



**Land at Dalton Avenue, Rusholme, Manchester,
M14 7NR**

Ecological Appraisal

Simply Ecology Limited

Ref: SE/TADWQ031/02

January 2023

For

**TADW Architects,
Six St. Petersgate,
Stockport,
Cheshire,
SK1 1HD**

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1.0 INTRODUCTION

1.1 Background Information

1.1.1 In November 2022, Simply Ecology Limited was commissioned by TADW Architects to undertake an Ecological Appraisal of Land at Dalton Avenue, Rusholme, Manchester, M14 7NR (OS grid reference SJ8436094815). See Plan 1 for Site location and Plan 2 for Site plan.

1.2 Aims

1.2.1 The aims of this survey were to:

- To provide clear advice to the client, the Local Planning Authority and third parties, on the nature conservation value of the site and surrounding area.
- To confirm the presence or absence of protected species, such as badgers, bats, great crested newts, otter, etc) within the proposed development site.
- To enable the client to comply with legislation afforded to protected sites and species.
- To highlight the presence of any habitats or species of ecological importance, including Habitats and Species of Principal Importance (NERC Act, 2006).
- To identify any ecological constraints on future development.
- To establish the need for any further surveys and assessments.
- To make nature conservation recommendations.

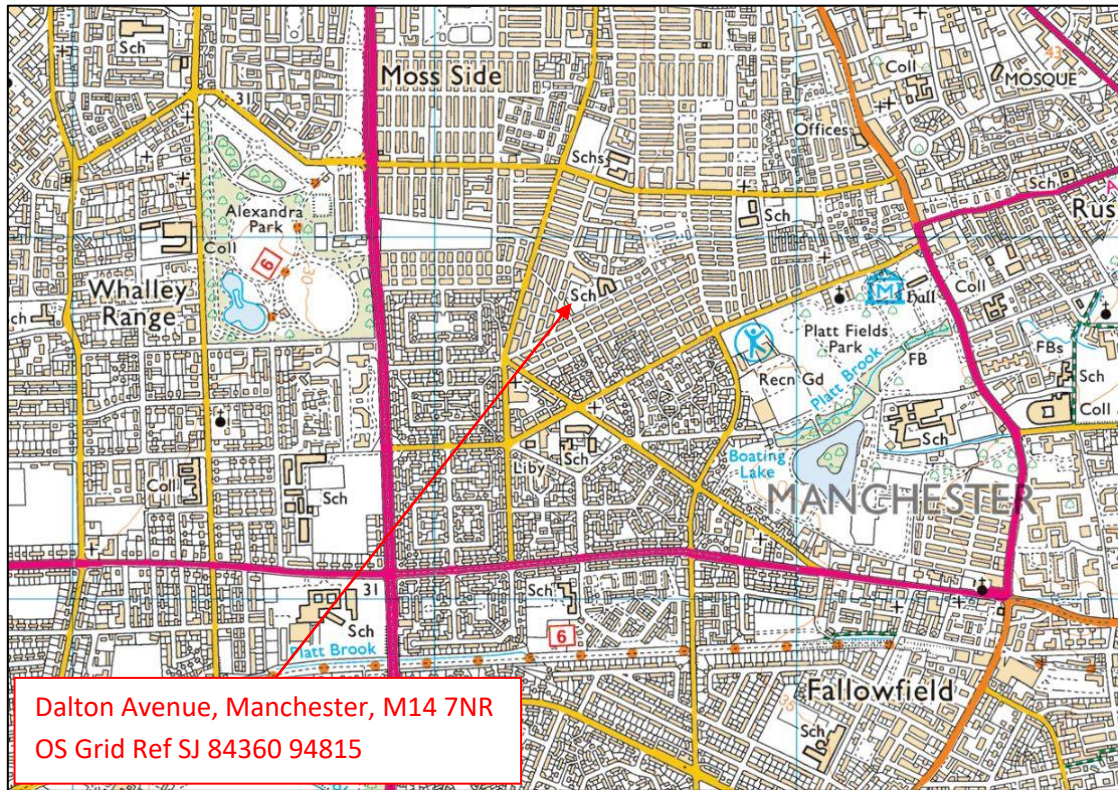
1.2.2 To achieve this, an ecological appraisal of the building and any protected species on the site was undertaken on 17th January 2023. This submission presents the results of the surveys at the site.

1.3 Site Description and Proposed Works

1.3.1 The site is located in a residential suburb, ~3.5km south of Manchester city centre. The site comprises a commercial building, previously a garage and a dairy and attached hardstanding and has a footprint of approximately 700m². Surrounding land use is primarily residential with an educational establishment to the east. There are few areas of open land locally, but Alexandra Park lies to the west and Platt Fields Park to the east, both over 500m away.

1.3.2 The surveys described in this report were commissioned to inform an application by TADW Architects. The proposed work comprises demolition of the existing building and construction of 8 dwellings. The dwellings are single storey flats, each with their own private entrances (see Plan 3: Proposed Site Plans.). The planning process requires up-to-date survey data in order

to assess the ecological value of the site and the presence of any notable habitats or protected wildlife.



Plan 1: The Site Location.



Plan 2: The Existing Site.



Plan 3: Proposed Site Plans.



Plate 1: Aerial view of the Site.

2.0 SURVEY METHODOLOGY

2.1 Desk Study

- 2.1.1 An online search of the Multi Agency Geographical Information Centre (www.magic.gov.uk) was undertaken to identify the presence of nationally or internationally important sites receiving statutory protection within 1km of the application site. This search included sites designated under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017. This covers Sites of Special Scientific Interest (SSSI), Special Protection Areas (SPA) and Special Areas of Conservation (SAC), all of which have legal protection.
- 2.1.2 No paid commercial desk study was required in this case due to the small scale of the development proposals. Impacts on wildlife and conservation sites were considered based on information gleaned from the Extended Phase One Habitats Survey.

2.2 Extended Phase 1 Survey

- 2.2.1 The Phase 1 habitat survey was carried out by Philip Wright on 17th January 2023. The survey followed the Phase 1 habitat survey methodology (JNCC, 2010) which is a standard technique for recording and mapping habitats. During the Phase 1 survey the presence or potential for presence of protected species was recorded and assessed.
- 2.2.2 The Phase 1 survey involved walking the whole site, mapping and describing different habitats (for example: woodland, grassland, scrub). Evidence of fauna and faunal habitat is also recorded (for example droppings, tracks, or habitat such as ponds for breeding amphibians). The methods used for ecological survey are in accordance with those established and generally accepted methodologies for field survey, as published by the professional body, the Chartered Institute of Ecology and Environmental Management (CIEEM).

2.3 Invasive Alien Plants

- 2.3.1 During the Phase 1 habitat survey, observations of invasive alien plants listed under Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) were made. The search included species such as Giant Hogweed (*Heracleum mantegazzianum*), Japanese knotweed (*Fallopia japonica*) and Himalayan balsam (*Impatiens glandulifera*).

2.4 Bat Building Inspection

2.4.1 An inspection of the building on the site was specifically carried out to search for bats. The building survey was undertaken in accordance with the standard methods described in the 'Bat Worker's Manual' (JNCC 2004) and 'Bat Surveys – Good Practice Guidelines' (BCT 2016).

In accordance with best practice, the survey comprised the following elements:

- An inspection of the exterior of the building to look for obvious signs of bat activity (such as droppings) and assessing the potential for entry/exit into the property.
- An internal inspection of all spaces to determine whether bats were present, to look for signs of activity (such as discarded prey items and droppings) and to assess potential suitability for bat species. Lighting was provided by a Led Lenser XEO 19R (2,000lm). Any cracks or inaccessible areas were inspected using a ProVision PV-636 endoscope and a PK Pro pole camera.

2.5 Bat Tree Inspection

2.5.1 For the tree survey, the following indicators of potential bat presence were used:

- Woodpecker holes with small cracks/crevices
- Cracks/crevices, ivy cover and flaking bark
- Loose or flaking bark deadwood in canopy or stem low/no ivy cover
- Medium to dense ivy cover
- Deadwood in canopy or stem
- Snagged branches
- Hollow stems or limbs
- Hole in buttresses/hollow core

2.5.2 The following signs were searched for in all of the above places as these would indicate bat presence:

- Staining around a hole, caused by natural oils in the bats' fur.
- Stains beneath a hole, caused by bat urine.
- Scratch marks around a hole, caused by bat claws.
- Bat droppings beneath a hole.
- Audible squeaking from within a hole, especially on hot days or at dusk.
- Insects (especially flies) around a hole.

- 2.5.3 Subsequent advice/action would depend on the findings of the building surveys. If potential was found then subsequent bat activity surveys would be required in accordance with standard methods described in the 'Bat Worker's Manual' (JNCC 2004) and 'Bat Surveys – Good Practice Guidelines' (Bat Conservation Trust 2016).

2.6 Personnel

- 2.6.1 All surveys were undertaken by Philip Wright MSc CIEEM. Philip is an Ecologist with Simply Ecology Limited obtained his first degree in Biology from the University of Bath and an MSc in Ecology and Conservation from Lancaster University. He is a member of the North Lancashire Bat Group and is in his sixth season of surveying. His wider experience includes conducting botanical surveying and habitat management work with the RSPB and with the Wildlife Trust for Lancashire, Manchester and North Merseyside:
- 2.6.2 Report verification was by Jason Reynolds MSc MCIEEM. Jason started Simply Ecology Limited in 2007. Jason is an experienced ecologist who has been continuously employed in the field of nature conservation since 1995 (27 years' experience) and has a wealth of experience in both the statutory nature conservation agencies and private consultancy. During his career has worked in Conservation Officer roles for the Joint Nature Conservation Committee, English Nature, Environment Agency, Cumbria Wildlife Trust and Durham Wildlife Trust prior to setting up Simply Ecology ecological consultancy in 2007, where he is the Lead Ecologist. He has an MSc from The University of Aberdeen and his thesis investigated the relationship between habitat type and complexity and the foraging behaviour of Pipistrelle bats. Jason holds protected species survey licences for all British bats, white-clawed crayfish and great crested newts.

2.7 Timing and Constraints

- 2.7.1 The Phase 1 survey was undertaken on 17th January 2023. Whilst this is not the optimal time to record flora, typically key indicator species can readily be identified using vegetative material. The timing posed no significant problems for the survey although a thorough survey of the parcel of land to the rear of the building was possible due to the thick scrub and rolls of razor wire present.
- 2.7.2 The bat building and tree surveys were undertaken on 17th January 2023. The timing of these inspections to search for signs of bats posed no constraints as they can be undertaken at any time of year. An assessment of the building or tree's potential to support bats can therefore be made according to evidence found, condition, location and the experience of the surveyor.

Visibility of the exterior of the building was unrestricted. Overall, it was considered that there was no constraint to conduct a comprehensive study.

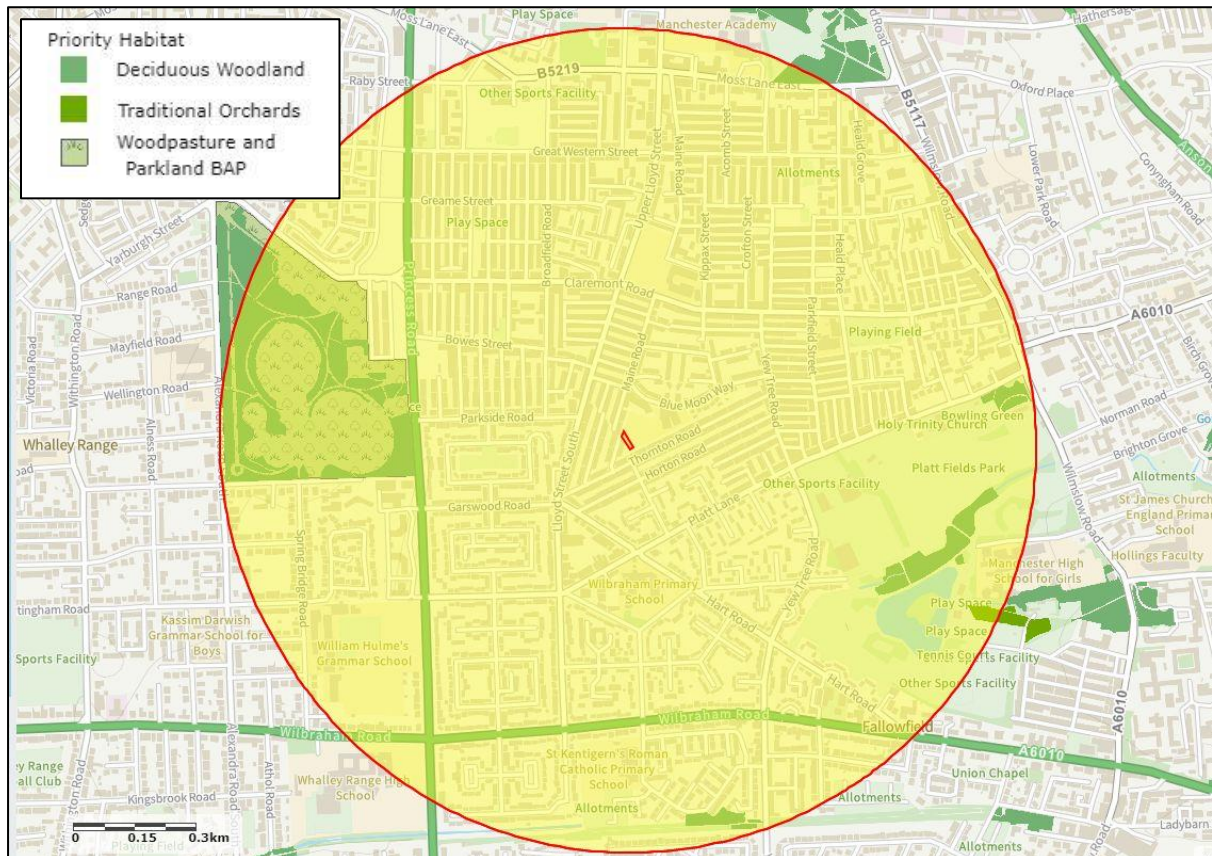
3.0 DESK STUDY RESULTS

3.1 Nature Conservation Sites

- 3.1.1 The search for conservation sites in the surrounding area included both nationally important sites (e.g. Sites of Special Scientific Interest, National Nature Reserves) and internationally important sites (Special Protection Areas, Special Areas of Conservation, Natura 2000 and Ramsar sites). The desk study revealed there were no statutory designated nature conservation sites on the site.
- 3.1.2 There are no designated sites within the site boundary, but the site sits with the SSSI Impact Risk Zone for several designated sites, the closest being Hollingwood Branch Canal SSSI which lies over 8km to the north east. However, due to the size and the nature of the proposal and the intervening land use, the proposed development does not pose any potential risk to the designated sites, and this requires **no further consideration**.
- 3.1.3 There are no Local Nature Reserves within 1km of the proposed development site, the closest are Highfield Country Park, Chorlton Water Park and Chorlton Ees and Ivy Green LNRs which lie over 3km from the development boundary. Given the size and the nature of the proposal and the intervening land use, there is no foreseeable likelihood of impact on these sites, and this requires **no further consideration**.

3.2 Priority Habitats

- 3.2.1 The desk study also revealed that a number of terrestrial Priority Habitats were located within the surrounding 1km of the site. These consisted of parcels of Deciduous woodland (~15ha), Traditional orchard and Woodpasture and Parkland BAP Priority Habitat (see Plan 4). Whilst these are not designated, they do hold NERC (2006) status. It is not considered that the proposed work will impact upon these habitats and this requires **no further consideration**.



Plan 4: Local Priority Habitats.

4.0 SURVEY RESULTS

4.1 Site Survey Overview

- 4.1.1 The site covers ~0.07ha in area and comprises a single light industrial/commercial building with a parcel of scrub and a small area of hardstanding. A Phase 1 Habitat Plan is included (see Plan 5).

4.2 Phase 1 Habitat Survey.

- 4.2.1 The following habitats were recorded at the site:

- Scrub
- Scattered Trees
- Hardstanding
- Building

Scrub

- 4.2.2 Between the disused building and the school grounds to the east was a narrow band (~2m) of scrub dominated by bramble (*Rubus fruticosus*) with some buddleia (*Buddleja davidii*) throughout and whips of self-seeded willow (*Salix* sp.). Here the ground flora was limited by leaf litter to infrequent herb Robert (*Geranium robertianum*) and nettle (*Urtica dioica*).

Scattered Trees

- 4.2.3 Within the scrub was a single, semi-mature willow and an immature birch (*Betula* sp.) (see Plate 3) along with numerous willow whips.

Hardstanding

- 4.2.4 Surrounding the building was a small parcel of hardstanding (see Plate 4); here the flora was limited to pioneer species including common bent grass (*Agrostis capillaris*), nettle, willowherb (*Epilobium* sp.), broad leaved dock (*Rumex obtusifolius*) and dandelion (*Taraxacum officinale* agg.).

Buildings

- 4.2.5 The buildings on site held no significant botanical interest (see Plate 4).

4.3 Invasive Alien Species

- 4.3.1 There were no invasive non-native species identified on site.



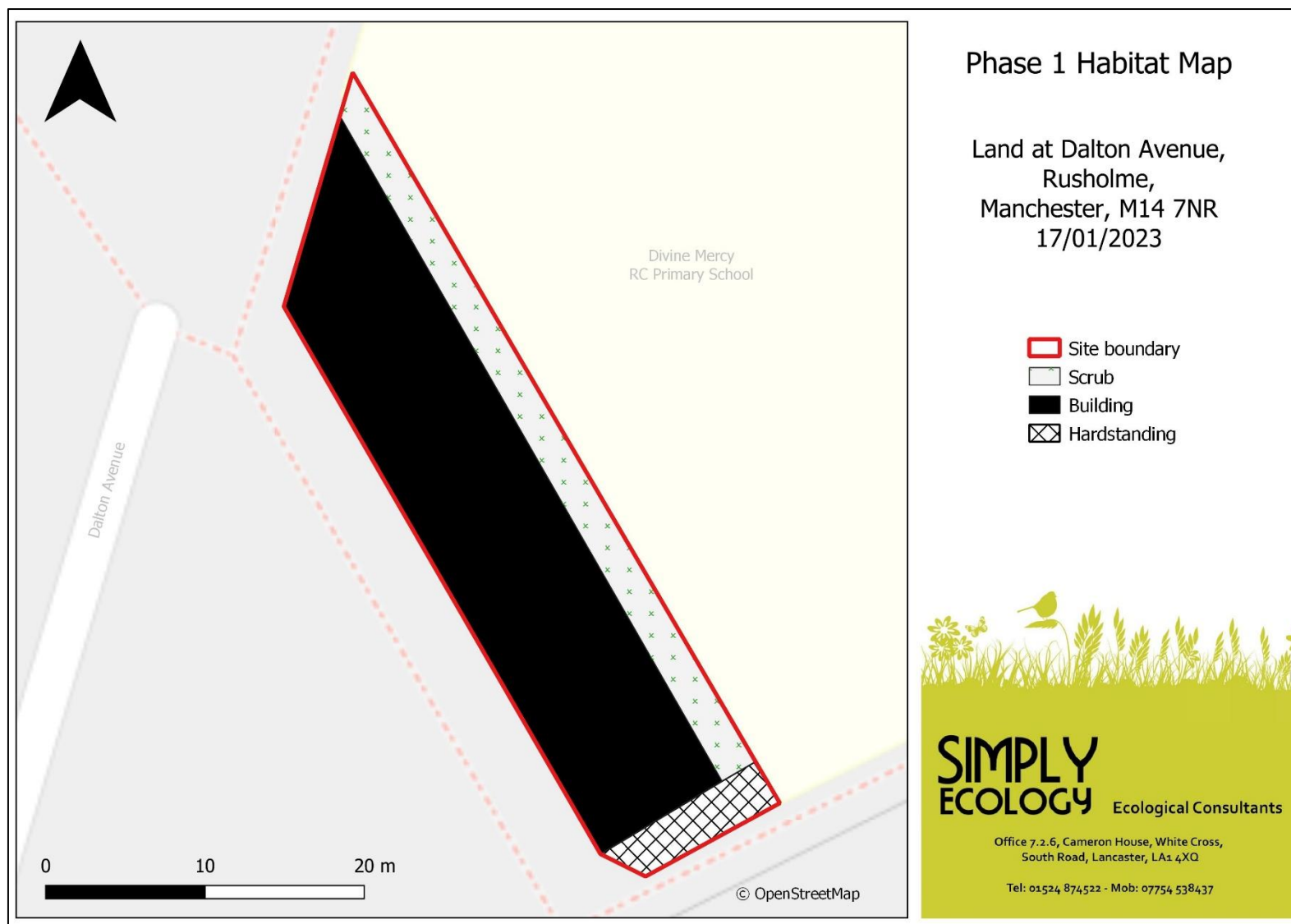
Plate 2: There was a small parcel of scrub to the rear of the building that was largely inaccessible due to presence of fence and razor wire.



Plate 3: There were a small number of semi-mature and immature trees within the scrub.



Plate 4: The building and the hardstanding had little floristic value.



Plan 5: Phase 1 Habitat Plan.

4.4 Bat Building Inspection

- 4.4.1 The target building consisted of disused commercial buildings (see Plate 5) set within an urban residential landscape. The building was in poor condition and was unoccupied at the time of survey.



Plate 5: General View of the buildings from Dalton Avenue.

External Inspection

- 4.4.2 The building comprised two long and narrow former commercial units built of red brick with pitched roofs of corrugated cement board sheeting. The Northern half of the building was single storey and the Southern half was two storeys in height (see Plate 6).
- 4.4.3 The roof was generally intact although gaps were apparent, particularly on the double height building to the south which had some broken and slipped sheeting which allowed the elements into the building. All intact corrugated sheets were tightly interlocking and no gaps were present between them where they overlapped. The corrugated sheets had a light moss covering (see Plate 7). It was concluded that there were no PRFs and no roosting opportunities within either the single storey roof on the Northern section of the building or the double height roof of the Southern section of building.
- 4.4.4 The dry verge boarding on the north facing gable end of the two storey building was carefully inspected from the ground. End capping of this type can have gaps behind which roosting is possible. However, the close binocular inspection showed that the verge was tight to the red brick walls. No gaps suitable for roosting were present (see Plate 8). The verges of the south facing gable were similarly intact with no PRFs (see Plate 9).

- 4.4.5 The gable end of the Northern building was also assessed. This only had a low gable as it adjoined a flat roof. The elevations to the gable was considered too low for bats to be able to effectively access as a flight line into and out of the gable would not have been possible. In the main, the gable end was also well rendered, so no suitable gaps were present anyway (see Plate 10). Further inspection of the roof edges with integral guttering or coping stones were intact with no apparent gaps and offered no roosting potential (see Plate 11).
- 4.4.6 The frames of the windows and doors were intact with no PRFs so bats could not have roosted in the frames or lintels (see Plate 12). Nonetheless, there were gaps around boarded up doors and windows which would have permitted bats to fly into the interior of the building through the missing glass (see Plate 13).
- 4.4.7 The brick walls were generally intact (see Plate 14) although there with cracks in the mortar but these did not lead to internal crevices or offer any roosting potential (see Plate 15). A large hole was noted on the rear wall of the building.
- 4.4.8 The walls and flat surfaces around the building were thoroughly and comprehensively searched for evidence of bat activity but none was found (see Plate 16). The rough surface of the brick work provided an ideal substrate for droppings to adhere to and these would have easily been observed; however, no signs of bats were discovered.
- 4.4.9 Overall, the external inspection concluded that there was no significant roosting potential; this was further assessed based upon the findings of the internal inspection.



Plate 6: The two roof areas of the former light-industrial building were inspected.



Plate 7: The roofs were generally intact with no roosting potential.



Plate 8: The dry verge boards of the two storey building were afforded close attention as these can harbour roosting bats, but the survey found no gaps and no roosting potential.



Plate 9: The verges of the southern facing gable were well mortared with no PRFs. Areas of darker missing mortar around the lintels did not provide crevices sufficiently deep for roosting.



Plate 10: The north facing gable end on the single storey building had a low pitch above a flat roof, and no gaps would have had any suitable flight lines into the me possible for bats to access.



Plate 11: The coping stones on the wall tops were intact with no roosting potential.



Plate 12: The door and window frames were generally intact so their frames did not confer any roosting possibilities.



Plate 13: Gaps around previously boarded up doors and windows allowed potential access to the internal space.



Plate 14: The brickwork was generally intact with no bat roosting potential.



Plate 15: Shallow area of missing mortar in the brickwork was present but were found not to lead to internal crevices or considered to have any roosting potential.



Plate 16: There was no evidence of bat activity on the walls of flat surfaces around the buildings.

Internal Inspection

- 4.4.10 The entire survey area was divided into the two interconnected buildings divided by external walls with no doorway or other connection between the two. The interior of both buildings were single voids that were open along their entire length and from floor to ceiling. Partition walls sub-divided the working area, but these were free-standing and were only a couple of metres high (see Plate 17 and Plate 18). The underside of all roof areas were visible as there was no enclosed loft space. This absence of a loft significantly reduced potential for bat roosting.
- 4.4.11 All of the underside of the corrugated roofing sheets and the joists were exposed and could readily be assessed for any bat roosting possibilities. Despite a thorough check being completed, neither of the roofs had any voids or crevices within the structures that could be used by bats for roosting.
- 4.4.12 The roof of the single storey building was intact and watertight. sheets were generally intact although there was a portion of missing sheeting on east facing pitch of the two-storey building (see Plate 19) which would have allowed bats direct access to the internal void.
- 4.4.13 In addition, the red brick walls were generally intact although a large hole was noted in the Southern building (see Plate 20) which allowed access directly through into the internal void. However, a check of the walls found them to be well mortared and tightly abutting. All internal faces of the walls had no PRFs and offered no roosting potential.
- 4.4.14 Finally a comprehensive search of the floors and all flat surfaces was conducted. This found no evidence of bats or bat activity (such as droppings or prey items within the either building (see Plate 21 and Plate 22)



Plate 17: Internal view of the single storey building with exposed roofing sheets and trusses.



Plate 18: The two-storey building was also a void open from the floor to the roofing sheets and trusses. This offered no roosting potential.



Plate 19: Damaged roofing sheets left a hole in the east facing pitch allowed access to the internal space.



Plate 20: A large hole in the rear wall provided unfettered potential access to the internal space.

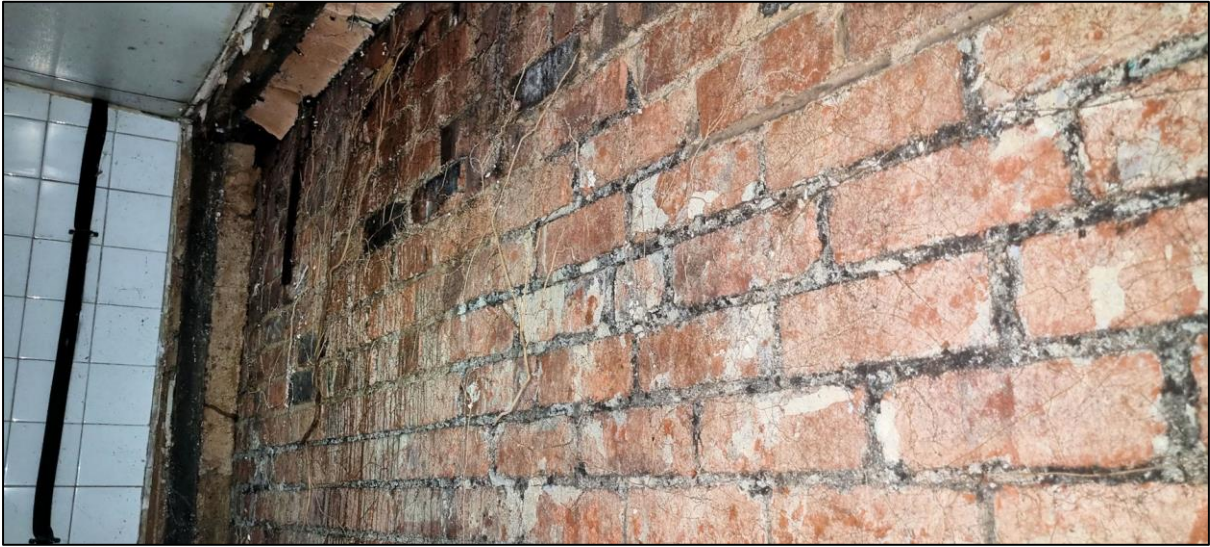


Plate 21: The internal surfaces of the walls were intact with no gaps and presented no roosting opportunities.



Plate 22: The flat surfaces had no evidence of bat activity.

4.4.15 **In summary**, the site contained two adjoining, disused brick light-industrial buildings which were assessed for signs of bat activity and potential roost features. Whilst a number of holes and gaps were noted in the roof fabric, it was considered that neither building was suitable for roosting bats. The lack of a loft space and the absence of gaps between the roofing sheets all meant that would provide the stable microclimate that is believed to be important in roost ecology or selection and they were not considered suitable for roosting bats. A thorough and comprehensive search of the walls and flat surfaces externally and internally of the outhouses found no evidence of bats.

4.5 Bat Tree Inspection

- 4.5.1 The trees on site were semi-mature, self-seeded specimens that had not been subject to any form of management. A search for any knot holes, wounds or splits suitable for bat roosting failed to find any. All trees were classified as having 'Negligible' suitability for bats as there was no roosting potential (see Plate 3).

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1.1 In November 2022, Simply Ecology Limited was commissioned by TADW Architects to undertake an Ecological Appraisal of Land at Dalton Avenue, Rusholme, Manchester, M14 7NR. It is understood that the proposal is to demolish the buildings and build 8no new residential properties.

5.2 Habitat

5.2.1 The site had negligible biodiversity value and the proposed works will not result in the loss of any habitat with significant value. Notwithstanding, development proposals should seek to enhance long-term ecological interest and provide new opportunities for protected and notable species in accordance with the National Planning Policy Framework (2021), the NERC Act 2006 and The Environment Act 2021.

- *It is recommended* that Ecological Enhancement Measures for the site are agreed with the Local Planning Authority. **Reason:** This will enhance the biodiversity of the site, thereby ensuring compliance with the Local Authority's statutory duty to conserve and enhance biodiversity under The Natural Environment and Rural Communities Act 2006 and The Environment Act 2021.

5.2.2 This enhancement could be achieved through the inclusion of a selection of measures, such as some or all of the following:

- Enhancement of connective habitats through planting of new native species-rich hedgerow, shrub and/or treelines along the site boundary and residential curtilages,
- Use of nectar and pollen rich plants and fruit and nut producing species within formal planting schemes,
- Fruit tree planting in the gardens of new properties
- Use native species appropriate to the local area for boundary planting,
- Provision of new features or boxes for roosting bats and nesting birds within buildings

5.3 Bats

5.3.1 A bat scoping survey of the buildings was undertaken. The survey found that the buildings were generally intact but in poor condition and were unoccupied at the time of survey. Whilst the buildings contained a number of potential bat roost features that included elements such as gaps in the walls and roof that allowed direct access to the interior, absolutely no signs of

bat activity were present. The roof areas also did not contain any features where bats could alight or roost. It was the professional experience of the appointed ecologist, they did not constitute suitable features for roosting bats. It was therefore concluded that there is no reasonably foreseeable likelihood that roosting bats are, or have been, present.

- ***It is advised that all works can continue with no need for any supervision by the Appointed Ecologist.*** No Natural England licence is necessary in this instance as no impact upon any bat roost is predicted. This is due to the lack of any signs of current or historical use of the building by bats. **Reason:** This will ensure compliance the Local Authority's statutory duty to conserve and enhance biodiversity under The Environment Act 2021, The Natural Environment and Rural Communities Act 2006 which is reflected with Section 11 (179 & 180) of the National Planning Policy Framework (2021) and in the Local Plan.

6.0 REFERENCES

Bat Conservation Trust (2016). *Bat Surveys – Good Practice Guidelines*. Bat Conservation Trust, London.

Joint Nature Conservation Committee Mitchell-Jones, A.J. & McLeish, A.P. [Eds.] (2004). *The Bat Workers Manual (3rd edition)*. Joint Nature Conservancy Council, Peterborough.

National Planning Policy Framework 2021:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1004408/NPPF_JULY_2021.pdf

Natural Environment and Rural Communities Act 2006:

http://www.opsi.gov.uk/acts/acts2006/ukpga_20060016_en_1

The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019:

<https://www.legislation.gov.uk/uksi/2019/579/contents/made>

Wildlife and Countryside Act 1981:

<http://www.legislation.gov.uk/ukpga/1981/69/contents>

ANNEX A: STATUTORY AND PLANNING CONTEXT

- A.0.1 The client is advised that many species of British wildlife are legally protected. The following section provides a brief overview of the protection afforded to species commonly encountered during development. The Recommendations at the end of this report will advise as necessary, but it is also useful for the client to have an understanding of the legal protection as this helps to ensure that the law is complied with.

A.1 Badgers

- A.1.1 Badgers are protected under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended) (WCA), and the Protection of Badgers Act 1992. It is illegal to:
- Kill, injure, take, possess or cruelly ill-treat a badger or to attempt to do so;
 - Interfere with a badger sett by damaging or destroying it;
 - Obstruct access to or any entrance of a badger sett;
 - Disturb a badger when it is occupying a sett
- A.1.2 A badger sett is “any structure or place that displays signs indicating current use by a badger”. Natural England, the Government’s statutory nature conservation body, classifies a sett as active if it has been occupied within the last 12 months.
- A.1.3 Operations that might cause disturbance of an active sett entrance can be carried out under licence from Natural England. If any badgers are found during the course of the survey, this will be highlighted in this report.

A.2 Birds

- A.2.1 All wild birds are protected against killing or injury under The WCA 1981 (as amended). This protection extends to bird’s nests during the breeding season, which makes it an offence to damage or destroy nests or eggs. Birds that are listed on Schedule 1 of the Act receive additional protection against intentional or reckless disturbance during the breeding season. This makes it an offence to disturb these species at or near to their nesting site.

A.3 Protected Species (includes bats, otter, hazel dormouse, great crested newts, and others)

- A.3.1 The client is advised that all bats and great crested newts are Protected Species (PS). These PS are protected under legislation in England via The Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019. (Regulation 43). A full list of PS is provided in Schedule 2 of the Regulations. In addition, these PS also receive the protection of the Wildlife and Countryside Act 1981 (as amended) in respect of Section 9 (4)(b & c) and (5).
- A.3.2 If both national and international legislation are taken together, the legislative protection afforded to these species makes it an offence to:
- Intentionally/ deliberately kill, disturb, injure or capture them.
 - Intentionally or recklessly damage, destroy or obstruct access to any breeding site or resting place.
 - Possess or control any live or dead specimen or anything derived from a Protected Species.

- A.3.3 If an activity is likely to result in any of the above offences, derogation from the legal protection can be issued in the form of a Protected Species licence issued by Natural England. Licences for development purposes are issued under The Conservation of Habitats and Species Regulations (2017) and only allow what is permitted within the terms and conditions of the licence. If any EPS are found during the course of the survey, this will be highlighted in this report.

A.4 Protected Mammals and Reptiles (includes water vole, red squirrel, reptiles and others)

- A.4.1 All native reptiles and a variety of British mammals also receive protection under The WCA 1981 (as amended). Schedule 5 of The WCA lists animals that are protected. The degree of protection varies. Water voles and red squirrel are examples of species with full protection. The Act makes it an offence to intentionally kill, injure, take, possess, or trade in any wild animal listed in Schedule 5, and prohibits interference with places used for shelter or protection, or intentionally disturbing animals occupying such places.
- A.4.2 All native reptiles in the UK are protected. The commoner species such as grass snake, common lizard, slow worm and adder are protected only from unlawful killing and injuring. In practice this may require a reptile protection scheme before implementing a planning permission but no specific licence is required. Sand lizard and smooth snake listed as EPS (see A3.3 above).
- A.4.4 If any protected species are found during the course of the survey, this will be highlighted in this report.

A.5 Non-native invasive species

- A.5.1 A number of non-native plant species growing wild in the UK are listed on Schedule 9 of the WCA due to their invasive nature and the detrimental impact they can have on native habitats and wildlife. This legislation makes it an offence to plant or otherwise cause to grow in the wild any plant species which is included in Part II of Schedule 9.
- A.5.2 This legislation should be considered during site clearance works which could lead to the spread of Schedule 9 listed plant species from the site if plant material is not properly handled and disposed of. Development proposals should also consider the removal of invasive species from areas of site that would otherwise remain unaffected by works in order to avoid the risk of these invasive plants spreading from the site in the future and enhance habitats within the site. This would in turn free up space for wildlife friendly planting, prioritising use of native species within planting schemes where appropriate.

A.6 Planning Considerations

- A.6.1 When considering each planning application, the presence of protected species, such as those listed above, is a material consideration which must be fully considered by the Local Authority when granting planning permission. If a licence from Natural England is required, then prior to issuing any planning consent, the local planning authority will need to be satisfied that there is no reason why such a licence would not be issued. Therefore, in reaching the planning decision the local planning authority will need to have regard to the requirements of the Conservation of Habitats and Species Regulations 2017. The three licensing tests given in the Regulations must be considered. In summary, these are that:
1. The development is required for the purpose of:
 - Preserving public health or public safety;

- For other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
 - For preventing serious damage to property.
2. There is no satisfactory alternative.
 3. The proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status.
- A.6.2 All necessary information would need to be provided to the planning authority as part of the planning application in order to address the above tests.
- A.6.3 The Natural Environment and Communities Act (NERC Act) 2006 extended the biodiversity duty set out in the Countryside and Rights of Way (CROW) Act to public bodies and statutory undertakers to ensure due regard to the conservation of biodiversity. The Duty is set out in Section 40 of the Act, and states that:
- "Every 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"
- A.6.4 The Duty applies to all local authorities, community, parish and town councils, police, fire and health authorities and utility companies. Section 41 (S41) of this Act (the 'England Biodiversity List') also requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. This list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40(1) of the Act.
- A.6.5 Also, Local Authorities must follow the National Planning Policy Framework (NPPF) which provides guidance on the interpretation of the law in relation to wildlife issues and development. For each development proposal considered by the Local Planning Authority the NPPF states that the authority must aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

UK Biodiversity Action Plan (UK BAP)

- A.6.6 The UK BAP, which was first published in 1994, was the UK government response to the 1992 Convention on Biological Diversity. It sets priorities for nationally important 'priority species' and 'priority habitats'. Each species and habitat action plan has costed actions and targets, and is used to inform the compilation of national lists such as the Section 41 List described above.