



BIODIVERSE
CONSULTING

RUSHOLME

**PRELIMINARY ECOLOGICAL
APPRAISAL**

FOR: LIDL GB LTD

REF: BIOC24-080 | V1.2



CLIENT	PROJECT	
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DOCUMENT CONTROL

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V1.2	19/03/2025	Updated plans.	N/A	LHF		



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EXECUTIVE SUMMARY

Biodiverse Consulting Ltd was commissioned to undertake a Preliminary Ecological Appraisal (PEA) of land off Wilmslow Road (A6010), Rusholme at an approximate central grid reference of SJ 85423 94996. The Site is proposed to be developed into a retail supermarket with associated infrastructure, landscaping and car park. This report presents the key ecological constraints and opportunities in relation to the development, as summarised in the table below.

ECOLOGICAL CONSIDERATIONS FOR RUSHOLME	
Designated Sites	No statutory designated sites are within 2km and no non-statutory sites within 1km of the Site.
Bats	Habitats on Site provide very limited foraging and commuting opportunities for bats. Platt Fields Park is located 25m southwest which holds suitable habitat for roosting, commuting and foraging bats however, connectivity to the wider area is restricted. One building on Site has low suitability for roosting bats.
Birds	The buildings and introduced shrub provide nesting opportunities for a range of common bird species with foraging opportunities being limited to the introduced shrub.
Priority Species	The Site has the potential to support hedgehog however, no evidence was found at the time of survey.
Further Survey and Assessment	The following survey and assessment are recommended: - One Nocturnal Bat Emergence Presence/likely absence Survey. - Ecological Impact Assessment (EcIA).



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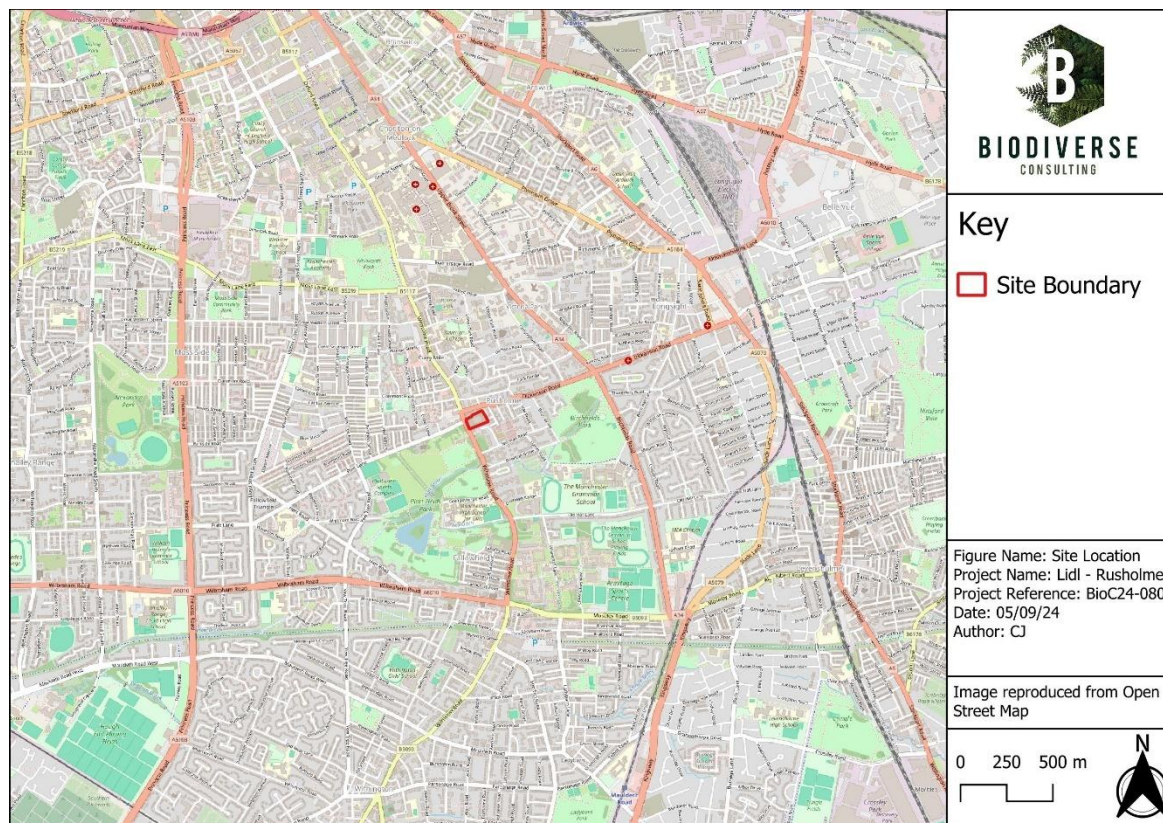


1 INTRODUCTION

1.1 SITE LOCATION & DESCRIPTION

The Site is located off Wilmslow Road (A6010), Rusholme, Manchester at an approximate central grid reference of SJ 85423 94996, as illustrated in Figure 1. The approximately 0.67ha Site currently consists of hard standing with three buildings, an area of grassland and an area of introduced shrub with a single tree along the western boundary.

FIGURE 1: SITE LOCATION



1.2 REPORT OBJECTIVES

The aim of this report is to determine the potential ecological constraints and opportunities to development. The objectives of this report are to:

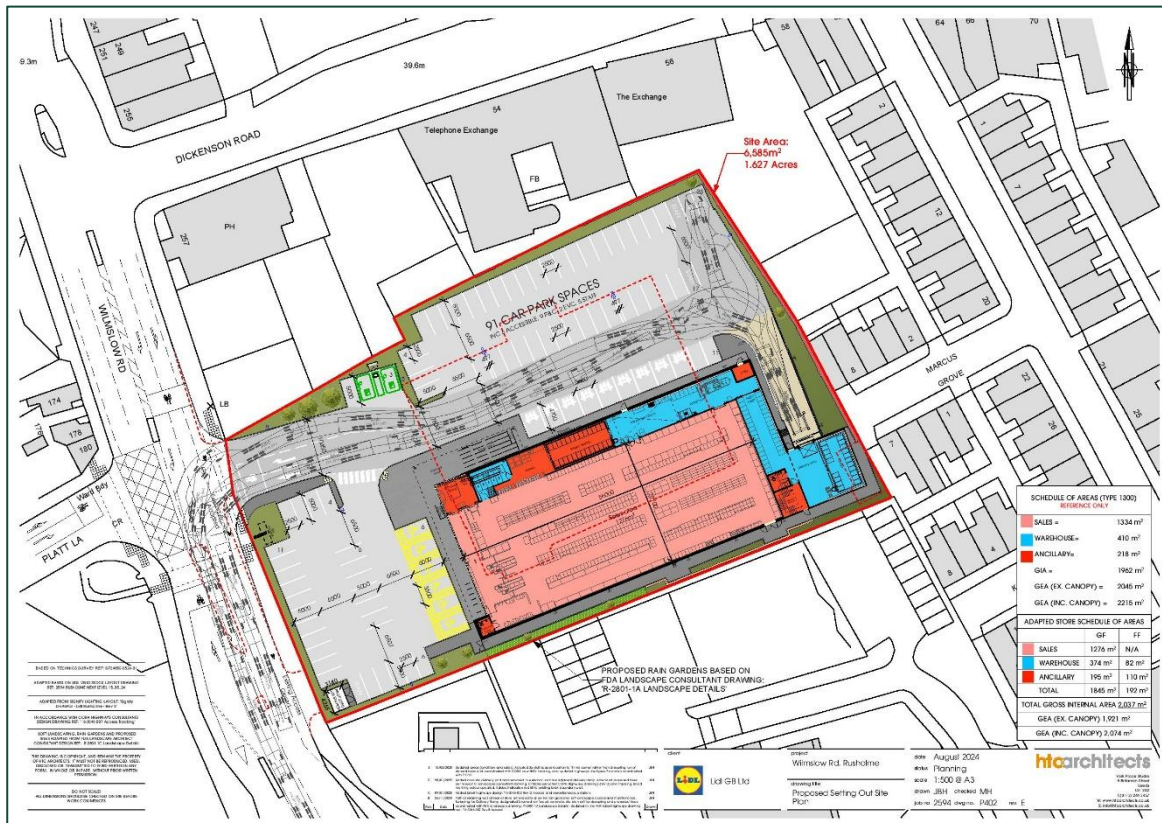
- Identify and describe ecological features/receptors that may be present on Site or within an identified Zone of Influence (Zoi).
- Outline potential mitigation, compensation or enhancement measures if required.
- Determine the need for and scope of further surveys.



1.3 DEVELOPMENT PROPOSALS

The Site is proposed to be developed into a retail supermarket with associated infrastructure including landscaping, based on plans at the date of the production of this report (Proposed Setting Out Site Plan – August 2024 Drawing Number P402).

FIGURE 2: DEVELOPMENT PROPOSALS





2 METHODOLOGY

2.1 SURVEY AREA

The survey area comprised the 'Site' (Figure 3) and, where access was available, an appropriate buffer.

FIGURE 3: SURVEY AREA



2.2 DESK STUDY

A desk study was undertaken to obtain pre-existing ecological information relevant to the assessment. The desk study included:

- An assessment of aerial imagery and Ordnance Survey mapping within 2km.
- A search of the MAGIC website¹ for all statutory designated sites within 2km and any additional sites outside of this buffer that have the potential to be impacted by the development.

¹ Multi Agency Geographic Information for the Countryside (www.magic.gov.uk)



- A request to the Local Record Centre (LRC) for records of non-statutory designated sites within 1km and protected and priority habitats and species within 2km.

2.3 FIELD SURVEY

Table 1 provides a summary of the field surveys undertaken. Full details of each survey are provided in the subsequent sections. All surveys were undertaken by suitably experienced ecologist; full details are available on request.

TABLE 1: SURVEY SUMMARY

SURVEY TYPE	SURVEYOR	DATE	TEMP	CLOUD	PRECIPITATION	WIND ²
PEA, PRA, GLTA & DBW	LHF	16/09/24	15°C	15%	None	1BF

2.3.1 Habitats/Protected Species

The Site was subject to a Preliminary Ecological Appraisal (PEA) walkover survey during which habitats were assessed in line with the UK Habitat Classification (UKHab) methods³. As part of the survey, the Site was also checked for evidence of protected and priority species, and habitats were assessed for their potential to support them.

2.3.2 Bats

Survey methods and assessment are based on the Bat Conservation Trust (BCT) Good Practice Guidelines⁴. A Ground Level Tree Assessment (GLTA) determined the value of trees and a Preliminary Roost Assessment (PRA) determined the value of structures to roosting bats and the need for further survey and/or mitigation.

A Daytime Bat Walkover (DBW) assessed habitats for bats to roost, commute, and forage both on Site and in the surrounding area. The aim is to determine the suitability of the Site for bats, to assess whether further bat surveys will be needed, and how those surveys should be safely carried out.

2.4 LIMITATIONS TO SURVEY

Internal access of buildings was not possible due to health and safety and security considerations. This is not considered a significant constraint at this stage given that the surveyor was able to

² Beaufort wind force scale available at: <https://www.metoffice.gov.uk/weather/guides/coast-and-sea/beaufort-scale>

³ UKHAB Ltd (2023) The UK Habitats Classification User Manual Version 2 at <http://www.ukhab.org/>

⁴ Collins, J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th Edition). Bat Conservation Trust



undertake an external inspection which included views of some internal features and a precautionary approach was taken to assess the suitability of the buildings for roosting bats.

2.5 ASSESSMENT

The PEA surveys may provide sufficient information to accurately determine the value of some features, whereas other features may require further study to allow this. Features for which sufficient information is available at this stage are assigned a value using a geographic frame of reference in line with guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM) (Appendix F).



3 RESULTS

3.1 DESK STUDY

3.1.1 Designated Sites

There are no statutory designated sites within 2km and no non-statutory designated sites within 1km of the Site.

The Site is within two Sites of Special Scientific Interest (SSSI) Impact Risk Zones (IRZ), however the development is not of a type that triggers consultation between the LPA and Natural England.

3.1.2 Priority Habitats

There are no records of Priority Habitats within or bordering the Site. There are records of Priority Habitats within 2km of the Site including: Deciduous Woodland, Traditional Orchards, Woodpasture and Parkland and Open Mosaic Habitat.

3.1.3 Protected and Priority Species

A summary of recent (2014–present) records of protected, priority or otherwise notable species was provided by the LRC and relevant records are discussed in the results sections below. The full LRC search results are available on request.

3.1.4 European Protected Species Licensing

The MAGIC website identified nine granted European Protected Species (EPS) licences within 2km of the Site. See Table 2 for details.

TABLE 2: GRANTED EPS LICENSES

REFERENCE	SPECIES	LICENCE DATE	TYPE	DISTANCE FROM SITE
2016-21779-EPS-MIT	Common pipistrelle	01/04/2016 – 01/04/2021	Destruction of a resting place	680m
2015-17752-EPS-MIT		04/01/2016 – 30/09/2016		1325m
2015-15766-EPS-MIT		01/11/2015 – 31/07/2016		1515m
2015-15766-EPS-MIT-1		20/07/2016 – 20/07/2016		



REFERENCE	SPECIES	LICENCE DATE	TYPE	DISTANCE FROM SITE
2016-22910-EPS-MIT		25/04/2016 – 24/04/2021	Damage and destruction of a resting place	1630m
2016-22910-EPS-MIT-1		08/09/2016 – 24/04/2021		
2018-35287-EPS-MIT	Common pipistrelle and soprano pipistrelle	05/06/2018 – 30/09/2019	Damage and destruction of a resting place	1795m
2014-4400-EPS-MIT	Common pipistrelle	23/12/2014 – 30/04/2015	Damage of a resting place	1920m
2014-4400-EPS-MIT-1		25/03/2015 – 30/04/2015		

3.1.5 Landscape Context

A review of aerial imagery and Ordnance Survey mapping shows that the surrounding landscape comprised predominantly urban with residential areas and greenspaces. Adjacent to Wilmslow Road, 25m southwest from the Site, is Platt Fields Park which comprises a heritage building, church, mature trees, a lake and Gore Brook. Birchfields Park lies 350m to the east which Gore Brook also runs through.

3.2 FIELD SURVEY

3.2.1 Habitats

The approximately 0.67ha Site is dominated by hard standing with three buildings, an area of grassland and an area of introduced shrub with a single tree along the western boundary. Detailed accounts of the UKHab habitats are provided below and a map of the UKHab habitats is provided in Appendix A.



IMAGE 1 - BUILDING



IMAGE 2 - SEALED SURFACE



IMAGE 3 - MODIFIED GRASSLAND



IMAGE 4 - INTRODUCED SHRUB



IMAGE 5 - URBAN TREE





3.2.1.1 g4 – Modified Grassland

An extremely small area of Modified Grassland is located on Site to an area of <0.01ha (see Image 3). The grassland had six species per m² with a 30–70cm sward height and a 70:30 grass to forb ratio. Grass species consisted of perennial rye-grass *Lolium perenne*, false oat grass *Arrhenatherum elatius* and Yorkshire fog *Holcus lanatus*, with forb species such as dandelions *Taraxacum* sp. and creeping thistle *Cirsium arvense*. Sycamore *Acer pseudoplatanus* saplings were also present.

This habitat is considered to be of low value.

3.2.1.2 u1/847 – Introduced shrub

An unmanaged area of Introduced shrub is located on Site along the western boundary to a length of 32.35m (see Image 4). The Introduced shrub is dominated by Cherry Laurel *Prunus laurocerasus* and is approximately 2.5m high and 2m wide.

This habitat is considered to be of negligible value.

3.2.1.3 Urban Tree

Within the Introduced shrub is a small Urban Tree (see Image 5). The tree is approximately 3m high and the species is willow *Salix* sp.

This habitat is considered to be of low value.

3.2.1.4 u1b5/u1b – Building/Developed land; sealed surface

Two buildings are located on Site to an area of 0.19ha (see Image 1). The majority of land surrounding the buildings is sealed surface, covering a total area of 0.06ha (see Image 2).

These habitats are of negligible value.

3.2.2 Protected Species

Protected species are afforded a level of legal protection which means that their presence may pose a constraint to development. A summary of relevant legislation and associated species is provided in Appendix E.

The following sections describe the results of the field surveys and an appraisal of desk study data. Species not addressed below are considered extremely unlikely to be present and/or affected by the development and so are scoped out of further assessment.

3.2.2.1 Great Crested Newt (*Triturus cristatus*)

The desk study returned one record of Great Crested Newt (GCN) within 2km of the Site, 1600m to the southeast. No GCN class survey licence returns or pond survey results were identified



within 2km. Gore Brook is located 200m and a small section of Platt Fields Park lake is located 495m from the Site. No other waterbodies or watercourses are within 500m of the Site.

Gore Brook could provide limited suitable commuting habitat. Platt Fields Park lake is likely unsuitable for breeding due to the presence of wildfowl and fish. The grassland and introduced shrub on Site provide very limited potential habitat during the terrestrial stage and connectivity to possible breeding areas is considered to be restricted due to Wilmslow Road (A6010).

GCN are therefore scoped out of further assessment.

3.2.2.2 Bats

The following bat species were recorded within 2km of the Site: Common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, pipistrelle sp. *Pipistrellus* sp., brown long eared *Plecotus auritus*, Daubenton’s *Myotis daubentonii*, *Myotis* sp., noctule *Nyctalus noctula* and whiskered *Myotis mystacinus*.

Habitats on Site provide limited opportunities for foraging and commuting bats due to the Site’s urban nature and lack of linear features e.g. hedgerows and lines of trees to the wider area. Platt Fields Park is located 25m southwest which holds suitable habitat for roosting, commuting and foraging bats. There is low connectivity to the wider area however this is restricted due the landscape being predominantly built-up.

The tree on Site was immature with no Potential Roost Features (PRFs). Table 4 summarises the PRA results for buildings on Site and a map of buildings is shown in Figure 4.

Further surveys are required in order to fully assess the Site for bats.

TABLE 3: PRELIMINARY ROOST ASSESSMENT RESULTS

BUILDING REFERENCE: 1	
DESCRIPTION	Derelict two-storey brick building with a flat roof in all areas except for a small section of pitched roof on the southern aspect with slates intact. PVC windows with smashed glass and a broken wooden door. Concrete slabs lining flat roof edge. One window on the southeast aspect boarded with chipboard. Limited loft void due to damage to ceiling panels which was viewed through the windows. No evidence of staining or droppings were found externally.
POTENTIAL ROOST FEATURE (PRF)	PRFs include: • Missing mortar and gaps in brickwork (see Image 1A). • Boarded window with gap below – potential entry point for bats (see Image 1B).



SUITABILITY	Low.
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IMAGE 1A - BUILDING 1
SOUTHWEST ASPECT



IMAGE 1B - BUILDING 1 SOUTHEAST
ASPECT BOARDED WINDOW



BUILDING REFERENCE: 2	
DESCRIPTION	Large metal hangar building with a single panel roof and walls. Steel support beams internally and brick dividers in good condition. B2 adjoins B1 (see Figure 4). No evidence of staining or droppings were found internally or externally.
POTENTIAL ROOST FEATURE (PRF)	No PRFs.
SUITABILITY	Negligible.

IMAGE 2A - BUILDING 2
EXTERNAL



IMAGE 2B - BUILDING 2
INTERNAL





BUILDING REFERENCE: 3	
DESCRIPTION	Brick building with concrete flat roof and metal door. No evidence of staining or droppings were found internally or externally.
POTENTIAL ROOST FEATURE (PRF)	No PRFs.
SUITABILITY	Negligible.

IMAGE 3A – BUILDING 3
EXTERNAL





FIGURE 4: BUILDING LOCATIONS



3.2.2.3 Birds

A number of bird records were returned, including Schedule 1⁵ species such as Kingfisher *Alcedinidae*, Red-Listed species⁶ such as Herring Gull *Larus argentatus* and Starling *Sturnidae*, Amber-Listed species⁶ such as Dunnock *Prunella modularis* and Bullfinch *Pyrrhula pyrrhula*.

The Site provides nesting opportunities within buildings and the introduced shrub for a range of locally common bird species with foraging opportunities limited to the introduced shrub.

The Site is considered to be of low value to birds.

3.2.2.4 Badger (*Meles meles*)

The desk study returned eight records of badger within 2km of the Site. Habitats on Site offer very limited foraging and no sett creation opportunities due to the Site being predominantly hardstanding with buildings. Connectivity to the wider area is considered very low.

No badger activity or signs of badger, such as setts, snuffle holes, latrines or hair were recorded during the walkover survey.

⁵ [Protected species Britain | BTO - British Trust for Ornithology](#)

⁶ [bocc-5-a5-4pp-single-pages.pdf \(bto.org\)](#)



Badger are therefore scoped out of further assessment.

3.2.2.5 *Priority Species*

The Site has the potential to support priority species including Hedgehog *Erinaceus europaeus* (52 local records) however, no evidence of this species was found at the time of survey.



4 RECOMMENDATIONS

4.1 POTENTIAL IMPACTS

The development has the potential to adversely impact valuable ecological features and some of these impacts may also constitute legal offences. The broad impacts include:

- Direct harm of animal species
- Disturbance of animal species
- Loss and degradation of valuable habitats
- Loss and degradation of habitats that support protected/priority species

Many of these impacts can be adequately addressed at this stage and therefore a range of good practice avoidance, mitigation and compensation measures are recommended below. Impacts to some features cannot be robustly assessed without additional information and so further surveys and assessments are recommended for such features.

4.2 FURTHER SURVEY AND ASSESSMENT

The following surveys are recommended to provide a robust baseline for the assessment of the potential ecological impacts of the development.

TABLE 5: FURTHER SURVEY AND ASSESSMENT

SURVEY/ASSESSMENT	DESCRIPTION	TIMING
Nocturnal Bat Emergence Presence/likely absence Survey	Building 1 was assessed to have low suitability to roosting bats, therefore one Nocturnal Bat Emergence Presence/likely absence Survey is recommended	Peak maternity season (May – August)
Ecological Impact Assessment (EclA)	Assessment of impacts and avoidance, mitigation, and compensation measures of the proposed development on the ecology of the Site	Upon completion of the above Nocturnal Bat Emergence Presence/likely absence Survey



4.3 AVOIDANCE

The following measures should be incorporated into the design of the development, including the construction phase, to avoid and reduce impacts on wildlife:

- Avoid clearance works during the nesting bird season (March to August inclusive) unless the Site is checked by a Suitably Qualified Ecologist (SQE) and active nests are confirmed to be absent no later than 48 hours before works commence.
- External lighting will be designed in line with BCT guidance⁷ to reduce impacts bats and a range of other wildlife associated with retained and off- habitats.

4.4 MITIGATION

Mitigation is proposed to reduce the impacts on wildlife that cannot be avoided through design:

- All construction activities will be programmed to daytime hours to reduce disturbance to sensitive nocturnal species, such as bats and roosting bird species.
- Excavations should be securely covered or fenced overnight, or otherwise provide a means of escape for animals that may become trapped in the form of a ramp at least 300mm wide and angled no greater than 45°. Excavations should be inspected for the presence of animals before work recommences and, in the event of trapped animals being trapped, an ecologist contacted for advice.
- Gaps of at least 13cm x 13cm will be present in fencing during both the construction and operational phase of the development to allow unrestricted movement of wildlife throughout the Site.

4.5 COMPENSATION/ENHANCEMENT

Compensation is proposed to address the impacts on habitats which cannot be avoided or mitigated:

- Landscape planting to compensate for any tree/shrub loss shall include species native to the local area as well as berry and fruit-bearing species alongside pollinator species, to provide increased foraging opportunities in the local area.
- The incorporation of opportunities for roosting bats and nesting birds within the development.

⁷ Bat Conservation Trust (2023) Guidance Note 08/23: Bats and artificial lighting at night



APPENDICES



APPENDIX A - UKHab MAP





APPENDIX B – SPECIES LIST

COMMON NAME	SCIENTIFIC NAME	MODIFIED GRASSLAND	INTRODUCED SHRUB	URBAN TREE
False oat-grass	<i>Arrhenatherum elatius</i>	X		
Yorkshire-fog	<i>Holcus lanatus</i>	X		
Perennial rye-grass	<i>Lolium perenne</i>	X		
Dandelions	<i>Taraacum</i> spp.	X		
Creeping thistle	<i>Cirsium arvense</i>	X		
Sycamore	<i>Lolium perenne</i>	X		
Cherry laurel	<i>Prunus laurocerasus</i>		X	
Willow sp.	<i>Salix</i> sp.			X



APPENDIX C – BAT SUITABILITY AND SURVEY EFFORT

POTENTIAL SUITABILITY	DESCRIPTION	
	ROOSTING HABITATS IN STRUCTURES	POTENTIAL FLIGHT-PATHS AND FORAGING HABITATS
None	No habitat features on site likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/suitable shelter at all grounds/underground levels).	No habitat features on site likely to be used by any commuting or foraging bats at any time of the year (i.e. no habitats that provide continuous lines of shade/protection for flight-lines or generate/shelter insect populations available to foraging bats.
Negligible (a)	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.	No obvious habitat features on site likely to be used as flight-paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions(b) 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 and not classic cool/stable hibernation site, but could be used by individual hibernating bats(c)).	Habitat that could be used by small numbers of bats as flight-paths such as gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitats. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.



POTENTIAL SUITABILITY	DESCRIPTION	
	ROOSTING HABITATS IN STRUCTURES	POTENTIAL FLIGHT-PATHS AND FORAGING HABITATS
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection conditions(b) and hibernation – categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed.	Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland, or water.
High	A structure 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(b) and surrounding habitat. These structures have a potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.	Continuous high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys. Streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape what is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.



POTENTIAL SUITABILITY	DESCRIPTION	
	ROOSTING HABITATS IN STRUCTURES	POTENTIAL FLIGHT-PATHS AND FORAGING HABITATS
	a. Negligible is defined as ‘so small or unimportant as to be not worth considering, insignificant’. This category may be used where there are places that a bat could roost or forage (due to one attribute) but it is unlikely that they actually would (due to another attribute). b. For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance. c. Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten et al., 2016 and Jansen et al., 2022). Common pipistrelle swarming has been observed in that UK (Bell, 2022 and Tomlinson, 2020) and winter hibernation of numbers of this species has been detected at Seaton Delaval Hall in Northumberland (National Trust, 2018). This phenomenon requires some research in the UK, but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in prominent buildings in the landscape, urban or otherwise.	



APPENDIX D – POLICY AND LEGISLATION

The Wildlife and Countryside Act 1981

The Wildlife and Countryside Act 1981⁸, as amended by the Countryside and Rights of Way Act (CROW) 2000⁹ and the Natural Environment and Rural Communities Act (NERC) 2006¹⁰, is the main legislation that protects wildlife in Great Britain and is the mechanism for defining and protecting nationally important sites of Special Scientific Interest (SSSI). The legislation makes it an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection; and
- Pick or uproot any wild plant listed under Schedule 8 of the Act. Schedule 9, Part II of the Act also lists many species for which it is an offence to plant, or otherwise cause to grow, in the wild. Any material containing Japanese knotweed is also identified as controlled waste under the Environmental Protection Act 1990¹¹ and must be disposed of properly at licensed landfill according to the Environmental Protection Act (Duty of Care) Regulations 1991¹².

The Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017¹³ (the ‘Habitat Regulations’), as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019¹⁴, establish the requirements for protecting sites that are internationally important for

⁸ Wildlife and Countryside Act 1981. Available from: <https://www.legislation.gov.uk/ukpga/1981/69>

⁹ The Countryside and Rights of Way Act 2000. Available from: <https://www.legislation.gov.uk/ukpga/2000/37/contents>

¹⁰ Natural Environment and Rural Communities Act 2006. Available from: <https://www.legislation.gov.uk/ukpga/2006/16/contents>

¹¹ The Environmental Protection Act 1990. Available from: <https://www.legislation.gov.uk/ukpga/1990/43/contents>

¹² The Environmental Protection Act (Duty of Care) Regulations 1991. Available from: <https://www.legislation.gov.uk/uksi/1991/2839/made>

¹³ The Conservation of Habitats and Species Regulations 2017. Available from: <https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

¹⁴ The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Available from: <https://www.legislation.gov.uk/ukdsi/2019/9780111179512/contents>



threatened habitats and species – the National Network – and thus the requirement for a ‘Habitat Regulations Assessment’ of plans or developments with potential to affect them.

The Habitat Regulations also establish the strict protection of some species – European Protected Species – and make it an offence to deliberately capture, kill or disturb certain wild animals, and to damage or destroy a breeding or resting place of such an animal even if the animal is not present at the time.

Natural Environment & Rural Communities (NERC) Act 2006

The NERC Act 2006¹⁰ places a duty on local planning authorities to have due regard for biodiversity and nature conservation during their operations, and thus ensures that biodiversity is a key consideration in the planning process. The Act also establishes a list of species and habitats of principal importance (‘Priority’ Species and Habitats) for the conservation of biodiversity.

The Environment Act 2021¹⁵

The Environment Act 2021 provides a framework for environmental protection in the UK. It is a wide-range piece of legislation affecting many aspects of the natural environment, including biodiversity. The act sets clear targets to halt the decline in wildlife populations through a legally binding target for species abundance by 2030 and a requirement to increase species populations by 10% by 2042. The Act also establishes mandatory requirement for Biodiversity Net Gain in new developments.

Ramsar Convention

The Convention on Wetlands of International Importance especially as Waterfowl Habitat (the ‘Ramsar Convention’¹⁶) provides the only international mechanism for protecting internationally important wetlands; such s are designated as Ramsar s. It is government policy that Ramsars are afforded the same level of protection as those in the National Network and so they are also subject to HRA.

Protection of Badgers Act 1992

Badgers receive strict protection under the Protection of Badgers Act 1992¹⁷, which prohibits the taking, injuring, selling, possessing or killing of badgers and makes it an offence to ill-treat any badger, damage, destroy, disturb or cause a dog to enter a badger sett.

¹⁵ The Environment Act 2021. Available from: <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

¹⁶ The Ramsar Convention <https://www.ramsar.org/>

¹⁷ Protection of Badgers Act 1992. Available from: <https://www.legislation.gov.uk/ukpga/1992/51/contents>



The Hedgerow Regulations 1997

The Hedgerow Regulations 1997¹⁸ establishes the legal protection of important countryside hedgerows, principally ancient and species-rich hedgerows. The Hedgerow Regulations also provide arrangements for planning authorities to protect important hedgerows in the countryside by controlling their removal through a system of notification.

National Planning Policy Framework 2023

The National Planning Policy Framework (NPPF) 2023¹⁹ sets out the Government's requirement for the planning system in England and in doing so establishes the framework within which local planning authorities can develop their own planning policies. The NPPF explicitly addresses the conservation and enhancement of the natural environment, including biodiversity, through paragraphs 174–177.

Government Circular ODPM 06/2005 Biodiversity and Geological Conservation (England only)

This Circular provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England.

Part IV – *Conservation of Species protected by Law* states that the presence of a protected species is a material consideration when considering a development proposal that may result in harm to the species or its habitat and that planning authorities must have regard to European Protected Species protected under the Habitat Regulations.

The presence or otherwise of European Protected Species, and the extent that they may be affected by the proposed development, must be established before the planning permission is determined, otherwise all relevant material considerations may not have been addressed in making the decision.

Biodiversity Action Plans

The UK Biodiversity Action Plan (UK BAP) was developed to fulfil the Rio Convention on Biological Diversity in 1992, to which the UK is a signatory. The UK Post-2010 Biodiversity Framework²⁰ succeeded the UKBAP and expired in 2019, but the UKBAP priority species and habitats are

¹⁸ The Hedgerow Regulations 1997. Available from: <http://www.legislation.gov.uk/ukxi/1997/1160/contents/made>

¹⁹ National Policy Planning Framework 2023. Available from: [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

²⁰ UK Post-2010 Biodiversity Framework. Available from: <https://hub.jncc.gov.uk/assets/587024ff-864f-4d1d-a669-f38cb448abdc>



retained through the NERC Act 2006. Regional and local BAPs have also been developed for species/habitats of nature conservation importance at regional and local levels.



APPENDIX E – VALUE OF ECOLOGICAL FEATURES

VALUE	EXAMPLES
International	• An internationally designated or candidate (SPA, pSPA, SAC, cSAC, pSAC, Ramsar) or an area which meets the designation criteria for such s. • Internationally significant and viable areas of a habitat type listed in Annexe 1 of the Habitats Directive, or smaller areas of such habitat, which are essential to maintain the viability of a larger whole. • Any regularly occurring, globally threatened species. • A regularly occurring population of an internationally important species, which is threatened or rare in the UK, of uncertain conservation status • A regularly occurring, nationally significant population/number of any internationally important species.
National	• A nationally designated (e.g. SSSI, NNR) or a discrete area which meets the published selection criteria for national designation (e.g. SSSI selection guidelines) irrespective of whether or not it has yet been notified. • A viable area of a UK BAP priority habitat, or smaller areas of such habitat which are essential to maintain the viability of a larger whole. • A regularly occurring significant number/population of a nationally important species e.g. listed on the Wildlife and Countryside Act 1981 (as amended). • A regularly occurring population of a nationally important species that is threatened or rare in the county or region. • A feature identified as being of critical importance in the UK BAP.
Regional / County	• Viable areas of key habitat identified in the Regional or County BAP or smaller areas of such a habitat, which are essential to maintain the viability of the larger whole. • Regional/county significant and viable areas of key habitat identified as being of regional value in the appropriate English Nature (now Natural England) Natural Area. • A regularly occurring significant population/number of any important species important at a regional/county level. • Any regularly occurring, locally significant population of a species which is listed in a Regional/County Red Data Book or BAP on account of its regional rarity or localisation. • s of conservation importance that exceed the district selection criteria but that fall short of SSSI selection guidelines.
City/District/ Borough	• Areas of habitat identified in a District/City/Borough BAP or in the relevant Natural Area profile. • s that the designating authority has determined meet the published ecological selection criteria for designation, including Local Nature Reserves selected on District/City/Borough ecological criteria. • s/features that are scarce within the District/City/Borough or which appreciably enrich the District/City/Borough habitat resource. • A diverse and/or ecologically valuable hedgerow network.



VALUE	EXAMPLES
	• A population of a species that is listed in a District/City/Borough BAP because of its rarity in the locality or in the relevant Natural Area profile because of its regional rarity or localisation. • A regularly occurring, locally significant number of a District/City/Borough important species during key phases of its life cycle.
Parish	• A feature considered scarce within a Parish or which appreciably enriches the Parish resource.
Local	• Areas identified in a Local BAP or the relevant natural area profile. • s/features which area scarce in the locality or which are considered to appreciably enrich the habitat resource within the local context, e.g. species-rich hedgerows. • Local Nature Reserves selected on Parish/Local ecological criteria. • Significant numbers/population of a locally important species <u>e.g.</u> one which is listed on the Local BAP. • Any species, populations or habitats of local importance.
Low	• Habitats of moderate to low diversity which support a range of locally and nationally common species, the loss of which can be easily mitigated.



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