

Ecological Impact Assessment

Land at Lathbury Road, Manchester, M9 5GN

Jigsaw Homes Group

Revision B – October 2023



ecology

SITE NAME			
Land at Lathbury Road, Manchester M9 5GN			
GRID REFERENCE		DOCUMENT REFERENCE	
SD8590900894		[LM0117]EcIA[Land at Lathbury Road] Rev B	
SITE DESIGNATION		LOCAL AUTHORITY	
None		Manchester City Council	
	NAME	QUALIFICATIONS	DATE
PRINCIPAL AUTHOR	Louisa Molloy	Consultant Ecologist; BSc (Hons)	14/07/2023
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REVISION HISTORY			
REVISION	DATE	AUTHOR	DESCRIPTION
A	July 2023	LM	Original based on Schedules and Site Plan – Drawing No. 105 Rev. 4
B	October 2023	LM	Update due to revised site layout shown on Schedules and Site Plan – Drawing No.105 Rev. 11

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APPENDIX B

- Legislation

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 This assessment has been undertaken in accordance with Guidelines for Ecological Impact Assessment in the UK and Ireland, published in September 2018 by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018).
- 3 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.
- 4 Mitigation measures to protect badger, nesting birds and hedgehog in the site clearance, construction and operational phases of the development should be adopted to ensure the potential impacts on these species/species groups are reduced/removed. The mitigation measures can be secured through a planning condition requiring a Construction Environment Management Plan (CEMP) to be produced.
- 5 There is limited scope to compensate for habitat losses on site. A Biodiversity Gain Assessment (BNGA) has been carried out to address these losses and has been provided in a separate report (LM Ecology, 2023).
- 6 Enhancement recommendations for roosting bats and nesting birds are included. These should be included by the developer on submitted plans. If this is not supplied, the inclusion of the enhancements in the proposed scheme can be secured through a planning condition requiring an Ecological Enhancement Plan (EEP) to be produced.
- 7 The results and measures contained in this report are valid for up to two years from the date of Revision A: July 2023.

B INTRODUCTION

8 LM Ecology was commissioned on 24th April 2023 by Jigsaw Homes Group to carry out a Preliminary Ecological Appraisal of Land at Lathbury Road, Manchester M9 5GN. A plan showing the broad location of the site is included in APPENDIX A as A.1.

9 The survey was commissioned in relation to proposals to develop the site for housing, which will comprise six dwellings with associated hard and soft landscaping.

10 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.

11 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

12 The site is a parcel of rough grassland with scattered individual boundary trees covering an area of approximately 0.12ha, situated in the suburb of Harpurhey, Manchester. The site is currently fenced off from the public. It is bounded to the southwest, southeast and northeast by Lathbury Road, Carisbrook Street and Kirklington Lane, respectively, and by housing to the northwest.

D METHODOLOGY

D.1 Desk Study

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

Table 1 Consulted Records Organisations

DATE CONSULTED	ORGANISATION	RECORDS REQUESTED
06/07/2023	Greater Manchester Local Records Centre (GMLRC)	All Sites of Biological Importance and protected and notable species records from within a 1km radius of the site.
07/07/2023	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

14 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
22/06/2023	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: 20°C; Wind: 7mph SW; Precipitation: none; Cloud Cover: 40%
	Bats Ground-based Risk Assessment of Trees		
	Other Protected and Notable Species Risk Assessment		

D.2.1 UK Habitat Classification (UKHab) Survey

15 The survey was carried out in accordance with the UK Habitat Classification (UKHab) methodology (Butcher, et al., 2020). 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-based Risk Assessment of Trees

- 16 Trees within the curtailment of the site, where appropriate, were visually assessed from the ground for potential bat roosting features in accordance with the methods outlined in current survey guidance (Collins, J (ed.), 2016).
- 17 Each tree was inspected for features which may be used by roosting bats including natural holes, woodpecker holes, cracks/splits in major limbs, loose bark, dense thick-stemmed ivy, hollows, cavities and bird or bat boxes.
- 18 When a roost is positively identified during the assessment, the tree within which the roost is identified is classed as roost present. Other trees are classed as having high, moderate, low or negligible potential to contain bats roosts based upon the number and quality of features present, and the trees position in relation to surrounding environs.

D.2.3 Other Protected and Notable Species Risk Assessment

- 19 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

- 20 No limitations to a successful Preliminary Ecological Appraisal were present.

E RESULTS

E.1 Designated Sites

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

E.1.1 Non-statutory Sites

22 There are no non-statutory sites within or adjacent to the site. There is one local Site of Biological Importance within 1km of the site, Reservoirs at Harpurhey, located approximately 750m northwest and an Ancient and Semi-natural Woodland, Boggart Hole Clough, located approximately 1.7km north east.

E.1.2 Statutory Sites

23 There are no statutory sites within or adjacent to the site. There are two Local Nature Reserves (LNR), within a 2km radius of the site. The closest is Boggart Hole Clough LNR, located approximately 1.7km northeast, which is the largest wooded clough in Manchester, part of which is Ancient and Semi-natural woodland as identified above. Broadhurst Clough LNR is located approximately 1.97km east/north east and is Manchester's newest LNR supporting woodland, wetland, and subsequently amphibians and invertebrates.

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

24 The site falls within the Impact Risk Zone (IRZ) of at least one nationally designated site. However, the scale and nature of the proposal does not match any of the development descriptions or corresponding development categories for this IRZ. As a result, the proposal is unlikely to pose a risk to this site(s).

E.2 Habitats

25 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

26 The main habitat within the site is tall rank tussocky grassland. The sward is grass dominant and supports abundant yorkshire fog *Holcus lanatus* and false oat-grass *Arrhenatherum elatius*, occasional common bent *Agrostis capillaris*, and rarer cock's-foot *Dactylis glomerata*, timothy grass *Phleum pratense*, and fescue sp. *Festuca sp.*. Herbs present include occasional creeping buttercup *Ranunculus repens*, creeping thistle *Cirsium arvense*, and hogweed *Heracleum sphondylium*. Bramble *Rubus fruticosus* scrub is encroaching into the grassland from the edges of the site.

E.2.2 h3d Bramble Scrub

27 A narrow bank of bramble scrub is present along part of the north west boundary of the site. Growing within the brambles are stands of rosebay willowherb *Chamaenerion angustifolium*.

E.2.3 11 Scattered Trees

28 There are two mature scattered trees within the site. T1 is a silver birch *Betula pendula* located at the northwest corner of the site, and T2 is a wild cherry *Prunus avium* located at the south east corner of the site.

29 There are six groups of self-set young trees located along the boundaries of the site, composed of a combination of sycamore *Acer pseudoplatanus*, wild cherry and ash *Fraxinus excelsior*.

E.3 Species

E.3.1 Amphibians

30 No great crested newt (GCN) *Triturus cristatus* records were provided by Greater Manchester Local Records Centre (GMLRC) from within a 1km radius of the site. 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 no waterbodies within the site. One waterbody was identified within a 1km search radius of the site, the reservoirs at Harpurhey. The reservoirs are separated from the site by a distance of over 700m and several barriers to amphibian dispersal i.e. roads and housing estates. Additionally, GMLRC provided a record from 2011 confirm GCN absence from these waterbodies. The site habitats offer some suitable terrestrial habitat for GCN and other amphibians. However, taking into account the lack of records, the distance between the closest waterbody and the site, and the barriers to amphibian dispersal between the site and the identified waterbody, it is considered highly unlikely that GCN (or other amphibian species) will be impacted by the proposed scheme.

E.3.2 Badger

32 No badger *Meles meles* records were provided by GMLRC from within a 2km radius of the site. No badger setts or other evidence of use were observed within the site during the survey, and at present the site is securely fenced, with no access points for badgers. As a result, it is considered highly unlikely that badger will be impacted by the proposed scheme.

E.3.3 Bats

E.3.3.1 Ground-based Risk Assessment of Trees

33 There are no trees within the site that are of an age and/or display features with potential to support roosting bats.

E.3.3.2 Biological Records

- 34 A total of 18 bat records from within a 1km radius of the site were returned by GMLRC. Species positively identified in the records include common pipistrelle *Pipistrellus pipistrellus*, Daubenton's bat *Myotis daubentonii*, and noctule *Nyctalus noctula*.
- 35 None of the records are from the site, with the closest being two records located approximately 90m south of common pipistrelle and *Myotis* species passes recorded by a bat detector. Only one of the records is for a roost, of common pipistrelle, located approximately 700m northeast.
- 36 The MAGIC database holds two records of granted EPS mitigation licences from within a 2km radius of the site. The closest which is approximately 800m south west is for the destruction of resting places of common and soprano pipistrelle *P. pygmaeus*. The second is approximately 1.6km south for the destruction of a common pipistrelle resting place.

E.3.3.3 Habitat Assessment

- 37 The site is situated in an area of low-density housing, surrounded by a network of greenspaces with a high proportion of tree, suitable for foraging and commuting habitats for bats. The site sits as a stepping stone within this network for more mobile species, and whilst the grassland and scrub alone offer negligible suitability for foraging and commuting bats, the two mature trees within the site are likely to provide a foraging resource for low numbers of common bat species.

E.3.4 Birds

- 38 The trees and scrub within the site have the potential to support low numbers of nesting birds during the main bird nesting season.
- 39 It is also likely that the grassland provides a foraging resource for species nesting in the trees and scrub, as well as those in the adjacent houses such as starling *Sturnus vulgaris* and house sparrow *Passer domesticus*.

E.3.5 Controlled Invasive Species

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

E.3.6 Hedgehog

- 41 Two hedgehog *Erinaceus europaeus* records were provided by GMLRC from within a 1km radius of the site. None of the records are for the site, with the closest of the two located approximately 700m north/north west of the site. The site is securely fenced with no obvious gaps in the fence for hedgehogs; however, the gate into the site facing Carisbrook Street does have gaps that may be wide enough for a hedgehog to pass through, therefore there is the minor risk that hedgehogs present in the locality may make incidental use of the site as part of a wider foraging area.

E.4 Invertebrates

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

E.4.1 Reptiles

- 43 No reptile records were provided by GMLRC from within a 1km radius of the site. The site habitats have some minor suitability for reptiles. However, considering the lack of connectivity to other suitable habitats in the wide area it is considered highly unlikely that reptiles will be present within the site and impacted by the proposed scheme.

F IMPACT ASSESSMENT

F.1 Proposals

- 44 The proposals for the site are to develop it for housing, which will comprise six dwellings with associated hard and soft landscaping. None of the existing site habitats can be retained in the proposals. This assessment is based on the plan *Schedules and Site Plan LR-BTP-00-ZZ-DR-A-3788_105.5 Revision* by BTP Architects dated 29th October 2020.

F.2 Impact Assessment and Mitigation

F.2.1 Designated Sites

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

F.2.2 Habitats

F.2.2.1 Predicted Impacts

F.2.2.1.1 Loss

- 46 T1 a mature silver birch tree, and T2 a mature wild cherry tree, are to be retained as part of the proposals. Due to the life stage and condition of these trees, their retention is considered to avoid the negative significant impacts associated with their loss identified in Revision A of this report.
- 47 The grassland, scrub and groups of young self-set trees are relatively species poor and common and widespread both locally and nationally. The loss of these habitats poses a negligible significant impact at site level.

F.2.2.2 Mitigation

F.2.2.2.1 Loss

- 48 There is no mitigation for habitat loss.

F.2.2.3 Residual Effects

F.2.2.3.1 Loss

- 49 Residual effects in relation to the loss of grassland, scrub and groups of young self-set trees remain negligible insignificant.

F.2.3 Species

F.2.3.1 Amphibians

50 Survey and assessment have determined that GCN and other amphibian species are highly unlikely to be impacted by the proposed scheme. As a result, no further consideration of GCN or other amphibians is required at this stage.

F.2.3.2 Badger

51 Survey and assessment have determined that badger is highly unlikely to be impacted by the proposed scheme. As a result, no further consideration of badger is required at this stage.

F.2.3.3 Bats

F.2.3.3.1 Predicted Impacts

Roost Loss

52 All trees within the site have negligible suitability to support roosting bats. As a result, it is considered highly unlikely that roosting bats will be impacted by the proposed scheme. As a result, no further consideration of roosting bats is required at this stage.

Habitat Loss

53 The grassland, scrub, and groups of small self-set trees are sub-optimal for foraging bats, and the loss of these habitats poses a negligible insignificant impact at site level.

F.2.3.3.2 Mitigation

Habitat Loss

54 There is no mitigation for habitat loss.

F.2.3.3.3 Residual Effects

Habitat Loss

55 Residual effects in relation to the loss of grassland, scrub and groups of small self-set trees are negligible insignificant.

F.2.3.4 Birds

F.2.3.4.1 Predicted Impacts

Habitat Loss

56 The loss of groups of self-set young trees, and a small area of bramble scrub reflects a very minor loss of suitable habitat for nesting birds.

57 The total loss of the site grassland will result in the loss of suitable foraging habitat for local birds. However, as there is an abundance of similar habitats in the immediate and wider area, and because the vegetated gardens of the proposed scheme will eventually provide an alternative foraging resource for local birds, the predicted impacts from these losses are considered to be negligible insignificant at site level.

Killing/Injury/Damage/Destruction

- 58 There is potential for the trees and scrub to support nesting birds during the main bird nesting season. As a result, there is the potential for moderate negative significant impacts at site level on nesting birds if these features are removed within the main bird nesting season (i.e., between March and August inclusive).

F.2.3.4.2 Mitigation

Habitat Loss

- 59 There is no mitigation for habitat loss.

Killing/Injury/Damage/Destruction

- 60 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.
- 61 Therefore, the following Reasonable Avoidance Measures (RAMs) will be put in place for the duration of the proposed development works to protect nesting birds:
- In order to minimise the risks to nesting birds, tree and scrub removal 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 and scrub removal 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.

F.2.3.4.3 Residual Effects

Habitat Loss

- 62 Residual effects in relation to habitat loss remain negligible insignificant.

Killing/Injury/Damage/Destruction

- 63 With the recommended mitigation measures in place there will be no significant or insignificant residual effects.

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, should they be able to access the site through gaps in the gate, it is considered possible that they may incidentally utilise the site habitats as part of their wider foraging and commuting behaviour.

F.2.3.6.1 Potential Impacts

- 66 There is the potential for hedgehogs to become trapped in excavations during the construction phase of the development. During the operational phase of the development there is the potential for the boundary fences of the proposed new dwellings to impede the free movement of hedgehogs through the site. Without mitigation these activities pose a moderate negative significant impact at site level.

F.2.3.6.2 Mitigation

- 67 The following RAMs will be put in place to ensure the protection of hedgehogs throughout the construction phase of the development:
- 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.
- 68 Where installed, internal and external boundary fencing will include hedgehog highways to allow free movement of hedgehogs across the site. This can be achieved by cutting a hole at the base of a fence c. 13cm x 13cm and/or by installing custom gravel boards with pre-cast holes for hedgehogs in them. There should be at least one hole per internal and external boundary fence line.

F.2.3.6.3 Residual Effects

- 69 With the above measures in place, any potential negative impacts on hedgehogs from the proposed development are removed.

F.2.3.7 Invertebrates

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

F.2.3.8 Reptiles

- 71 Survey and assessment have determined that reptiles are highly unlikely to be impacted by the proposed scheme. As a result, no further consideration of reptiles is required at this stage.

F.3 Compensation

- 72 Residual effects in relation to the loss of the grassland, scrub and small groups of young self-set trees, and loss of nesting and foraging habitats for birds, are negligible insignificant at site level.
- 73 There is very limited opportunity to compensate for habitat loss on-site, and these losses have been dealt with by a Biodiversity Net Gain Assessment, the results of which are provided in a separate report (*LM Ecology, 2023*). However, the creation of lawned gardens will likely provide a replacement foraging resource for local birds.

F.4 Enhancement

74 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 one wall integrated bat box per dwelling (total of six across the proposed development). Boxes will be positioned on different elevations each dwelling to provide a range of suitable roosting conditions for bats throughout the year. Boxes should be situated as close to the eaves/top of walls as possible, away from artificial light spill, and not above doors or windows.
- The proposed scheme should include one wall integrated swift *Apus apus* box per dwelling (total of six across the proposed development) to be installed on the northwest and/or northeast elevations of the new dwellings. The boxes should be at least 5m from the ground, and not above doors or windows. 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 *Delichon urbicum*, and house sparrow, so are considered a potential enhancement for more than one bird species.

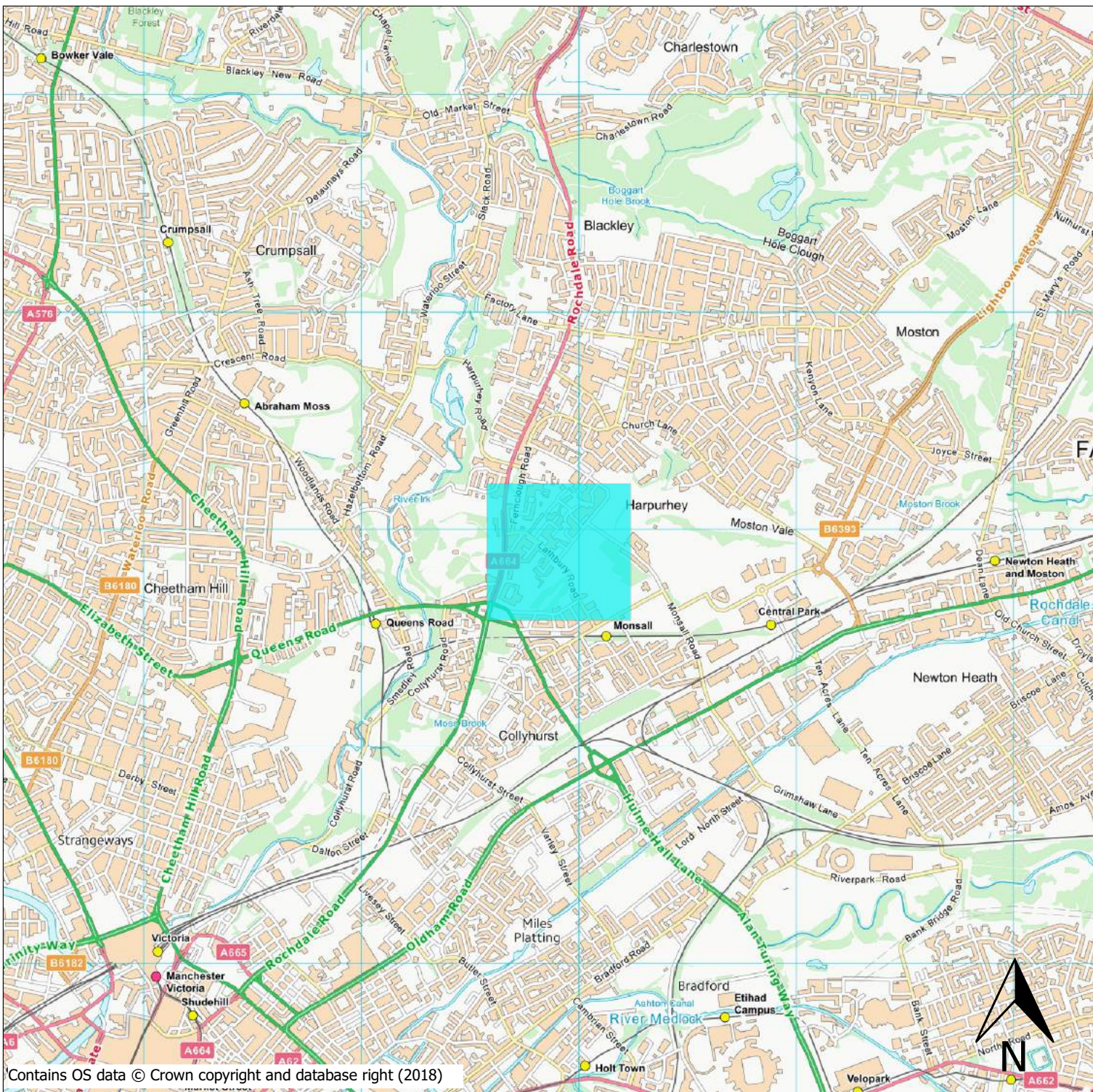
G CONCLUSIONS

- 75 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.
- 76 Mitigation measures to protect nesting birds in the site clearance phase of the development, and hedgehog in the construction and operational phases of the development, should be adopted to ensure the potential impacts on these species/species groups are reduced/removed. The mitigation measures can be secured through a planning condition requiring a Construction Environment Management Plan (CEMP) to be produced.
- 77 There is limited scope to compensate for habitat losses on site. A Biodiversity Gain Assessment (BNGA) has been carried out to address these losses and has been provided in a separate report (LM Ecology, 2023).
- 78 Enhancement recommendations for roosting bats and nesting birds are included. These should be included by the developer on submitted plans. If this is not supplied, the inclusion of the enhancements in the proposed scheme can be secured through a planning condition requiring an Ecological Enhancement Plan (EEP) to be produced.
- 79 The results and measures contained in this report are valid for up to two years from the date of Revision A: July 2023.

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APPENDIX A



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Indicative only
Do not scale from plan

0 1 2 3 km

Legend

 Approximate site location

Project	Land at lathbury Road, Manchester, M9 5GN
Title	A.1 Location Plan
Client	Jigsaw Homes Group
Date	July 2023
Ref	[LM0117]A.1[REV A]LOC[LR]

0 0.5 1 km Indicative only
Do not scale from plan

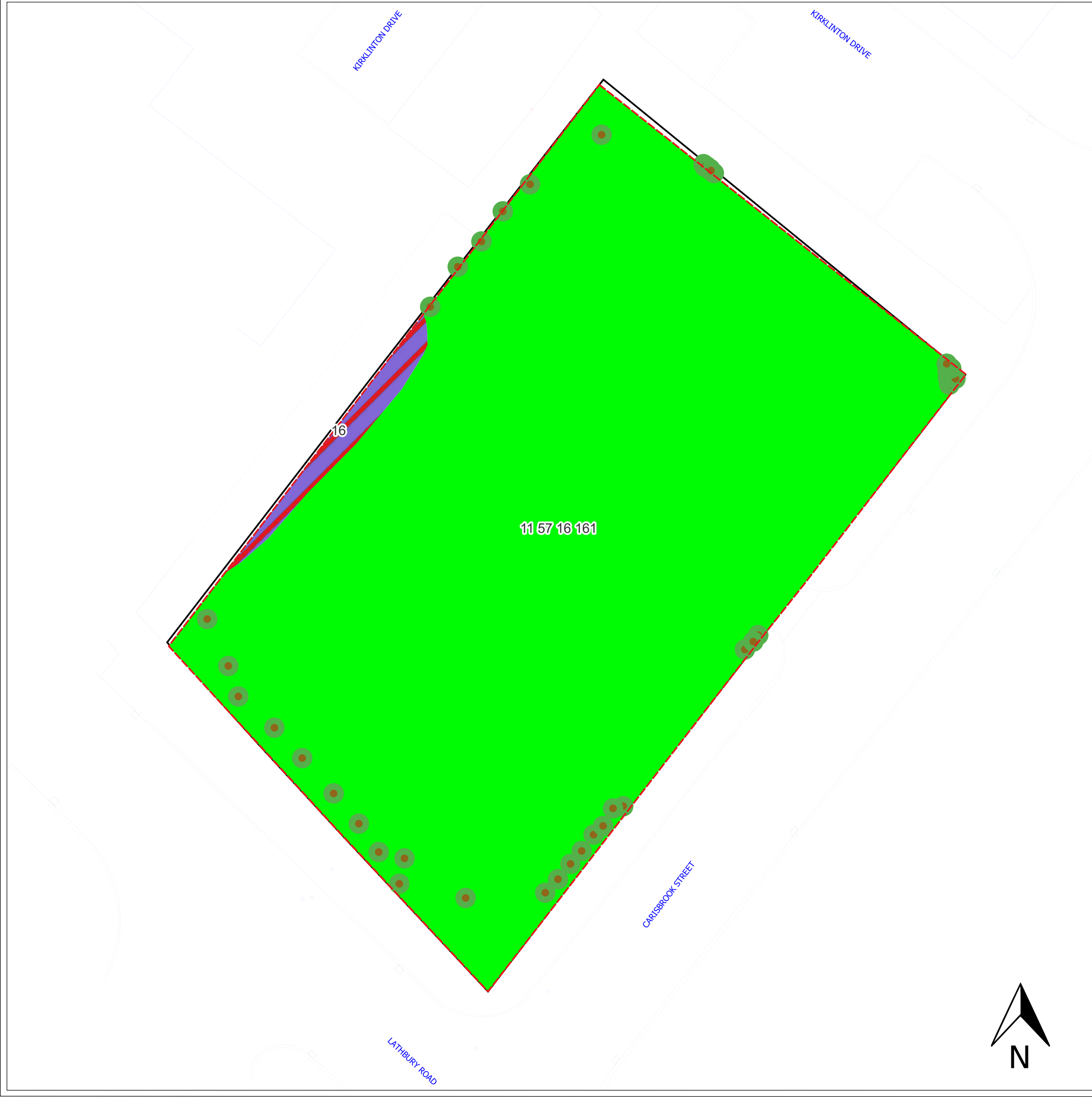


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A.2 Designated Sites Summary - Lathbury

GRID REFERENCE	NAME	SIZE (Ha)	DISTANCE FROM SITE (KM)	BEARING (DEGREES)	DESIGNATION
SD85460150	Reservoirs at Harpurhey	Unknown	0.75	323	Site of Biological Importance
SD86800234	Boggart Hole Clough	74.4	1.70	32	Local Nature Reserve - largest woodland clough in Manchester, part of which is Ancient and Semi-natural Woodland .
SD87810141	Broadhurst Clough	14	1.97	75	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



Legend

Survey boundary

g4 - modified grassland

h3d - bramble scrub

Indicative location of tree

Secondary Codes*

16 - tall herb

57 - young trees; self-set

11 - individual trees

161 - tall or tussocky sward

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

Project	Land at Lathbury Road, Manchester, M9 5GN
Title	A.3 UK Habitat Survey Plan
Client	Jigsaw Homes Group
Date	October 2023
Ref	[LM0117]A.3[REV B]UKHAB[LR]

0

5

10

15 m

Indicative only.
Do not scale from plan.

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APPENDIX A.4 – SITE IMAGES



1. Grassland and trees, taken from northwest corner of site looking southeast.



2. Groups of trees along northern boundary and in northeast corner of site.



3. Grassland with trees in northwest corner of site.



4. Grassland looking south.

APPENDIX A.4 – SITE IMAGES



5. Grassland, taken from site entrance on eastern boundary of site, looking south west.

A.5 Species List - Lathbury Road

ukhab code	ukhab type	common name	scientific name	DAFOR
g4	Modified grassland	Yorkshire fog	<i>Holcus lanatus</i>	A
		Common mouse-ear	<i>Cerastium fontanum</i>	R
		Bird's-foot trefoil	<i>Lotis corniculatus</i>	R
		Cock's-foot	<i>Dactylis glomerata</i>	R
		Horsetail sp.	<i>Equisetum sp.</i>	O
		Creeping buttercup	<i>Ranunculus repens</i>	O
		Common bent	<i>Agrostis capillaris</i>	O
		Meadow buttercup	<i>Ranunculus acris</i>	R
		False oat-grass	<i>Arrhenatherum elatius</i>	A
		Creeping cinquefoil	<i>Potentilla reptans</i>	R
		Bush vetch	<i>Vicia sepium</i>	R
		Creeping thistle	<i>Cirsium arvense</i>	O
		Hogweed	<i>Heracleum sphondylium</i>	O
		Bramble	<i>Rubus fruticosus agg.</i>	O
		Cleavers	<i>Galium aparine</i>	R
		Black medick	<i>Medicago lupulina</i>	R
		Red clover	<i>Trifolium pratense</i>	R
		Timothy grass	<i>Phleum pratense</i>	R
		Smooth tare	<i>Vicia tetrasperma</i>	R
		Ragwort	<i>Jacobaea vulgaris</i>	R
h3d	Bramble scrub	Fescue sp.	<i>Festuca sp.</i>	F
		Bramble	<i>Rubus fruticosus agg.</i>	D
11	Individual urban trees	Rosebay willowherb	<i>Chamaenerion angustifolium</i>	A
		Wild cherry	<i>Prunus avium</i>	N/A
		Sycamore	<i>Acer pseudoplatanus</i>	N/A
		Ash	<i>Fraxinus excelsior</i>	N/A
		Silver birch	<i>Betula pendula</i>	N/A

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.