Albion Road, New Mills

Extended Phase 1 Habitat Report

10 December 2014

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1	November 2014	Issue
2	December 2014	Issue V2 including bat data

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Executive Summary

Site Description and Scope of Works		
The site is situated Albion Road, New Mills (Ordnance Survey (OS) National Grid Reference: SJ 997 847) and is approximately 1.1 ha. The site consists of hardstanding with encroaching ephemeral/short perennial vegetation cover and areas of scattered scrub with tall ruderal margins and broadleaved trees. To the north west corner of the site is a building. The proposal for the site is to develop a discount foodstore, industrial unit, car parking for New Mills Newtown railway station and associated works. The purpose of the extended Phase 1 habitat survey is to identify any potential ecological constraints to the proposed works at the earliest opportunity, to minimise future delays to potential works and provide advice as to how works on site will avoid breaching any UK or European nature conservation legislation.		
Potential Constraints	**Yes**	**No**
Great crested newts		
Has the site been assessed for great crested newts?	✓	
Are great crested newts considered to be a constraint to the proposal?		✓
Reptiles		
Has the site been assessed for reptiles?	✓	
Are reptiles considered to be a constraint to the proposal?		✓
Breeding Birds including Barn Owls		
Has the site been assessed for breeding birds including barn owls?	✓	
Will vegetation or other buildings / structures likely to be used by nesting birds be affected by the proposal?	✓	
Bats		
Has the site been assessed for bats?	✓	
Are there any buildings / structures within the site which have the potential to support roosting bats?	✓	
Will trees or other vegetation likely to be used by foraging or commuting bats be affected by the proposal?	✓	
Badgers		
Has the site been assessed for badgers?	✓	
Are badgers considered to be a constraint to the proposal?		✓
Other protected species (e.g. otters, water voles, white-clawed crayfish)		
Has the site been assessed for otters, water voles and white-clawed crayfish?	✓	
Are otters, water voles or white-clawed crayfish considered to be a constraint to the proposal?		✓
Other features of nature conservation interest		
Does the application site support Habitats of Principal Importance or Local Biodiversity		✓

Action Plan (BAP) Priority Habitats?		
Have details of biodiversity enhancements been included with the application?	✓	
Recommendations	**Yes**	**No**
Are further surveys recommended to inform the ecological impact assessment?		✓
The details provided within this report will remain valid for 2 years from the date of survey. If works have not commenced within this time, it is recommended that an updated review of ecological conditions on the site be completed.		
Is mitigation (including avoidance/compensation) and enhancement recommended?	✓	

Mitigation: Habitats

- **Best practice:** An Ecological Best Practice Plan should be produced for the proposed site preparation and construction works.

Mitigation: Protected and / or notable species

- **Bats:**
  - Nocturnal surveys to establish roost status to inform European Protected Species licence from Natural England to destroy a bat roost (brown long-eared bats);
  - Sensitive soft-strip of building under supervision of a licensed bat ecologist;
  - Seasonal restrictions of works to avoid sensitive periods of bat activity i.e. maternity and hibernation;
  - Provision of alternative replacement roosting features and inclusion of bat boxes on boundary trees to replace and increase roosting opportunities for bats;
  - Strengthen and create linear vegetative features along the southern boundary of the site;
  - New areas of soft landscaping to be planted with native, nursery grown species of local provenance which are bat friendly; and
  - A sensitive lighting scheme to minimise any impact of lighting upon retained roosts, new roost opportunities and the habitat features of value for foraging / commuting bats on site.
- **Nesting birds:** Vegetation clearance and tree felling should be avoided during ecological sensitive seasons or, if necessary and appropriate, be preceded by a search by a suitably experienced ecologist.
- **Invasive Species:** A management programme to treat the giant hogweed should be developed and applied as soon as possible. In the interim to prevent further spread around the site the area should be 'fenced off' and separated from any form of disturbance which may facilitate its spread.
- **Best practice:** It is recommended that an Ecological Clerk of Works (ECoW) delivers a toolbox talk regarding to site personnel to address ecological issues in advance of any works commencing.

Enhancement:

- Erect bird boxes on site boundary.

1.0 Introduction

1.1 Background

In October 2014 WYG was commissioned by Kirklands Developments Limited 'to undertake an extended Phase one habitat survey at land located off Albion Road, New Mills (hereafter referred to as the 'site') to support a hybrid planning application for the development of a discount foodstore, industrial unit, car parking for New Mills Newtown railway station and associated works.

1.2 Site Location and General Description

The site is situated to the east of Albion Road (A6015) and to the north of a railway line (Ordnance Survey (OS) National Grid Reference: SJ 997 847) and is approximately 1.1 ha. The site is located in the suburban area of New Mills in North West Derbyshire, approximately 140m from the Cheshire border. The site is bordered to the south by a railway line, to the west by New Mills / Newtown railway station and to the north by buildings on Chapel Street and the adjacent industrial estate. The site is accessed via the railway station car park lying beyond the western boundary of the site.

The site consists of a building in use as a gym, scattered trees, scattered scrub, ephemeral / short perennial vegetation, and hard (Appendix A, Figure 1). It has been subject to human disturbance evident by the spread of litter and dog waste noted across the site. The ground level of the land to the north of the site decreases eastward and much of the northern boundary has a retaining wall with parts of the eastern tip of the site being subject to a sharp gradient.

The site tapers to the east, beyond which is the Peak Forest Canal with Goytside Meadows LNR, located on the far side. The wider area is dominated by buildings (residential and industrial), hard stand (e.g. pedestrian footpaths, car parking areas and access roads), three railway lines and Knathole Wood which lies beyond Albion Road to the north west of the site. The Peak Forest canal is runs north and east of the site. The River Goyt runs through Knathole Wood and north and east of the site to the north of the Peak Forest Canal.

1.3 Proposals for the Site

The proposal for the site is to develop a discount foodstore, industrial unit, car parking for New Mills Newtown railway station and associated works. The proposed site layout has not yet been finalised, however it is understood that the likely layout will be similar to that provided in Appendix B.

1.4 Survey and Reporting Objectives

The purpose of the extended Phase 1 habitat survey is to identify any potential ecological constraints to the proposed works at the earliest opportunity, to minimise future delays to potential works and provide advice as to how works on site will avoid breaching any UK or European nature conservation legislation.

The ecological investigations included the following objectives:

- A desk study to obtain existing information on statutory and non-statutory sites of nature conservation interest and records of protected / notable species within the site and its environs;
- An extended Phase 1 habitat survey involving a walkover of the site to record habitat types and dominant species, including any invasive species, and a reconnaissance survey for evidence of protected fauna or habitats capable of supporting such species;
- An investigation of the external features of mature trees for their potential to support bats;
- An investigation of the internal roof void and of the external features of the building on site to support bats; and
- An assessment of the potential ecological constraints to the proposed works within the site and recommendations, if any, for further survey, avoidance, mitigation and enhancement where appropriate.

2.0 Desk Study

2.1 Methodology

Data was obtained from Derbsyhire Wildlife Trust, the Local Biodiversity Records Centre for Derbyshire and a search was made of Natural England's interactive, web-based MAGIC (Multi-Agency Geographic Information for the Countryside) database regarding the presence of statutory and non-statutory nature conservation designations and protected and notable species within 2km of the site boundary.

The data search covers:

- Statutory nature conservation designations, such as National Nature Reserves (NNR) and Sites of Special Scientific Interest (SSSI);
- Non-statutory nature conservation designations, such as Local Wildlife Sites (LWS);
- Protected species, such as great crested newts, bats and badgers; and
- Notable species, such as those listed in the UK Biodiversity Action Plan (UKBAP) Local Biodiversity Action Plan (LBAP).

The data search does not cover:

- Tree Preservation Orders (TPOs); or
- Conservation areas designated for their special architectural and historic interest.

2.2 Data search results

The records identified by Derbyshire Wildlife Trust and MAGIC are summarised below. Full data search results are provided in Appendix C.

Statutory sites

Sites with statutory designations receive varying degrees of legal protection under UK statute and European Directives. There are a number of statutory designations used for sites of high nature conservation value in

the UK which are made depending upon the importance of the site in a local, regional, national or international context. Derbyshire Wildlife Trust and MAGIC produced three statutory site records within 2km of the site. These were all Local Nature Reserves (LNR) (Table 1).

Table 1. Statutory sites within 2km of the site.

Name	Designation	Distance from site (km)	Direction from site
Goytside Meadows	LNR	0.04	East
Mousley Bottom	LNR	0.37	North-west
Watford Lodge	LNR	1.88	North-north-east

2.2.1 Non-statutory sites

Non-statutory sites are designated by Local Authorities and are recognized as being of local conservation interest. These sites do not have statutory protection but are a 'material consideration' in the determination of planning applications. The titles of these sites can vary between counties; in Derbyshire they are called Local Wildlife Sites (LWS). Derbyshire Wildlife Trust and MAGIC produced sixteen records of non-statutory sites within 2km of the site (Table 2).

Table 2. Non-statutory sites within 2km of the site.

Name	Designation	Distance from site (km)	Direction from site
Watford Lodge Local Nature Reserve	LWS	1.88	North-north-east
Hollinhurst Head Complex	LWS	1.80	East-north-east
Furness Vale Railway Site	LWS	1.75	South-east
Butterbank Plantation	LWS	1.75	East
Beardwood	LWS	1.75	East
River Goyt at Gowhole	LWS	1.65	South-east
Meadow Farm Fields	LWS	1.65	South-east
Diglee Road Meadow	LWS	1.60	South-south-east
Furness Clough	LWS	1.40	South-south-east
Sett Valley Trail	LWS	1.30	North-north-east
Furness Vale Millpond #1	LWS	1.30	South-east
River Goyt at Goytside	LWS	0.60	East
Peak Forest Canal Furness Vale	LWS	0.40	South-east

Knathole Wood	LWS	0.50	North-west
Mousley Bottom	LWS	0.37	North-west
Goytside Meadow	LWS	0.04	East

2.2.2 Protected and notable habitats

MAGIC recorded no protected and notable habitat types within 2km of the site boundary.

2.2.3 Protected and notable species

Derbyshire Wildlife Trust and MAGIC provided the following records for protected and notable species within 2km of the site boundary (Table 3).

Table 3. Protected and notable species within 2km of the site.

Common Name	Scientific Name	Legal Protection*	Approximate Distance (km); and Direction from Site Boundary
Cinnabar	*Tyria jacobaeae*	NERC; UKBAP	0.3 / East
Shaded broadbar	*Scotopteryx chenopodiata*	NERC; UKBAP	1.8 / South-east
Small heath	*Coenonympha pamphilus*	NERC; UKBAP	0.3 / East 1.7 / South-east 1.8 / South-east
Wall	*Lasiommata megera*	NERC; UKBAP	0.3 / East 0.9 / North-west 1.4 / North-north-east 1.7 / South-east
Grass snake	*Natrix natrix*	NERC; WCA; UKBAP	1.8 / North-east
Grasshopper warbler	*Locustella naevia*	NERC; UKBAP; BTO - Red	1.9 / South-east
Bullfinch	*Pyrrhula pyrrhula*	NERC; UKBAP; BTO - Amber	0.3 / East 1.7 / South
Dunnock	*Prunella modularis*	NERC; UKBAP; BTO - Amber	0.3 / East 0.7 / North 1.7 / South
Song thrush	*Turdus philomelos*	NERC; UKBAP; BTO - Red	1.0 / East 1.7 / South
Spotted flycatcher	*Muscicapa striata*	NERC; UKBAP; BTO - Red	0.9 / South-east
Starling	*Sturnus vulgaris*	NERC; UKBAP; BTO - Red	1.7 / South
Skylark	*Alauda arvensis*	NERC; UKBAP; BTO - Red	0.3 / East 1.7 / South-east 1.8 / South-east

Willow tit	*Poecile montanus*	NERC; UKBAP; BTO - Red	0.7 / North 1.7 / South
Yellowhammer	*Emberiza citrinella*	NERC; UKBAP; BTO - Red	1.7 / South-east
Brown long-eared bat	*Plecotus auritus*	EPS; NERC; WCA; UKBAP	1.1 / North-east
Common Pipistrelle	*Pipistrellus pipistrellus*	EPS; NERC; WCA;	0.9 / North-east 1.1 / North-north-east 1.3 / North-north-east 1.4 / North-east
Pipistrelle bat	*Pipistrellus sp.*	EPS; NERC; WCA;	1.5 / South-east
Unidentified bat	*Chiroptera sp.*	EPS; NERC; WCA;	1.3 / North-west 1.5 / South-east 1.6 / West
Otter	*Lutra Lutra*	EPS; NERC; WCA; UKBAP	0.75 / South-east
Water vole	*Arvicola amphibius*	NERC; WCA; UKBAP; LBAP	0.38 / North-east
Badger	*Meles meles*	PBA	Confidential
Brown hare	*Lepus europaeus*	NERC; UKBAP	1.0 / East

***Key**

- EPS: Species listed under the Conservation of Habitats and Species Regulations 2010 (as amended)
- WCA: Species listed under the Wildlife and Countryside Act (1981)
- NERC: Species listed under section 41 of the Natural Environment and Rural Communities Act (2006)
- PBA: Protection of Badgers Act (1992)
- UKBAP: UK Biodiveristy Action Plan species
- LBAP: Local (Peak District) Biodveristy Action Plan species
- British Trust for Ornithology (BTO) Birds of Conservation Concern – Red, Amber, Green

2.2.4 Proximity of nearest water bodies / courses to site

Ordnance Survey maps recorded two water courses and four water bodies (e.g. ponds) within 500m of the site boundary (Table 4). Pond 1 is separated from the site by two A-roads (A6 and A6051). Ponds 2 and 3 are separated from the site by one A-road (A6051). Pond 4 is separated from the site by one A-road (A6051) and the Peak Forest Canal. There were no water bodies on site.

Table 4. Watercourses and waterbodies within 500m of the site.

Name	Distance from site (m)	Direction from site
River Goyt	430-500	North and East
Peak Forest Canal	90-140	North and East
Pond 1	400	South-west
Pond 2	270	West
Pond 3	410	West
Pond 4	200	North-west

3.0 Survey Methodology

An extended Phase 1 habitat survey was undertaken on site on 17th October 2014. The survey was conducted by Laura Holmes ACIEEM[1]. Survey conditions were optimal during the survey as it was a fine day with 5-10mph wind, 5% cloud cover and an approximate starting temperature at 10:45am of 15℃.

3.1 Habitats

The vegetation and habitat types within the site were noted during the survey in accordance with the categories specified for a Phase 1 Vegetation and Habitat Survey (Joint Nature Conservation Committee, 2010). Dominant plant species were recorded for each habitat present using nomenclature according to Stace, C. (2010).

3.2 Protected and notable species

The site was inspected for evidence of and its potential to support protected or notable species, especially those listed under the *Conservation of Habitats and Species (Amendment) Regulations 2012,* the *Wildlife & Countryside Act 1981* (as amended), including those given extra protection under the *Natural Environment and Rural Communities (NERC) Act 2006* and *Countryside & Rights of Way (CRoW) Act 2000*, and listed on the UK and Local Biodiversity Action Plan.

The following species were considered:

3.2.1 Great crested newts

The site was appraised for its suitability to support great crested newts *Triturus cristatus*. The assessment was based on guidance outlined in the Joint Nature Conservation Committee *Herpetofauna Workers' Manual* (Joint Nature Conservation Committee, Gent. T, 2003) and the *Great Crested Newt Conservation Handbook* (Langton, Beckett & Foster, 2001).

[1] Chartered Institute of Ecology and Environmental Management

3.2.2 Reptiles

The site was appraised for its suitability to support reptiles. The assessment was based on guidance outlined in the Joint Nature Conservation Committee *Herpetofauna Workers' Manual* (Joint Nature Conservation Committee, 2003).

3.2.3 Nesting birds

The site was appraised for its suitability to support breeding birds including any notable bird species (Schedule 1; Birds of Conservation Concern; UK BAP; or Local BAP).

Notes were made regarding any bird observations made within the site boundary including observations of potential breeding behaviours such as displaying, singing and territorial behaviour.

3.2.4 Bats

Habitats within the site were appraised for their suitability to support breeding, resting and hibernating bats and foraging and commuting bats using survey methods based on those outlined in the Bat Conservation Trust's (BCT) *Bat Surveys: Good Practice Guidelines* (Bat Conservation Trust, 2012).

The building on site was inspected internally and externally on 20th November 2014 by Laura Holmes ACIEEM and Georgina Whittaker GradCIEEM[2]. The inspections were completed in accordance with Bat Surveys: Good Practice Guidelines (Hundt, 2012).

The building was inspected externally for potential bat roosting opportunities, entry / egress points and for evidence of use by bats such as staining, scratch marks, feeding remains and droppings. The internal inspection included a search for features which had potential to support roosting bats and evidence of bat presence such as droppings and feeding remains. Where droppings were confirmed, samples were collected and submitted for DNA lab analysis to determine species.

[2] Graduate Member of the Chartered Institute of Ecology and Environmental Management

3.2.5 Badger

The site was surveyed for evidence of badger setts or other badger activity such as paths, latrines or signs of foraging. Methodologies used and any setts recorded were classified according to published criteria (Harris, S. *et. al.*, 1989) and surveyed as recommended in English Nature's *Badgers and Development* (2002).

3.2.6 Other species

The site was appraised for its suitability to support other protected or notable fauna including mammals, birds and invertebrates in accordance with the Institute for Ecology and Environmental Management's *Guidelines for Preliminary Ecological Appraisal* (2012). Evidence of any current or historical presence of such species was recorded.

3.3 Invasive species

The site was searched for evidence of invasive plant species such as Japanese knotweed *Fallopia japonica*, giant hogweed *Heracleum mantegazzianum*, Indian (Himalayan) balsam *Impatiens glandulifera*, rhododendron ponticum *Rhododendron ponticum*, montbretia *Crocosmia pottsii x aurea = C. x crocosmiiflora* and yellow archangel *Lamium galeobdolon subsp. argentatum* (see Appendix D Table D2 for full list).

3.4 Limitations

The survey was undertaken in October which is not within the optimal period to undertake an extended Phase 1 habitat survey (optimum months generally considered to be April-September). However, it is considered that the recent unseasonal warm weather experienced in October has extended the optimum period into October.

The full site could be accessed during the survey.

Derbyshire Wildlife Trust only holds partial records for the area. However due to the site condition, the development proposals and the surrounding habitat it was not deemed necessary to make further detailed data requests from individual groups.

To determine likely presence or absence of protected species usually requires multiple visits at suitable times of the year. As a result, this survey focuses on assessing the ***potential*** of the site to support species of note, which are considered to be of principal importance for the conservation of biodiversity with reference to the *National Planning Policy Framework* (NPPF, 2012), especially those given protection under UK or European wildlife legislation.

This report cannot therefore be considered a comprehensive assessment of the ecological interest of the site. However, it does provide an assessment of the ecological interest present on the day the site was visited and highlights areas where further survey work may be recommended.

The details of this report will remain valid for a period of **two years** from the date of survey. Beyond this period, if works have not yet been undertaken, it is recommended that a new review of the ecological conditions is undertaken.

4.0 Survey Results

A Phase 1 Habitat map showing the location of key ecological features within the site is provided in Appendix A, Figure 1. Site photographs are provided in Appendix E, target notes in Appendix F.

4.1 Habitats

The following habitat types were recorded on site:

4.1.1 Scattered trees

Scattered deciduous trees are present along the boundaries of the site. Species recorded include ash *Fraxinus excelsior*, silver birch *Betula pendula, Alder Alnus glutinosa* (at the eastern end only), sycamore *Acer pseudoplatanus,* goat willow *Salix caprea* and other willow species *Salix* sp.

4.1.2 Scattered scrub

Bramble *Rubus fruticosus* and scattered saplings are present within the areas of ephemeral/short perennial vegetation and along the site boundaries. Sapling species recorded were predominantly silver birch and willow species, with occasional elder *Sambucus nigra*, buddleia *Buddleja davidii*, and ash.

4.1.3 Tall ruderal

Scattered patches of tall ruderal vegetation are present at all the scrub margins. Typical species recorded include broad-leaved willowherb *Epilobium montanum* and rosebay willowherb *Chamerion angustifolium* with occasional common nettle *Urtica dioica*, creeping thistle *Cirsium arvense*, cats ear *Hypochaeris radicata* and Canadian fleabane *Conyza canadensis*.

4.1.4 Ephemeral/short perennial

Ephemeral/short perennial vegetation is present across the site encroaching on former areas of hard stand within the very shallow stony soil now present. Typical species recorded are those commonly found on wasteground, including ribwort plantain *Plantago lanceolata*, common bent *Agrostis capillaris*, common couch *Elytrigia repens*, red clover *Trifolium pratense*, white clover *Trifolium repens*, dandelion *Taraxacum sp.*, and creeping buttercup *Ranunculus repens.*

4.1.5 Hardstand / Bare ground

Hard stand and bare ground is present along the boundaries and in patches across the site. These areas are subject to vegetation encroachment by short and tall ruderals.

4.1.6 Boundary features – Walls and fences

Chain link fences run along the southern and eastern boundaries. A wall runs along the western end of the northern boundary. The ground level east of the footbridge drops and a steep retaining wall runs along the remainder of the northern boundary.

4.1.7 Building

There is a building in the north west corner of the site which is a former Wesleyan Chapel, built in 1868, and converted for use as a gym in the mid-nineties. It is a two-storey building constructed of bricks with three pitched slate tiled roofs forming a T-shape.

4.2 Protected and Notable Species

4.2.1 Great crested newts

Great crested newts (GCN) require standing water bodies to breed and prefer ponds with open areas in which males can display during the breeding season. Once breeding is complete GCN leave water bodies and are found in terrestrial habitats typically nearby to the breeding pond. GCN will move across landscapes and favour habitats that provide cover, foraging opportunities and suitable hibernation sites.

There are no standing water bodies within the site boundary and therefore it is considered that GCN are not breeding on site. There is limited suitable terrestrial habitat for GCN on site (potential resting places in scattered scrub and under small areas of shallow brick debris) but the site lacks suitable connectivity with suitable habitat in the wider landscape.

A large proportion of the land surrounding the site is developed and consists of industrial buildings and hardstand including vehicular roads. These man-made structures and surfaces are considered to be obstacles to GCN dispersal. Furthermore, there are no water bodies located within 500m of the site

boundary that are not separated by major barriers to dispersal (notably the Peak Forest Canal and two busy A-roads).

It is therefore considered that GCN are not present on site. No further survey is recommended.

4.2.2 Reptiles

The scrub habitats present towards the site boundaries are considered suitable to provide reptiles with limited areas for potential foraging and refuge. The adjacent areas of hard stand and bare ground provide potentially suitable basking sites. However, the extent of potentially suitable habitats on site is considered insufficient to support viable reptile populations.

A record of grass snake was noted 1.8km from the site but a large proportion of the land surrounding the site is developed and consists of industrial buildings and hardstand including vehicular roads. These man-made structures and surfaces are considered to be unfavourable for reptile dispersal. The watercourses to the north and east further prevent dispersal.

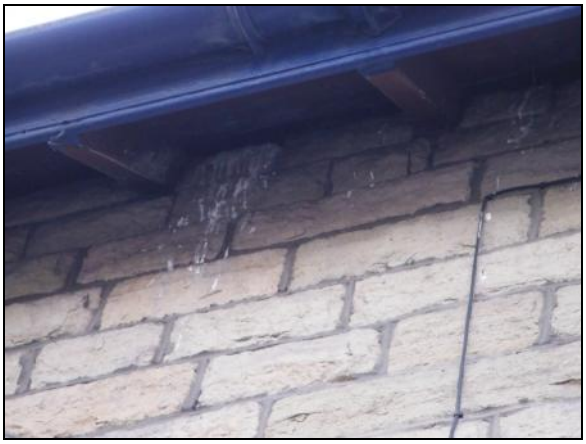
It is therefore considered that reptiles are unlikely to be present on site and therefore no further survey is recommended.

4.2.3 Nesting birds

Habitats on site provide suitable nesting habitats for many bird species. These habitats are the scattered trees, scrub and patches of vegetated and bare ground.

Due to the size of the site and presence of locally common habitats present, it is considered that the site would not support significant populations of breeding birds, or rare or notable species which would pose a constraint to the proposed developments. The habitats on site have the potential to offer suitable nesting habitat for common birds during the breeding season and roosting and feeding habitat for the same range of bird species during the remainder of the year. Species recorded on site during the survey were woodpigeon *Columba palumbus* and magpie *Pica pica*. Evidence of birds nesting within the building was observed as staining below the eaves (photograph 1).

Photograph 1 – bird staining where birds are entering roof space to nest



It is considered likely that the proposed works and vegetation clearance may have an impact on nesting birds and therefore **Reasonable Avoidance Measures** are recommended (see Section 5)**.**

4.2.4 Bats

All suitable features within the site were checked for their potential to support roosting, foraging and commuting bats in accordance with BCT guidelines (2012) as follows:

Roosting bats

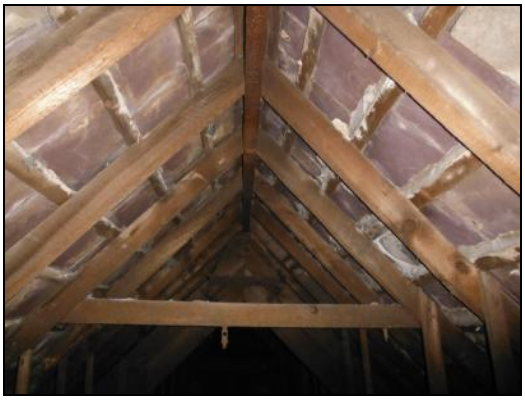
None of the trees on the site were assessed as having potential to support roosting bats. The scattered trees were all assigned to BCT (Bat Conservation Trust, 2012) Category 3 as they all lacked features to support roosting bats. The trees were not sufficiently mature to have developed such characteristics or were species are unlikely to do so such as silver birch.

The footbridge across the site is a metal structure with brick supports that did not offer any crevices or other features suitable for use by roosting bats.

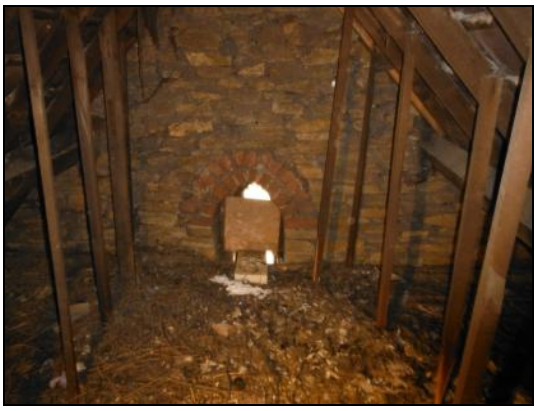
The building on site is a former Wesleyan Chapel, built in 1868, and converted for use as a gym in the mid-nineties. It is a two-storey building constructed of bricks with three pitched slate tiled roofs forming a T-shape. A section of the roof void has been built in to, to accommodate the Velux windows on the southern side. The roof was relatively new and was in good condition other than two slightly lifted tiles on the southern side. There were shallow eaves on the south and west side and eastern gable end and no eaves on the western gable end. There were no visible crevices, cracks or gaps in the mortar or brickwork from the ground. The internal inspection revealed an open roof void with exposed timber joists and roof joints

(photograph 1). Evidence of entry point to the roof space were also evident as shown in the photograph 3 below.

Photograph 2 – internal roof void

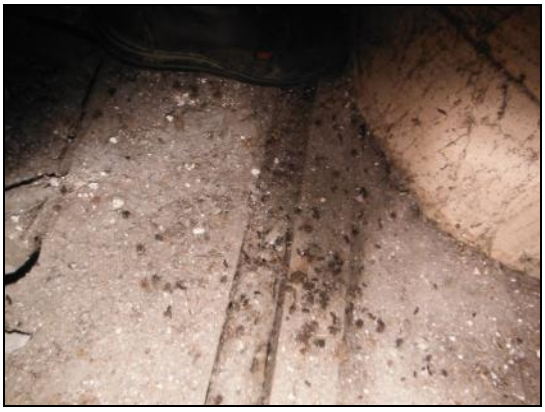


Photograph 3 Archway blocked with mesh and brick but access points available.



Two areas with accumulations of bat droppings were located beneath the apex of each roof pitch (see photograph 4). Feeding remains (butterfly and moth wings) were also located in these areas indicative of the presence of brown long-eared bats. Droppings were collected and sent to the lab for DNA analysis to confirm species of bat present.

Photograph 4 Accumulation of bat droppings below apex



Lab report for bat dropping analysis which confirms the species of bat present to be brown long-eared bat *Plecotus auritus* is provided below.

ANALYTICAL REPORT			
Date	**04/12/2014**		
SAMPLE COLLECTED ON		**SAMPLE COLLECTION LOCATION**	
DATE	20.11.14	LOCATION	Albion Road, New Mills
SAMPLE			
Code	SEL1788		
Suspect species (from client)	Brown long eared		
Species group	C		
DNA EXTRACT			
Code	COR021214 3		
DNA conc.(ng/µl)	2.8		
SEQUENCE DATA			
primer set	cytB		
sequence length (bases)	181		
Sequence match (%)	100		
SPECIES RESULT	***Plecotus auritus***		
haplotype	na		
Data file	031214		
POSITIVE CONTROL SAMPLE			
source	Faecal DNA sample		
result	positive		
Report date to SEL	04/12/2014	**Report date to Client**	10/12/14

There were no other buildings on the site. An adjacent one-storey terraced building to the north of the site on Chapel Street was observed to display three lifted tiles on its rear side, facing the site. It is considered that these lifted tiles had low potential to support crevice dwelling species such as common pipistrelle bats (Appendix F, Target Note 1).

Brown long-eared bats have been confirmed to have roosted in the roof void. Further survey is considered necessary to determine the status of the bat roost within the building (see Section 5).

Foraging and commuting bats

The vast majority of the site (hard stand and ephemeral/short perennial vegetation) provides very poor potential for foraging bats as it lacks shelter and insect-attracting features. The scattered trees and scrub have low potential to support foraging bats. These habitats have limited extent of site however and the site has limited connectivity with the wider landscape via habitats suitable for bats due to its urban location (other than at its eastern tip which leads to the Peak Forest Canal and Goytside Meadows LNR). The linear feature of the trees along the boundary of the railway line has potential to form a route for commuting bats heading east to areas of higher potential beyond the site boundaries but is subject to disturbance from the adjacent railway line.

Desktop survey revealed records of bats within 2km of the site.

Using BCT guidelines (2012) the site was assessed as being very low quality for foraging / commuting habitat for local bats as the vast majority of the site is of low value. It is therefore considered that no further survey is recommended, however site enhancements are recommended for the site with regard foraging and commuting bats (see Section 5).

4.2.5 Badger

There are limited foraging opportunities for badgers within the scattered scrub. The ground is unsuitable for sett building as it has shallow stony soil and hard stand. Dispersal into the site is very limited due to the presence of the railway line to the south (and two further lines within New Mills to the north), busy A-roads to the north and west, the Peak Forest Canal and River Goyt to the north and steep retaining walls along the northern boundary.

No badger setts or signs of badger activity were recorded on site although the data search returned records of historical badger activity within 2km of the site. However the considerable barriers to dispersal noted above make it highly unlikely that badgers have the potential to colonise the site.

It is therefore considered that badgers are unlikely to be present on site and therefore no further survey is recommended.

4.2.6 Other species

- **Invertebrates**

During the survey no butterfly species were recorded foraging on site.

Alder leaf beetles *Agelastica alni* were recorded on alder saplings at the eastern tip of the site.

- **Otter**

Otters require large territories with terrestrial resting sites and can exploit freshwater and coastal / marine systems (Chanin 2003b). There are four water bodies and two water courses located within 500m of the site. The watercourses (River Goyt and Peak Forest Canal) pass within 90m north of the site. There is a record of an otter to the south east of the site between the River Goyt and Peak Forest Canal. However the habitats between the site and these watercourses and water bodies are considered unsuitable for otter dispersal.

It is therefore considered that otters are not present on site.

- **Water vole**

Water voles only forage within a few metres of the water's edge and prefer not to travel far from their burrows whilst always remaining within or nearby to cover. Although there are four water bodies and two water courses located within 500m of the site and records of water vole within 2km, the habitats between the site and the watercourses and water bodies are considered unsuitable for water vole dispersal.

It is therefore considered that water voles are not present on site.

4.2.10 Invasive species

Giant hogweed *Heracleum mantegazzianum* was noted in the eastern tip of the site (Appendix F, Target Note 2).

Reasonable Avoidance Measures are recommended.

5.0 Ecological Impacts and Recommendations

5.1 Habitats

There are no notable or protected habitats present within the site. However, it is recommended that to prevent any adverse impacts on biodiversity adjacent to the site as a result of development activities that an Ecological Best Practice Plan is written to cover the site preparation and construction works. The Ecological Best Practice Plan should include the following:

- A safe system for the correct storage of materials/chemicals should be implemented to ensure that materials are stored in a suitable manner as to avoid potential impacts on vegetation and watercourses adjacent to the site.
- A safe system to ensure waste is removed at the earliest opportunity to avoid contamination of ground and possible disturbance to wildlife and soil quality. Contractors should also avoid leaving construction waste within the site.
- Site operations and plant should take into account wide and tall loads to prevent them coming into contact with trees off-site, trees to be retained and with trees adjacent to and overhanging the site boundaries.
- Trees to be retained should be protected by barriers. Barriers must prohibit construction works in the area between itself and the tree trunk.
- Trees should be protected from direct impact and from severance or asphyxiation of the roots in accordance with BS5837: 2012 "Trees in Relation to Design, Demolition and Construction – Recommendations".

5.2 Protected and Notable Species

Only those species considered likely to be present on site are discussed below.

5.2.1 Nesting birds

All breeding wild birds, their nests and eggs are protected by the *Wildlife and Countryside Act 1981* (as amended) against intentional disturbance, damage and destruction during the nesting season (generally considered to be March to September inclusive although some species are known to breed throughout the year).

Based upon the proposed site master plan provided in Appendix B, it is understood that the proposed development will affect potential nesting bird habitat (building demolition, vegetation clearance, including some tree felling) which has the potential to destroy active bird nests and disturb nesting birds.

To prevent a breach in UK or European wildlife legislation it is recommended that any future works (e.g. building demolition, tree felling and vegetation clearance) that will likely disturb, damage or destroy an active nest be avoided during the bird breeding season (March – September inclusive). Please note that birds can nest outside the bird breeding season and therefore should any nests be identified or suspected to be present on site at any time, then works should cease and an ecologist contacted to attend site and provide advice on appropriate working methods.

Should site works require to be undertaken during the bird breeding season, it is recommended that an ecologist (Ecological Clerk of Works (ECoW)) delivers a toolbox talk to site personnel and conducts a check for nesting birds across the site in advance of any works commencing. If a nesting bird is identified, the ECoW will advise on suitable working methods and exclusion zones to restrict works on site. Measures will depend on the nature of the works in that area as well as any bird species identified to be nesting. Note that suitable working methods may result in delay(s) to undertaking site works within specific areas of site or potential phasing of the works in certain areas should this be required.

5.2.2 Bats

All species of British bats and their roosts are fully protected under the Wildlife & Countryside Act 1981 (as amended) and the Conservation of Habitats and Species (Amendment) Regulations 2012.

Brown long-eared bats have been confirmed to roost within the building on site. It is understood that the building is to be lost to the development.

A European Protected Species (EPS) licence will be required from Natural England to permit any works affecting a bat roost(s).

- The species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species (Amendment) Regulations 2012, contain three "derogation tests" which must be applied by the LPA prior to granting planning permission and again by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a EPS such as bats. For development activities this licence is normally obtained after planning permission has been obtained. The three tests are that:

  I. The activity to be licensed must be for imperative reasons of overriding public interest;

  II. There must be no satisfactory alternative; and

  III. The favourable conservation status of the species must be maintained.

5.2.3 Imperative Reason of Overriding Public Interest

- The 'imperative reason of overriding public interest' in this case is considered likely to be that the Local Planning Authority has a requirement to provide community infrastructure and facilities such as a foodstore.

5.2.4 No Satisfactory Alternative

- For the 'no satisfactory alternative' test, it will be necessary to justify the choice of the Albion Road site for this development.

5.2.5 Favourable Conservation Status

- A derogation of the Conservation of Habitats and Species (Amendment) Regulations 2012 (i.e. action permitted under an EPS licence that would otherwise be unlawful) must not be "detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range" (European Commission 2007).

- Without mitigation, the loss of the building on site along with very small areas of suitable foraging habitats would result in the loss of roost site of at least local significance to brown long-eared bats.

The status of the roost has yet to be determined and further survey will provide detail of this i.e. maternity roost or day roost.

- The loss of a day roost is unlikely to be significant to the favourable conservation status of this species whereas the loss of a maternity roost site may hold more significance. All roost sites are important to bat conservation and population dynamics. Therefore mitigation will be required to reduce the risk of contributing to wider scale cumulative impacts to the conservation status of brown long-eared bats in Derbyshire.

- With the provision of mitigation and enhancement (as outlined in the following sections), it is anticipated that the brown long-eared bats population can be maintained. In terms of long term mitigation and enhancement, it is considered that good quality mitigation would allow for an increased number of brown long-eared bats to use the area and therefore the conservation status of this species in the wider area could be significantly enhanced.

5.3 Recommended Mitigation Measures

Potential mitigation and enhancement options will be finalised within a detailed Method Statement to support an EPS licence application and will likely include:

- Sensitive soft-strip under supervision of a licensed bat ecologist under Natural England EPS licence.

- Seasonal restrictions to time of year at which works may be carried out. Works should avoid sensitive periods such as maternity (May – August) and hibernation (October – February).

- The provision of alternative roosting facilities for the bats, such as bat boxes / bat bricks / bat houses (to be confirmed through consultation with Natural England).

- Prior to any works starting, all contractors will be made aware (by means of a tool box talk) of the risk of bats being present within working areas, of their legally protected status, of the working methods to be adhered to, and the appropriate course of action to be taken if bats are found in an unexpected location as detailed within this method statement.

- No removal of roof coverings, including tiles, flashing, soffit boxes and fascia boards, will be carried unless a licensed bat worker is present on site and supervising the removal using soft demolition techniques.
- Prior to removal of fascia/soffit/tiles, the gap behind the board must be inspected by the licensed bat worker (using a torch or endoscope where necessary) to ensure that no bats are present.
- Linear habitat features of value for foraging and / or commuting bats should be retained post-development in particular along the northern site boundary.
- A sensitive lighting scheme should be produced to minimise any impact of lighting upon the site boundaries; creating a dark corridor along the southern site boundary is recommended.
- New areas of soft landscaping should be planted with native, nursery grown species of local provenance which are bat friendly.

It is recommended that enhancements be made on site to increase the sites general suitability to support both foraging and roosting bats:

- Creation and / or strengthening of linear vegetative features across the site.
- To enhance the biodiversity value of the site for bats it is recommended that ten bat boxes are installed on boundary trees / new buildings where suitable. Advice should be sought from a suitably experienced ecologist to ensure that an appropriate model of bat box is installed and that suitable locations are chosen - i.e. avoiding direct illumination and disturbance, as far as practicable.

It is also recommended that the eastern tip of the site which has scrub cover and some foraging suitability, be retained if possible. Where this is not possible, landscape plans for the site should include insect-attracting native species to encourage bat foraging. The line of trees along the railway line on the southern boundary should be retained if possible as a commuting route for bats. All suitable bat foraging and commuting features should avoid direct illumination.

5.3.1 Invasive species

The invasive species giant hogweed was identified on site.

Invasive species are listed under Section 14 of the Wildlife and Countryside Act (WCA) 1981 (as amended). This makes it an offence to plant either species in the wild, knowingly allow it to spread, or otherwise cause them to grow. It is important to make sure that parts of the site previously unaffected by invasive plant species do not become contaminated. The Environment Agency recommends that:

i) a management plan is implemented for the site;

ii) all staff on site are aware of what the invasive plant species look like and what their responsibilities are; and

iii) a clerk of works be appointed on site that is responsible for the management of invasive species.

It is recommended that a method statement be produced which outlines best practice and the correct procedures when working near invasive flora.

It is recommended that a programme to treat the invasive species be developed and applied as soon as possible as eradication of the infestation may take several years to complete. In the interim to prevent further spread around the site the infested areas should be 'fenced off' and separated from any form of disturbance which may facilitate their spread.

5.4 Enhancements

Opportunities should be sought where possible for nature conservation enhancement of the site in line with current policy guidance (NPPF, 2012). It is recommended that:

- Erection of wildlife boxes (bird and insect designs) on retained trees;
- Planting of new areas of soft landscaping with insect-attracting native species of local provenance to enhance the site's ecology. This approach should apply to any tree/scrub species planted, as well as the ground flora/grass mixes sown; and
- Create habitats with value for native invertebrates.

6.0 Summary of Recommendations

Mitigation - Reasonable Avoidance Measures:

- **Nesting birds:** To ensure legal compliance, it is recommended vegetation clearance, tree felling and demolition of buildings with nesting bird potential are avoided during the bird nesting season (March–September inclusive) or, if necessary, preceded by a search for nesting birds by a suitably experienced ecologist. If nesting birds are found in any vegetation or within built structures, then work on or near these areas will not be able to proceed until all of the young birds have fledged.

- **Bats:**

  - Nocturnal surveys to establish roost status to inform European Protected Species licence from Natural England to destroy a bat roost (brown long-eared bats);
  - Sensitive soft-strip of building under supervision of a licensed bat ecologist;
  - Seasonal restrictions of works to avoid sensitive periods of bat activity i.e. maternity and hibernation;
  - Provision of alternative replacement roosting features and inclusion of bat boxes on boundary trees to replace and increase roosting opportunities for bats;
  - Strengthen and create linear vegetative features along the southern boundary of the site;
  - New areas of soft landscaping to be planted with native, nursery grown species of local provenance which are bat friendly; and
  - A sensitive lighting scheme to minimise any impact of lighting upon retained roosts, new roost opportunities and the habitat features of value for foraging / commuting bats on site.

- **Invasive Species**: A management programme to treat the giant hogweed should be developed and applied as soon as possible. In the interim to prevent further spread around the site the area should be 'fenced off' and separated from any form of disturbance which may facilitate their spread.

- **Best practice:** It is recommended that an ecologist (Ecological Clerk of Works (ECoW)) deliver a toolbox talk regarding best practice to site personnel with regard to ecological issues in advance of any works commencing.

7.0 References

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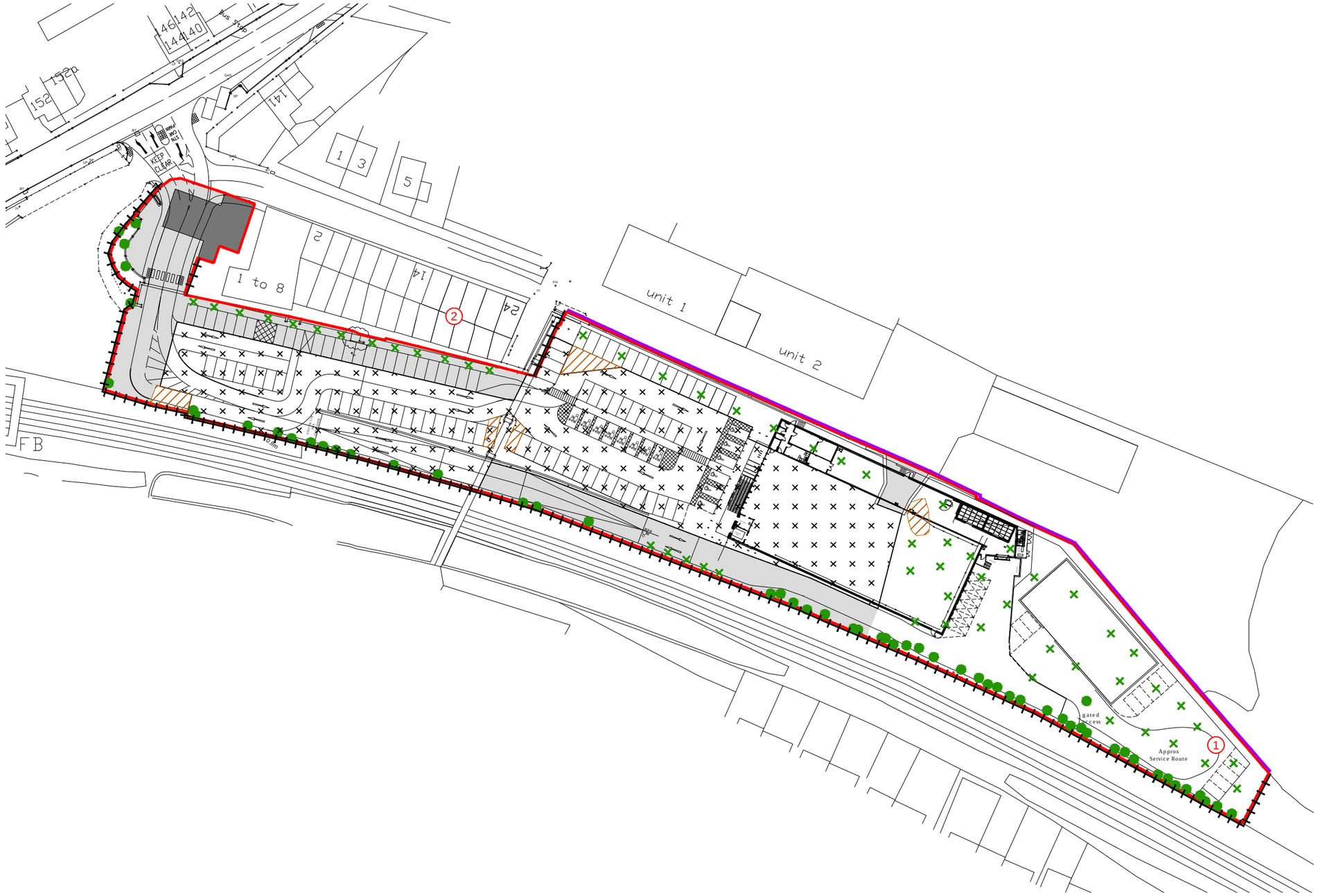
Appendices

Appendix A – Phase 1 habitat map

DO NOT SCALE: CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ANY OMISSIONS OR ERRORS

N



KEY

- APPLICATION BOUNDARY
- SCATTERED TREES
- SCATTERED SCRUB
- TALL RUDERAL
- BUILDING
- HARDSTANDING
- EPHEMERAL / SHORT PERENNIAL
- FENCE
- WALL
- (1) TARGET NOTE

REV	DESCRIPTION	BY	CHK	APP	DATE

QUAY WEST at MediaCity UK
TRAFFORD WHARF ROAD
TRAFFORD PARK
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e-mail: manchester@wyg.com

Client: KIRKLAND

Project: A087263
ALBION ROAD
NEW MILLS

Drawing Title:
PHASE 1 HABITAT MAP

Scale @ A3	Drawn	Date	Checked	Date	Approved	Date
1:1000	CM	23.10.14				

Project No.	Office	Type	Drawing No.	Revision
A087263	MAN	EC	01	

Appendix B – Proposed site master plan

Magenta Lines Show Approved But Not As Yet Constructed Residential Development (All With Off-Street Parking)

2.4 x 43m Visibility Splay

Bus Stop Moved

Bus Stop

Enhanced highway improvements (See Turner Lowe drawings)

New Pedestrian Crossing Point

Bus Stop

KEEP CLEAR

Car park access

Building removed

New Mills New Town Station car park

Station Overflow Parking 17 Spaces (2.4m x 4.8m)

Pedestrian link

Overhead crossing bridge

95no. Customer Car parking spaces including 4no. accessible spaces and 8no. P&C spaces (2.4m x 5.0m bays - 6m aisles)

8 no. cycle spaces

Perimiter retaining wall

unit 1

unit 2

Builder's Yard

Proposed **ALDI Foodstore**
1696sqm GIA
1757sqm GEA
(1254sqm sales area)

Foodstore entrance

Proposed **light industrial unit**
454sqm GIA
492sqm GEA

ALDI Staff Parking 6 no. Spaces (2.4m x 4.8m)

Approx Service Route

gated access

Approx Service Route

Rail line

Existing high level footbridge over rail line and proposed car park

N

Assumed Site Boundary red line
FULL SITE
2.58 ACRES (1.04 HA)

SCALE 1 : 500 0m 10m 20m 30m 40m 50m
SCALE 1 : 1 0m 10mm 20mm 40mm 60mm 80mm 100mm

CAD file reference J:/PROJECT/12001-13000-12715-18.0

Rev	Date	Description	Rev By	Chk'd By
E	090914	RED/ BLUE LINE ADJUSTED HIGHWAY ALIGNMENT REVISED AND PARKING	LEEB	LEEB
D	020914	ADJUSTED	LEEB	LEEB
C	290814	HIGHWAY ALIGNMENT ADJUSTED	LEEB	LEEB
B	070814	RED LINE ADJUSTED TO SUIT TITLE	LEEB	LEEB
A	060814	SCHEME PLAN UPDATED TO SURVEY AND HIGHWAY DESIGN	LEEB	LEEB

Project Title	PROPOSED ALDI FOODSTORE ALBION ROAD NEW MILLS
Client	KIRKLAND - MORBAINE
Status	PLANNING
Scale	1:500
Drawing Size	A1
Drawn By	LEE B
Checked By	LEE B
Date	JULY 14
Drawing Title	SITE AS PROPOSED
Job-Dwg No	12715-102
Rev	E

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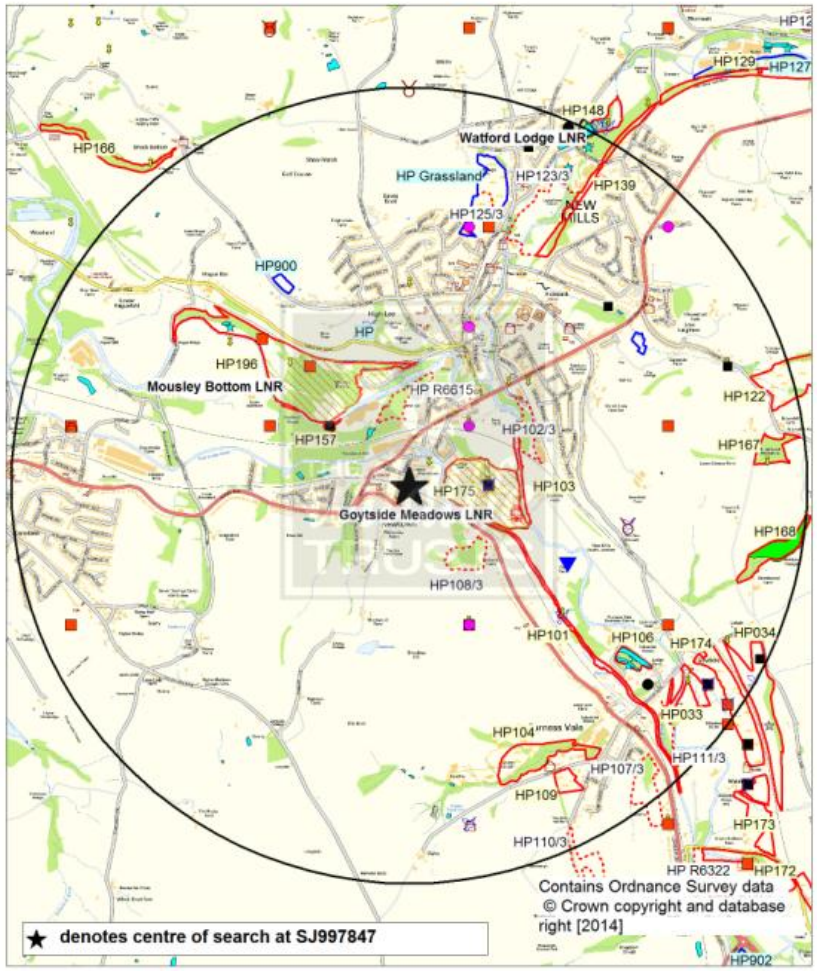
Appendix C – Data search results



Produced for WYG
by Derbyshire Wildlife Trust
29 October 2014

Derbyshire Wildlife Trust

GENERAL KEY TO GIS MAPS

NB Not all these symbols may appear on the map supplied

- otter (BAP) record
- badger record (confidential)
- fresh water crayfish
- BAP great crested newt with 500m buffer zone
- bat roost
- water vole (BAP) record
- BAP bird record
- kilarney fern
- Derbyshire Red Data Book Plant Species
- BAP mammal record
- BAP reptiles
- BAP bumblebee
- BAP beetle
- BAP butterfly record
- BAP moth record
- BAP fish record
- toad record or toad crossing
- swift
- veteran trees
- native black poplar record
- species rich hedgerow
- Local Wildlife Site
- potential Local Wildlife Site
- Semi Natural Grassland
- DWT nature reserve
- other recorded site of interest

- SSSI
- SAC
- SPA
- National Nature Reserve
- LNR
- RIGS (Regionally Important Geological Sites)

Ancient Woodland from Ancient Woodland Inventory

- Ancient semi-natural broad-leaved woodland
- Plantation on ancient woodland site

UK BAP Priority Habitats

- Lakes in Lowland Derbyshire
- Lowland heathland
- Mire
- Reedbed
- Lowland swamp and tall herb swamp
- Parkland
- Purple moor grass and rush pasture
- Traditional orchard (not ground truthed)
- Pond (not necessarily BAP habitat)

Appendix D – Biodiversity and environmental legislation, conventions & threatened lists

Introduction

The UK has ratified a number of Conventions and implemented legislation pertaining to the protection of biodiversity and habtiats, either independently or as member state of the European Union. These are defined and summarised below.

Lists of theatened, endagered and extinct species are also provided, together with a summary explanation of each.

Bern Convention (1982)

The *Convention on the Conservation of European Wildlife and Natural Habitats* (the *Bern Convention*) was adopted in Bern, Switzerland in 1979, and was ratified in 1982. Its aims are to protect wild plants and animals and their habitats listed in Appendices 1 and 2 of the of the Convention, and regulate the exploitation of speices listed in Appendix 3. The regulation imposes legal obligations on participating countires to protect over 500 plant species and more than 1000 animals.

To meet its obligations imposed by the Convention, the European Community adopted the *EC Birds Directiv*e (1979) and the *EC Habitats Directive* (1992 – see below). Since the Lisbon Treaty, in force since 1st December 2009, European legislation has been adopted by the European Union.

Biodiversity Action Plan (BAP)

The UK *Biodiversity Action Plan* (UKBAP – UK Steering Group, 1995; UK Biodiversity Group, 1998 - 2000) lists and prioritises habitats and species and sets national targets to be achieved. The intent of the UKBAP, however, is much broader than the protection and enhancement of less common species, and is meant to embrace the wider countryside as a whole.

The UKBAP has recently undergone a review (Biodiversity Reporting and Information Group, June 2007) resulting in the identification of 391 'Priority' Species Action Plans (SAPs), 45 'Priority' Habitat Action Plans and 162 Local Biodiversity Action Plans.

Local Biodiversity Action Plans (LBAP) identify habitat and species conservation priorities at a local level (typically at the County level), and are usually drawn up by a consortium of local Government organisations and conservation charities.

Birds Directive (BD)

The *EC Directive on the Conservation of Wild Birds* (791409/EEC) or '*Birds Directive*' was introduced to achieve favourable conservation status of all wild bird species across their distribution range. In this context, the most important provision is the identification and classification of Special Protection Areas (SPAs) for rare or vulnerable species listed in Annex 1 of the Directive, as well as for all regularly occurring migratory species, paying particular attention to the protection of wetlands of international importance.

Birds of Conservation Concern (BoCC)

This is a review of the status of all birds occuring regularly in the United Kingdom. It is regularly updated and is prepared by leading bird conservation organisations, including the British Trust for Ornithology (BTO), Joint Nature Conservation Committee (JNCC) and The Royal Society for the Protection of Birds (RSPB, 2002).

The latest report was produced in 2009 (Eaton *et al,* 2009) and identified 52 red list species, 126 amber species, and 68 green species. The criteria are complex, but generally:

- Red list species are those that have shown a decline of the breeding population, non-breeding population or breeding range of more than 50% in the last 25 years.
- Amber list species are those that have shown a decline of the breeding population, non-breeding population or breeding range of between 25% and 50% in the last 25 years. Species that have a UK breeding population of less than 300 or a non-breeding population of less than 900 individuals are also included, together with those whose 50% of the population is localasied in 10 sites or fewer and those whose 20% of the European population is found in the UK.
- Green list species are all regularly occurring species that do not qualify under any of the red or amber criteria are green listed

Bonn Convention

The Convention on the Conservation of Migratory Species of Wild Animals or '*Bonn Convention*' was adopted in Bonn, Germany in 1979 and came into force in 1985. Participating states agree to work together to preserve migratory species and their habitats by providing strict protection to species listed in Appendix I

of the Convention. It also establishes agreements for the conservation and management of migratory species listed in Appendix II.

In the UK, the requirements of the convention are implemented via the *Wildlfie & Countryside Act 1981* (as amended), *Widlife (Northern Ireland) Order 1985* (as amended), *Nature Conservation and Amenity Lands (Northern Ireland) Order 1985* and the *Countryside and Rights of Way Act 2000* (CRoW).

Global IUCN Red List

The International Union for Conservation of Nature (IUCN) Threatended Species was devised to provide a list of those species that are most at risk of becoming extinct globally. It provides taxonomic, conservation status and distribution information about threatened taxa around the globe.

The system catalogues threatened species into groups of varying levels of threat, which are: Extinct (EX), Extinct in the Wild (EW), Critically Endangered (CE), Endangered (EN), Vulnerable (VU), Near Threatened (NT), Least Conern (LC), Data Deficient (DD), Not Evaluated (NE). Criteria for designation into each of the catgories is complex, and consider several principles.

Habitats Directive

The *Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Fora*, or the '*Habitats Directive*', is a European Union directive adopted in 1992 in response to the Bern Convention. Its aims are to protect approximately 220 habitats and 1,000 species listed in its several Annexes.

In the UK, the *Habitats Directive* is transposed into national law via the *Conservation of Habitats and Species (Amendment) Regulations 2012* in England, Scotland and Wales, and via the *Conservation (Natural Habitats, &c) Regulations (Northern Ireland) 1995 (as amended)* in Northern Ireland.

Protection of Badgers Act 1992 (PBA 1992)

The main legislation protecting badgers in England and Wales is the *Protection of Badgers Act 1992* (the 1992 Act). Under the 1992 Act it is an offence to: wilfully kill, injure, take or attempt to kill, injure or take a badger; dig for a badger; interfere with a badger sett by, damaging a sett or any part thereof, destroying a sett, obstructing access to a sett, causing a dog to enter a sett or disturbing a badger while occupying a sett.

The 1992 Act defines a badger sett as: "any structure or place which displays signs indicating current use by a badger"

National Planning Policy Framework (2012)

Following the publication of the National Planning Policy Framework (NPPF) in March 2012, *Planning Policy Statement 9* (PPS9)*: Biodiversity and Geological Conservation (*2005) has been withdrawn. However, *ODPM 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System* (the guidance document that accompanied PPS9) has not been withdrawn and, where more detailed guidance is required than is given within the NPPF, local planning authorities will continue to rely on ODPM 06/2005.

This guidance requires local planning authorities to take account of the conservation of protected species when determining planning applications and makes the presence of a protected species a material consideration when assessing a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

In the case of European Protected Species such as bats, planning policy emphasises that strict statutory provisions apply (including the *Conservation of Habitats and Species (Amendment) Regulations 2012*), to which a planning authority must have due regard.

Where developments requiring planning permission are likely to impact upon protected species it is necessary that protected species surveys are undertaken and submitted to meet the requirements of paragraph 98 of ODPM Circular 06/2005 which states that:

'*The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat*.'

General guidance within the body of the NPPF which are also potentially relevant to the possible presence of bats at the site includes the following statements:

"The planning system should contribute to and enhance the natural and local environment by:

- *protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *recognising the wider benefits of ecosystem services;*

- *minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures"*

"Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged."

"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *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;"*

Species of Principal Importance in England

Section 41 (S41) of this Act requires the Secretary of State to publish a list (in consultation with Natural England) of habitats and species which are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as public bodies including local and regional authorities, in implementing their duty under Section 40 of the *Natural Environment and rural Communities (NERC) Act 2006*, to have regard to the conservation of biodiversity in England, when carrying out their normal (e.g. planning) functions. The S41 list includes 65 habitats of principal importance and 1,150 species of principal importance.

The Conservation of Habitats and Species (Amendment) Regulations 2012

The *Conservation of Habitats and Species (Amendment) Regulations 2012* came into force on 16th August 2012 and amended the *Conservation of Habitats and Species Regulations 2010* to ensure the various provisions of Directive 92/43/EC ('the Habitats Directive') are transposed in a clear manner.

Regulations place a duty on the Secretary of State to propose a list of sites which are important for either habitats or species (listed in Annexes I or II of the Habitats Directive respectively) to the European Commission. These sites, if ratified by the European Commission, are then designated as Special Protection Areas (SPAs) within six years. The 2012 amendments include that public bodies help preserve, maintain and re-establish habitats for wild birds.

The Regulations also make it an offence to deliberately capture, kill, disturb or trade in the animals listed in Schedule 2, or pick, uproot, destroy, or trade in the plants listed in Schedule 5 (see Table D1).

Table D1 Schedules of the *Conservation of Habitats and Species (Amendment) Regulations 2012*

Schedule 2 – European Protected Species of Animals		**Schedule 5 – European Protected Species of Plant**	
Common name	**Scientific name**	**Common name**	**Scientific name**
Horseshoe bats	Rhinolophidae - all species	Dock, Shore	*Rumex rupestris*
Common bats	Vespertilionidae - all species	Killarney Fern	*Trichomanes speciosum*
Wild Cat	*Felis silvestris*	Early Gentian	*Gentianella anglica*
Dolphins, porpoises and whales	Cetacea – all species	Lady's-slipper	*Cypripedium calceolus*
Dormouse	*Muscardinus avellanarius*	Creeping Marshwort	*Apium repens*
Pool Frog	*Rana lessonae*	Slender Naiad	*Najas flexilis*
Sand Lizard	*Lacerta agilis*	Fen Orchid	*Liparis loeselii*
Fisher's Estuarine Moth	*Gortyna borelii lunata*	Plantain, Floating-leaved water	*Luronium natans*
Newt, Great Crested	*Triturus cristatus*	Yellow Marsh Saxifrage	*Saxifraga hirculus*
Otter	*Lutra lutra*		
Lesser Whirlpool Ram's-horn Snail	*Anisus vorticulus*		
Smooth Snake	*Coronella austriaca*		
Sturgeon	*Acipenser sturio*		
Natterjack Toad	*Bufo calamita*		
Marine Turtles	*Caretta caretta*, *Chelonia mydas*, *Lepidochelys kempii*, *Eretmochelys imbricata*, *Dermochelys*		

Schedule 2 – European Protected Species of Animals		Schedule 5 – European Protected Species of Plant	
Common name	**Scientific name**	**Common name**	**Scientific name**
	coriacea		

The Hedgerow Regulations 1997

The *Hedgerow Regulations 1997* were made under Section 97 of the *Environment Act 1995* and came into force in 1997. They introduced new arrangements for local planning authorities in England and Wales to protect important hedgerows in the countryside, by controlling their removal through a system of notification. Important hedgerows are defined by complex assessment criteria, which draw on biodiversity features, historical context and the landscape value of the hedgerow.

Wildlife and Countryside Act 1981 (as amended)

This is the principal mechanism for the legislative protection of wildlife in the UK. This legislation is the chief means by which the '*Bern Convention*' and the *Birds Directive* are implemented in the UK. Since it was first introduced, the Act has been amended several times.

The Act makes it an offence to (with exception to species listed in Schedule 2) intentionally:

- kill, injure, or take any wild bird,
- take, damage or destroy the nest of any wild bird while that nest is in use, or
- take or destroy an egg of any wild bird.

In addition, the Act makes it an offence (subject to exceptions) to:

- intentionally or recklessly kill, injure or take any wild animal listed on Schedule 5,
- interfere with places used for shelter or protection, or intentionally disturbing animals occupying such places.
- The Act also prohibits certain methods of killing, injuring, or taking wild animals

Finally, the Act also makes it an offence (subject to exceptions) to:

- intentionally pick, uproot or destroy any wild plant listed in Schedule 8, or any seed or spore attached to any such wild plant,
- unless an authorised person, intentionally uproot any wild plant not included in Schedule 8,
- sell, offer or expose for sale, or possess (for the purposes of trade), any live or dead wild plant included in Schedule 8, or any part of, or anything derived from, such a plant.

Following all amendments to the Act, Schedule 5 'Animals which are Protected' contains a total of 154 species of animal, including several mammals, reptiles, amphibians, fish and invertebrates. Schedule 8 'Plants which are Protected' of the Act, contains 185 species, including higher plants, bryophytes and fungi and lichens. A comprehensive and up-to-date list of these species can be obtained from the JNCC website.

Part 14 of the Act makes unlawful to plant or otherwise case to grow in the wild any plant which is listed in Part II of Schedule 9.

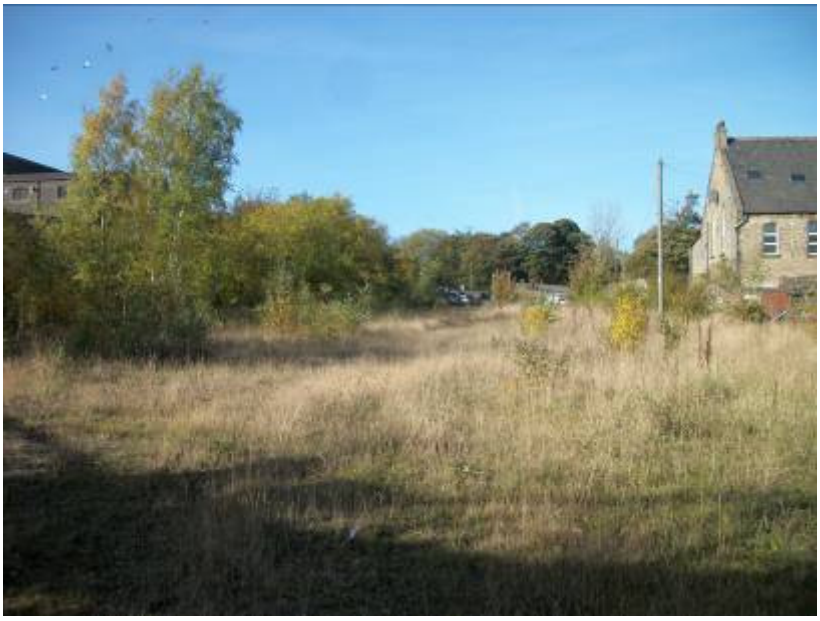
Table D2 provides a comprehensive list of plant species listed in this schedule. It is recommended that plant material of these species is disposed of as bio-hazardous waste, and these plants should not be used in planting schemes.

Table D2 Invasive plant species listed in Schedule 9 of the *Wildlife & Countryside Act 1981* (as amended)

Common name	Scientific name
Perfoliate alexanders	*Smyrnium perfoliatum*
Red algae	*Grateloupia luxurians*
Variagated yellow archangel	*Lamiastrum galeobdolon* subsp. *argentatum*
Yellow azalea	*Rhododendron luteum*
Indian (Himalayan) balsam	*Impatiens glandulifera*
Cotoneaster	*Cotoneaster horizontalis*
Entire-leaved cotoneaster	*Cotoneaster integrifolius*
Himalayan cotoneaster	*Cotoneaster simonsii*
Hollyberry cotoneaster	*Cotoneaster bullatus*
Small-leaved cotoneaster	*Cotoneaster microphyllus*
False Virginia creeper	*Parthenocissus inserta*
Virginia creeper	*Parthenocissus quinquefolia*

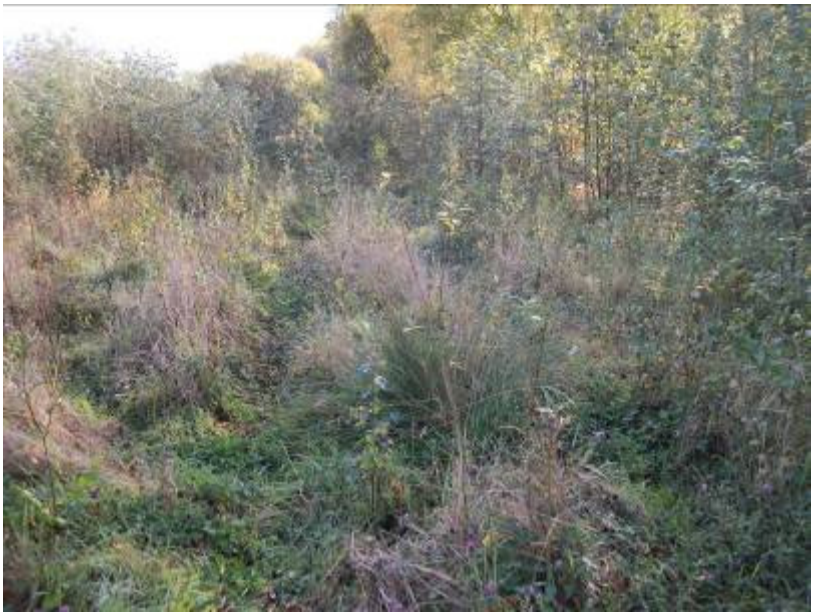
Common name	Scientific name
Purple dewplant	*Disphyma crassifolium*
Fanwort or Carolina water-shield	*Cabomba caroliniana*
Water fern	*Azolla filiculoides*
Hottentot fig	*Carpobrotus edulis*
Three-cornered garlic	*Allium triquetrum*
Giant hogweed	*Heracleum mantegazzianum*
Water hyacinth	*Eichhornia crassipes*
Giant kelp	*Macrocystis* spp.
Giant knotweed	*Fallopia sachalinensis*
Hybrid knotweed	*Fallopia japonica* × *Fallopia sachalinensis*
Japanese knotweed	*Fallopia japonica*
Few-flowered garlic	*Allium paradoxum*
Water lettuce	*Pistia stratiotes*
Parrot's-feather	*Myriophyllum aquaticum*
Floating pennywort	*Hydrocotyle ranunculoides*
Duck potato	*Sagittaria latifolia*
Floating water primrose	*Ludwigia peploides*
Water primrose	*Ludwigia grandiflora*
Water primrose	*Ludwigia uruguayensis*
Pontic rhododendron	*Rhododendron ponticum*
Rhododendron	*Rhododendron ponticum* × *Rhododendron maximum*
Giant rhubarb	*Gunnera tinctoria*
Japanese rose	*Rosa rugosa*
Giant salvinia	*Salvinia molesta*
Green seafingers	*Codium fragile*
Californian red seaweed	*Pikea californica*
Hooked asparagus seaweed	*Asparagopsis armata*
Japanese seaweed	*Sargassum muticum*
Laver seaweeds (except native species)	*Porphyra* spp
Australian swamp stonecrop or New Zealand pygmyweed	*Crassula helmsii*
Wakame	*Undaria pinnatifida*
Curly waterweed	*Lagarosiphon major*
Waterweeds	*Elodea* spp.

Appendix E - Site photographs

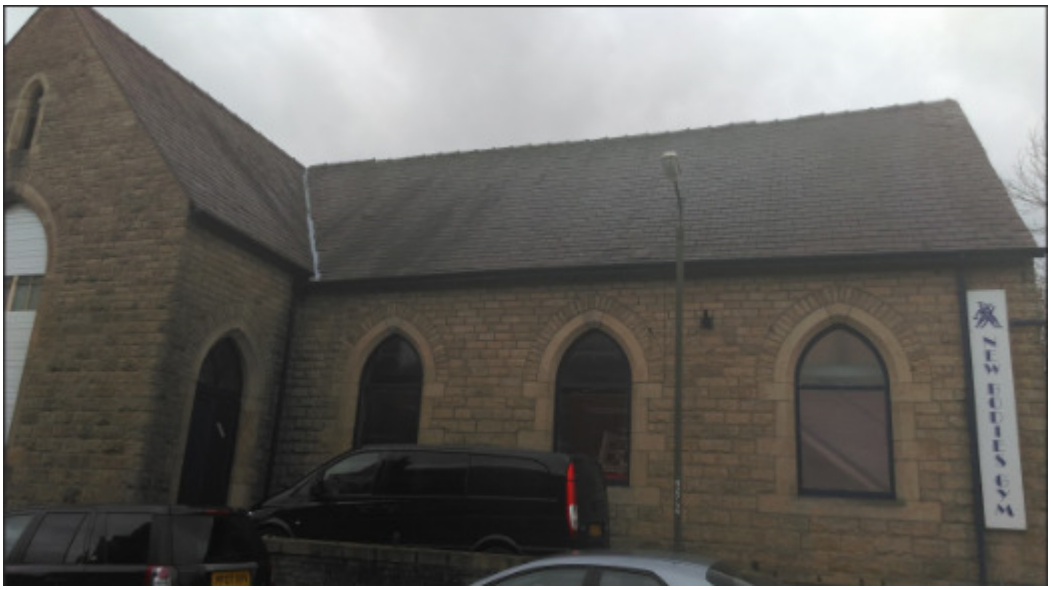


Photograph 1 Western part of the site, tall ruderal and scattered scrub

Photograph 2 Centre of site, hardstand colonised by ephemeral / short perennial vegetation



Photograph 3 Eastern tip of the site with tall ruderal and scrub.



Photograph 4 Northern aspect of building

Photograph 5 Southern aspect of the building

Appendix F – Target notes

Target Note	Description	Photograph
1	Adjacent building with low bat roost potential (lifted tiles)	
2	Giant hogweed	

Appendix G – Report conditions

WYG

Report Conditions

Extended Phase 1 Habitat Survey

This report is produced solely for the benefit of Kirkland Developments Limited and no liability is accepted for any reliance placed on it by any other party unless specifically agreed in writing otherwise.

This report is prepared for the proposed uses stated in the report and should not be used in a different context without reference to WYG. In time improved practices, fresh information or amended legislation may necessitate a re-assessment. Opinions and information provided in this report are on the basis of WYG using due skill and care in the preparation of the report.

This report refers, within the limitations stated, to the environment of the site in the context of the surrounding area at the time of the inspections. Environmental conditions can vary and no warranty is given as to the possibility of changes in the environment of the site and surrounding area at differing times.

This report is limited to those aspects reported on, within the scope and limits agreed with the client under our appointment. It is necessarily restricted and no liability is accepted for any other aspect. It is based on the information sources indicated in the report. Some of the opinions are based on unconfirmed data and information and are presented as the best obtained within the scope for this report.

Reliance has been placed on the documents and information supplied to WYG by others but no independent verification of these has been made and no warranty is given on them. No liability is accepted or warranty given in relation to the performance, reliability, standing etc of any products, services, organisations or companies referred to in this report.

Whilst skill and care have been used, no investigative method can eliminate the possibility of obtaining partially imprecise, incomplete or not fully representative information. Any monitoring or survey work undertaken as part of the commission will have been subject to limitations, including for example timescale, seasonal and weather related conditions.

Although care is taken to select monitoring and survey periods that are typical of the environmental conditions being measured, within the overall reporting programme constraints, measured conditions may not be fully representative of the actual conditions. Any predictive or modelling work, undertaken as part of the commission will be subject to limitations including the representativeness of data used by the model and the assumptions inherent within the approach used. Actual environmental conditions are typically more complex and variable than the investigative, predictive and modelling approaches indicate in practice, and the output of such approaches cannot be relied upon as a comprehensive or accurate indicator of future conditions.

The potential influence of our assessment and report on other aspects of any development or future planning requires evaluation by other involved parties.

The performance of environmental protection measures and of buildings and other structures in relation to acoustics, vibration, noise mitigation and other environmental issues is influenced to a large extent by the degree to which the relevant environmental considerations are incorporated into the final design and specifications and the quality of workmanship and compliance with the specifications on site during construction. WYG accept no liability for issues with performance arising from such factors.

November 2008

WYG Environment Planning Transport Ltd.