



BIODIVERSE
CONSULTING

LIDL - 440

HOLLINWOOD

**PRELIMINARY ECOLOGICAL
APPRAISAL**

FOR: LIDL AND A.G. BARR PLC

REF: BIOC24-094 | V1.2



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EXECUTIVE SUMMARY

Biodiverse Consulting Ltd was commissioned to undertake a Preliminary Ecological Appraisal (PEA) of land at Hollinwood Avenue, New Moston, Manchester, M40 0JZ. 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 LIDL – 440 HOLLINWOOD PROPOSAL	
Designated Sites	Two statutory sites were identified within 2km; a Special Area of Conservation (SAC), and constituent Site of Special Scientific Interest (SSSI) and Site of Biological Importance (SBI), and a Local Nature Reserve (LNR)/SBI. Three non-statutory designated sites were identified, all SBI’s.
Great Crested Newt	One record of GCN within 2km. The Site is assessed as being of negligible suitability for GCN, with no connectivity to surrounding suitable habitats.
Bats	Four European Protected Species Bat Licences and records of several bat species within 2km of the Site. The buildings and trees on Site are unsuitable for roosting bats. Trees provide good commuting opportunities with connectivity to surrounding habitats.
Birds	Records of amber and red listed species within 2km of the Site. Nesting opportunities provided by trees on Site, with grassland providing limited foraging opportunities.
Badger	Badger records identified within 2km of the Site. No badger field signs identified during the survey. Site offers negligible foraging opportunity and is unsuitable for sett creation.
Reptiles	No records of reptiles within 2km. No potential refugia identified during survey, and the Site is considered unsuitable for reptiles.
Water Vole and Otter	Records of water vole and otter identified within 2km. No evidence of the species identified during survey. The Site is unsuitable for water vole and otter, and connectivity to Rochdale Canal is negligible.
Priority Species	The Site affords limited potential to support hedgehog.
Invasive Non-Native Species	Montbretia, a Schedule 9 invasive species, identified on Site.
Further Survey and Assessment	A range of good practice avoidance, mitigation and compensation measures to address impacts and reduce the likelihood of legal offences.



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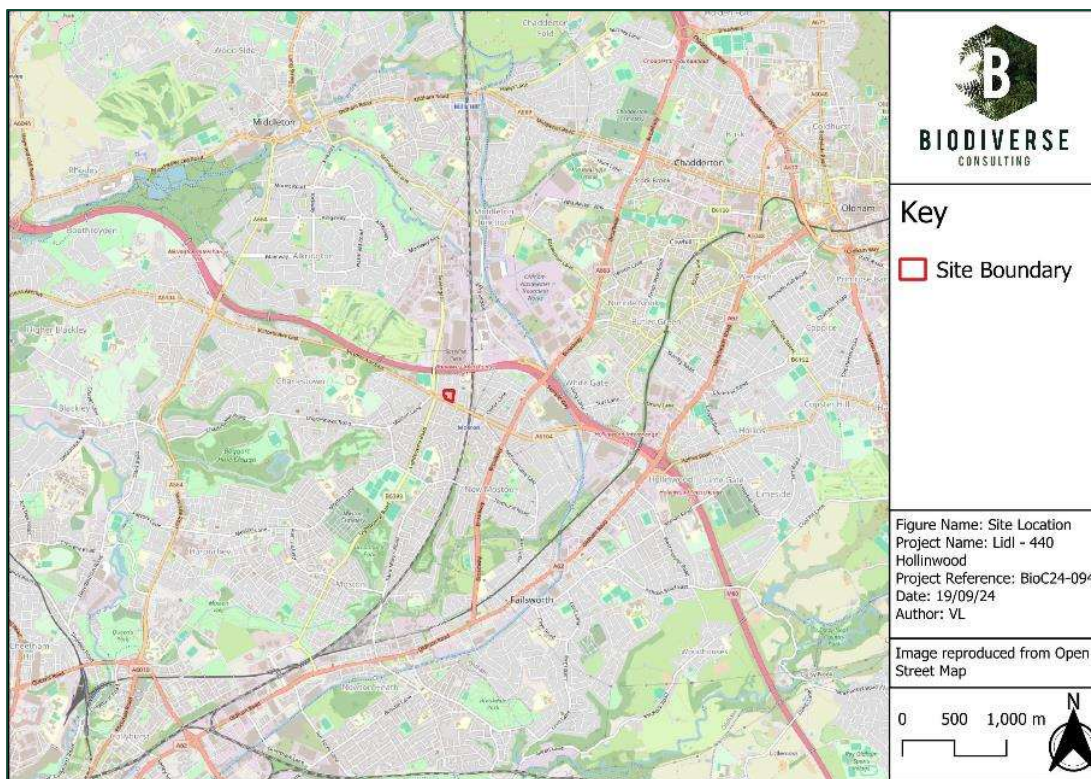


1 INTRODUCTION

1.1 SITE LOCATION & DESCRIPTION

The Site is located at Hollinwood Avenue, New Moston, Manchester, M40 0JZ, at an approximate central grid reference of SD 88560 03210 as illustrated in Figure 1. The 0.81ha Site currently consists of several warehouse buildings, hardstanding and urban landscaping.

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 - 3607 - P404 - F, Figure 2).

FIGURE 2: PROPOSED SITE PLAN





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.
- A search of the MAGIC website¹ for protected and priority habitats and all statutory designated Sites within 2km, and any additional Sites outside of this buffer that have the potential to be impacted by the development.
- A request to the Local Record Centre (LRC) for records of non-statutory designated Sites and protected and priority 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 ecologists; full details are available on request.

TABLE 1: SURVEY SUMMARY

SURVEY TYPE	DATE	TEMPERATURE	CLOUD	PRECIPITATION	WIND ²
PEA	13/09/2024	15°C	70%	None	2BF

2.3.1 Habitats/Protected Species

The Site was subjected 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.

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

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



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

The survey is considered to have no significant limitations. There were no access restrictions, and the survey was conducted within the optimal botanical survey period.

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

Two statutory sites were identified within 2km; a Special Area of Conservation (SAC), and a Site of Special Scientific Interest (SSSI) that is a constituent of the SAC and Site of Biological Importance (SBI), and a Local Nature Reserve (LNR)/ SBI. Three non-statutory designated sites were identified, all SBIs. A summary of statutory and non-statutory designated Sites is provided in Table 2. In addition, the Site is within an SSSI Impact Risk Zone (IRZ) for Rochdale Canal, however the development is not of a type that triggers consultation between the LPA and Natural England.

TABLE 2: DESIGNATED SITES

DESIGNATION	SITE NAME	REASON FOR DESIGNATION	DISTANCE FROM SITE
Statutory Designated Sites			
SAC, SSSI, SBI	Rochdale Canal	Contains important habitats for a diverse range of submerged aquatic plants and emergent vegetation, including extensive colonies of the nationally scarce floating water-plantain <i>Luronium natans</i> and nine species of pondweed <i>Potamogeton</i> sp.	890m
LNR, SBI	Boggart Hole Clough	An urban park designated for its ancient woodland and cloughs varying from steep ravines to sloping gullies.	1280m
Non-Statutory Designated Sites			
SBI	Bailey's Wood	Semi-natural ancient woodland running through a steep ravine, supporting a variety of butterflies and birds such as Greater Spotted Woodpecker, Treecreeper and Nuthatch.	1590m
SBI	Broadhurst Clough	Designated for its mosaic of woodland, amenity grassland, species-rich rough grassland and marshland. Seasonal	1280m



DESIGNATION	SITE NAME	REASON FOR DESIGNATION	DISTANCE FROM SITE
		ponds provide ideal cover for common frogs, toads and invertebrates.	
SBI	Moston Fairway	Designated for its mosaic of acidic, calcareous, wet and dry habitats along removed railway. Habitats include marsh, scrub, woodland and grassland, supporting aquatic fauna (frogs, smooth newts) and birds (Kestrel, Tawny Owl, Common Snipe, Reed Bunting).	860m

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: Purple Moor Grass and Rush Pastures, Lowland Fens, Ancient & Semi-Natural Woodland, Deciduous Woodland and Open Mosaic Habitat on Previously Developed Land. A MAGIC map of the Priority Habitats is provided in Appendix D.

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 (EPS) Licencing

The MAGIC website identified four EPS Bat Licences within 2km, as detailed in Table 3:

TABLE 3: EUROPEAN PROTECTED SPECIES LICENCING

REFERENCE	SPECIES	DATE	TYPE	DISTANCE
2018-33756-EPS-MIT	Common pipistrelle	01/03/2018 - 31/05/2019	Destruction of a resting place.	1150m SE
2019-42984-EPS-MIT	Common pipistrelle	09/10/2019 - 30/09/2023	Impact on a breeding place, destruction of a breeding site and destruction of a resting place.	1480m NE



REFERENCE	SPECIES	DATE	TYPE	DISTANCE
2014-2836-EPS-BDX	Common pipistrelle	25/08/2014 - 25/09/2014	Impact on a breeding site, damage of a breeding site and destruction of a resting place.	1540m NW
2017-28510-EPS-MIT	Common pipistrelle	27/04/2017 - 30/11/2017	Destruction of a resting place.	1710m E

3.1.5 Landscape Context

The land surrounding the Site consists of mixed residential and green space. The Site is bordered by the A6104 dual carriageway to the south, and the M60 motorway runs approximately 160m north of the Site, with an industrial area beyond that. Rochdale Canal (SAC, SSSI) runs 890m east of the Site.

3.2 FIELD SURVEY

3.2.1 Habitats

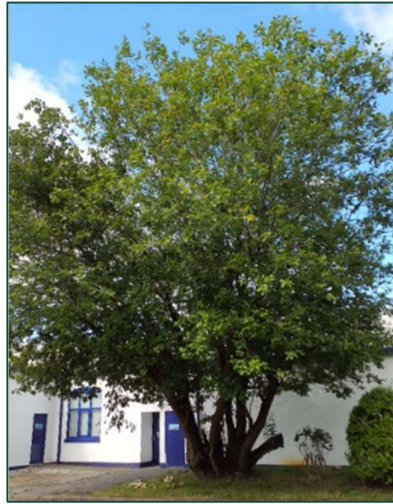
The 0.81ha Site is dominated by warehouse buildings with hardstanding, amenity grassland and trees. Detailed accounts of the UKHab habitats are provided below. A map of the UKHab habitats is provided in Appendix A and corresponding Target Notes in Appendix B.

IMAGE 1 – MODIFIED GRASSLAND



IMAGE 2 – HARDSTANDING



**IMAGE 3 – INTRODUCED SHRUB IMAGE 4 – INDIVIDUAL TREES**

3.2.1.1 g4 – Modified Grassland

An approximately 0.157ha area of Modified Grassland at the east of the Site is dominated by perennial rye grass *Lolium perenne*, with other grass species including Yorkshire fog *Holcus lanatus* and false oat-grass *Arrhenatherum elatius*. Grassland is managed for amenity purposes, with 6-7 species per m² at a grass to forb ratio of 80 to 20. Forb species include creeping buttercup *Ranunculus repens*, dandelions *Taraxacum spp.* and fox-and-cubs *Pilosella aurantiaca*.

3.2.1.2 u1b - Developed Land; Sealed Surface

A 0.27ha area at the west of the Site consists of hard standing with limited vegetation.

3.2.1.3 u1b5 – Building

Three warehouse-style buildings are present, set to be demolished as part of the development.

3.2.1.4 Introduced Shrub

An approximately 0.015ha area of Introduced Shrub is present at the south of the Site.

3.2.1.5 Individual Trees

Approximately 36 Individual Trees are scattered throughout the onsite grassland (Figure 4), species include Leyland cypress *Cupressus x leylandii*, wild cherry *Prunus avium*, elder *Sambucus nigra*, beech *Fagus sylvatica*, willow *Salix sp.*, aspen *Populus tremula*, sycamore *Acer pseudoplatanus*, silver birch *Betula pendula*, ash *Fraxinus excelsior*, pedunculate oak *Quercus robur* and Norway maple *Acer platanoides*. The majority of the trees are young to semi-mature and in a healthy condition.

**FIGURE 4: TREE LOCATIONS**

3.2.2 Invasive Non-Native Species

Montbretia Crocosmia × crocosmiiflora, a Schedule 9 invasive species, has been identified along the length of the onsite grassland (see Target Note 1 in Appendix B, as mapped in Appendix A).



3.2.3 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.

3.2.3.1 Great Crested Newt (*Triturus cristatus*)

The desk study returned one 2019 record of GCN, comprising upwards of 15 individuals, 1170m south of the Site near Moston Brook.

No waterbodies were identified on Site and the grassland is of negligible suitability for the terrestrial phase of the species. No ponds within 500m have been identified, and connectivity to surrounding suitable habitat, such as Moston Brook and green spaces to the north, is constrained by residential housing, roads and the M60 motorway.

It is considered unlikely that GCN are present on Site and thus scoped out of further assessment.

3.2.3.2 Bats

The desk study returned records of bats within 2km of the Site including common pipistrelle *Pipistrellus pipistrellus*, Daubenton's bat *Myotis daubentonii* and soprano pipistrelle *Pipistrellus pygmaeus*.

Negligible roosting opportunities are afforded by the three buildings on Site (Figure 5, Table 4). Trees on Site are unsuitable for roosting bats due to their lack of Potential Roosting Features (PRFs), however afford good commuting opportunities, with connectivity to suitable urban habitats in the local area, such as the adjacent residential gardens. The grassland on Site offers limited foraging opportunities.

It is considered unlikely that bats roost on Site and are therefore scoped out of further assessment. A precautionary approach will be adopted to ensure limited disturbance to foraging/commuting bats during construction.



FIGURE 5: BUILDING LOCATIONS



TABLE 4: PRELIMINARY ROOST ASSESSMENT OF BUILDINGS

BUILDING REFERENCE: B1

DESCRIPTION	Warehouse with intact rendered brick walls. Windows are PVC, with no gaps present. Single-skin corrugated metal roof with metal support beams in good condition. Roof mostly pitched, some flat felt roof areas contained limited, shallow gaps. Roof void of medium size with light ingress and cobwebbing present. No field signs indicative of the presence of roosting bats were identified.
PRF	None.
SUITABILITY	Negligible.



IMAGE 5 - B1 EXTERNAL



IMAGE 6 - B1 INTERNAL



IMAGE 7 - B1 ROOF VOID



BUILDING REFERENCE: B2

DESCRIPTION	Warehouse with a brick base and single skin corrugated metal walls. Flat metal roof in good condition.
	Large roof void providing open flight space, with moderate light ingress and no cobwebbing. No field signs indicative of the presence of roosting bats were identified
PRF	None.
SUITABILITY	Negligible.

IMAGE 8 - B2





BUILDING REFERENCE: B3	
DESCRIPTION	Warehouse with a brick base and single skin corrugated metal walls in good condition. Slightly pitched metal roof in good condition.
PRF	None.
SUITABILITY	Negligible.

IMAGE 9 – B3



3.2.3.3 Birds

Bird species returned in the 2km desk search include amber and red listed species such as Dunnock *Prunella modularis*, House Sparrow *Passer domesticus*, Song Thrush *Turdus philomelos* and Starling *Sturnus vulgaris*.

Nesting opportunities are afforded by trees on Site for a range of locally common birds, with grassland providing limited foraging opportunities. The rest of the Site is considered unsuitable for nesting birds due to its developed nature and high levels of public disturbance. Urban gardens with trees provide suitable habitat for foraging and nesting birds in the local area.

It is considered unlikely that important bird assemblages are present on Site and they are therefore scoped out of further assessment. A precautionary approach will be adopted to safeguard birds during construction.

3.2.3.4 Badger (*Meles meles*)

Seven badger records were identified within 2km of the Site. No badger field signs, such as snuffle holes, latrines or setts were identified during the walkover survey.

The Site offers negligible foraging opportunity for badger within grassland and is unsuitable for sett creation due to its developed nature. Connectivity to habitats suitable for foraging and sett creation is negligible, as it is limited by roads and an urban landscape.



It is considered unlikely that badgers are present on Site and they are therefore scoped out of further assessment.

3.2.3.5 Reptiles

No reptile records have been identified within 2km of the Site.

The habitats within the Site are considered unsuitable for reptiles due to their urban nature and the high level of public disturbance. No potential refugia was identified during the walkover survey, and the Site lacks connectivity to suitable reptile habitats in the wider area.

It is unlikely that reptiles are present on Site and they are therefore scoped out of further assessment.

*3.2.3.6 Water Vole (*Arvicola amphibious*) and Otter (*Lutra lutra*)*

One 2021 record of otter and one 2020 record of water vole have been identified at Rochdale Canal.

There is no habitat within the Site suitable for water vole and otter, and connectivity to Rochdale Canal is considered negligible due to the M60 motorway and surrounding urban habitat.

Water vole and otter are not considered an ecological constraint for the development, and they are therefore scoped out of further assessment.

3.2.3.7 Priority Species

The Site has limited potential to support hedgehog *Erinaceus europaeus*, a priority species, however no evidence of hedgehog was found at the time of survey. A precautionary approach will be adopted to safeguard hedgehogs during construction.



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 potential impacts include:

- Direct harm of animal species;
- Disturbance of animal species;
- Loss and degradation of valuable habitats, and
- 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.

4.2 FURTHER SURVEY AND ASSESSMENT

No further surveys are necessary to inform the assessment of the potential ecological impacts of the development, the information gathered to date is sufficient to inform the EcIA.

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 Site 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 guidance⁵ 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 works will be undertaken in accordance with a CEcMP (Construction Ecological Management Plan). Ecological receptors likely to be covered in this plan will include, but not be limited to bats, birds, hedgehog and retained habitats.
- All construction activities will be programmed to daytime hours to reduce disturbance to sensitive nocturnal species, such as bats and roosting bird species.

⁵ Bat Conservation Trust (2018) Guidance Note 08/18: Bats and artificial lighting in the UK



- Gaps of at least 13cm x 13cm will be created within boundaries to facilitate movement of hedgehogs and other small animals through the Site.
- The Schedule 9 invasive species identified on Site will require management and/or controlled removal to conform with legislation and avoid its spread.

4.5 COMPENSATION/ENHANCEMENT

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

- The incorporation of opportunities for roosting bats and nesting birds within the development (recommended within retained trees).
- Landscape planting to compensate for any tree loss shall include species native to the local area alongside pollinator species, to provide increased foraging opportunities in the local area.



APPENDICES



APPENDIX A – UKHAB MAP





APPENDIX B – TARGET NOTES

TARGET NOTES

TN 1

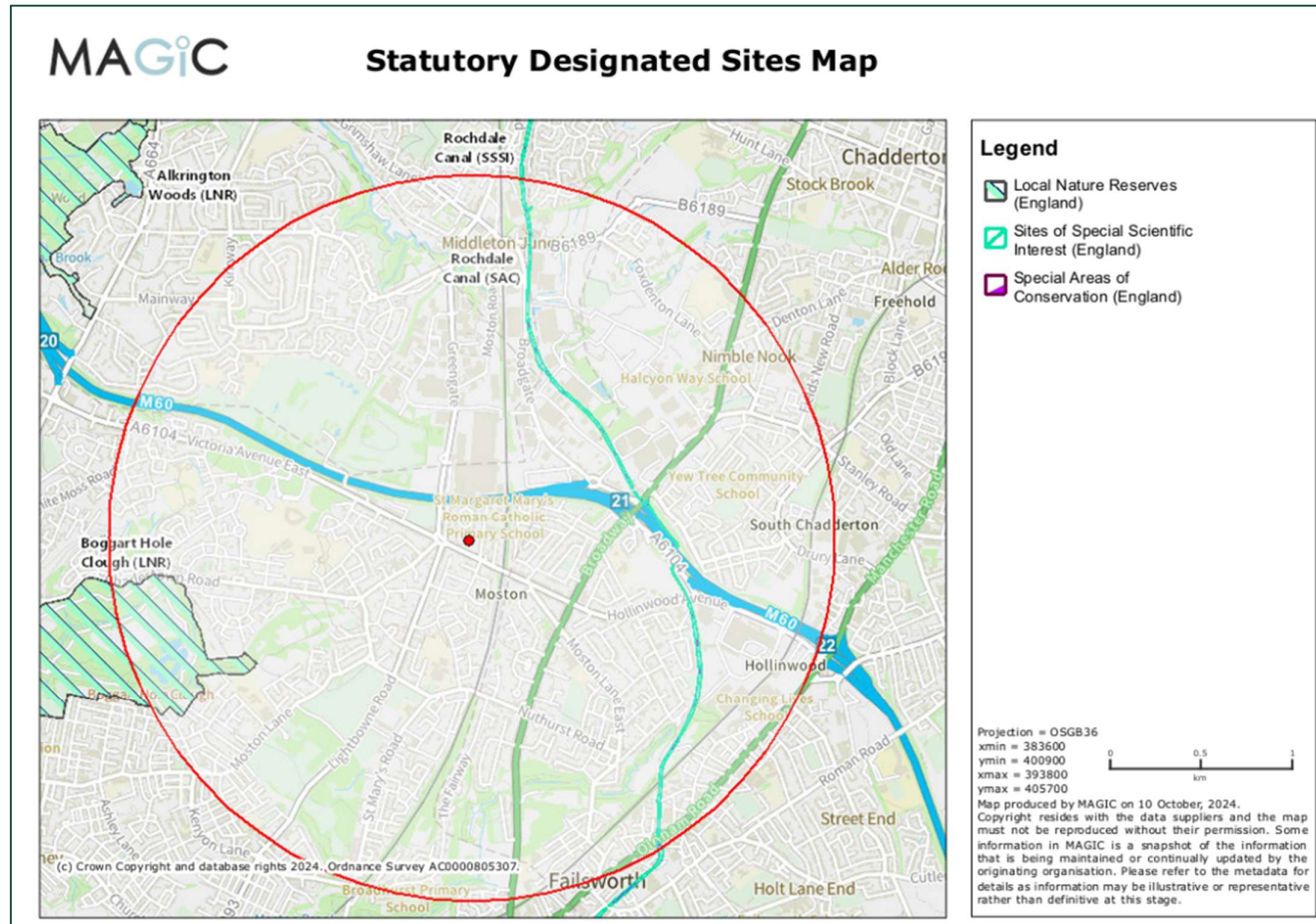
Invasive species Montbretia *Crocsmia × crocosmiiflora* identified within grassland.



APPENDIX C – DESIGNATED SITES MAPS



STATUTORY DESIGNATED SITES



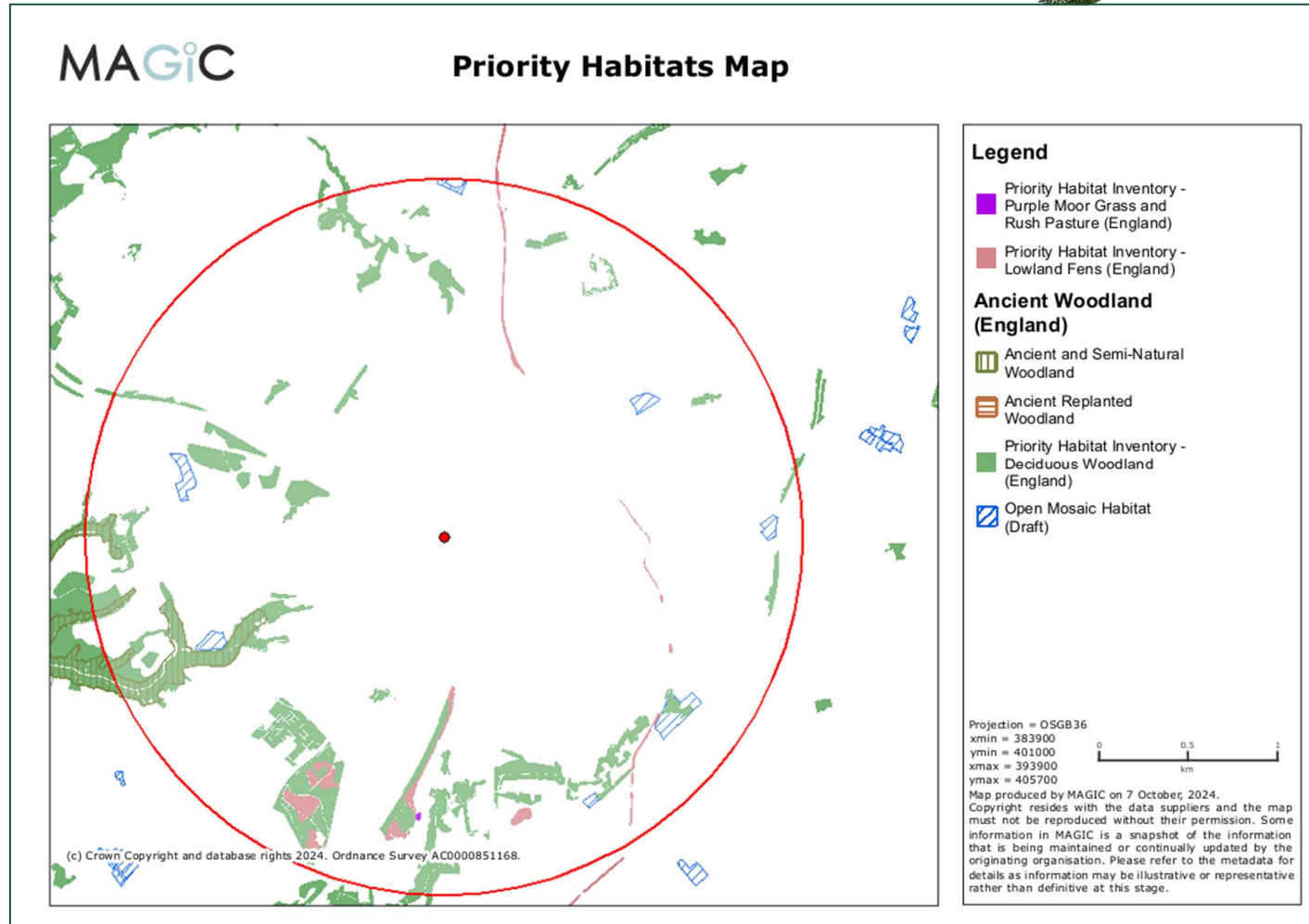


NON-STATUTORY DESIGNATED SITES



<p>KEY</p> <p>SITE OF BIOLOGICAL IMPORTANCE</p> <p> SBI BOUNDARY</p>	<p>GREATER MANCHESTER ECOLOGY UNIT ECOLOGICAL SEARCH - SD88560321 HOLLINWOOD - MAP 1</p> <p>SCALE 1:20,000</p> <p>THE MAP IS BASED UPON ORDNANCE SURVEY MATERIAL WITH THE PERMISSION OF ORDNANCE SURVEY ON BEHALF OF THE CONTROLLER OF HMSO (C) CROWN COPYRIGHT UNAUTHORISED REPRODUCTION INFRINGES CROWN COPYRIGHT AND MAY LEAD TO PROSECUTION OR CIVIL PROCEEDINGS</p> <p>TAMESIDE MBC LICENCE NO LA100022697, 2024</p>	 <p>Greater Manchester Ecology Unit</p> <p>Telephone 0161 342 4409 Email: gmeu@tameside.gov.uk Date Produced: 18/09/2024</p>
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APPENDIX D – PRIORITY HABITATS MAP





APPENDIX E – POLICY AND LEGISLATION

The Wildlife and Countryside Act 1981

The Wildlife and Countryside Act 1981⁶, as amended by the Countryside and Rights of Way Act (CROW) 2000⁷ and the Natural Environment and Rural Communities Act (NERC) 2006⁸, 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 1990⁹ and must be disposed of properly at licensed landfill according to the Environmental Protection Act (Duty of Care) Regulations 1991¹⁰.

The Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017¹¹ (the 'Habitat Regulations'), as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019¹², establish the requirements for protecting sites that are internationally important for 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.

⁶ Wildlife and Countryside Act 1981. Available from: <https://www.legislation.gov.uk/ukpga/1981/69>

⁷ The Countryside and Rights of Way Act 2000. Available from: <https://www.legislation.gov.uk/ukpga/2000/37/contents>

⁸ Natural Environment and Rural Communities Act 2006. Available from: <https://www.legislation.gov.uk/ukpga/2006/16/contents>

⁹ The Environmental Protection Act 1990. Available from: <https://www.legislation.gov.uk/ukpga/1990/43/contents>

¹⁰ The Environmental Protection Act (Duty of Care) Regulations 1991. Available from: <https://www.legislation.gov.uk/uksi/1991/2839/made>

¹¹ The Conservation of Habitats and Species Regulations 2017. Available from: <https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

¹² The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Available from: <https://www.legislation.gov.uk/ukdsi/2019/978011179512/contents>



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 2006 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 2021¹³

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'¹⁴) provides the only international mechanism for protecting internationally important wetlands; such s are designated as Ramsars. It is government policy that Ramsar s are afforded the same level of protection as 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 1992¹⁵, 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.

The Hedgerow Regulations 1997

¹³ The Environment Act 2021. Available from: <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

¹⁴ The Ramsar Convention <https://www.ramsar.org/>

¹⁵ Protection of Badgers Act 1992. Available from: <https://www.legislation.gov.uk/ukpga/1992/51/contents>



The Hedgerow Regulations 1997¹⁶ 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 2024

The National Planning Policy Framework (NPPF) 2024¹⁷ 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 187–195.

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 Framework¹⁸ succeeded the UKBAP and expired in 2019, but the UKBAP priority species and habitats are 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.

¹⁶ The Hedgerow Regulations 1997. Available from:

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

¹⁷ National Planning Policy Framework 2024. Available from: [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/national-planning-policy-framework-2024)

¹⁸ UK Post-2010 Biodiversity Framework. Available from: <https://hub.jncc.gov.uk/assets/587024ff-864f-4d1d-a669-f38cb448abdc>



APPENDIX F – VALUE OF ECOLOGICAL FEATURES

VALUE	EXAMPLES
International	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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
	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • A feature considered scarce within a Parish or which appreciably enriches the Parish resource.
Local	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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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