

Ecological Impact Assessment

Land at Winston Road, Manchester, M9 4FY

One Manchester

Revision A – February 2024



ecology

SITE NAME			
Land at Winston Road, Manchester, M9 4FY			
GRID REFERENCE		DOCUMENT REFERENCE	
SD8676802114		[LM0118]EcIA[Land at Winston Road] Rev A	
SITE DESIGNATION		LOCAL AUTHORITY	
None		Manchester City Council	
	NAME	QUALIFICATIONS	DATE
PRINCIPAL AUTHOR	Louisa Molloy	Consultant Ecologist; BSc (Hons)	01/02/2024
REVIEWED BY	Elizabeth McBride	Consultant Ecologist; BSc (Hons); MCIEEM	02/02/2024
REVISION HISTORY			
REVISION	DATE	AUTHOR	DESCRIPTION
A	February 2024	LM	Original based on Proposed Site Plan WR-BTP-00-SP-DR-A-3816_105.14 revision 14 dated 18/09/2023 by BTP Architects

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A SUMMARY

- 1 The purpose of this report is to identify and describe the presence of any protected or notable habitats or species within and in the immediate vicinity of the site and to set out the avoidance, mitigation and compensation measures to ensure compliance with nature conservation legislation, where appropriate.
- 2 The site habitats are considered to be of importance to nature conservation at the site level only. The site is not considered to be of importance to any species or species group at greater than site level.
- 3 Mitigation measures to protect hedgehog have been provided to ensure the potential impacts on this species in the construction phase of the development are reduced/removed. These measures can be secured through a planning condition requiring them to be adopted.
- 4 Habitat loss for nesting and foraging birds can be provided on-site. A Biodiversity Net Gain Assessment (BNGA) has been carried out to address overall habitat losses and has been provided in a separate report (LM Ecology, 2024).
- 5 Enhancement measures for roosting bats, nesting birds, and mitigation measures for hedgehogs in the operation phase of the development, have been provided. These should be included by the developer on submitted plans. If this is not supplied, the inclusion of these measures in the proposed scheme can be secured through a planning condition requiring an Ecological Enhancement Plan (EEP) to be produced.
- 6 The results and measures contained in this report are valid for up to two years from the date of publication of Revision A: February 2024.

B INTRODUCTION

7 LM Ecology was commissioned November 2023 by One Manchester to carry out a Preliminary Ecological Appraisal of Land at Winston Road, Manchester, M9 4FY. A plan showing the broad location of the site is included in APPENDIX A as A.1.

8 The survey was commissioned to support plans to develop the site for housing, which will comprise a block containing six flats, a pair of semi-detached houses, and two blocks containing two flats and a house, with associated hard and soft landscaping.

9 The purpose of this report is:

- To identify and describe all potentially significant ecological effects associated with the proposals.
- To set out avoidance and/or mitigation measures required to ensure compliance with nature conservation legislation and to address any potentially significant ecological effects, where appropriate.
- To provide an assessment of the significance of any residual effects; and
- To identify appropriate compensation and enhancement measures, where appropriate.

10 Legislation relating to designated sites, protected species and habitats is detailed in APPENDIX B. Any legislation relevant to the site is detailed within the body of the report where necessary.

C SITE DESCRIPTION

11 The site covers an area of approximately 0.22ha and is located in the suburb of Harpurhey, Manchester. It consists of three parcels of publicly accessible amenity grassland containing six individual trees, intersected by tarmacked paths. It is bound to the north by Hodge Street, the east by Winston Road, the west by Kennard Close, and the south by houses and gardens.

D METHODOLOGY

D.1 Desk Study

12 Species and site information was requested from the organisations listed in Table 1 below.

Table 1 Consulted Records Organisations

DATE CONSULTED	ORGANISATION	RECORDS REQUESTED
08/01/2024	Greater Manchester Local Records Centre (GMLRC)	All Sites of Biological Importance and protected and notable species records from within a 2km radius of the site.
	Multi-agency Geographic Information for the Countryside (MAGIC)	Local Nature Reserves, National Nature Reserves, Ancient Woodland, Sites of Special Scientific Interest, Areas of Outstanding Natural Beauty, Special Areas of Conservation, Special Protection Areas, Important Bird Areas, National Parks and Ramsar sites, from within a 2km radius of the site.
		Granted EPSM licences for bats and GCN from within a 2km radius of the site.
		Great Crested Newt Class Survey Licence Returns from within a 2km radius of the site
		Great Crested Newt Pond Surveys results 2017 – 2019 from within a 2km radius of the site.

D.2 Field Survey

13 Table 2 lists the surveys carried out by LM Ecology. Summary methodologies are also provided below.

Table 2 Survey Dates, Types, Personnel, and Environmental Conditions

DATE(S)	SURVEY TYPE	PERSONNEL	TIMINGS AND ENVIRONMENTAL CONDITIONS
09/01/2024	UK Habitat Classification Survey	Louisa Molloy (Consultant Ecologist, BSc (Hons), NE Bat Licence 2016-22694-CLS-CLS) and Elizabeth McBride (Consultant Ecologist, BSc (Hons), MCIEEM, NE Bat Licence 2017-29301-CLS-CLS)	Temp: 1°C; Wind: beaufort 4; Precipitation: none; Cloud Cover: 20%
	Bats – Ground Level Tree Assessment (GLTA)		
	Other Protected and Notable Species Risk Assessment		

D.2.1 UK Habitat Classification (UKHab) Survey

14 The survey was carried out in accordance with the UK Habitat Classification (UKHab) methodology (UKHAB Ltd, 2023). The habitats within the boundary of the survey site were broadly mapped, with the principal habitat types and the dominant plant species identified within each habitat type. A digital habitat map and botanical species lists were produced for the site.

D.2.2 Bats – Ground Level Tree Assessment (GLTA)

- 15 A GLTA involves a detailed inspection of the tree from the ground to compile information about the tree, potential roost features (PRFs) (or lack of), and any evidence of bats (Collins, J (ed.), 2023).
- 16 The only conclusive sign of a bat roost in a tree is actual bats or their droppings. Other signs that could indicate a bat roost in a tree are odour (an ammonia like smell), staining below the entrance or inside, and audible squeaking at dusk or in warm weather. However, many bat roosts in trees exhibit no external signs.
- 17 During a GLTA, the suitability of the identified PRFs are categorised as PRF-I (i.e. PRF is only suitable for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitats) or PRF-M (i.e. PRF is suitable for multiple bats and may therefore be used by a maternity colony). Trees with no PRFs are assigned category NONE.

D.2.3 Other Protected and Notable Species Risk Assessment

- 18 The site and adjacent habitats were assessed for the suitability to support and/or searched for field signs indicating the presence of other protected and notable species.

D.2.4 Limitations

- 19 The survey was carried out at a sub-optimal time for botanical identification. However, due to the habitat type present, this has not posed a constraint to the understanding of the site conditions.

E RESULTS

E.1 Designated Sites

20 A tabulated summary of the identified designated sites is included in APPENDIX A as A.2.

E.1.1 Non-statutory Sites

21 There are no non-statutory sites within or immediately adjacent to the site. There are five locally designated Sites of Biological Importance (SBI) within a 1km radius of the site, and two Ancient and Semi-natural Woodland (ASNW) within a 2km radius of the site.

22 The closest SBI is Boggart Hole Clough, located 230m to the north and separated from the site by houses, gardens, and minor roads. This site is the largest woodland clough in Manchester, part of which is ASNW. The remaining four SBIs are Broadhurst Clough, Reservoirs at Harpurhey, Moston Fairway and a section of the Rochdale Canal located approximately 1.1km, 1.5km, 1.6km and 1.8km from the site, respectively. The second ASNW is Bailey's Wood, located approximately 1.1km north.

E.1.2 Statutory Sites

23 There are no statutory sites within or immediately adjacent to the site. There are two statutory sites within a 2km radius of the site.

24 The closest of these is Boggart Hole Clough Local Nature Reserve (LNR), located 230m north, which is also an SBI as detailed above. The second, Broadhurst Clough LNR, the newest LNR in Manchester supporting a mosaic of mature broadleaved woodland, semi-mature broad-leaved plantation, scrub, tall ruderal communities, grassland and wetland habitats, is located approximately 1.1km east/southeast, and is also an SBI.

E.1.3 Impact Risk Zone for SSSI/SAC/SPA/Ramsar Site

25 The site falls within the Impact Risk Zone (IRZ) of at least one nationally important site, likely the Rochdale Canal SAC/SSSI. The proposed development falls into the categories of 'All Planning Applications' and 'Residential.' However, it is crucial to note that the proposals do not align with the corresponding descriptions provided for these categories. Consequently, it is unlikely that there will be any adverse impacts on the nationally important site resulting from the proposal.

E.2 Habitats

26 A UKHab Survey plan, site images and a species list are included in APPENDIX A as A.3 to A.5.

E.2.1 g4 Modified grassland

27 All three parcels of amenity grassland are occasionally mown which has resulted in a tussocky grass dominant sward. Minor fly-tipping of household rubbish and bonfire activity is evident

within the grassland. The grassland is bordered by metal knee rail fencing, except on the western boundary, where metal railings are present. Species present in the sward include frequent perennial rye-grass *Lolium perenne*, Yorkshire fog *Holcus lanatus*, and creeping buttercup *Ranunculus repens*, with occasional cock's-foot *Dactylus glomeratus*, creeping bent *Agrostis stolonifera*, ribwort plantain *Plantago lanceolata* and crane's-bill *Geranium sp.*

E.2.2 u1b Developed land; sealed surface

28 This habitat is present in the form of hardstanding paths intersecting the three parcels of modified grassland.

E.2.3 11 Individual trees

29 Six individual trees are present within the site - two sycamore *Acer pseudoplatanus* (T1 & T2), two cherry *Prunus avium* (T8 & T9), and two rowan *Sorbus aucuparia* (T6 & T7)

E.3 Species

E.3.1 Amphibians

30 One great crested newt (GCN) *Triturus cristatus* record was provided by Greater Manchester Local Records Centre (GMLRC) from within a 2km radius of the site. The record is from approximately 1.8km east. The search of the MAGIC database did not show the presence of any granted European Protected Species (EPS) mitigation licences for GCN, any GCN class licence returns, or any GCN Pond Survey 2017-2019 dataset results, within a 2km radius of the site.

31 There are two waterbodies within 1km of the site, both within Boggart Hole Clough, with a distance of at least 300m between the site and the nearest waterbody and separated from the site by minor roads and a built up residential area. There are no waterbodies within the site, and the site habitats offer negligible suitability for terrestrial GCN or other amphibian species.

32 Considering the lack of records, the distance between the closest waterbody and the site, the barriers to amphibian dispersal between the site and this waterbody, and the lack of suitable terrestrial habitat on-site for amphibians, GCN (and other amphibians) are considered highly unlikely to be impacted by the proposed scheme.

E.3.2 Badger

33 GMLRC provided five badger records from within a 2km radius of the site. Four of these are of setts, the closest of which is over 300m from the site, and one is a live sighting of a badger in Broadhurst Clough, approximately 1.3km east/southeast of the site.

34 No evidence of badger activity was observed within the site during the survey and the site habitats offer negligible suitability for a badger sett excavation. Badgers are clearly active in the locality and as a result it is considered possible that badgers may make incidental use of

the site as part of a wider foraging area; however, it is considered unlikely that they will be impacted negatively by the proposed scheme.

E.3.3 Bats

E.3.3.1 Roost Suitability

- 35 There are no built structures within the site.
- 36 Trees T1, T6, T7, T8 AND T9 have no potential roost features (PRFs) and are assigned the potential roost feature (PRF) category NONE.
- 37 T2 has a cavity in the west face of the trunk. The top of the cavity is approximately 1.5m from the ground. The cavity was inspected with a torch and extends upwards by approximately 5cm. No evidence of roosting bats was found within the cavity or the space into which it extends. The small size and position of upwards space means it is unlikely to provide adequate shelter for even single roosting bats. As a result, the tree is assigned PRF category NONE.

E.3.3.2 Biological Records

- 38 A total of 121 bat records from within a 2km radius of the site were returned by GMLRC. Species positively identified in the records include common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *P. pygmaeus*, Daubenton's bat *M. daubentonii* and noctule *Nyctalus noctula*. None of the records are from the site, with the closest being a record of an injured female common pipistrelle bat approximately 170m to the southwest.
- 39 Twenty-one of the records are of roosts and the only species confirmed roosting is common pipistrelle. The closest roost record is a common pipistrelle day roost approximately 350m south. Three of the records are of common pipistrelle or pipistrelle species maternity roosts located 570m northeast, 1.1km north, and 1.3km northwest from the site.
- 40 The search of the MAGIC database did not show the presence of any granted European Protected Species (EPS) mitigation licences for bats from within a 2km radius of the site.

E.3.3.3 Habitat Assessment

- 41 The site sits within an area of moderate density housing which has moderate connectivity (by proximity only) to an area supporting good quality semi-natural habitats for bats to the north. Whilst the six trees may provide some suitability for individual foraging bats, the site overall provides negligible suitability for foraging and commuting bats.

E.3.4 Birds

- 42 The six trees within the site have some potential to support nesting birds; however, due to the lack of other suitable habitat cover surrounding them, they are not expected to support large populations.

- 43 The grassland within the site likely provides a foraging resource for birds such as starling *Sturnus vulgaris*, wood pigeon *Columba palumbus* and blackbird *Turdus merula*

E.3.5 Controlled Invasive Species

- 44 No controlled invasive species are present within or immediately adjacent to the site.

E.3.6 Hedgehog

- 45 Twenty-six hedgehog *Erinaceus europaeus* records were provided by GMLRC from within a 2km radius of the site. None of the records are for the site, with the closest being a record of three hedgehogs (likely a female and her young) in a garden approximately 110m northwest.
- 46 There are no suitable nesting habitats for hedgehog within the site; however, given the close proximity of the above record, there is the potential that hedgehogs present in the locality may make incidental use of the site as part of a wider foraging area.

E.4 Invertebrates

- 47 Considering the ubiquitous nature of the site habitats, it is considered unlikely that notable invertebrate assemblages would be present.

E.4.1 Reptiles

- 48 No reptile records were provided by GMLRC from within a 2km radius of the site, and the site habitats have negligible suitability to support reptiles. As a result, it is considered highly unlikely that reptiles will be impacted by the proposed scheme.

F IMPACT ASSESSMENT

F.1 Proposals

- 49 The proposals will involve construction of a block containing six flats, two blocks containing two flats and a house, and a pair of semi-detached houses, with associated hard and soft landscaping. None of the existing site habitats will be retained.
- 50 Proposed soft landscaping includes the creation of vegetated gardens around the new buildings.
- 51 This assessment is based on the plan *Proposed Site Plan WR-BTP-00-SP-DR-A-3816_105.14 revision 14 dated 18/09/2023 by BTP Architects*. At present, it is not known if the three off-site trees adjacent to the eastern boundary of the site will be retained. If the trees are to be felled, this impact assessment and the supporting Biodiversity Net Gain Assessment (BNGA) (LM Ecology, 2024) will need to be updated.

F.2 Impact Assessment and Mitigation

F.2.1 Designated Sites

- 52 The scale and nature of the development proposals are highly unlikely to have any negative impacts on any of the identified designated sites. Consequently, no further consideration is required at this stage.

F.2.2 Habitats

- 53 The site habitats are characterised by a low diversity of species and are common and widespread both locally and nationally. The complete loss of these habitats is deemed to pose a negligible insignificant impact at site level.

F.2.3 Species

F.2.3.1 Amphibians

- 54 Survey and assessment results indicate that the proposed scheme is highly unlikely to impact GCN or other amphibian species. Consequently, no further consideration of GCN or other amphibians is required at this stage

F.2.3.2 Badger

- 55 Survey and assessment have determined that the proposed scheme is highly unlikely to impact badgers. Consequently, no further consideration of badgers is required at this stage.

F.2.3.3 Bats

- 56 As there are no trees with PRFs for bats or built structures within the sites, and the site habitats are deemed to offer negligible suitability for foraging and commuting bats, it is highly unlikely that roosting, foraging, or commuting bats will be impacted by the proposed scheme. Therefore, no further consideration of this species group is required at this stage.

F.2.3.4 Birds

F.2.3.4.1 Nesting

- 57 There is potential for the six site trees to contain bird nests within the main bird nesting season.
- 58 The nests of all wild bird species are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage, or destroy the eggs, young or nest whilst it is being built or in use.
- 59 As the six trees are to be lost to the proposals, there is the potential for negative impacts on individual nesting birds and potentially a breach of the above legislation if the tree removal is carried out within the main bird nesting season.
- 60 Therefore, the following Reasonable Avoidance Measures (RAMs) will be adopted to protect nesting birds:
- In order to minimise the risks to nesting birds, tree felling will take place outside of the main bird nesting season (the bird nesting season is classed as March to August inclusive).
 - It may be possible to carry out tree felling within the main bird nesting season if a pre-works survey carried out by a suitably qualified Ecologist determines that no active nests are present.
- 61 With these measures in place the potential impacts to nesting birds are removed.
- 62 The loss of potential nesting bird habitat in the form of tree loss cannot be mitigated for. Whilst these losses are considered to pose a negligible insignificant impact at site level to nesting birds, they have been addressed further in Sections F.3 and F.4.

F.2.3.4.2 Foraging

- 63 Although the proposed scheme will result in the loss of modified grassland and six trees suitable for foraging birds, there is an abundance of similar habitats in the locality. Additionally, the vegetated gardens of the proposed scheme are expected to provide an alternative foraging resource for local birds. Therefore, the predicted impacts from these losses are considered negligible and insignificant at the site level.

F.2.3.5 Controlled Invasive Species

- 64 There are no controlled invasive species within or immediately adjacent to the site. As a result, no further consideration is required at this stage.

F.2.3.6 Hedgehog

- 65 Hedgehogs are present in the locality, and they may incidentally use the site habitats as part of their broader foraging and commuting behaviour. Consequently, hedgehogs could potentially become trapped in excavations during the construction of the new development, and proposed new internal and external boundary treatments could impede their movement

across the landscape in the future. Without mitigation, these activities pose a moderate negative impact at the site level.

66 In order to protect hedgehogs throughout the construction phase of the development, the following RAMs will put in place:

- Any excavations will be covered overnight and/or left with a suitable ramped escape.
- Any open pipework over 150mm outside diameter will be blanked overnight.

67 Additionally, new internal and external boundary treatments will include hedgehog highways to allow free movement of hedgehogs across the site. This can be achieved by creating holes measuring 13cm x 13cm at the bases of boundary treatments or by installing custom hedgehog highways. There should be at least one hole per internal and external boundary treatment.

68 With these measures in place, any potential negative impacts on hedgehogs from the proposed development are removed.

F.2.3.7 Invertebrates

69 It is considered unlikely that the site habitats will support important invertebrate assemblages. As a result, no further consideration of invertebrates is required at this stage.

F.2.3.8 Reptiles

70 Survey and assessment have determined that the proposed scheme is highly unlikely to impact reptiles. Consequently, no further consideration of reptiles is required at this stage.

F.3 Compensation

71 Residual effects in relation to the loss of the site habitats, and the loss of nesting and foraging habitats for birds, are negligible insignificant at site level. However, the creation of vegetated gardens is expected to provide a replacement foraging resource for local birds. Furthermore, the planting of new trees within the gardens will eventually provide an alternative nesting habitat for local birds.

72 There is limited opportunity to compensate for habitat loss on-site, as detailed in the Biodiversity Net Gain Assessment (BNGA), the results of which are provided in a separate report (LM Ecology, 2024). However, the creation of vegetated gardens, which includes tree planting, is expected to provide a replacement foraging, and eventually nesting, resource for local birds.

F.4 Enhancement

73 In accordance with the aims of the National Planning Policy Framework it is suggested that the developer implements the enhancement recommendations below:

- The proposed scheme should include **two wall integrated bat boxes** on each new building (8 in total) across different elevations to provide a range of environmental

conditions. Boxes should be situated as close to the apex of the gable/eaves as possible, away from artificial light spill, and not above doors or windows.

- The proposed scheme should include **six wall integrated swift boxes** installed on the west elevations of the new buildings, ideally in groups as swifts are colonial nesters. The boxes should be installed at the eaves, c. 50cm apart, and not above doors or windows. Integrated swift boxes have been shown to act as a universal nest box, with usage demonstrated by all four of the UK's red listed building nesting birds i.e., swift, starling, house martin, and house sparrow, so are considered a potential enhancement for more than one bird species.

G CONCLUSIONS

- 74 The site habitats are considered to be of importance to nature conservation at the site level only. The site is not considered to be of importance to any species or species group at greater than site level.
- 75 Mitigation measures to protect hedgehog have been provided to ensure the potential impacts on this species in the construction phase of the development are reduced/removed. These measures can be secured through a planning condition requiring them to be adopted.
- 76 Habitat loss for nesting and foraging birds can be provided on-site. A Biodiversity Net Gain Assessment (BNGA) has been carried out to address overall habitat losses and has been provided in a separate report (LM Ecology, 2024).
- 77 Enhancement measures for roosting bats, nesting birds, and mitigation measures for hedgehogs in the operation phase of the development, have been provided. These should be included by the developer on submitted plans. If this is not supplied, the inclusion of these measures in the proposed scheme can be secured through a planning condition requiring an Ecological Enhancement Plan (EEP) to be produced.
- 78 The results and measures contained in this report are valid for up to two years from the date of publication of Revision A: February 2024.

H REFERENCES

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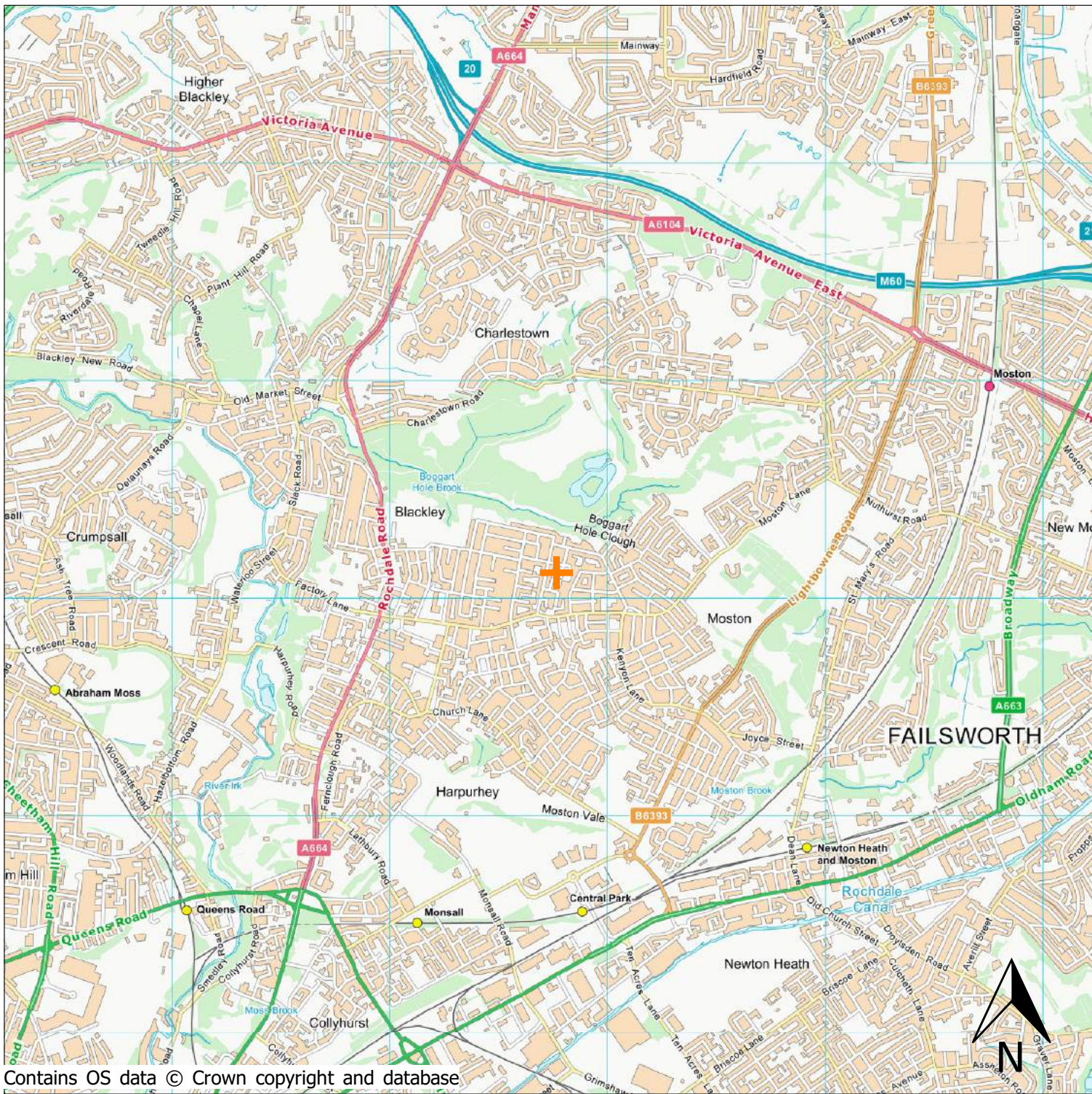
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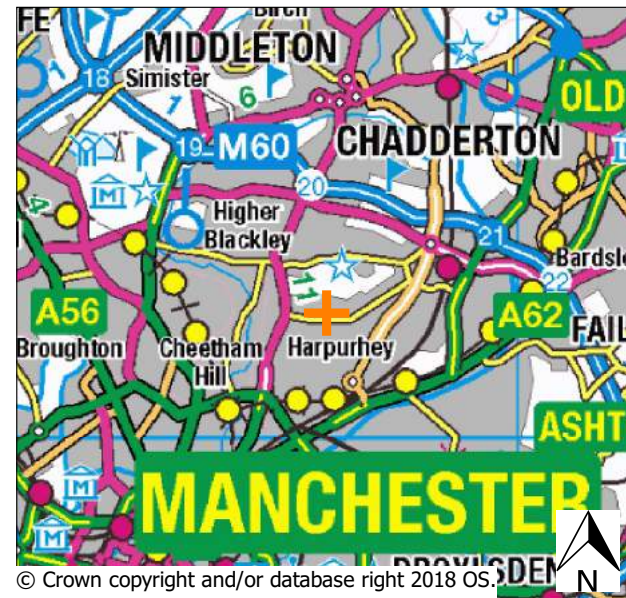
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APPENDIX A



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Indicative only
Do not scale from plan

0 1 2 3 km

Legend

 Site location

Project	Land at Winston Road, Manchester, M9 4FY
Title	A.1 Location Plan
Client	One Manchester
Date	January 2024
Ref	[LM0118]A.1[REV A]LOC[WR]

0 0.5 1 km Indicative only
Do not scale from plan

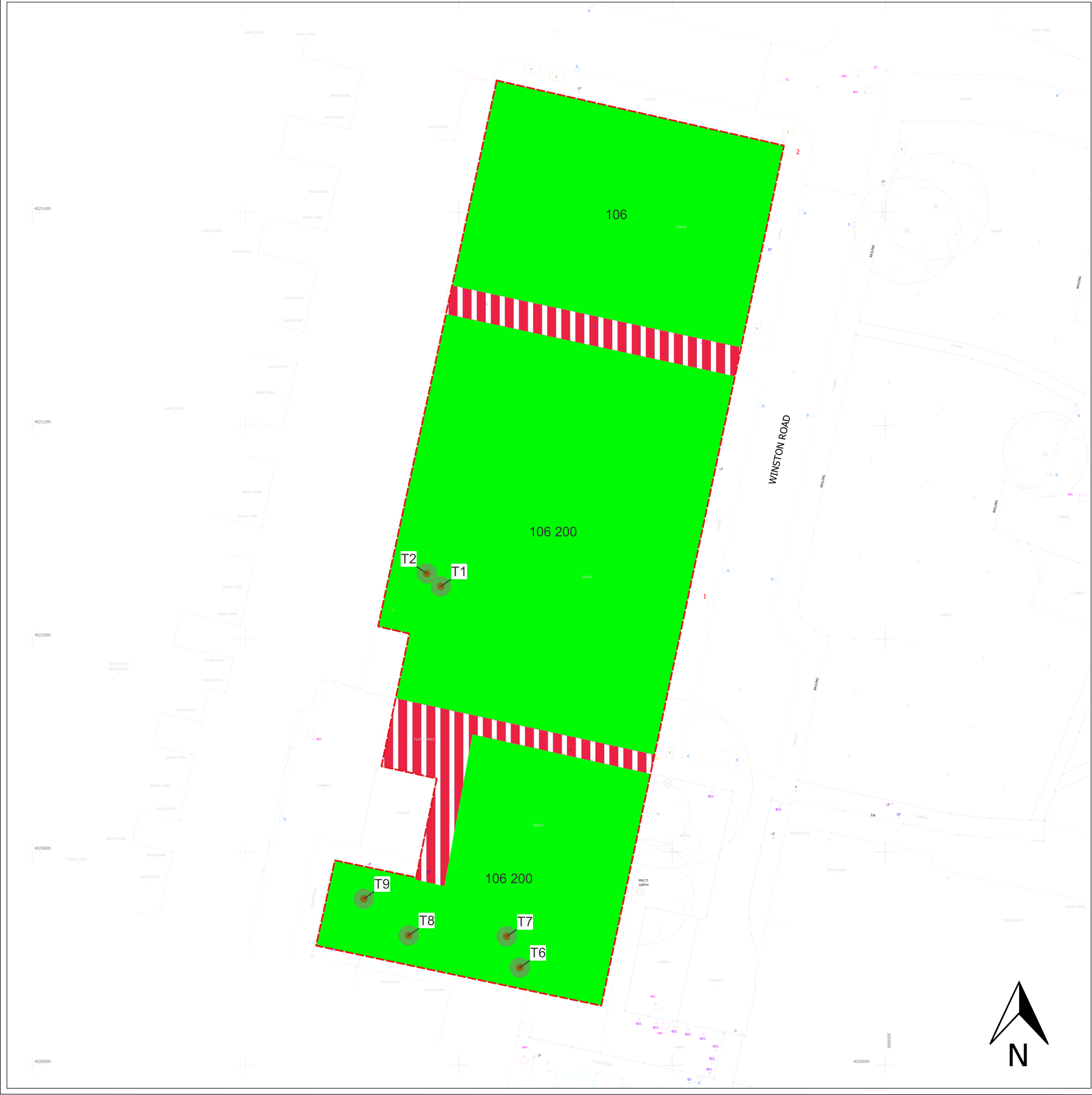


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A.2 Designated Sites Summary - Winston Road

GRID REFERENCE	NAME	SIZE (Ha)	DISTANCE FROM SITE (KM)	BEARING (DEGREES)	DESIGNATION
SD86800234	Boggart Hole Clough	74.4	0.23	8	Local Nature Reserve - largest woodland clough in Manchester, part of which is Ancient and Semi-natural Woodland . The site is also a locally designated Site of Biological Importance .
SD86540318	Bailey's Wood	3.09	1.09	348	Ancient & Semi-Natural Woodland
SD878017	Broadhurst Clough	14.4	1.11	112	Local Nature Reserve - Manchester's newest LNR, supporting some mature stands of poplar, with younger copses of developing birch and alder woodland which have been planted in partnership with Red Rose Forest. Extensive stands of flag iris can be found in the marshy areas, which provide ideal cover for common frogs and toads, as well as rest stops for dragonflies. The Dean Brook trickles through the lower level of the clough in a steep wooded ravine. The site is also a locally designated Site of Biological Importance .
SD85460150	Reservoirs at Harpurhey	Unknown	1.44	245	Site of Biological Importance
SD88330163	Moston Fairway	Unknown	1.64	107	Site of Biological Importance
SD87490042	Rochdale Canal - Stotts Lane to Ducie Street Basin	Unknown	1.84	157	Site of Biological Importance



Legend

- Site boundary
- g4 - modified grassland
- u1b - developed land; sealed surface
- Individual tree

Secondary Codes*

106 mown
200 tree

* apply to whole habitat parcel unless demarcated by black dashed line

Project	Land at Winston Road, Manchester, M9 4FY
Title	A.3 UKHAB Survey Plan
Client	One Manchester
Date	January 2024
Ref	[LM0118]A.3[REV A]UKHAB[WR]

0 10 20 m
Indicative only.
Do not scale from plan.

APPENDIX A.4 – SITE IMAGES



1. Trees T1 & T2 – looking west



2. Trees T6 & T7 – looking south west



3. Trees T8 & T9 – looking east



4. Offsite adjacent trees – looking south west

APPENDIX A.4 – SITE IMAGES



5. North east corner of site looking southwest



6. North east corner of site looking west



7. Southeast corner of site looking northwest.

A.5 Species List - Winston Road

Ukhab Codes	Ukhab Type	Common Name	Scientific Name	DAFOR
g4, 106, 200	Modified grassland, mown, individual trees	Perennial rye-grass	<i>Lolium perenne</i>	F
		Yorkshire fog	<i>Holcus lanatus</i>	F
		Clover	<i>Trifolium sp.</i>	R
		Dandelion	<i>Taraxacum officinale agg.</i>	R
		Ragwort	<i>Jacobaea vulgaris</i>	R
		Ribwort plantain	<i>Plantago lanceolata</i>	O
		Common sorrel	<i>Rumex acetosa</i>	O
		Creeping buttercup	<i>Ranunculus repens</i>	F
		Fescue	<i>Festuca sp.</i>	R
		Creeping bent	<i>Agrostis stolonifera</i>	O
		Broad-leaved dock	<i>Rumex obtusifolius</i>	R
		Cock's-foot	<i>Dactylis glomerata</i>	O
		Crane's-bill	<i>Geranium sp.</i>	O
		Sycamore	<i>Acer pseudoplatanus</i>	R
		Cherry	<i>Prunus avium</i>	R
		Rowan	<i>Sorbus Aucuparia</i>	R

APPENDIX B

The Conservation of Habitats and Species Regulations

The Conservation of Habitats and Species Regulations 2017 (as amended) transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna, and Council Directive 79/409/EEC on the Conservation of Wild Birds, into UK law. The regulations allow for the designation of Statutory Nature Conservation Sites (SACs and SPAs) and European Protected Species ('EPS' including all UK bat species, great crested newts, hazel dormouse and otter) which are assigned a greater level of protection than under national legislation. It is an offence to deliberately capture, kill or disturb wild animals listed under Schedule 2 of the Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is absent at the time).

Wildlife & Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981, as amended forms the primary piece of UK legislation relating to the protection of habitats and species (including nesting birds, reptiles and water vole).

Under the legislation it is 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;
- Pick or uproot any wild plant listed under Schedule 8 of the Act.
- Plant or otherwise cause any species listed in part 2 of Schedule 9 (which includes Japanese Knotweed) to grow in the wild.

Additionally, badgers are protected under the **Protection of Badgers Act, 1992**.

Natural Environment and Rural Communities (NERC) Act 2006

Section 40(1) of the Natural Environment and Rural Communities (NERC) Act 2006 states that each public authority "must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". This legislation makes it clear that planning authorities should consider impacts to biodiversity when determining planning applications, with particular regard to the Section 41 list of 56 habitats and 943 species of principal importance, irrespective of whether they are covered by other legislation. The s41 list was taken forward for action under the UK BAP (first published in 1994). The UK BAP has now been superseded by the Biodiversity 2020 Strategy, which continues to prioritise the Section 41 list, setting national targets for the period to 2020, and the UK Post-2010 Biodiversity Framework, which shows how these contribute to targets at the European level. Whilst BAPs are therefore no longer formally recognised,

APPENDIX B – LEGISLATION

many of the tools and resources originally developed for the BAP remain in use, such as the background information which still forms the basis of the work at national level.

Environment Act 2021

The Environment Act 2021 operates as the UK's new framework of environmental protection. It allows the UK to enshrine some environmental protection into law and offers new powers to set new binding targets, including for air quality, water, biodiversity, and waste reduction. Parts 6 and 7 are of particular relevance as they relate to Nature and Biodiversity, which includes provisions to strengthen and improve the duty on public bodies to conserve and enhance biodiversity, including mandating a net gain for biodiversity through the planning system.

National Planning Policy

The National Planning Policy Framework (NPPF) (Ministry of Housing, Communities and Local Government, 2019) sets out the government planning policies for England and how they should be applied. Chapter 15: Conserving and Enhancing the Natural Environment is of particular relevance to this as it relates to ecology and biodiversity.

Local Planning Policy

A number of local planning policies relate to ecology, biodiversity and/or nature conservation. These policies have been addressed, where appropriate, in the production of this report.

Standing Advice

Natural England Standing Advice regarding protected species aims to support local authorities and forms a material consideration in determining planning applications in the same way as any individual response received from Natural England following consultation. Standing advice has therefore been given due consideration, alongside other detailed guidance documents, in the scoping of ecological surveys and production of this report.