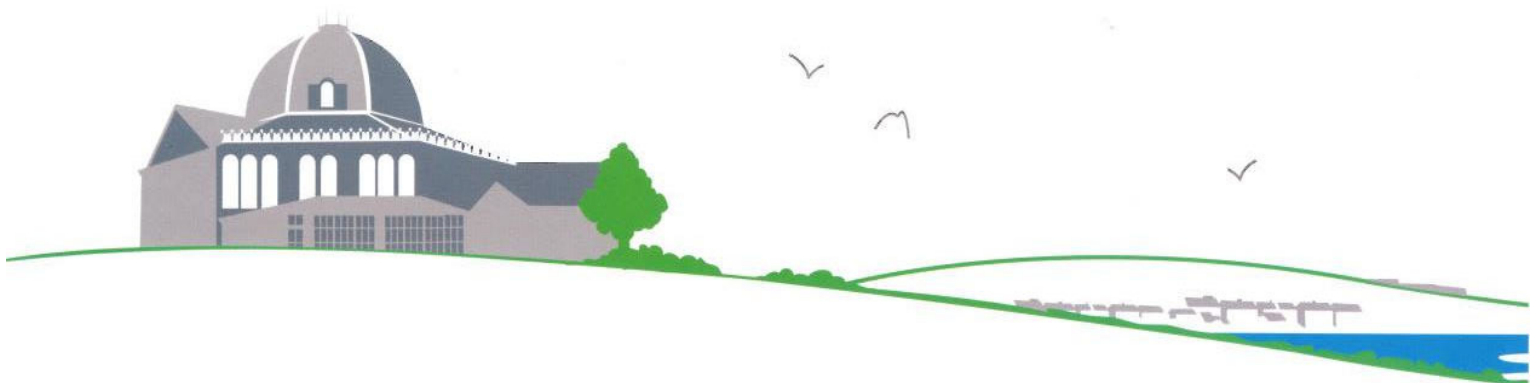




GREATER MANCHESTER ARTS CENTRE LTD

PLOTS 9 AND 10, FIRST STREET
REGENERATION AREA, MANCHESTER

EXTENDED PHASE 1 HABITAT SURVEY



GREATER MANCHESTER ARTS CENTRE LTD

PLOTS 9 AND 10, FIRST STREET REGENERATION AREA, MANCHESTER

EXTENDED PHASE 1 HABITAT SURVEY

Penny Anderson Associates Limited
'Park Lea'
60 Park Road
Buxton
Derbyshire
SK17 6SN

Project Manager
Sarah Ross BSc (Hons), PhD, MCIEEM, CEnv (Associate Director)

Authors
Sarah Ross
Beth Howes MZool (Hons), QCIEEM (Assistant Ecologist)

May 2021

This project has been undertaken in accordance with PAA policies and procedures on quality assurance.

Signed:  _____

CONTENTS

	Page
1. INTRODUCTION	1
Legislative Context	1
Aims of Report	2
2. METHODS	3
Desk Study	3
Extended Phase 1 Habitat Survey	3
Limitations	3
3. RESULTS	4
Desk Study	4
Rochdale Canal Stott's Lane – Ducie Street Basin	4
Ashton Canal (West)	4
River Irwell	4
Other	4
Protected Species	4
Extended Phase 1 Habitat Survey	5
Main Habitats Present	5
Self-seeded Vegetation	5
Hardstanding	5
Scrub and Trees	5
Non-native Invasive Plants	5
Protected Species	5
Breeding Birds	6
4. DISCUSSION AND RECOMMENDATIONS	7
Sites of Nature Conservation Interest	7
Habitats	7
Protected Species	7
Bats	7
Breeding Birds	7
Recommendation	8
5. REFERENCES	9
6. ABBREVIATIONS	10

FIGURE

- 1 Phase 1 Habitats Plots 9 & 10

APPENDICES

- 1 Relevant Species Legislation
- 2 Botanical Species List

1. INTRODUCTION

- 1.1 Penny Anderson Associates Ltd (PAA) was commissioned in May 2021 to undertake an Extended Phase 1 Habitat survey on an area of land known as Plots 9 and 10, part of the First Street Regeneration Area, Manchester. The Site is centred on grid reference SJ 8376 9726.
- 1.2 Surveys have been previously completed on this area (also previously known as Plot 6) in 2015 (PAA 2016) and 2018 (PAA 2018). The report presents updated survey results in the context of these previous assessments, providing updated recommendations where necessary.
- 1.3 The report has been requested to accompany a planning application for the use of the site as a temporary outdoor entertainment/arts venue.

Site Description

- 1.4 Plots 9 and 10 First Street (hereafter referred to as the 'Site') is an urban city centre site comprising brownfield areas and hardstanding with sparse vegetation and some limited areas of self-seeded scrub, along with some larger trees. The wider surrounding land use is primarily urban development comprising roads, offices and residential buildings. The River Medlock runs in a culvert some 250m north of the Site.
- 1.5 The Site is bound by River Street to the north, Wilmott Street to the east, Hulme Street to the south and Medlock Street to the west. The site currently consists of an area of hard standing that has previously been used as a surface car park.
- 1.6 The wider area is characterised by a mix of uses including primarily office and leisure uses to the north, residential to the east and west and student residential to the south.

Legislative Context

- 1.7 The text given below provides a brief summary of the legislation in relation to the species or species group in England and Wales. The original Acts, Regulations and any amendments should be referred to for the precise wording.
- 1.8 A range of international and national legislation has been established in the UK to protect important nature conservation sites and priority species. At the international level, European Union (EU) Directives require individual member states to implement their conservation provisions nationally for the benefit of Europe as a whole. These Directives have been transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (amended); further details can be obtained from the Joint Nature Conservation Committee (JNCC) web site at www.jncc.defra.gov.uk.
- 1.9 Other international conventions include: the Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979), which requires the maintenance of populations of wild flora and fauna, giving particular protection to endangered and vulnerable species; and the Bonn Convention on the Conservation of Migratory Species of Wild Animals (1979), which requires the protection of migratory species throughout their entire range. The above conventions are implemented in England and Wales via the Wildlife and Countryside Act (WCA) (1981) (as amended) and Countryside and Rights of Way (CROW) Act 2000. This legislation also protects important habitats and sites such as Sites of Special Scientific Interest (SSSI).
- 1.10 At the national level, the UK Post-2010 Biodiversity Framework published in 2012 is the Government's response to the Convention on Biological Diversity (2010). It describes the UK's biological resources, commits a detailed plan for the protection of these resources within the UK's devolved framework across England, Wales, Scotland and Northern Ireland. The document identifies future priorities for nature conservation and adopts a more strategic approach, including ecosystem services and sustainability alongside biodiversity. Despite administrative changes

following devolution, there is still an underlying objective of protecting and enhancing a range of priority species and habitats, often still based on the objectives and classifications of the original UK Biodiversity Action Plan. Biodiversity 2020 is England's national biodiversity strategy. Building on the Natural Environment White Paper published in 2011, this provides a means of delivering the international and EU commitments to biodiversity. Under Biodiversity 2020, Priority Species and Habitats referred to are those of 'Principal Importance' for the conservation of biodiversity in England listed on Section 41 (England) of the Natural Environment and Rural Communities (NERC) Act 2006.

1.11 Finally, the National Planning Policy Framework (NPPF 2019) provides guidance for local authorities on the content of the Local Plans and is a material consideration in determining planning applications. Briefly, with an overall focus on sustainable development, the NPPF states that developments should aim to engender positive outcomes for habitats and biodiversity, with a particular focus on the maintenance and creation of ecological networks. Furthermore, the NPPF also states that any planning proposals for which significant negative impacts on biodiversity cannot be avoided, mitigated or compensated for should be refused. The NPPF states that the planning system should contribute to and enhance the natural environment through a range of actions, including:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils;
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services; and
- minimising impacts on biodiversity and providing net gains for biodiversity including establishing coherent ecological networks that are more resilient to current and future pressures.

1.12 To protect and enhance biodiversity and geodiversity, plans should:

- 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.

1.13 Further guidance on assessing and valuing natural heritage is provided in '*The Natural Choice: securing the value of nature*' (Defra 2011) and more recently, the government's paper '*A Green Future: Our 25 year Plan to Improve the Environment*' (Defra 2018) that sets out a number of wide-ranging goals and policies.

1.14 A summary of the relevant protected species legislation is given in Appendix I.

Aims of Report

1.15 The aim of this report is to provide an up-to-date assessment of the ecological features on the Site, identify any ecological constraints relevant to the proposed development and make recommendations on further survey work and/or mitigation and compensation where considered necessary.

2. METHODS

Desk Study

- 2.1 The desk study comprised a review of web-based information, including the Multi-Agency Geographic Information Centre (MAGIC) (<http://magic.defra.gov.uk>) (accessed 17/05/2021). The main search zone encompassed a 2km radius from the Site. The information presented in PAA (2016) was also reviewed.
- 2.2 In addition, the Greater Manchester Biodiversity Action Plan (BAP) and former UK BAP were reviewed to provide details of priority species and habitats. Ordnance Survey 1:25,000 scale maps and online aerial photography sources were also examined, to determine the locations of any relevant ecological features, such as ponds, within the vicinity of the Site boundaries.
- 2.3 It is important to note that the desk study results provide an indication of the species present in and around the Site and do not confirm current presence or absence of any particular species. Protected species are often under-recorded in county wildlife databases.

Extended Phase 1 Habitat Survey

- 2.4 The survey was conducted on 7th May 2021 by Ecologist, Beth Howes (QCIEEM¹) under cool, damp conditions with good visibility.
- 2.5 The Phase 1 habitat survey was carried out by an experienced surveyor and the survey methodology was based on guidance set out in the *Handbook for Phase 1 Habitat Survey* (JNCC 2010). The broad habitat types were mapped, with each habitat type coded according to the standard JNCC Phase 1 habitat survey procedure.
- 2.6 In addition, plant species lists were collated for habitats across the area delineated for the survey. Each plant species was assigned abundance codes within each habitat. This was done using the 'DAFOR' scale (where: D = dominant; A = abundant; F = frequent; O = occasional; R = rare), which provides an indication of the relative abundance of each plant species present within a particular habitat. The plant species present within the Site are listed in Appendix 2, which shows both common and scientific names according to Stace (2019). Common names only are referred to in the text.
- 2.7 The survey was 'extended' following the approach set out in the Institute of Environmental Assessment (1995) to include an assessment of the potential for/presence of protected species, to inform any additional survey requirements.

Limitations

- 2.8 The Site was fully accessible at the time of the survey and carried out at an appropriate time of year for this type of survey, and no significant constraints were noted.

¹ Qualifying Member of the Chartered Institute of Ecology and Environmental Management (CIEEM)

3. RESULTS

Desk Study

- 3.1 The desk study results showed that there are a number of designated sites and protected species records within a 2km radius of the Site as summarised below.
- 3.2 No statutory sites are within 2km of the Site.
- 3.3 Three non-statutory Sites of Biological Importance (SBI) are within 2km of the Site:
- Rochdale Canal Stott's Lane - Ducie Street Basin SBI;
 - Ashton Canal (West) SBI; and
 - River Irwell SBI.

Rochdale Canal Stott's Lane – Ducie Street Basin

- 3.4 This stretch of canal runs through Oldham and Rochdale and lies approximately 1.4km from the proposed development Site boundary. The part of the canal which runs through Manchester is designated as an SBI for its regionally important aquatic habitat and species, including floating water plantain (*Luronium natans*), a species protected by the Conservation of Habitats and Species Regulations 2010. This site includes populations of American pondweed (*Potamogeton epihydrus*), included as Vulnerable in the Red List of Vascular Plants (Cheffings and Farrell 2005, as amended).

Ashton Canal (West)

- 3.5 Ashton Canal (West) lies approximately 1.4km from the proposed development Site boundary. It is a navigable canal containing a rich aquatic habitat supporting various species of conservation importance, including populations of floating water plantain and grass-wrack pondweed (*Potamogeton compressus*). Grass-wrack pondweed is a species listed in Cheffings and Farrell (2005, as amended), A Vascular Plant Red List for England (Stroh *et al.* 2014) and is a Species of Principal Importance in England under Section 41 (S41) of the (NERC Act 2006).

River Irwell

- 3.6 The River Irwell is a 39-mile (63km) long river which flows through the Irwell Valley in Lancashire and Greater Manchester. The stretch that is classified as an SBI is situated approximately 2km to the north-west of the proposed development Site boundary. The river valley provides an important habitat for wildlife and also acts as a corridor through which species can move on migration, or as their distributions change.

Other

- 3.7 The site is within the Red Rose Community Forest area and the Lapwing Countryside Stewardship Targeting area.

Protected Species

- 3.8 A known bat roost is located in a culvert approximately 250m to the north of the Site. Details of the roost are provided by PAA (2011). Briefly, it comprises a small common pipistrelle (*Pipistrellus pipistrellus*) roost of up to 50 bats within the River Medlock culvert.

- 3.9 The presence of black redstart (*Phoenicurus ochruros*), a Schedule 1 species, is known within the City Centre and the Site is just on the edge of the Black Redstart Priority Area for Greater Manchester (Jones 2009).

Extended Phase 1 Habitat Survey

Main Habitats Present

- 3.10 The Site largely comprised hardstanding with self-seeded ruderal vegetation growing in narrow bands around the edges, which becomes increasingly sparse in the more open areas of the site (Figure 1). There is patchy scrub and regenerating young trees with some grasses and herbs growing beneath. There is wooden hoarding and security gates around the perimeter of the site.

Self-seeded Vegetation

- 3.11 The edges of the hardstanding areas are colonising with a mixture of forbs and grasses typical of urban areas in Manchester, with frequent bittercress species, common nettle, dandelion, herb-Robert, white clover and ribwort plantain. Black medick, Yorkshire-fog, broad-leaved dock, colt's-foot, creeping thistle, hogweed and rosebay willowherb are frequent within this habitat.
- 3.12 The vegetation comprised a range of plant species typical of unmanaged urban grassland and ruderal self-seeded habitats.

Hardstanding

- 3.13 Much of the Site is dominated by hardstanding (including compacted rubble/stone, concrete and asphalt), previously used for car parking. These areas have very little vegetation developed across them either because of recent regular use or due to the relatively intact nature of the hardstanding.

Scrub and Trees

- 3.14 The more well-developed vegetation on site comprises an area of bramble-dominated scrub with self-seeded shrubs (largely willow species and butterfly-bush) and self-seeded trees (including young sycamore, silver birch and horse chestnut). This occurs to the west and partly along the southern boundary (Figure 1) of the Site.
- 3.15 There are occasional sparse butterfly-bush shrubs self-seeded along part of the northern boundary. More densely developed butterfly-bush shrubs are present to the south of the site, around Building B1.

Non-native Invasive Plants

- 3.16 There were no non-native invasive plant species listed in Schedule 9 of the WCA (1981, as amended) recorded on Site.

Protected Species

- 3.17 Given the relative isolation of the Site from larger areas of semi-natural habitat, and the lack of suitable refugia for protected species, it was concluded that the only species considered relevant to this assessment were foraging bats, breeding birds potentially nesting in the denser vegetation, and foraging black redstart. The Site lies adjacent to the western edge of the Greater Manchester Black Redstart Priority Area (Greater Manchester Biodiversity Partnership 2008).

Breeding Birds

- 3.18 Several bird species were recorded in the local area. There is potential for bird nesting in the trees and in the denser shrub/scrub areas.
- 3.19 The suitability of the Site for black redstarts is limited by the dominance of intact hard standing and the frequently disturbed nature of the Site. Occasional use of the Site by foraging black redstarts cannot be ruled out, as there are some localised areas of sparsely vegetated stony ground that the species can be associated with in the UK, along with the green/brown roof provided by Number One, First Street. The Site is, however, unlikely to form an important forage resource.
- 3.20 Parts of the Site are suitable for ground foraging birds of open habitats, such as Eurasian magpie² (*Pica pica*), western jackdaw (*Corvus monedula*) and song thrush (*Turdus philomelos*), which can be present in urban habitats. The level of general activity on site is likely to deter foraging, however, as indicated by the limited observations of birds on site during the survey.

Bats

- 3.21 The Site contains no potential tree roost sites for bats as there are no mature trees or larger trees with suitable features such as rot holes, cankers or splits.
- 3.22 Three small buildings are present on site, as indicated on Figure 1. Building B1 is a small brick building with a low flat roof which has no features suitable for roosting bats. Building B2 is slightly larger but of a similar type and construction to B1, again in good condition with no gaps or crevices that might be used by roosting bats. Building B3 is a kiosk construction with a flat roof structure that has some degradation, but with no significant gaps or crevices suitable for roosting bats. There are two small metal structures on site, which are wholly unsuitable for roosting bats.
- 3.23 Overall, there is negligible potential for bats to be roosting on site.
- 3.24 The hardstanding and scattered vegetation provides only very limited foraging habitat for bats. Street lighting, together with the lack of vegetation and connectivity to other semi-natural habitats, significantly diminishes its potential for bat foraging.
- 3.25 The Site is 250m from the closest bat roost; a common pipistrelle roost within the culvert of the River Medlock. Surveys on this roost in 2015 (completed by PAA as part of the post-development monitoring for EPSL works at Plots 1 and 3) have indicated that the bats forage along the river corridor and not more widely on the surrounding land. Because of this, development of the Site is unlikely to significantly impact upon the local population of bats.

² The names of birds noted on site follow British Ornithologists' Union 2017

4. DISCUSSION AND RECOMMENDATIONS

Sites of Nature Conservation Interest

- 4.1 The Site contains no statutory nature conservation sites; none are within 2km of the Site and none situated further afield are likely to be directly affected by the proposed development.
- 4.2 The three non-statutory sites identified within 2km of the Site are all situated upstream and 1.4km or more from the proposed development Site. Impacts of the development on these sites are, therefore, considered unlikely due to both the nature of the proposals and the lack of direct links between the non-statutory sites and the proposed development Site.

Habitats

- 4.3 The habitats and plant species recorded within the Site are widespread and common throughout Greater Manchester and the UK. None of the plant species recorded within the Site are either Nationally Scarce or Nationally Rare (Hill *et al.* 2004) or of any other conservation significance (Cheffings and Farrell 2005, as amended, Stroh *et al.* 2014). No invasive non-native plant species were recorded during the survey. Overall, the Site is considered representative of isolated patches of self-seeded vegetation, scrub and young trees within a wider area of hardstanding.

Protected Species

Bats

- 4.4 The Site provides a small area of low quality foraging habitat and is unlikely to be used by significant numbers of foraging bats. The loss of or disturbance to the vegetation due to predicted increased public use and lighting of the Site under the proposed development is, therefore, predicted to have a negligible impact on the conservation status of bats within the local area and Greater Manchester.
- 4.5 The three buildings on the Site are in generally good condition with no significant features suitable for use by roosting bats.
- 4.6 There is a known common pipistrelle bat roost within the River Medlock culvert which runs underneath the wider First Street North development site (Arup 2008, PAA 2011). The 2011 surveys were followed up with post-development monitoring surveys in 2015 by PAA, which showed foraging behaviour was confined to the river corridor so it is unlikely bats would commute to or across the Site to forage.
- 4.7 As the Site is 250m from the culvert it is highly unlikely that indirect effects from noise, lighting and increased public use of this Site would significantly affect bats within the culvert roost.

Breeding Birds

- 4.8 Some areas of dense scrub and small trees provide suitable nesting habitat for a range of common bird species. As such, any necessary vegetation clearance should be undertaken outside of the breeding season for birds. The Site is considered to provide a relatively limited foraging resource for local populations of birds.
- 4.9 The Site is also considered to have only very limited foraging potential for black redstart and, therefore, is unlikely to form a key part of the foraging habitat for any local populations of black redstart.

Recommendation

- 4.10 Any vegetation clearance should be undertaken outside of the breeding season for birds (i.e. avoiding the March to August inclusive period).
- 4.11 If vegetation clearance within the March to August (inclusive) period is unavoidable then a suitable experienced Ecologist should carefully inspect the vegetation for active nests no more than 48 hours before clearance starts. If no active nests are present, then vegetation clearance can proceed. If an active birds' nest is found, then the nest would need to be protected and retained undisturbed until the nest became inactive. An undisturbed area of approximately 2m all around the nest is usually sufficient to maintain a suitable buffer, however, this can vary with the species of bird and advice would be given by the Ecologist.
- 4.12 No further ecological surveys are recommended.

5. REFERENCES

- Arup, 2008. *First Street, Manchester Medlock Culvert Bat Report*. Unpublished report prepared for Ask Developments.
- British Ornithologists' Union, 2017. The British List: A Checklist of Birds of Britain (9th edition). *Ibis*, 160, 190-240.
- Cheffings, C. and Farrell, L. (eds), 2005. *The Vascular Plant Red Data List for Great Britain* (revised 2006). Joint Nature Conservation Committee.
- Defra, 2011. *Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services*. Defra.
- Defra, 2018. *A Green Future: Our 25 Year Plan to Improve the Environment*. Defra.
- Greater Manchester Biodiversity Partnership, 2008. *Make Room for Black Redstarts – Species Action Plan*. Greater Manchester Ecology Unit.
- Hill, M.O., Preston, C.D. and Roy, D.B., 2004. *PLANTATT Attributes of British and Irish Plants: Status, Size, Life History, Geography and Habitats*. NERC Centre for Ecology and Hydrology.
- Institute of Environmental Assessment, 1995. *Guidelines for Baseline Ecological Assessment*. E. & F.N. Spon.
- JNCC, 2010. *Handbook for Phase 1 Habitat Survey – a technique for environmental audit*. Joint Nature Conservation Committee (revised edition 2010).
- Jones, G., 2009. *Black Redstart Species Action Plan*. Greater Manchester Biodiversity Project.
- NPPF, 2019. *National Planning Policy Framework, updated February 2019*. Ministry of Housing, Communities and Local Government.
- PAA, 2011. *First Street Manchester, Bat Survey Report*. Unpublished report prepared for Ask Property Developments Ltd.
- PAA, 2016. *Plot 8 First Street, Greater Manchester, Extended Phase 1 Habitat Survey*. Unpublished report prepared for Southside Regeneration Ltd.
- PAA, 2018. *Plot 9A First Street, Manchester. Extended Phase 1 Habitat Survey*. Unpublished report prepared for Ask Development Ltd.
- Stace, C., 2019. *New Flora of the British Isles. Fourth Edition*. Cambridge University Press.
- Stroh, P.A., Leach, S.J., August, T.A., Walker, K.J., Pearman, D.A., Rumsey, F.J., Harrower, C.A., Jay, M.F., Martin, J.P., Pankhurst, T., Preston, C.D., and Taylor, I., 2014. *A Vascular Plant Red List for England*. BSBI.

6. ABBREVIATIONS

BAP Biodiversity Action Plan

CIEEM Chartered Institute of Ecology and Environmental Management

CRoW Countryside Rights of Way

EU European Union

JNCC Joint Nature Conservation Committee

MAGIC Multi-Agency Geographic Information for the Countryside

NERC Natural Environment and Rural Communities

NPPF National Planning Policy Framework

PAA Penny Anderson Associates Ltd

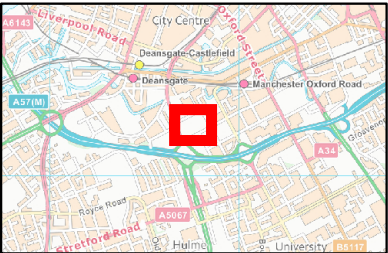
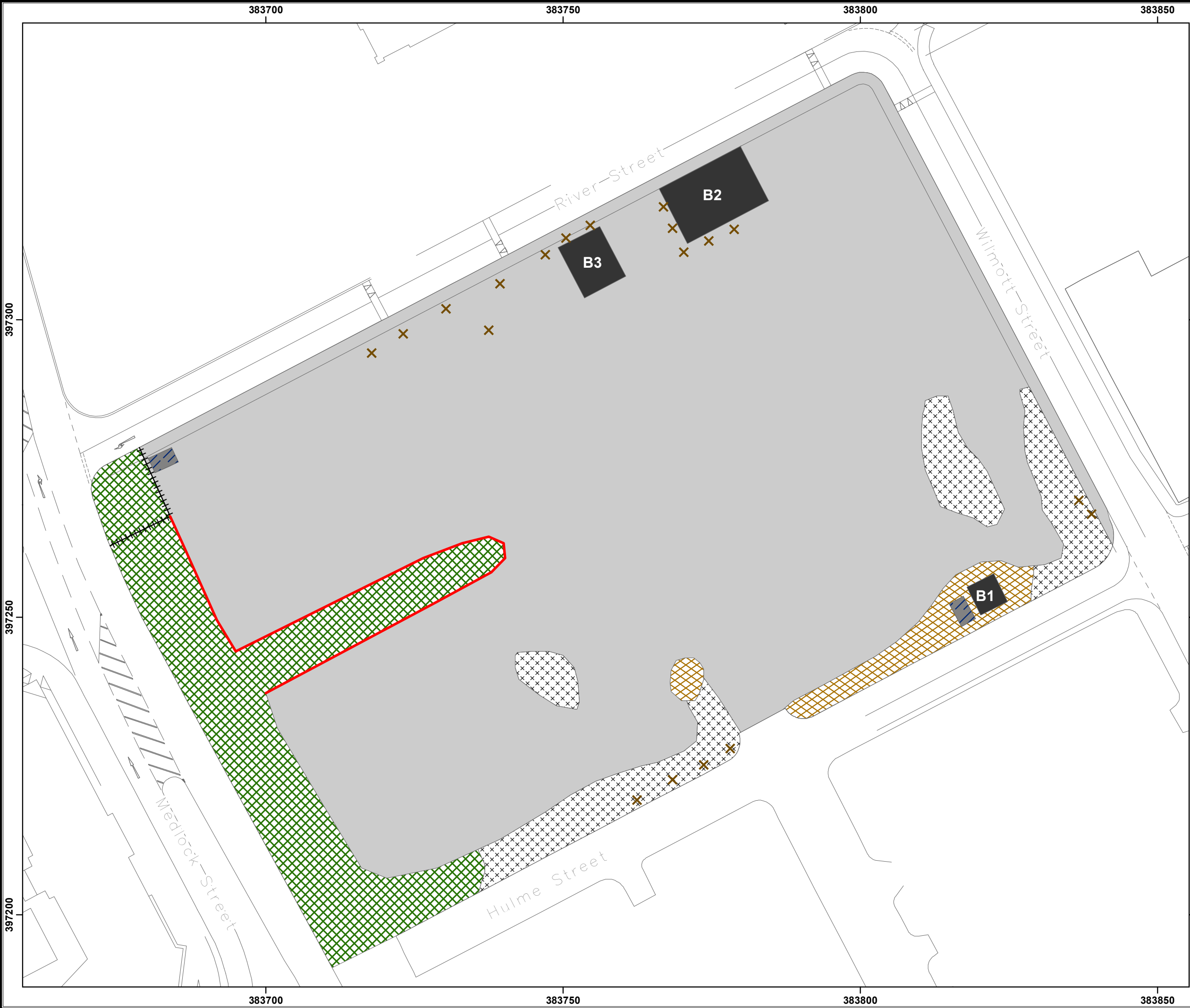
S41 Section 41

SBI Site(s) of Biological Importance

SSSI Sites of Special Scientific Interest

WCA Wildlife and Countryside Act

FIGURE



Legend

Habitat

- Dense/continuous scrub
- Ephemeral/short perennial
- Introduced shrub
- Building
- Metal storage container
- Hardstanding
- Fence
- Wall
- Introduced shrub

British National Grid
Projection: Transverse Mercator
False Easting: 400000.000000
False Northing: 100000.000000
Central Meridian: -2.000000
Scale Factor: 0.999601
Latitude Of Origin: 49.000000

ISO A3

Metres

0 2.5 5 10 15 20

Penny Anderson Associates Ltd
Parklea, 60 Park Road,
Buxton, Derbyshire, SK17 6SN.
Telephone 01298 27086

Project Name
First Street, Manchester

Discipline
Ecology

Title:
**PHASE 1 HABITATS
PLOTS 9 & 10**

Scale 1:600	Drawing No. Figure 1	
Drawn By CC	Originator BH	Date 12/05/2021
PAA Ref G:\TEMP_CC\First_St_Manchester	Revision 1.0	

APPENDICES

APPENDIX 1

Relevant Species Legislation

SUMMARY OF THE LEGISLATION RELATING TO BATS

All wild species of bat are protected under the Wildlife and Countryside Act (WCA) 1981, which has also been amended by later legislation, including the Countryside and Rights of Way (CROW) Act 2000 and the Conservation of Habitats and Species Regulations 2017 (amended), and this legislation is applicable to England and Wales. Bats are listed on Schedule 5 of the WCA and are therefore subject to some the provisions of Section 9 which, with the amendments, make it an offence to:

- Intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection (S9:4b).
- Intentionally or recklessly obstruct access to any structure or place used for shelter or protection by a bat (S9:4c).

There are additional offences in relation to buying and selling (S9:5) any live or dead animal of this species or anything derived from them.

Bat species are also listed under Annexes IIa and IVa of the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora, also known as the 'Habitats Directive'. Inclusion on Annex IVa means they are consequently identified as European Protected Species (EPS) and protected under the Conservation of Habitats and Species Regulations 2017 (amended).

The Conservation of Habitats and Species Regulations 2017 (amended) state that a person commits an offence if they:

- (a) deliberately capture, injure or kill any wild animal of a European protected species,
- (b) deliberately disturb wild animals of any such species, in such a way as –
 - (i) to impair their ability to survive, to breed or reproduce, or to rear their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
 - (iii) to affect significantly the local distribution or abundance of the species to which they belong;
- (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.

Under these Regulations it is an offence to damage or destroy a breeding site or resting place whether the animal is in occupation or not, and protection extends to all life stages of the animal in question. There are additional offences relating to possession, control and sale of a live or dead bat or part of such an animal.

In addition, seven native British bat species, including the soprano pipistrelle (*Pipistrellus pygmaeus*) and the brown long-eared bat (*Plecotus auritus*), that are frequently found in buildings, are listed as a 'Priority Species' under the 2011 biodiversity strategy for England, *Biodiversity 2020: A strategy for England's wildlife and ecosystem services*, under the 2012 UK Post-2010 UK Biodiversity Framework. These Priority Species are also referred to as 'species of principal importance' for the conservation of biodiversity in England and Wales within Section 74 of the CROW Act 2000, and Sections 41 (England) and 42 (Wales) of the Natural Environment and Rural Communities (NERC) Act 2006.

In addition, the National Planning Policy Framework (NPPF 2019) has an overall focus on sustainable development, and states that developments should aim to engender positive outcomes for habitats and biodiversity, with a particular focus on the maintenance and creation of ecological networks. Furthermore, the NPPF also states that any planning proposals for which significant negative impacts on biodiversity cannot be avoided, mitigated or compensated for should be refused. Reference is made to Circular 06/2005 *Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System* in respect of statutory obligations for biodiversity and geodiversity conservation.

The commitment to preserving, restoring or enhancing biodiversity is further emphasised for England and Wales in Section 40 of the NERC Act 2006.

Please note: the above text provides a brief summary of the legislation in relation to bats in England and Wales and the original Acts, Regulations and any amendments should be referred to for the precise wording.

SUMMARY OF THE LEGISLATION RELATING TO BREEDING BIRDS

All wild species of breeding birds and their nests are protected under Part 1 of the Wildlife and Countryside Act (WCA) 1981, as amended by later legislation including the Countryside and Rights of Way (CROW) Act 2000. This legislation applies in England and Wales.

Part 1 (Section 1:1) of the WCA states that:

'If any person intentionally,

- (a) kills, injures or takes any wild bird;
- (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- (c) takes or destroys an egg of any wild bird,

he shall be guilty of an offence.'

Part 1 (Section 1:5) of the WCA (amended by the CROW Act 2000) refers to specific birds listed on Schedule 1 of the WCA, and states that:

'If any person intentionally or recklessly,

- (a) disturbs 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) disturbs dependent young of such a bird,

he shall be guilty of an offence and liable to a special penalty.'

Schedule 1 includes birds such as Western barn owl (*Tyto alba*), black redstart (*Phoenicurus ochrurus*), woodlark (*Lullula arborea*) and Cetti's warbler (*Cettia cetti*). Please refer to the WCA for a complete list of Schedule 1 species.

Some provisions are made to allow the killing and taking of certain species under certain circumstances, as follows:

- Birds listed on Schedule 2 (Part 1) of the Act may be taken or killed outside of the 'close season' for each individual species (the 'close season' is defined by the Act). This includes various wild duck and geese species.
- Birds listed on Schedule 2 (Part 2) of the Act may be killed or taken by authorised persons at all times. This includes species such as carrion crow (*Corvus corone*), Eurasian magpie (*Pica pica*), feral pigeon¹ (*Columba livia*) and greater Canada goose (*Branta canadensis*). An 'authorised person' is defined as a person who has written authorisation to undertake the act from the relevant statutory authority. The written authority is in the form of a licence, either a general licence which covers a number of the more typical 'pest' species, or an individual licence for other individual species. In England these licences are issued by Natural England and in Wales by the Welsh Assembly Government.

Please note: the above text provides a brief summary of the legislation in relation to breeding birds in England and Wales and the original Act and any amendments should be referred to for the precise wording.

¹ Also known as rock dove

APPENDIX 2

Botanical Species List

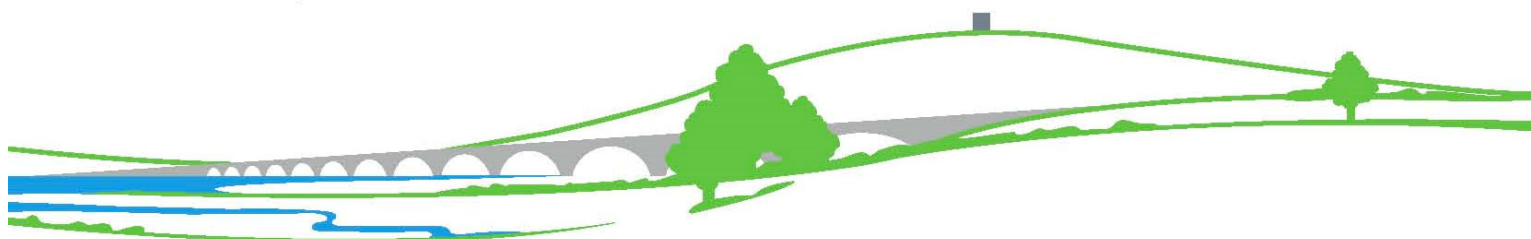
Appendix 2 Botanical Species List

Common Name	Scientific Name	DAFOR
Woody Species		
Alder	<i>Alnus glutinosa</i>	R
Bramble	<i>Rubus fruticosus</i> agg.	A
Butterfly-bush	<i>Buddleja davidii</i>	A
Crack willow	<i>Salix euxina</i>	F
Elder	<i>Sambucus nigra</i>	O
Goat willow	<i>Salix caprea</i>	F
Horse chestnut	<i>Aesculus hippocastanum</i>	O
Lime species	<i>Tilia</i> sp.	R
Rowan	<i>Sorbus aucuparia</i>	O
Silver birch	<i>Betula pendula</i>	F
Sycamore	<i>Acer pseudoplatanus</i>	F
Wild cherry	<i>Prunus avium</i>	R
Herbs, Grasses and Ferns		
Bittercress species	<i>Cardamine</i> sp.	F
Black medick	<i>Medicago lupulina</i>	O
Broad-leaved dock	<i>Rumex obtusifolius</i>	O
Cat's ear	<i>Hypochaeris radicata</i>	O
Colt's-foot	<i>Tussilago farfara</i>	O
Common nettle	<i>Urtica dioica</i>	F
Common sorrel	<i>Rumex acetosa</i>	F
Creeping thistle	<i>Cirsium arvense</i>	O
Dandelion	<i>Taraxacum officinale</i> agg.	F
Herb-robert	<i>Geranium robertianum</i>	F
Hogweed	<i>Heracleum sphondylium</i>	O
Horsetail species	<i>Equisetum</i> sp.	O
Hybrid bluebell	<i>Hyacinthoides non-scripta</i> x <i>H. hispanica</i>	R
Red clover	<i>Trifolium pratense</i>	R
Ribwort plantain	<i>Plantago lanceolata</i>	F
Rosebay willowherb	<i>Chamaenerion angustifolium</i>	O
White clover	<i>Trifolium repens</i>	F
Wilson's honeysuckle	<i>Lonicera nitida</i>	O
Wood avens	<i>Geum urbanum</i>	O
Yorkshire-fog	<i>Holcus lanatus</i>	O

KEY

D-Dominant, A-Abundant, F-Frequent, O-Occasional, R-Rare, L-Locally

Penny Anderson
Associates Ltd
CONSULTANT ECOLOGISTS



Park Lea, 60 Park Road, Buxton, Derbyshire SK17 6SN

Registered Office as Above

Registered in England & Wales

Company No. 4223109

Directors: Mrs P Anderson

Mr P Worrall

Miss S Rogers