
Preliminary Ecological
Appraisal

Bowring Park and Golf
Course, Roby Road, Huyton,
L36 4HD

Ref: P.2087.24

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(See revision dates below)

Rev	Date	Details

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EXECUTIVE SUMMARY

Ascerta has been instructed by **One Day** to carry out a Preliminary Ecological Appraisal at the land of Bowring Park and Golf Course, Roby Road, Huyton, L36 4HD (hereafter referred to as **the site**).

The Preliminary Ecological Appraisal comprised of a desk study and biological records search, as well as a site walkover in order to map habitat types and identify key ecological constraints to the proposals at the earliest possible stages. The survey was extended to assess the potential for protected species to use the site. The assessment provides baseline data regarding the current site conditions and where appropriate allows recommendations made in respect of further potential work in order to satisfy current UK wildlife legislation.

Assessed against the 'Guidelines for Ecological Impact Assessment in the UK and Ireland' 2nd edition (2018), the sites habitats range in ecological value from negligible to local.

The site provides habitat for nesting, wintering and breeding birds, hedgehog, bats and amphibians. The site comprises broadleaf woodlands, bare ground to the north in which transitions south into a shallow damp scrape colonised by notable marginal aquatic perennial shrubs. Tall ruderal ephemeral vegetation sits on previously disturbed ground to the south and southeast abutting the woodlands edges. Amenity grasslands sit within the north, east and south of the site. Hardstanding ground sits to the northeast and penetrates the proposed working area from east to west and north to south as main access routes to the golf course.

- If works have not begun by October 2026, an updated site visit will be required to reassess ecological constraints of the site;
- If trees **TN1, TN2, TN3, TN4** are to be removed to accommodate the proposals, a minimum of two nocturnal surveys (between May and August) will be required (see section 5.2).
- If any of the woodland within the site is to be lost, bat activity surveys and the deployment of static bat detectors between April and October will be required (see section 5.2, one survey in spring (April/May), one survey in summer (June-August) and one survey in Autumn (September/October), along with the deployment of a static bat detector for minimum of five nights per season).
- If bats are confirmed to be using the area for either commuting, foraging or roosting, maintaining and reducing existing light levels to protect bat species present is recommended. Where Artificial Light at Night (ALAN) spillage cannot be avoided on bat foraging routes (woodland edges) or areas within the woodland used for commuting and roosting a species specific Isolux plan will be required;
- Production and implementation of Reasonable Avoidance Measures (RAMS) for hedgehog and other small mammals respectively will be required to avoid harm to these species during the proposed works (see section 5.2);
- Production and implementation of Reasonable Avoidance Measures (RAMS) for amphibians, to avoid harm to these species during the proposed works (see section 5.2);
- Production and implementation of Reasonable Avoidance Measures (RAMS) for badger to avoid harm to this species during the proposed works (see section 5.2)
- Production and implantation of a Construction Environment Management Plan (CEMP) that includes details of the measures to be taken to ensure on-site and off-site habitats and species are not adversely impacted during the works;
- A precautionary check for invasive species prior to works commencing;

- Enhancing the sites habitats for species through appropriate landscaped design that includes native tree, flora and shrub planting plus provision of integrated bat and bird features within newly constructed buildings and the surrounding landscape;
- Production of the Defra Metric Biodiversity Net Gain Calculations including baseline and subsequent losses resultant of the proposals to minimise impacts on biodiversity to provide and secure net gains in biodiversity, utilising the mitigation hierarchy;
- Production of a Management Plan to ensure the long-term commitments to manage the planting, protection and enhancement of biodiversity in and around a new development site; and
- Vegetation clearance should be undertaken outside of the nesting bird season preferably within the late autumn-winter to ensure invertebrates are not using the site and to avoid impacts to nesting birds (1st March to 31st August Inclusive). Or a nesting bird check undertaken by a suitably experienced ecologist should be undertaken immediately prior to works commencing.

It is considered that there would be limited impacts on the local ecology as a result of the proposals, provided the recommendations detailed within section 5.0 above are followed.

1.0 Introduction

Ascerta has been instructed by **One Day** to carry out a Preliminary Ecological Appraisal at the land at the site.

The site is centred on Ordnance Survey Grid Reference (OSGR) SJ 42702 90404 and the What3Words reference is lined. keep. Keen. The extent of the site is displayed in photograph 1.1 below.



Photograph 1.1: Extent of the site

Our client seeks planning consent to erect a reception area and a park house.

The site was visited on 1st October 2024 by Jack Philip Stanley BSc (Hons) CIEEM when a Preliminary Ecological Appraisal, which includes an assessment of the potential for protected species to be using the site or surroundings, was carried out in accordance with the *Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit* (JNCC, 2010). The report was prepared following methods detailed in the CIEEM '*Guidelines for Ecological Impact Assessment in the UK and Ireland*' (2018) and '*Guidelines for Ecological Report Writing*' (2017).

This report presents the results of the survey including evaluation of habitats on site and potential for protected species to be using the site. The report includes recommendations for further actions where applicable, in order to satisfy current UK wildlife legislation and to achieve our client's objectives. Relevant legislation is detailed within Appendix 4.

Our client's objectives are to assess the potential ecological constraints of the proposed development site.

2.0 Objectives

Our client's objectives are to assess the potential ecological constraints of the proposed development site.

Our objectives are as follows:

- Identify and evaluate any features of ecological value and the potential of the site to support protected species based on the walkover survey and biological records search;
- Identify designated sites within 2km of the site;
- Review protected species records within 2km of the site;
- Map the habitats within the site using JNCC (2010) methods;
- Provide recommendations for further species-specific surveys and mitigation measures where current legislation requires;
- Provide recommendations that seek to enhance the ecological value of the site;
- Provide recommendations to assist our clients in achieving their objectives whilst satisfying current UK wildlife legislation.

3.0 Survey Methods

The Preliminary Ecological Appraisal involved the collection and review of data from a desk study and field survey, along with assessment of the value of the habitats following CIEEM guidelines.

3.1 Desk Study

A desk study was undertaken on 26th September 2024 to identify protected and notable habitats and species, and nature conservation designations potentially relevant to the proposed development. The desk study was carried out using the sources detailed in Table 3.1 below.

Table 3.1. Desk Study Data Information

Source	Date Obtained	Data Obtained
Multi-Agency Geographic Information for the Countryside (MAGIC)	26 th September 2024	- Protected and Notable habitats within 1km of the site - Great Crested Newt Class Survey Licences within 1km of the site - Two suitable amphibian breeding and resting habitat (ponds) within 250m of the site (not accessible).
The Mersey Biobank	1 st October 2024	- Non-statutory designated sites within 2km of the site - Protected and notable species records within 2km of the site - Priority habitats
North Merseyside BAP	1 st of October 2024	Mixed woodland and scrub communities

3.2 Field Survey

A walkover survey of the site was conducted on 1st October 2024 by Jack Stanley BSc (Hons) CIEEM. The habitat types and features of ecological interest were identified and mapped in compliance with *the Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit* (JNCC, 2010). During the survey, weather conditions were recorded to ensure optimal surveying conditions according to guidelines. Any sub-optimal conditions will be discussed in the limitations.

This includes the identification of the main species present and examination of the potential for any protected species. Habitats were mapped (Appendix 1) and target notes (Appendix 2) made for any interesting features.

The surveys particularly focused on the following species and habitat features:

- Mammals (badgers, bats, otter, red squirrel and water vole);
- Birds;

- Amphibians and reptiles;
- Invertebrates;
- Hedgerows and boundaries;
- Invasive plant species; and
- Plant communities and trees.

3.3 Bat Survey Methods

The survey methods followed the guidelines set out by the Bat Conservation Trust's *Bat Surveys for Professional Ecologists Good Practice Guidelines – 4th Edition* (2023). Habitats, buildings and trees were assessed for suitability for use by bats and categorised independently using table 4.1 page 44 within the Bat Conservation Trust Guidelines (Collins, 2023).

Preliminary Ecological Appraisal for Bats

Habitats on site were assessed for their suitability for bats to use them for roosting, commuting and foraging both on the site and surrounding area. Commuting and foraging habitat suitability was categorised **low** to **high**. Any commuting and foraging habitat valued as **moderate** or above may need further survey effort if lost to the proposals.

Preliminary Roost Assessment Trees

All trees were inspected for Potential Roost Features (PRFs). Features searched for included: Natural or woodpecker holes, cracks/splits in major limbs, loose bark, hollows/cavities, dense epicormic growth, bird and bat boxes. Where such features were found they were investigated for scratches or staining, bat droppings and smoothing of surfaces around entry points. Trees assigned a suitability of **moderate** or above may require further inspection if they are to be lost to the development.

Table 3.2: Guidelines for assessing potential suitability of proposed development sites for bats, based on the presence of habitat features within the landscape, to be applied using professional judgement. Guidelines taken from table 4.1 page 44 of the Bat Conservation Trust Bat Surveys for Professional Ecologists Good Practice Guidelines – 4th Edition (2023).

Potential suitability	Description	
	Roosting Habitats in structures	Potential flight-paths and foraging habitats
None	<i>No habitat features on site likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels).</i>	<i>No habitat features on site likely to be used by any commuting or foraging bats at any time of the year (i.e. no habitats that provide continuous lines of shade/protection for flight-lines or generate/shelter insect populations available to foraging bats).</i>
Negligible^a	<i>No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.</i>	<i>No obvious habitat features on site likely to be used as flight-paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.</i>
Low	<i>A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year.</i>	<i>Habitat that could be used by small numbers of bats as flight-paths such as a gappy hedgerow or unvegetated stream, but</i>

	<i>However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions ^b and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site but could be used by individual hibernating bats ^c).</i>	<i>isolated, i.e. not very well connected to the surrounding landscape by other habitat. Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.</i>
Moderate	<i>A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions^b and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity or hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).</i>	<i>Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.</i>
High	<i>A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions ^b and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.</i>	<i>Continuous, high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys, streams, hedgerows, lines of trees and woodland edge. High-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland. Site is close to and connected to known roosts.</i>

^a Negligible is defined as ‘so small or unimportant as to be not worth considering, insignificant’. This category may be used where there are places that a bat could roost or forage (due to one attribute) but it is unlikely that they actually would (due to another attribute).

^b For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance.

^c Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten et al., 2016 and Jansen et al., 2022). Common pipistrelle swarming has been observed in the UK (Bell, 2022 and Tomlinson, 2020) and winter hibernation of this species has been detected at Seaton Delaval Hall in Northumberland (National Trust, 2018). This phenomenon requires some research in the UK, but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in prominent buildings in the landscape, urban or otherwise.

3.4 Badger Survey Methods

The site was searched for setts and badger field signs including foraging areas, latrines and tracks. Attention was paid to the presence of the following field signs:

- Setts: single holes or a series of holes likely to be interconnected underground;
- Latrines: badgers usually deposit faeces in excavated pits;
- Paths and footprints;

- Scratching posts: at the base of trees;
- Snuffle holes: areas where badgers have searched for insects or defecated to mark territorial boundaries;
- Day nest: bundles of vegetation where badgers may sleep above ground; and
- Traces of hair.

Any setts recorded were categorised into sett types using the following criteria (Thornton, 1988):

- Main sett: Usually appearing well-used, well established and having a large number of holes with big spoil heaps, often with piles of old bedding outside;
- Annexe sett: Annexe setts are always close to the main sett and are usually connected by one or more obvious well-worn paths. They consist of several holes but are not necessarily in use the whole time, even if the main sett is very active;
- Subsidiary sett: Often these have very few holes, are usually at least 50m from the main sett and do not have an obvious path connecting them with another sett;
- Outlying sett: Usually comprising one or two holes with very little spoil outside (thus indicating that the tunnel system underground is not extensive), outlying setts have no obvious path connecting them with another sett and are used only sporadically.

3.5 Evaluation

Habitats and species on the site were evaluated following the '*Guidelines for Ecological Impact Assessment in the UK and Ireland*' (2018). A geographical frame of reference is assigned to each habitat and species, with **International Value** being most important, then **National, Regional, County, District, Local** and lastly, within the immediate **Zone of Influence (Zoi)** of the proposals only.

Value judgements are based on characteristics that can be used to identify ecological resources or features likely to be important in terms of biodiversity. These include site designations such as SSSIs. For undesignated features, the size, conservation status (locally, nationally or internationally), and the quality of the ecological resource are considered. Ecological resource quality can refer to habitats (for instance if they are particularly diverse, or a good example of a specific habitat type), other features (such as wildlife corridors or mosaics of habitats) or species populations or assemblages.

The recommendations detailed within this report aim to meet requirements of the Environment Act and Statutory Biodiversity Metric as far as possible at this stage.

3.6 Limitations

The site visit was undertaken in October. Although this within the sub-optimal time of year for phase 1 habitat surveys, sufficient vegetation was present to enable habitat identification. It is not considered a limit to the conclusions of the report based on the habitats found within the site and the works proposed.

The absence of biological records does not necessarily mean the absence of species. This has been considered within the report conclusions.

Bat droppings are less likely to be present during hibernation periods where bats are less active (Oct – March inclusive) and therefore absence of droppings does not represent the absence of bats. On this occasion a Ground Level Roost Assessment was undertaken on the trees within the site to identify potential roosting features (PRF), the caveat of height is considered within this report.

The site was visited on only one occasion. This produces a snapshot of habitats and species on the site and others may be present at different times of the day or year. This limitation has been considered within this report.

4.0 Survey Results

4.1 Desk Study

Statutory sites

No statutory designated sites were identified within a 2km radius of the proposed development site.

Non-statutory sites

Seven non-statutory designated sites were identified within a 2km radius of the proposed development site. These include one Local Wildlife Site (LWS), one Local Nature Reserve (LNR) and five Sites of Biological Interest (SBI). These are listed within Table 4.2 below

Table 4.2 Non- Statutory Designated Sites

Non-Statutory Designated Site	Reason for Designation	Distance to Proposed Development
Bowring Park Golf Course (SBI)	Designated for its areas of mixed and broadleaf woodlands, grasslands, ponds and scrub habitat.	180m southwest
Childwall Woods, field and Black Wood (LNR)	Designated for its woodland habitat and unimproved grasslands.	2km southwest
Court Hey Park (SBI)	Designated for its woodland habitat.	946m west
Huyton Lane Wetland (SBI)	Designated for neutral and smaller areas of acidic marsh, standing water, running water and neutral grasslands.	2km northeast
Loop Line woodlands (LWS)	Designated for its woodland habitat.	1.75km southwest
River Alt (SBI)	Designated for its bank habitat to support breeding water voles and an assemblage of breeding and wintering birds.	2km northwest
Ten Acre Pits (SBI)	Designated for its mature broadleaf woodland.	1.4km southeast

The full designations for each site are listed within Appendix 5.

The site does not lie within a Natural England SSSI Impact Risk Zone.

Priority Habitats

Numerous areas of priority habitat deciduous woodland were returned within 2km of the site with the closest area located within the proposal boundary to the west.

The site lies within a Conservation Target area for the following Priority Species:

- Lapwing (*Vanellus vanellus*)

The site also falls within a breeding area for the following Grassland Assemblage Farmland Birds:

- Lapwing
- Tree sparrow (*Passer montanus*)
- Grey partridge (*Perdix perdix*)

Priority Species

Following a review of records held by The Mersey Biobank, several priority species that have the potential to occur within the vicinity of the proposed development have been identified. These include birds, bats, badger, Brown hare, hedgehog and amphibians. The species records are summarised below, and the detailed records held by The Mersey Biobank within 2km of the site are displayed within Appendix 5. Protected species legislation can be found within Appendix 4.

Birds

Sixteen thousand seven hundred and forty-four records were returned for bird species within 2km of the site. Species returned include swift, house martin, barn owl, corn bunting and dunnock with the closest record being two adult redwing 8.4m northeast of the proposed development. The most recent record was a 2016 record for House sparrow recorded 1.5km northwest of the site. All species recorded within 2km are displayed within Appendix 5.

Bats

The Mersey Biobank returned 330 records for bats within 2km of the site. Bat species include common pipistrelle, soprano pipistrelle, Nathusius's pipistrelle, Daubentons bat, whiskered myotis, brown long-eared bat, Western Barbastelle and noctule, the closest of which was a 2015 record of common pipistrelle 'in flight' located within the boundary of site to the east.

Amphibians

Twenty-five records for great crested newt were returned within 2km of the site. The closest of which was a 2014 record located 250m southwest the site.

A further 302 records of amphibians were returned within 2km of the site. Species include smooth newt, Alpine newt, common frog, palmate newt, and common toad. The closest of which was a 2015 record of common frog located 67m northeast of the site.

Reptiles

No records for reptiles were returned within 2km of the site.

Otter

Two records for otter were returned within 2km of the site. The closest of which was a 2009 record located 2km north of the site.

Water vole

Eight records for water vole were returned within 2km of the site. The closest of which was a 2007 record located 817m southeast of the site.

Badger

Twenty-eight records for badger were returned within 2km of the site. The closest of which was a 2017 record located 560m west of the site.

Other mammals

Seventy-seven records for other mammals were returned within 2km of the site including, Brown hare and European hedgehog, American mink, red squirrel. The closest of which was a 2017 record of Brown hare 2km south of the site and a 2020 record of European hedgehog 126m southeast.

European Protected Species Licences

There were no European Protected Species Licence (EPSL) applications identified within 2km of the site.

There was one Great Crested Newt (GCN) Class Survey records within 2km of the site recorded in 2016 summarised as follows:

- GCN present 20/04/2016 centred on OSGR: SJ430896 located 581 m southeast of the site

4.2 Habitat Survey

A habitat survey was conducted on 1st October by Jack Philip Stanley BSc (Hons) CIEEM. The habitat types and features of ecological interest were identified and mapped in compliance with *The Handbook for Phase 1 Habitat Survey: A Technique for Environmental Audit* (JNCC, 2010). A list and a summary description of key habitats identified within the site is tabled below (see Table 4.6). Notes on the presence or potential presence of protected species are provided in Section 4.6. The Phase 1 Habitat map can be found in P.2087.28 *Phase One Habitat Survey*, Appendix 1 and photographs within Appendix 3. The Target Notes (TN) and lists of species recorded during survey are presented in Appendix 2.

Weather conditions during the survey were mild (15°C), dry and overcast (6/8 cloud cover) with a F2 (Beaufort Scale) light breeze, therefore appropriate for this type of survey.

The site lies to the east of the M62 bound by recreational land (golf course) in the south and east, broadleaf deciduous woodlands to the and the M62 to the west, scattered trees and Roby Road (A5080) to the north.

The onsite habitats comprise of broadleaf woodlands, introduced shrub within the ground layer of the woodlands, four areas amenity grassland (improved), a single area of tall ruderal vegetation fringing on formerly disturbed ground (spoil); scattered trees remnant of the mixed deciduous woodland, a stone wall and three hardstanding areas.

Table 4.3. Habitats present on site including habitat alphanumeric code references from JNCC (2010).

Habitat Description and JNCC Codes	Site Description
<i>Hard standing (J4)</i>	An area of hardstanding (concrete) approximately is located to the northeast, currently used as a walkway and outside commercial area (hospitality), including ornamental box planting and seating. Two additional areas of hardstanding (footpaths) are located on the northern boundary of the site running east to west and north to south. The footpaths are surfaced with hoggin. These habitats are displayed in photographs 1-3 within Appendix 3.
<i>Amenity grassland (J1.2)</i>	Four areas of amenity grassland are present, two in the north and two to the south of the site. The grasslands are intensively managed by regular mowing and impacted by human footfall. The grasslands to the north include one large area with seating and a verge alongside a hardstanding pathway, both have a sward height of approximately 1-2cm. Bent sp. and cocks' foot are abundant with common daisy, white clover, creeping buttercup and common daisy being frequent, dandelion, selfheal, dock sp. being occasional and ribwort plantain, pineapple weed being rare. The grasslands to the south of the site comprises two areas, both running adjacent to a hardstanding pathway, both have a sward height of approximately 1cm. This grassland is abundant in Bent sp. and cock's foot with daisy and creeping buttercup being occasional too rare in places of heavy trampling. Full species lists are detailed within Appendix 2. These habitats are displayed in photographs 4-7 within Appendix 3.
<i>Broadleaf woodland (A1.1.1)</i>	An area of woodland dominated by broadleaf deciduous trees (TN8) sits in the west and southwest boundary of the site, sycamore, common lime and Common Ash dominate the canopy. The woodlands are bound by weld mesh fencing to the east and wooden field fencing to the west. The understory consists of mixed scrub to the far west including young stands of wych elm, hawthorn, bramble, sessile oak, wood avens and sycamore. An area of bare ground (TN9) dominates the north aspect of the woodland as a result of human footfall with scattered brash piles and log piles (TN6); transitioning in the south into a shallow scrape (TN5) with damp soils colonised by introduced marginal aquatic perennial shrubs. This habitat is displayed in photograph 8-9 within Appendix 3.
<i>Tall ruderal vegetation (C3.1) (TN13)</i>	Tall ruderal vegetation fringes a previously created spoil mound (TN7) to the south and southeast abutting the southern woodlands edges. The area is dominated by rosebay willowherb, small flower hairy willow herb, broad leaf dock, spear thistle, common nettle and creeping thistle on its southern boundary, distaff thistle, ribwort plantain and sedge sp. to the east. This habitat is displayed in photographs 10-11 within Appendix 3.

Scattered trees (A3.1)	Scattered trees remnant of the woodlands lines the central penetrating pathway on its eastern edges. Species present are predominantly mature stands of common lime, sycamore and beech. This habitat is displayed in photograph 12 within Appendix 3.
Wall (J2.5)	A brick wall approximately 4 feet in height runs along the southern aspect of the amenity grassland in the north abutting amenity grassland to in the south. The wall sits adjacent to weld mesh fencing with an approximate gap of 1 m creating a single tiered self-seeded verge with hoary mustard, common nettle, common dock, spear thistle and pineapple weed frequent. This habitat is displayed in photograph 13 - 14 within Appendix 3.
Introduced shrub (J1.4) (A1) (TN14)	This area comprises a damp scrape within southern ground layer of the woodland where the succession of introduced shrubs has dominated, species that dominate include yellow flag iris and butterbur with rare occurrences of lords and ladies, bind weed and ground elder. This habitat is displayed in photograph 15 within Appendix 3.
Spoil (I12.2) (TN7)	A single poorly drained spoil heap exists within the woodlands consisting of topsoil is present to the southwest of the site entailing of perennial flora at its centre such as, rare occurrences of bird's foot trefoil and asters with ribwort plantain and hairy sedge frequent on slopes. Woody species include individual stands of pussy willow. The spoil heap (TN7) has a single mammal hole (TN10). This habitat is displayed in photograph 16 within Appendix 3.
Earth bank (J2.8) (TN15)	An earth bank abuts the created spoil heap within the woodlands with stands of ruderal vegetation cover. This habitat is displayed in photographs 10-11 within Appendix 3.
Fence (J2.4)	Steel mesh fencing runs north to south to along the western boundary of the broadleaf woodlands and east to west along the south margin of the amenity grasslands central to the site. This habitat is displayed in photographs 12-13 within Appendix 3.
Bare ground (J4)	A large patch of bare ground resides beneath the scattered trees in the west of the site running alongside the hardstanding footpath. This habitat is displayed in photograph 17 within Appendix 3.
Buildings (J3.6)	A steel storage unit resides upon the amenity grasslands central to the site comprising external timber framing. Additionally, built structures reside in the northeast to accommodate commercial (hospitality) requirements. This habitat is displayed in photograph 18 within Appendix 3.

4.3 Preliminary Bat Ground Level Roost Assessment of Trees

Table 4.4. Preliminary bat roost assessment of trees within the site

Tree TN1 PRF-M OSGR: SJ426903	Tree Description
	Tree TN1 is a mature oriental plane situated on OSGR: SJ426903 between the northern interface of the created spoil heap and the broadleaf woodlands, located approximately 14 meters south of the proposed park house, supporting a single feature in the form of split dead wood on an extruding limb facing south.
	Assessment of TN1
	The tree was assessed to have Low hibernation potential for crevice and void dwelling bats and moderate potential for daytime and

	maternity roosts for crevice dwelling bats. Overall, T1 is classified as having moderate bat roosting potential.
Tree TN2 PRF-M OSGR: SJ 42670 90413 	Tree Description Tree TN2 is a mature sycamore situated within northeast of the woodlands, located approximately 27 meters north of the proposed park house, supporting a woodpecker whole feature facing west.
	Assessment of TN2 The tree was assessed to have moderate hibernation potential for crevice and void dwelling bats and moderate potential for day and maternity roosts for crevice dwelling bats. Overall, T2 is classified as having moderate bat roosting potential.
Tree Tn3 PRF-M OSGR: SJ 42650 90396	Tree Description Tree TN3 is a mature sycamore situated within west of the woodlands, located approximately 7 meters west of the proposed park house, supporting a single knot whole feature facing east.

	
	Assessment of TN3
	The tree TN3 was assessed to have moderate hibernation potential for crevice and void dwelling bats and moderate potential for day and maternity roosts for crevice dwelling bats. Overall, T3 is classified as having moderate bat roosting potential.
	Tree Description
Tree TN4 PRF-M OSGR: SJ 42671 90410 	Tree TN4 is a mature sycamore situated within northeast of the woodlands, located approximately 27 meters north of the proposed park house, supporting a single feature in the form of knot hole facing west.
	Assessment of TN4
	The tree was assessed to have moderate hibernation potential for crevice and void dwelling bats and moderate potential for day and maternity roosts for crevice dwelling bats. Overall, T4 is classified as having moderate bat roosting potential.

4.4 Protected and Notable Species

Table 4.6: Habitat suitability for protected and notable species, including evidence, further survey information and reference to photographs/drawings where applicable.

Birds	Habitat suitability
	The scrub within the broadleaf woodland, the broadleaf woodland, scattered trees, tall ruderal vegetation all provide suitable foraging and nesting opportunities for bird species.
	The search returned records for red wing within the site boundary a schedule 1 listed species (Wildlife and Countryside Act 1981) the woodland habitats and scrub provide ample opportunity for foraging and commuting this species and other passerine species. The habitats within the site do not provide adequate habitat and opportunity for grassland assemblages of farmyard birds and none were noted at the time of survey.
	The site lies within a British Trust of Ornithology (BTO) and Forestry Commission wader zone were habitat used by sensitive wading birds does not exceed 1 (low suitability habitat).
	Species seen / Evidence of presence / Features identified
	During the survey, a single Robin was identified within the site.
Bats	Further survey required
	For any vegetation removal to be undertaken, a nesting bird survey will be required (section 5.2).
	Habitat suitability
	The trees on site offer negligible to moderate potential to support bat roosts as detailed above in section 4.3.
	Broadleaf woodland, scrub, ruderal vegetation and scattered trees within the site provide good suitability for commuting and foraging bats, with good connectivity to the broader landscape.
	Species seen / Evidence of presence / Features identified
Bats	Suitable features were identified within four trees within the broadleaf woodlands of the site detailed above in section 4.3
	Further survey required
	If the trees (TN1, TN2, TN3, TN4) are to be removed for the works to commence further, whilst considering the surveys preliminary constraints (see section 3.6) additional bat activity surveys will be required, one survey in Spring (April/May), one survey in summer (June-August) and one survey in Autumn (September/October), along with the deployment of a static bat detector for minimum of five nights per season.
	Additionally, the broadleaf woodlands on site provide moderate suitability for commuting and foraging bats if any section of the woodlands are to be lost as a result of the proposals further bat activity surveys will be required, one survey in Spring (April/May), one survey in summer (June-August) and one survey in Autumn (September/October), along with the deployment of a static bat detector for minimum of five nights per season.

Badger	Habitat suitability
	The broadleaf woodland, spoil heap (TN7), tall ruderal vegetation and amenity grasslands (golf course) within the site provide foraging and shelter habitat for badger.
	Species seen / Evidence of presence / Features identified
	No evidence of badger was identified within the site during the survey. No known badger setts have been recorded within 2km of the site.
	Further survey required
	No further survey effort of badger will be required; however, RAMS should be implemented to avoid harm to this species during the works (see section 5.2).
Water vole	Habitat suitability
	The site and adjacent areas provide no suitable habitats for water vole.
	Species seen / Evidence of presence / Features identified
	No evidence of water vole was identified during the site visit. The closest record of water vole returned was located 817m south in 2007.
	Further survey required
	Water vole will not be impacted by the proposals within the site therefore, water vole do not require further consideration within this planning application and will not be discussed further within this report.
Otter	Habitat suitability
	The site and adjacent areas provide no suitable habitats for otter with limited connectivity to the River Alt (SBI). Otter may occasionally traverse the site; it is considered that there are more suitable habits for them within the surrounding landscape. However, no records of otter were returned.
	Species seen / Evidence of presence / Features identified
	No evidence of otter was identified during the site visit.
	Further survey required
	Otter will not be impacted by the proposals within the site therefore, otter do not require further consideration within this planning application and will not be considered further within this report.
Amphibians	Habitat suitability
	One damp scrape (TN5) and two brash piles (TN4) are (present within woodland of the site's boundary providing suitable resting habitat for amphibians. A review of OS maps provided a two-ponds located within 250m of the proposals; one of the ponds was non-existent (70m) north and the other inaccessible (250m southwest) with fragmented connectivity to the proposed area.
	Species seen / Evidence of presence / Features identified
	No evidence of GCN was identified within the site during the survey effort.
	Further survey required
	The proposals sit within the scrape area and therefore RAMS should be produced and implemented for amphibians to avoid harm to these species (see section 5.2).
Reptiles	Habitat suitability
	The habitats within the site do not offer suitability to support reptiles. Ecotones are not present within the site and the habitats are scattered across the site with no suitable connectivity and heavy human footfall.
	Species seen / Evidence of presence / Features identified
	No evidence of reptiles was identified within the site during the survey.

	Further survey required
	No further survey for reptile will be required. Reptiles do not require consideration within this planning application and will not be discussed further.
Invertebrates	Habitat suitability
	The amenity grasslands, tall ruderal and mixed woodlands provide some limited habitat for invertebrates; however, the area is highly prone to human disturbance.
	Species seen / Evidence of presence / Features identified
	No evidence of invertebrates was identified within the site during the survey.
	Further survey required
	No further survey for invertebrates will be required. Invertebrates do not require consideration within this planning application and will not be discussed further.
Small mammals	Habitat suitability
	Broadleaf woodlands and scrub, spoil, ruderal vegetation and brash piles within the site provide foraging and shelter habitat for small mammal species such as hedgehog.
	Species seen / Evidence of presence / Features identified
	No evidence of hedgehog was identified within the site during the survey. One hundred and sixty-three records of hedgehog were returned within 2km of the site.
	Further survey required
	No further survey effort of other small mammals will be required; however, RAMS should be implemented to avoid harm to this species (see section 5.2).

Invasive species

No non-native invasive species listed within schedule 9 of the Wildlife and Countryside Act 1981 were identified within the site during the walkover survey.

5.0 Evaluation and Recommendations

5.1 Designated Sites and Habitats

There is one non-statutory protected site within the zone of influence, Bowring Park Golf Course (SBI) (**the site**), designated for its areas of mixed and deciduous woodlands, grasslands, ponds and scrub habitat. The proposed park house is to be erected within priority habitat deciduous woodland, however no penetrating ground works or tree removal is proposed, at this stage, during or prior to the operational phases of the works commencing. To protect the ecological integrity and functional organisation of this area of broadleaf woodlands under construction activities a Construction Environment Management Plan (CEMP) should be produced and implemented in full. The CEMP should comprise details on reducing light, noise and particulate pollution, as well as measures to ensure insoluble solutions (oil/fuel) are disposed of and managed off-site appropriately following local disposal guidance. The site does not lie within a Natural England SSSI Impact Risk Zone

Lighting during construction should follow Good Practice Guidelines in relation to bats (BCT, 2018) and avoid disturbance to commuting, foraging or roosting regimes, this can be achieved by maintaining and reducing existing light levels to protect bat species present. Where Artificial Light at Night (ALAN) spillage cannot be avoided on bat foraging routes (woodland edges) or areas within the woodland used for commuting and roosting a species specific Isolux plan will be required.

The habitats on site comprise hardstanding, introduced shrub, woodland scrub, spoil, tall ruderal, a wall and priority habitat broadleaf deciduous woodlands dominated by semi-mature and mature broadleaf stands. These habitats are considered to have an ecological value of local within the zone of influence of the site or lower. Overall, in consonance with proposals approximately 0.01ha of perennial shrubland ground cover dominated by introduced shrub within mixed deciduous woodlands and approximately 0.0096ha of modified grasslands in poor condition used for amenity will be lost to the proposals and the ecological integrity and functional organisation of the site and the landscape are unlikely to be adversely impacted.

To support the proposals the production of the Defra Metric Biodiversity Net Gain Calculations and a Biodiversity Impact Assessment will accompany this report to minimise impacts of biodiversity and provide minimum of 10% net gains in biodiversity value and the production of a Management Plan to ensure the long-term commitments to manage the planting, protection and enhancement of biodiversity in and around the new development site.

5.2 Protected and Notable Species Recommendations

Birds

The mixed woodland, scattered trees, scrub and tall ruderal vegetation provide suitable habitat for nesting and foraging bird species. It is recommended that vegetation clearance should be undertaken outside of the nesting bird season (**1st March to 31st August Inclusive**) to avoid any impact on breeding birds. If vegetation clearance cannot be undertaken outside of the breeding bird season, a nesting bird check undertaken by a suitably experienced ecologist should be undertaken immediately prior to works commencing. If an active birds' nest is identified a suitable buffer zone should be implemented where no works are to occur within until the young have fledged the nest.

Bats

The broadleaf woodlands on site provide **moderate** suitability for commuting and foraging bats. If any part of the woodlands is to be lost to the proposals further bat activity surveys will be required, one survey in Spring (April/May), one survey in summer (June-August) and one survey in Autumn (September/October), along with the deployment of a static bat detector for minimum of five nights per season.

The trees (**TN1, TN2, TN3, TN4**) within the site have suitable features with **moderate** value to support bat roosts. Therefore, it is recommended if the trees are to be removed to accommodate the proposals that two nocturnal surveys for bats are undertaken between May and August (with a minimum of three weeks between surveys).

If any of the woodland within the site is to be lost bat activity surveys and the deployment of static bat detectors between April and October will be required, with one survey in spring (April/May), one survey in summer (June-August) and one survey in Autumn (September/October), along with the deployment of a static bat detector for minimum of five nights per season).

Badger

The site provides habitat for badger foraging and traversing the landscape within the woodlands, scrub, spoil heap (**TN7**), tall ruderal vegetation and amenity grasslands.

It is recommended that a **Badger RAMS Method Statement** is produced and implemented during the works to avoid harm to this species. The RAMS should include:

- Construction materials stored on pallets so as not to create a badger refuge area; and
- Existing refuge areas (bramble scrub) should be removed by hand so badgers within are not harmed during their removal.

Invasive species

No non-native invasive species listed in schedule 9 of the Wildlife and Countryside Act were identified during the walkover survey. As invasive species can colonise very quickly it is recommended that an **updated invasive species check** is undertaken prior to the start of works.

Amphibians

The terrestrial habitats in particular the damp scrape area of introduced shrub do provide refuge areas and connectivity corridors for amphibians. This habitat will be impacted by the proposals and therefore, it is recommended as the areas to be lost and are small in size that an **Amphibian Measures RAMS Method Statement** is produced and implemented during the works to avoid harm to this species. The RAMS should include:

- A directional vegetation clearance procedure, clearing vegetation from central areas to borders.
- Cut materials to be chipped are to be placed in discrete piles outside the working areas or removed from the site. Where this is not possible, cut vegetation is to be chipped and spread thinly (maximum of 2cm across the site).
- Using existing tracks for vehicle movements where possible.

- Receptor areas will be identified and mapped for any amphibians found within the works area, translocation to these areas will be only undertaken by on site Ecological Clerk of Works (Ecow). If GCN are found, the ECoW and Natural England (NE) GCN licence holder will remove the GCN to a predetermined receptor site. If a NE GCN licence holder is not present all works must stop immediately and Ascerta (0845 463 4404) contacted.
- Throughout the works all trenches and holes will be covered at night or ramps provided to prevent, amphibians from getting stuck.
- Construction material will be stored on pallets to avoid harm to amphibians.

Small mammals

The site provides optimal habitat for hedgehog and other small mammals respectively within the broadleaf woodland, brash piles and tall ruderal vegetation. These habitats are likely to be impacted by the proposals and therefore, it is recommended that a **Hedgehog RAMS Method Statement** is implemented during the works to avoid harm to this species and species alike. The RAMS should include:

- A directional vegetation clearance procedure, clearing vegetation from central areas to borders.
- Cut materials to be chipped are to be placed in discrete piles outside the working areas or removed from the site. Where this is not possible, cut vegetation is to be chipped and spread thinly (maximum of 2cm across the site)
- Using existing tracks for vehicle movements where possible.
- Throughout the works all trenches and holes will be covered at night or ramps provided to prevent hedgehog from getting stuck.
- Construction material will be stored on pallets to avoid harm to hedgehog.

5.3 Enhancements

In order to meet requirements for biodiversity protection and enhancement outlined within the NPPF, it is recommended that ecological enhancements are included. These could include:

- Provision of one bird box (25mm and 32mm entrance hole box) attached to or integrated upon each the proposed reception unit and park house
- Provision of two bat features (WoodStone Bat box) attached to a retained tree; and
- Suitable landscaping design within the remaining mixed woodlands incorporating species that provide vertical and horizontal structure, food and refuge for wildlife, oak, alder, field maple, silver birch, rowan and bird cherry. Cultivate bare ground (**TN9**) within the broadleaf woodland and plant with wildflowers adapted to shaded areas to create decumbent ecotones and shelter within woodland edges.

6.0 Conclusions

The site was subject to an extended phase one habitat survey and a preliminary bat roost assessment of all trees. During the survey and following review of historical species records, it is considered that an impact on birds, bats, amphibians and hedgehog are likely to occur in relation to the proposals for the site. The following recommendations have been made to avoid impact on these species and ecological enhancements are concluded where appropriate.

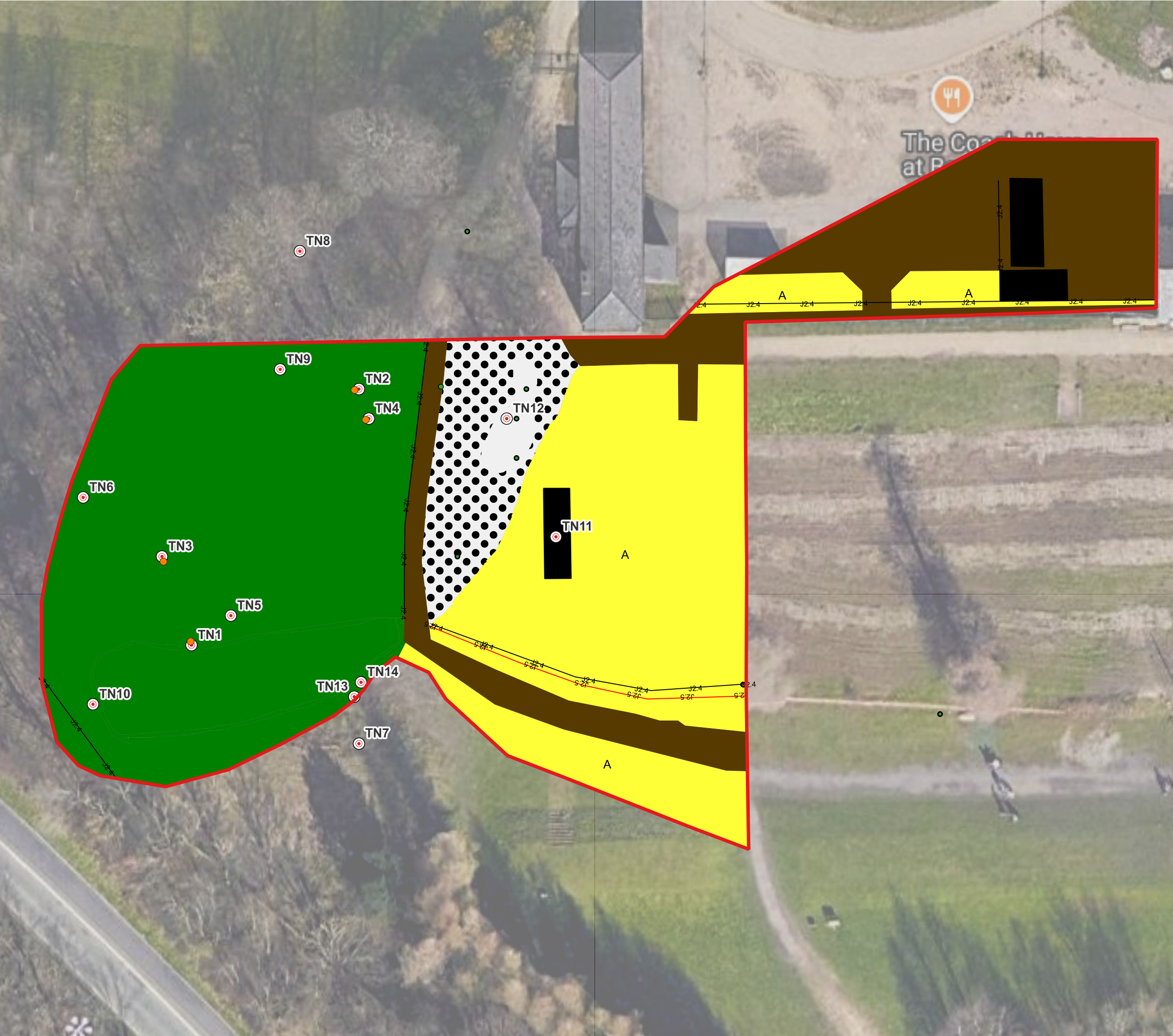
- If works have not begun by October 2026, an updated site visit will be required to reassess ecological constraints of the site;
- If trees **TN1, TN2, TN3, TN4** are to be removed to accommodate the proposals, a minimum of two nocturnal surveys (between May and August) will be required (see section 5.2).
- If any of the woodland within the site is to be lost, bat activity surveys and the deployment of static bat detectors between April and October will be required (see section 5.2, one survey in spring (April/May), one survey in summer (June-August) and one survey in Autumn (September/October), along with the deployment of a static bat detector for minimum of five nights per season).
- If bats are confirmed to be using the area for either commuting, foraging or roosting, maintaining and reducing existing light levels to protect bat species present is recommended. Where Artificial Light at Night (ALAN) spillage cannot be avoided on bat foraging routes (woodland edges) or areas within the woodland used for commuting and roosting a species specific Isolux plan will be required;
- Production and implementation of Reasonable Avoidance Measures (RAMS) for hedgehog and other small mammals respectively will be required to avoid harm to these species during the proposed works (see section 5.2);
- Production and implementation of Reasonable Avoidance Measures (RAMS) for amphibians, to avoid harm to these species during the proposed works (see section 5.2);
- Production and implementation of Reasonable Avoidance Measures (RAMS) for badger to avoid harm to this species during the proposed works (see section 5.2)
- Production and implantation of a Construction Environment Management Plan (CEMP) that includes details of the measures to be taken to ensure on-site and off-site habitats and species are not adversely impacted during the works;
- A precautionary check for invasive species prior to works commencing;
- Enhancing the sites habitats for species through appropriate landscaped design that includes native tree, flora and shrub planting plus provision of integrated bat and bird features within newly constructed buildings and the surrounding landscape;
- Production of the Defra Metric Biodiversity Net Gain Calculations including baseline and subsequent losses resultant of the proposals to minimise impacts on biodiversity to provide and secure net gains in biodiversity, utilising the mitigation hierarchy;
- Production of a Management Plan to ensure the long-term commitments to manage the planting, protection and enhancement of biodiversity in and around a new development site; and
- Vegetation clearance should be undertaken outside of the nesting bird season preferably within the late autumn-winter to ensure invertebrates are not using the site and to avoid impacts to nesting birds (1st March to 31st August Inclusive). Or a nesting bird check undertaken by a suitably experienced ecologist should be undertaken immediately prior to works commencing.

It is considered that there would be limited impacts on the local ecology as a result of the proposals, provided the recommendations detailed within section 5.0 above are followed.

7.0 References

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Appendix 1



Key

Survey Area

A1.1.1 - Broadleaved woodland - semi-natural

A

J1.2 - Cultivated/disturbed land - amenity grassland

J3.6 - Buildings

J4 - Bare ground

J5 - Other habitat

Hardstanding

J2.4

J2.4 - Fence

J2.5

J2.5 - Wall

A1.3 Scattered Broadleaf Trees

Moderate Bat Roosting Potential

Target Notes

- TN1-Tree PRF-M - Oriental plane split feature
- TN2-Tree PRF-M - Sycamore hole feature
- TN3-Tree PRF-M - Sycamore knot hole feature
- TN4-Tree PRF-M - Sycamore knot hole feature
- TN5-Shallow well drained moist scrape
– Introduce shrub (J1.4) within woodlands (A1)
- TN6-Scattered brash and log piles
- TN7-Spoil heap (topsoil)
- TN8 - Mixed woodland dominated by
broadleaf deciduous trees
- TN9 -Transition to bare ground within woodland
- TN10 -Mammal hole
- TN11-Storage container
- TN12-Area of mulch
- TN13-Tall ruderal vegetation (C3.1) (TN13)
- TN14-Earth bank (J2.8)

DO NOT SCALE.
ALL COORDINATES RELATED TO LOCAL GRID. LOCATED TO NG BY BEST FIT
TO DETAIL. EXTRACTED FROM OS DIGITAL DATA.

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CLIENT:

One Day

PROJECT:

Bowring Park and Golf Course

DRAWING TITLE:

Phase One Habitat Survey

SCALE:	DRAWN BY:	DRAWING No:
NTS@A3	JS	P.2087.24.E01
DATE:	CHKD BY:	REV:
10/10/2024	LK	-

Appendix 2

Appendix 2: Species Lists and Target Notes

Table 1: Flora Species

English Name	Scientific Name
Beech	<i>Fagus sylvatica</i>
Bindweed	<i>Convolvulus arvensis</i>
Bramble	<i>Rubus fruticosus</i> agg.
Broadleaved dock	<i>Rumex obtusifolius</i>
Broadleaved plantain	<i>Plantago major</i>
Butterbur	<i>Petasites hybridus</i>
Clover	<i>Trifolium</i> sp.
Cock's-foot	<i>Dactylis glomerata</i>
Common daisy	<i>Bellis perennis</i>
Common hawthorn	<i>Crataegus monogyna</i>
Common horse chestnut	<i>Aesculus hippocastanum</i>
Common lime	<i>Tilia x europaea</i> L.
Common male fern	<i>Dryopteris filix-mas</i>
Common nettle	<i>Urtica dioica</i>
Creeping buttercup	<i>Ranunculus repens</i>
Creeping thistle	<i>Cirsium arvense</i>
Curly dock	<i>Rumex crispus</i>
Cypress	<i>Cupressus</i> sp.
Dandelion	<i>Taraxacum</i> agg.
Distaff thistle	<i>Carthamus</i> sp.
Dog rose	<i>Rosa canina</i>
Field maple	<i>Acer campestre</i>
Five needle pine	<i>Pinus parviflora</i>
Greater birds foot trefoil	<i>Lotus pedunculatus</i>
Greater willowherb	<i>Epilobium hirsutum</i>
Ground elder	<i>Aegopodium podagraria</i>
Hairy sedge	<i>Carex hirta</i>
Herb Robert	<i>Geranium robertianum</i>
Hoary mustard	<i>Hirschfeldia incana</i>
Hogweed	<i>Heracleum sphondylium</i>
Holly	<i>Ilex aquifolium</i>
Ivy	<i>Hedera helix</i>
Lords and ladies	<i>Arum maculatum</i>
Maple	<i>Acer</i> sp.
Mexican flea bane	<i>Erigeron karvinskianus</i>
Oriental plane	<i>Platanus orientalis</i>
Pedunculate Oak	<i>Quercus robur</i>
Pineapple weed	<i>Matricaria discoidea</i>
Purple leafed willow herb	<i>Epilobium coloratum</i>
Ribwort plantain	<i>Plantago lanceolata</i>
Rosebay willow herb	<i>Chamaenerion angustifolium</i>
Selfheal	<i>Prunella vulgaris</i>
Sessile oak	<i>Quercus petraea</i>
Silver weed	<i>Potentilla anserina</i>
Soft rush	<i>Juncus effusus</i>
Spear thistle	<i>Cirsium vulgare</i>
Sycamore	<i>Acer pseudoplatanus</i>
White clover	<i>Trifolium repens</i>

English Name	Scientific Name
Willow herb	<i>Epilobium sp.</i>
Willow sp.	<i>Salix sp.</i>
Wood avens	<i>Geum urbanum</i>
Wych elm	<i>Ulmus glabra</i>
Yellow flag iris	<i>Iris pseudacorus</i>
Yorkshire fog	<i>Holcus lanatus</i>

Table 2: Target Notes

Target Note Number	Description
TN1	Tree T1 PRF-M - Oriental plane split feature OSGR: SJ426903
TN2	Tree T2 PRF-M - Sycamore hole feature OSGR: SJ 342670390413
TN3	Tree T3 PRF-M - Sycamore knot hole feature OSGR: SJ 42650 90396
TN4	Tree T4 PRF-M - Sycamore knot hole feature OSGR: SJ 42671 90410
TN5	Shallow well drained moist scrape – Introduce shrub within woodlands (A1)
TN6	Scattered brash and log piles
TN7	Spoil heap (topsoil)
TN8	Mixed woodland dominated by broadleaf deciduous trees
TN9	Transition to bare ground within woodland
TN10	Mammal hole
TN11	Storage container
TN12	Area of mulch
TN13	Tall ruderal vegetation (C3.1) (TN13)
TN14	Introduced shrub (J1.4) (A1) (TN14)
TN15	Earth bank (J2.8) (TN15)

Appendix 3

Appendix 3: Photographs

Table 3: Photographs of the site

	
Photograph 1: Hardstanding (Hoggin pathway) standing east looking west	Photograph 2: Hardstanding in the north standing in the west looking east
	
Photograph 3: Hardstanding footpath to the south for the north looking south	Photograph 4: Amenity grassland in the north from the west looking east



Photograph 5: Amenity grassland verges in the north from the north looking south



Photograph 6: Amenity grassland verges in the north from the west looking south



Photograph 7: Amenity grasslands in the south from the west looking east



Photograph 8: Mixed woodlands from the north looking south



Photograph 9: Mixed woodlands (Brash piles) from the south looking north



Photograph 10: Tall ruderal vegetation abutting the earth bank and spoil heap to the south looking east



Photograph 11: Tall ruderal vegetation abutting the earth bank and spoil heap to the east looking west



Photograph 12: Scattered trees from the north looking south



Photograph 13: Stone wall and mesh fencing in the south standing in the west facing east



Photograph 14: Stone wall and mesh fencing in the south standing east facing west



Photograph 15: Area of introduced shrubs within the mixed woodlands looking west from the east



Photograph 16: Sparsely vegetated spoil heap from the east looking west



Photograph 17: Area of bare ground below scattered trees looking east from the north



Photograph 18: Storage unit with external timer framing from the north facing south

Appendix 4

Appendix 4: Relevant Legislation

European Legislation

The following Directives have been adopted by the European Union and provide protection for fauna and flora species of European importance and the habitats which support them:

- Directive 2009/147/EC on the Conservation of Wild Birds (Birds Directive);
- Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive).

UK Legislation

The Habitats Directive has been transposed into national legislation through the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (The Habitats Regulations). This provides for the designation and protection of 'European Sites' (SPAs, SACs and Ramsar Sites, including proposed or potential European Sites) and the protection of 'European Protected Species'.

The key UK legislation relating to nature conservation is the Wildlife and Countryside Act 1981 (as amended) (W&C Act). This Act is supplemented, *inter alia*, by provision in the Countryside and Rights of Way (CROW) Act 2000, and the Natural Environment and Rural Communities Act 2006 (NERC Act). Additional species and habitat specific UK legislation includes the Protection of Badgers Act 1992 and the Hedgerow Regulations 1997.

The Environment Act sets out how the UK will maintain environmental standards following leaving of the EU. The Bill builds on the vision of the 25 Year Environment Plan, with the ambition from the government to leave the environment in a better state than it was when inherited.

The Defra Statutory Biodiversity Metric has implemented to work alongside the Environment Act. This tool calculates potential biodiversity impacts as a result of development and identifies mitigation and compensation requirements to ensure no net loss of biodiversity. In addition, it identifies measures that can be implemented in order to meet Biodiversity gain as a result of development. Defra released the Statutory biodiversity metric in November 2023. This metric is likely to be the default metric used by councils, with the most recent version to be submitted to support a planning application.

The National Planning Policy Framework (NPPF) 2023 has been published to provide further planning guidance. Wildlife, biodiversity and ecological networks are referred to in Section 15 '*Conserving and enhancing the natural environment*'. The NPPF states that the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes and sites of biodiversity value, recognise the wider benefits from natural capital and ecosystem services and minimising impacts on and provided net gains for biodiversity. Further guidance is provided within Government Circular 06/05: *Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System*.

Species and Habitats of Principal Importance

Species and Habitats of Principal Importance are listed under section 41 of the NERC Act and are a material consideration in planning decisions. Planners require relevant, up to date information from ecological surveys in order to assess the effects of a proposed development on biodiversity as Councils have a statutory obligation under section 40 of the NERC Act to consider biodiversity conservation in the determination of planning applications.

Background information about the lists of priority habitats and species (Species and Habitats of Principal Importance) can be found within the UK Biodiversity Action Plan (UK BAP). Although this has been succeeded by the 'UK Post-2010 Biodiversity Framework', many of UK BAP tools are still relevant. BAPs identify habitats and species of nature conservation priority on a UK (UK BAP) and Local (LBAP) scale. Most BAP priority habitats and species have Habitat Action Plans (HAP) and Species Action Plans (SAP) and there are also "grouped action plans" for groups of related species with similar conservation requirements.

Badgers

The legislation protecting badgers in England and Wales is the Protection of Badgers Act 1992.

Under the Protection of Badgers Act 1992 it is an offence *inter alia* to:

- Wilfully kill, injure or take a badger, or to attempt to do so;
- Cruelly ill-treat a badger; or
- Intentionally or recklessly interfere with a badger sett by (a) damaging a sett or any part of one; (b) destroying a sett; (c) obstructing access to or any entrance of a sett; (d) causing a dog to enter a sett; or (e) disturbing a badger when it is occupying a sett.

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

Natural England can issue licences to enable works to continue that may affect a protected species. In relation to disturbance of badgers, Natural England (2009) gives guidelines on disturbance which will require a licence. These includes: "*using very heavy machinery (generally tracked vehicles) within 30 metres of any entrance to an active sett; using lighter machinery (generally wheeled vehicles), particularly for any digging operation, within 20 metres; light work such as hand digging or scrub clearance within 10 metres. There are some activities which may cause disturbance at greater distances (such as using explosives or pile driving) and these should be given individual consideration.*"

Bats

In England, all bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife & Countryside Act 1981 (as amended). Several species of bat are also highlighted as Priority Species under the UK Biodiversity Action Plan and within the Local BAP.

Under the current legislation as summarised on pages 9 and 10 of the Bat Surveys for Professional Ecologists Good Practice Guidelines – 4th Edition (2023) it is a criminal offence to:

“To kill, capture, injure or take a wild bat;

- To damage or destroy a place used by a bat for breeding or resting. All offences of this nature are identified within the Habitats Regulations. This offence is unique in that it can be committed accidentally. No element of intentional, reckless or deliberate action needs to be evidenced;*
- To disturb bats anywhere (roosts, flight lines or foraging areas) if levels of disturbance can be shown to impair their ability to survive, to breed or reproduce, to rear or nurture their young, to hibernate or migrate or to affect significantly local distribution or abundance;*
- To intentionally or recklessly disturb a bat, whilst it is occupying a place of shelter or protection;*
- To intentionally or recklessly obstruct access to any place used by a bat for shelter or protection; and*
- To be in possession or control of a bat alive or dead (or any part of a bat or anything derived from a bat, although bat droppings are generally considered to be acceptable), or to transport a bat, to sell or exchange a bat or to offer to sell or exchange a bat taken from the wild.”*

Breeding Birds

Breeding Birds are protected under the Wildlife and Countryside Act which make it an offence to:

- intentionally kill, injure or take any wild bird or take, damage or destroy the nest of any wild bird whilst it is in use or being built;*
- intentionally take or destroy the egg of any wild bird;*
- have in one's possession or control any wild bird, dead or alive, or any part of a wild bird (including eggs), which has been taken in contravention of the Act or the Protection of Birds Act 1954;*
- intentionally or recklessly disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.*

Brown Hare

Brown hare (*Lepus europaeus*) is a UK BAP species and habitat on the site were suitable for this species / records of this species occur in the immediate vicinity of the site. During the site visit, a check for brown hares was made that involved walking the site boundaries and surveying with binoculars for hare on site or within the vicinity of the site. Measures were taken to ensure that the hares were not disturbed, where possible. These included walking quietly during the site visit and keeping a suitable distance from any hares, when spotted. The survey was undertaken in the early afternoon and evening when hares are thought to be most active and feeding. Justify if the survey was done at a different time of day.

It is a criminal offence to intentionally, wilfully kill, injure or take any of the aforementioned protected species or to destroy or disturb its habitat.

Local Policy

The site lies within Knowsley Borough councils' core local strategy development plan document (adopted 2016) and extant policies within the Unitary Development Plan. The policy of relevance is CS21 listed within the Core Strategy document.