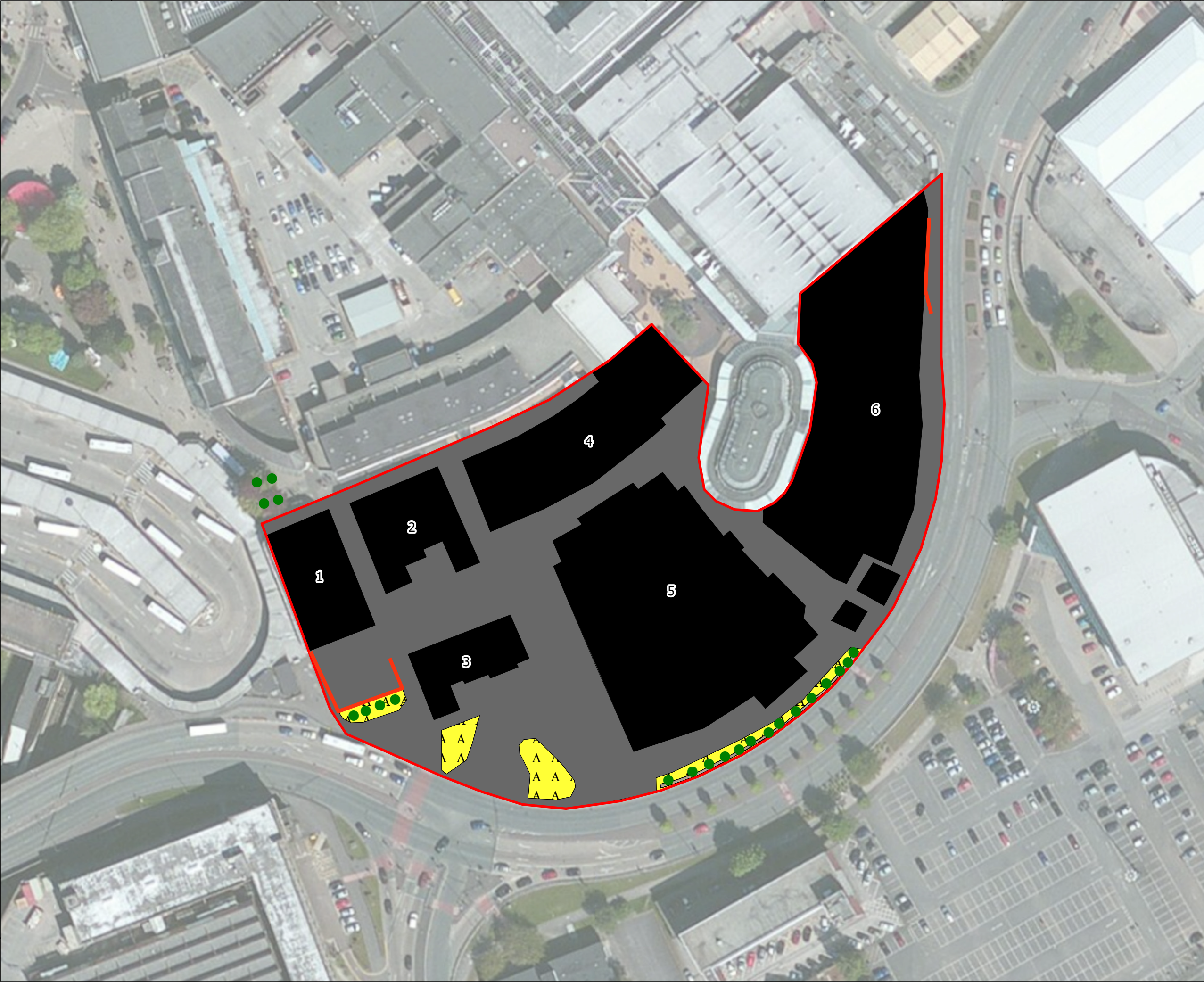
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Bury Market

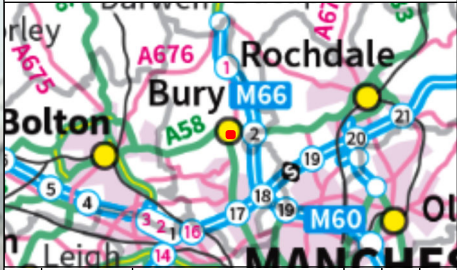


TITLE: Figure 1:
Site Location Plan





- Legend:
- Site Boundary
 - Scattered broad-leaved tree
 - Amenity grassland
 - Introduced shrubs
 - Wall
 - Building
 - Hardstanding

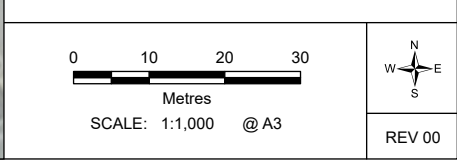


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Bury Market



TITLE: Figure 2:
Phase 1 Habitat Survey



APPENDIX A – NATURE CONSERVATION LEGISLATION AND POLICY

International Legislation

The following international conventions and directives apply to biodiversity protection in the UK. Post-‘Brexit’, even though European Union (EU) directives no longer directly apply to the UK, the provisions therein are enshrined in both domestic legislation and international agreements. Legislation has been enacted to ensure the regulations derived from these remain in force³.

The Convention on Biological Diversity 1992 *et seq.*

This multilateral treaty (<https://www.cbd.int/doc/legal/cbd-en.pdf>), signed by 150 government leaders at the 1992 Rio Earth Summit, has three main goals, of which one is the conservation of biological diversity. Article 6 requires countries to develop national biodiversity strategies, plans or programmes. In response, the UK developed the UK Biodiversity Action Plan (BAP) 1994 (<https://jncc.gov.uk/our-work/uk-bap/>) as well as county-specific BAPs. Subsequent to this, parties of the convention agreed the supplementary Nagoya Protocol 2010 (available at <https://www.cbd.int/abs/doc/protocol/nagoya-protocol-en.pdf>), adopting the Strategic Plan for Biodiversity 2011-2020. The purpose of this Strategic Plan was to provide a framework for establishing national and regional biodiversity targets (<https://www.cbd.int/doc/strategic-plan/2011-2020/Aichi-Targets-EN.pdf>).

Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds (Birds Directive) 2009

<https://www.legislation.gov.uk/eudr/2009/147>

The Birds Directive 2009 relates to the conservation of all species of naturally occurring birds in their wild state in the territory of the EU Member States (MSs) to which the treaty applies. Under the Birds Directive, the most suitable areas of conservation of the Annex I species are to be designated as Special Protection Areas (SPAs), as part of the European Natura 2000 network. Post Brexit, SPAs are no longer considered part of Natura 2000 and are instead components of the UK’s ‘national site network’, but their highly protected status is unchanged. Maintaining a coherent network of protected sites with overarching conservation objectives is still required in order to fulfil the commitment made by government to maintain environmental protections and continue to meet the UK’s international legal obligations.

Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) 1992

<https://www.legislation.gov.uk/eudr/1992/43>

The Habitats Directive 1992 requires EU MSs to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of community interest, which are listed

³ Further information relating to England and Wales can be found here: <https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017>. A similar exercise has been undertaken in Scotland and Northern Ireland.

under Annex I, II, IV and/or V. Species listed under Annex IV are known as 'European Protected Species' (EPS), and have retained their protected status in UK domestic legislation post-Brexit.

Under the Habitats Directive, EU Member States are required to contribute to the Natura 2000 network through the designation of Special Areas of Conservation (SACs) for natural habitat types listed in Annex I and habitats of species listed in Annex II. Post Brexit, SACs are no longer considered part of the European Natura 2000 network and are instead components of the UK's 'national site network', but their highly protected status is unchanged.

The Convention on Wetlands of International Importance Especially as Waterfowl Habitat 1971: the Ramsar Convention

Accessible via <https://jncc.gov.uk/our-work/ramsar-convention/>

The Ramsar Convention is an intergovernmental treaty focused on the conservation and sustainable use of wetland, primarily as habitats for water birds. Under the convention, each ratified country is required to identify and designate sites (Ramsar sites) that meet the criteria for identifying a wetland of international importance, i.e. containing representative, rare or unique wetland types. In addition, the convention promotes international co-operation to promote the wise use of all wetlands and their resources.

Habitats Regulations Assessment (HRA): a note

There is a requirement under the EU nature directives, and enshrined in country-specific domestic legislation⁴ (see below), to undertake a screening exercise to determine whether any sites that form part of the 'national site network' (formerly Natura 2000) are likely to be significantly affected by any proposal (project or plan). The assessment must consider the proposals alone and also in combination with other plans and projects, if they result from activities that are not directly connected with, or necessary to, the management of the designated sites. If significant effects are likely, an Appropriate Assessment (AA) will need to be carried out. The screening, any AA, and any subsequent assessment, are collectively known as a Habitats Regulations Assessment (HRA). The HRA needs to take into account each of the 'Qualifying Features' (habitats or species) that justified the site being designated. Ramsar sites are treated in the same way as SACs and SPAs in HRAs, as are sites which have not been fully adopted i.e. candidate SACs (cSACs) and potential SPAs (pSPAs).

The Convention on the Conservation of Migratory Species of Wild Animals (Bonn Convention) 1979

Accessible via: <https://jncc.gov.uk/our-work/the-convention-on-the-conservation-of-migratory-species-of-wild-animals/#convention-summary>

The Bonn Convention was adopted in 1979 and came into force in 1985. Contracting Parties work together to conserve migratory species and their habitats by providing strict protection for endangered migratory species (listed in Appendix I of the Convention), concluding multilateral agreements for the conservation and management of migratory species which require or would benefit from international cooperation (listed in Appendix II), and by undertaking cooperative

⁴ In England and Wales: the Conservation of Habitats and Species Regulations 2017 (as amended).
In Scotland: the Conservation (Natural Habitats &c.) Regulations 1994 (as amended).
In Northern Ireland: the Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 (as amended).
In the UK offshore area: the Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended).

research activities. The UK Government ratified the Bonn Convention in 1985. The current legally-binding Agreements under the Convention include EUROBATS⁵.

The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) 1979

<https://www.coe.int/en/web/bern-convention>

The principal aims of the Bern Convention 1979 are to ensure the conservation and protection of wild plant and animal species and their natural habitats (listed in Appendices I and II of the Convention), to increase cooperation between contracting parties, and to regulate the exploitation of those species (including migratory species) listed in Appendix III. To this end, the Bern Convention imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1,000 wild animal species. The UK Government ratified the Bern Convention in 1982.

National Legislation

The following pieces of domestic legislation apply to biodiversity protection in the UK.

The Wildlife and Countryside Act (WCA) 1981

<https://www.legislation.gov.uk/ukpga/1981/69>

The Wildlife and Countryside Act 1981 (as amended) is the primary piece of legislation relating to nature conservation in the UK, though it has been adapted in different ways in the devolved administrations. It was initially enacted to implement the Bern Convention, Bonn Convention and the Birds Directive (described above).

The act is supplemented by provisions in the Countryside and Rights of Way (CROW) Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006, and extended in Scotland by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011). Its equivalent in Northern Ireland is the Wildlife (Northern Ireland) Order 1985 (as amended and similarly extended). In addition to the Habitat Regulations (described below), the WCA provides protection for species listed in Schedules 1 (birds), 5 (other animals) and 8 (plants) of the Act. It provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) in England and Wales⁶. It also sets out, in other schedules, important and invasive species which are legally protected or require management.

All species of bird are protected under the WCA. The legislation makes it an offence to intentionally:

- a) kill, injure or take any wild bird;
- b) take, damage, or destroy the nest of any wild bird while that nest is in use or being built; or
- c) take or destroy an egg of any wild bird.

Those species of birds listed on Schedule 1 of the WCA are afforded additional protection, which deems it an offence to intentionally or recklessly:

⁵ More information available at <https://jncc.gov.uk/our-work/agreement-on-the-conservation-of-populations-of-european-bats-eurobats>

⁶ Duty replaced by the Nature Conservation (Scotland) Act 2004 (as amended) and the Nature Conservation and Amenity Lands (Northern Ireland) Order 1985 (as amended) in those countries.

- a) disturb any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- b) disturb dependent young of such a bird.

Under Section 9 of the WCA, for animals listed on Schedule 5, it is an offence in England and Wales to intentionally or recklessly:

- kill, injure or take any wild animal listed on Schedule 5;
- possess or control any live or dead those wild animals or anything derived from it;
- damage or destroy any structure or place which wild animals listed on Schedule 5 uses for shelter or protection;
- disturb any such animal while it is occupying a structure or place of shelter or protection;
- obstruct access to any structure or place used by any such animal for shelter or protection; and
- sell, offer or expose for sale, or have in their possession or transports for the purpose of sale, any live or dead wild animal listed on Schedule 5 or any part of, or anything derived from such an animal.

As noted above, there are minor differences between the offences in England and Wales outlined above, and those in Scotland / Northern Ireland. In addition, the Wildlife and Countryside Act 1981 is no longer relevant to EPS in Scotland or Northern Ireland, which instead are afforded full protection by the 'Habitats Regulations' (see below).

In addition to EPS, species commonly found on development sites include water voles (*Arvicola amphibius*) and widespread species of reptiles: common lizard (*Zootoca vivipara*); slow-worm (*Anguis fragilis*); grass snake (*Natrix helvetica*); and adder (*Vipera berus*). These four reptile species receive partial protection, which prevents the intentional or deliberate killing and injuring of reptiles or offering them for sale.

Section 14(2)⁷ states that it is an offence to plant or otherwise cause to grow any plant in the wild at a place outside its native range.

There is no provision within the Act for derogation licences to be issued for the purposes of development, although Section 10 provides a defence in cases that may be considered to be: "*the incidental result of a lawful operation and could not reasonably have been avoided*" if certain conditions are met.

Section 16(i) of the Act does make provision for derogation licences to be issued "*for the purposes of preserving public health or public ... safety*". For confirmation of this, it would be appropriate to consult the relevant statutory nature conservation body (SNCB)⁸.

The Conservation of Habitats and Species Regulations (Habitat Regulations) 2017

<https://www.legislation.gov.uk/ukxi/2017/1012> England and Wales

The Conservation (Natural Habitats, &c.) Regulations 1994

<https://www.legislation.gov.uk/ukxi/1994/2716/contents/made> Scotland⁹

⁷ In Scotland, as amended by Section 14 of the Wildlife and Natural Environment (Scotland) Act 2011.

⁸ SNCBs are - in England: Natural England; in Wales: Natural Resources Wales; in Scotland: NatureScot; in Northern Ireland: Department of Agriculture, Environment and Rural Affairs (DAERA).

⁹ This is the original text, and that amendments relevant to Scotland can be found here: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations/habitats-regulations>

The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended)

<https://www.legislation.gov.uk/nisr/1995/380/contents/made> Northern Ireland¹⁰

The Habitats Regulations 2017 consolidated the various amendments made to the 1994 Habitat Regulations, which were developed to implement the Birds Directive and Habitats Directive (see above) at a national level, though this consolidation only applies in England and Wales. As noted above, in Scotland and in Northern Ireland, the original versions of the Regulations in each region have been retained and amended to include protections for EPS that were initially provided under the WCA (or its equivalent).

The Regulations (as amended) provide for the designation and protection of the national site network (formerly 'Natura 2000 sites'), the adaptation of planning and other controls for those sites, and the protection of EPS (listed on Schedules 2 and 5).

The 2017 Regulations (England and Wales, Reg. 43) deems it an offence to:

- a) deliberately capture, injure or kill a wild animal of a EPS,
- b) deliberately disturb wild animals 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.

For the purposes of paragraph (b), disturbance of animals includes in particular any disturbance which is likely to:

- a) impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or 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.

There are also restrictions on transport, possession and sale.

The Habitats Regulations 1994 which apply in Scotland with a number of amendments, provide full protection to EPS without recourse to the WCA¹¹.

The legislation in Northern Ireland is similar to Scotland in that the protection for EPS has been transferred to the Conservation (Natural Habitats, & c.) Regulations (NI) 1995 (as amended).

It is possible to obtain a derogation licence from the relevant SNCB⁸ to permit activities which would otherwise contravene the regulations above, including for development purposes, when certain conditions are met. Failure to satisfy the Regulations and obtain a licence where required could result in prosecution and lead to fines and possible imprisonment.

To meet the requirements in Regulation 63(1) [48(1) of the 1994 Regulations in Scotland], an HRA is required (see note in previous section).

Currently (2021), all EPS are also listed on Schedule 5 of the WCA (outlined above), as it applies in England and Wales. EPS often encountered on development sites include GCN (*Triturus cristatus*), all species of bats, dormice (*Muscardinus avellanarius*) and otters (*Lutra lutra*).

¹⁰ This is the original text, and that amendments relevant to Northern Ireland can be found here: <https://www.netregs.org.uk/legislation/northern-ireland-environmental-legislation/current-legislation/conservation/>

¹¹ <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations/european-protected>

Conservation of Offshore Marine Habitats and Species Regulations 2017

<https://www.legislation.gov.uk/uksi/2017/1013>

The Conservation of Offshore Marine Habitats and Species Regulations 2017 transposed into national law the Habitats Directive (and the Bird Directive in the UK offshore areas). These regulations apply to the UK's offshore marine area which covers waters beyond 12 nautical miles, within British Fishery Limits and the seabed within the UK Continental Shelf Designated Area.

These regulations enable the designation and protection of areas that host habitats and species of European importance in the offshore marine area. These sites were previously defined collectively as 'European offshore marine sites' and now, together with all other terrestrial and marine SACs and SPAs across the UK, form a network of sites known as the 'national site network'.

Countryside and Rights of Way Act 2000

<https://www.legislation.gov.uk/ukpga/2000/37>

The Countryside and Rights of Way (CROW) Act 2000 provides for public access on foot to certain land types, amends the law for public rights of way, increases protection for SSSIs, and strengthens wildlife enforcement legislation. It applies only in England and Wales.

The Natural Environment and Rural Communities (NERC) Act 2006; The Environment (Wales) Act 2016

<https://www.legislation.gov.uk/ukpga/2006/16>

The Natural Environment and Rural Communities (NERC) Act 2006, Section 40 requires that any public body or statutory undertaker in England must have regard to the purpose of conservation of biological diversity in a manner that is consistent with the exercise of their normal functions. This may include enhancing, restoring or protecting a population or a habitat. The intention is to help ensure that biodiversity becomes an integral consideration in the development of policies, and that decisions of public bodies work with the grain of nature and not against it. In Wales, a similar duty has been moved to Section 6 of the Environment (Wales) Act 2016.

As part of this duty, statutory undertakers must have regard to the list of habitats and species which are of principal importance for the purpose of maintaining and enhancing biodiversity. For England, the duty to compile such a list is captured under Section 41 of the NERC Act; in Wales, under Section 7 of the Environment (Wales) Act. The lists for England are accessible online via the National Archive¹²; for Wales via <https://www.biodiversitywales.org.uk/>.

The Hedgerows Regulation 1997

<https://www.legislation.gov.uk/uksi/1997/1160/made>

The Hedgerows Regulations 1997 provide protection for 'important' hedgerows for which replanting is not a substitute. The 'importance' of a hedgerow depends upon several archaeological, wildlife and landscape criteria (which are outlined in the Regulations). The regulations deem it an offence to remove an 'important hedgerow' without prior notification to the relevant local planning authority.

¹²

<https://webarchive.nationalarchives.gov.uk/ukgwa/20140712055944/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Protection of Badgers Act 1992

<https://www.legislation.gov.uk/ukpga/1992/51>

Badgers and their setts are protected under the Protection of Badgers Act 1992 (England, Wales and Scotland). The key part of this legislation in relation to the proposed development are in Section 3, which deems it an offence to:

- a) damage a badger sett or any part of it;
- b) destroy a badger sett;
- c) obstruct access to, or any entrance of, a badger sett;
- d) disturb a badger when it is occupying a badger sett,
- e) intend to do any of those things or be reckless as to whether those actions would have any of the consequences listed above.

Derogation licences may be obtained from the relevant SNCB⁸ under Section 10 of the Act for the purpose of development, to permit activities which would otherwise be unlawful.

Note: there are additional provisions relating to badgers under the WCA Section 11 (Prohibition of certain methods of killing or taking wild animals).

The Wild Mammals (Protection) Act 1996

<https://www.legislation.gov.uk/ukpga/1996/3>

All wild mammals are protected by The Wild Mammals (Protection) Act 1996 (as amended). This makes it an offence to mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal.

Invasive Alien Species (Enforcement and Permitting) Order 2019

<https://www.legislation.gov.uk/uksi/2019/527/contents/made>

The Invasive Alien Species (Enforcement and Permitting) Order applies principally in England and Wales and the UK's offshore marine area, but also controls imports and exports from the UK (including Scotland and Northern Ireland). It lists species of concern which cannot be imported, kept, bred/grown, transported, sold, used, allowed to reproduce, or released into the environment. This Order replaces some elements relating to invasive species in the Wildlife and Countryside Act 1981 (as amended).

National, regional and local policy and guidance of relevance

Planning policy relating to ecology and nature conservation is set out below.

National Planning Policy Framework 2019

Access via: <https://www.gov.uk/government/publications/national-planning-policy-framework-2>

The National Planning Policy Framework (NPPF) sets out the Government's planning policy in England at the national level. It does not contain specific policies for nationally significant infrastructure projects, which are determined in accordance with the decision-making framework in the Act and relevant National Policy Statements for major infrastructure, as well as any other matters that are relevant (which may include the NPPF). Section 15 (paragraphs 170-183) of the NPPF specifies the requirements for conserving and enhancing the natural environment through the planning and development process to minimise impacts on habitats and biodiversity.

Planning Practice Guidance 2019

Accessed via: <https://www.gov.uk/government/collections/planning-practice-guidance>

The Planning Practice Guidance 2019 is a web-resource to support the NPPF, including guidance for Environmental Impact Assessments (<https://www.gov.uk/guidance/environmental-impact-assessment>) and the Natural Environment (<https://www.gov.uk/guidance/natural-environment>). The guidance for the Natural Environment explains key issues in implementing the NPPF to protect and enhance the natural environment, including local requirements. The guidance outlines what evidence needs to be taken into account in preparing planning applications to identify and map local ecological networks. It also outlines how biodiversity can be taken into account in preparing a planning application.

Government's 25-Year Environment Plan 2018

Accessed via: <https://www.gov.uk/government/publications/25-year-environment-plan>

The Government's 25-Year Environment Plan 2018 sets out how the UK Government intends to improve the natural health of the UK through improving land, air and water quality, as well as setting out how the effects of climate change will be tackled. The plan promotes the creation or restoration of wildlife-rich habitat outside the protected site network and seeks to recover threatened, iconic or economically important species of animals, plants and fungi, and where possible to prevent human induced extinction or loss of known threatened species in England. The plan sets out a number of goals and corresponding policies that look at managing land sustainably, improving and enhancing landscapes and biodiversity for both marine and terrestrial environments, improving resource efficiency and reducing waste and pollution, whilst also examining the UK's contribution to improving the global environment.

APPENDIX B – NOTEWORTHY SPECIES RECORDS

Table 5 displays noteworthy species records that are located within 1 km of the site boundary. These species records were obtained from Greater Manchester Ecology Unit. The scientific and common names for species are given as well as their level of designation. A glossary defining abbreviations used in the table is given in Table 6, Appendix C. If a species is not included in the table below it does not necessarily mean the species is absent from the search area, but that data-holding organizations do not have records of it in these locations.

Table 5: Noteworthy species records within 1 km of the site boundary

Scientific name	Common name	Designation	Most Recent	Within 100m	Within 1km
Birds					
<i>Prunella modularis</i>	dunnock	S41, Amber	2020	X	
<i>Larus Argentatus</i>	herring gull	S41, Red, UKBAP	2016		X
<i>Passer domesticus</i>	house sparrow	S41, Red, UKBAP	2016	X	
<i>Vanellus vanellus</i>	lapwing	S41, Red, UKBAP	2016		X
<i>Acanthis cabaret</i>	lesser redpoll	S41, Red, UKBAP	2016		X
<i>Turdus philomelos</i>	song thrush	S41, Red, UKBAP	2016	X	
<i>Sturnus vulgaris</i>	starling	S41, Red, UKBAP	2016	X	
<i>Falco subbuteo</i>	hobby	WCA1	2005		X
<i>Alcedo atthis</i>	kingfisher	WCA1	2013		X
Mammals					
<i>Pipistrellus pipistrellus</i>	common pipistrelle	EPS (Sch 2)	2019	X	
<i>Plecotus auritus</i>	brown long-eared	EPS (Sch 2), UKBAP	2014		X
<i>Pipistrellus pygmaeus</i> sp.	pipistrelle species	EPS (Sch 2)	2018		X
<i>Chiroptera sp.</i>	bat species	EPS (Sch 2)	2012		X
<i>Myotis daubentonii</i>	Daubenton's	EPS (Sch 2)	2014		X
<i>Pipistrellus pygmaeus</i>	soprano pipistrelle	EPS, UKBAP	2012		X
<i>Myotis mystacinus</i>	whiskered bat	EPS (Sch 2)	2014		X
<i>Myotis mystacinus/brandti</i>	whiskered/ Brandt's bat	EPS (Sch 2)	2014		X
<i>Lutra Lutra</i>	European otter	EPS (Sch 2), UKBAP	2019		X
<i>Erinaceus europaeus</i>	hedgehog	S41, UKBAP	2020		X

Note - **P** relates to records with 4 figure or tetrad grid references that could potentially be anywhere within a 1 km or 2 km square.

APPENDIX C – ABBREVIATIONS

Table 6 displays abbreviations of protected species legislation.

Table 6: Glossary of abbreviations used in this report

Code	Full Title	Explanation
Amber	Amber list	Amber listed species have a population status in the UK of medium conservation concern.
BAP	Biodiversity action plan	A plan that identifies threats to significantly important species and habitats, and sets out targets and actions to enhance or maintain biodiversity.
ENG BSBI RDB	A Vascular Plant Red List for England	A list published in 2014 by the Botanical Society of Britain and Ireland of the red list status of plants in England. Measured against standardised IUCN criteria.
ENG BSBI RDB(CR)	Critically endangered	A BSBI Red List designation for species at an extremely high risk of extinction.
ENG BSBI RDB(EN)	Endangered	A BSBI Red List designation for species at a very high risk of extinction.
ENG BSBI RDB(VU)	Vulnerable	A BSBI Red List designation for species at high risk of extinction.
EPS (Sch 2)	European protected species (Schedule 2)	European protected species of animals, listed on Schedule 2 of The Conservation of Habitats and Species Regulations 2017.
EPS (Sch 5)	European protected species (Schedule 5)	European protected species of plants, listed on Schedule 5 of The Conservation of Habitats and Species Regulations 2017.
GB RDB	Red data book species	Species identified in one of the UK Red Data 2001.
GB RDB(CR)	Critically endangered	An IUCN Red List designation for species at an extremely high risk of extinction.
GB RDB(EN)	Endangered	An IUCN Red List designation for species at a very high risk of extinction.
GB RDB(VU)	Vulnerable	An IUCN Red List designation for species at high risk of extinction.
IUCN	International Union for Conservation of Nature and Natural Resources	A worldwide partnership and conservation network to influence, encourage and assist societies throughout the world to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitable and ecologically sustainable.
LBAP	Local biodiversity action plan	A plan that identifies threats to locally important species and habitats, and sets out targets and actions in Species Action Plans and Habitat Action Plans to enhance or maintain biodiversity at the county or regional level.
Notable	Scarce and threatened invertebrates	Invertebrate species which are estimated to occur within the range of 16 to 100 10km squares but subdivision into Notable A and Notable B categories is not possible as there is insufficient information available).
Notable: A	Scarce and threatened invertebrates	Taxa which do not fall within Red Data Book categories but which are none-the-less uncommon in Great Britain and thought to occur in 30 or fewer 10km squares of the National Grid or, for less well-recorded groups, within seven or fewer vice-counties.
Notable: B	Scarce and threatened invertebrates	Taxa which do not fall within Red Data Book categories but which are none-the-less uncommon in Great Britain and thought to occur in between 31 and 100 10km squares of the National Grid or, for less-well recorded groups between eight and twenty vice-counties.
NN	Nationally notable	Designation for invertebrate taxa that are thought to be notably important in the UK.
NR	Nationally rare	Species in 15 or fewer hectads in Great Britain.
NS	National scarce	Species in 16-100 hectads in Great Britain.
Red	Red list	Red listed species have a population status in the UK with high conservation concern.
SAP	Species action plan	A plan that identifies threats to significantly important species, and sets out targets and actions to prevent losing that species to extinction.
S41	Species of principal importance	Species of Principal Importance in England under The Natural Environment and Rural Communities (NERC) Act (2006)

Code	Full Title	Explanation
UKBAP	UK biodiversity action plan	A plan that identifies threats to locally important species and habitats, and sets out targets and actions in species action plans and habitat action plans to enhance or maintain biodiversity in the UK.
WCA	The Wildlife and Countryside Act 1981 (as amended)	Containing 4 Parts and 17 Schedules, the Act covers protection of wildlife (birds, and some animals and plants), the countryside, National Parks, and the designation of protected areas, and public rights of way. All wild plants in Britain are protected from intentional uprooting by an unauthorized person, but land owners, land occupiers, persons authorized by either of these or persons authorized in writing by the local authority for the area are exempt. Protection for some species may be limited to certain Sections of the Act (e.g. S13(2)).

APPENDIX D – SITE PHOTOGRAPHS

Plate 1 - Hardstanding car park



Plate 2 - Amenity grassland



Plate 3 - Introduced shrub



Plate 4 - Scattered trees



Plate 5 - B1 roosting features



Plate 6 - B4 roosting features



APPENDIX E – PLANT SPECIES LIST

Table 7. Vascular plant species recorded from the site and its boundaries on 01st October 2021.

Species
dandelion (<i>Taraxacum officinale</i> agg.)
herb-Robert (<i>Geranium robertianum</i>)
red clover (<i>Trifolium pratense</i>)
meadow buttercup (<i>Ranunculus acris</i>)
creeping thistle (<i>Cirsium arvense</i>)
common ragwort (<i>Jacobaea vulgaris</i>)
creeping bent (<i>Agrostis stolonifera</i>)
broad-leaved dock (<i>Rumex obtusifolius</i>).
spindle (<i>Euonymus europaeus</i>),
Franchet's cotoneaster (<i>Cotoneaster franchetii</i>),
Portugal laurel (<i>Prunus lusitanica</i>)
redclaws (<i>Escallonia Rubra</i>)
Swedish whitebeam (<i>Sorbus intermedia</i> agg.)
silver birch (<i>Betula pendula</i>)
sycamore (<i>Acer pseudoplatanus</i>)



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Registered office

Spring Lodge, 172, Chester Road, Helsby, Frodsham, England, WA6 0AR, UK

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