

# Preliminary Ecological Appraisal

Kirkby, St Chad's Drive, Liverpool

## A Report to: McCarthy Stone

Report Number: RT-MME-161307-04 Rev B

Date: September 2023

Revised: November 2023



## Quality Assurance

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## Declaration of Compliance

This study has been undertaken in accordance with British Standard 42020:2013 “Biodiversity, Code of Practice for Planning and Development”. The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management’s Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide **opinions**.

## Disclaimer

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client’s brief, no site investigation can ensure complete assessment or prediction of the natural environment. Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

## Validity of Data

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

# Non-Technical Summary

## Project Background

In August 2023, McCarthy Stone commissioned Middlemarch to undertake a Preliminary Ecological Appraisal of the site of a proposed development at St Chad's Drive, Liverpool. This assessment is required to inform a planning application associated with the development of new build retirement living complex with associated parking, access roads and soft landscaping.

## Scope of Appraisal

To fulfil the above brief, an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology) were undertaken. The survey was carried out on 17<sup>th</sup> August 2023 by Amy Carter MSc (Ecological Project Officer). An initial review of the ecological data was subsequently carried out to determine the features of ecological importance on site as well as a preliminary assessment of the potential impacts the proposed development could have on these features.

## Potential Impacts on Important Ecological Features

Important ecological features identified through the desk study and Phase 1 Habitat Survey include habitats such as scattered trees and hedgerow and species such as nesting birds and terrestrial mammals.

Based on Middlemarch's current understanding of the proposals, potential impacts which could occur as a result of the development include:

- The loss, fragmentation and physical damage of scattered trees and hedgerow.
- Killing, injury or disturbance of terrestrial mammals including hedgehog and fox, and nesting birds.

## Recommendations

In order to ensure compliance with wildlife legislation and relevant planning policy and to secure a net gain for biodiversity overall, the following recommendations are made (full details are provided in Chapter 7):

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Scheme Design                | <p>The proposed development should be designed in accordance with the ecological mitigation hierarchy as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) the proposed development should seek to avoid/minimise losses of important ecological features in the first instance and incorporate these features in the landscaping layout of the scheme accordingly. This includes scattered trees and hedgerows on site.</p> <p>In accordance with the principles of the Environment Act 2021 the development should also secure an overall net gain for biodiversity.</p>                                                                                  |
| Protected Species Safeguards | <p><u>Nesting Birds</u>: Vegetation clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation to be removed or disturbed should be checked by an experienced ecologist.</p> <p><u>Terrestrial Mammals</u>: Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each workday to prevent animals entering/becoming trapped.</p> |

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# 1. Introduction

## 1.1. Project Background

In August 2023, McCarthy Stone commissioned Middlemarch to undertake a Preliminary Ecological Appraisal of the site of a proposed development at St Chad's Drive, Kirkby, Liverpool. This assessment is required to inform a planning application associated with the development of a new build retirement living complex with associated parking, access roads and soft landscaping.

The purpose of the Preliminary Ecological Appraisal is to identify the features of ecological importance on and surrounding the site and provide a preliminary assessment of the potential impacts the proposed development could have on these features. In addition, Middlemarch has been commissioned to undertake a Preliminary Arboricultural Assessment at this site.

## 1.2 Site Description and Context

Table 1.1 provides a brief summary of the site and its surroundings.

| Attribute                   | Description                                                                                                                                                         |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Location                    | St Chad's Drive, Kirkby, Liverpool.                                                                                                                                 |
| National Grid Reference     | SJ 41440 98767                                                                                                                                                      |
| Site Area (ha)              | Approx. 0.358 ha                                                                                                                                                    |
| Topography                  | Flat topography                                                                                                                                                     |
| Land Cover (on site)        | The site is dominated by the built environment of a hardstanding car park, and a small area of amenity grassland to the north, with some scattered trees and scrub. |
| Land Cover (site surrounds) | The wider landscape is dominated by the area of Kirkby with Parks, gardens, residential buildings, churches, schools and associated infrastructure.                 |

**Table 1.1: Summary of Site and Surroundings**

## 1.3 Documentation Provided

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.2.

| Document / Drawing Number                                              | Author        |
|------------------------------------------------------------------------|---------------|
| St Chad's Drive, Kirkby – Landscape Masterplan<br>(Drawing: R/2714/1A) | FDA Landscape |

**Table 1.2: Documentation Provided by Client**

## 2. Methods

### 2.1 Desk study

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - MAGIC website for statutory conservation sites; and;
- Merseyside BioBank.

The desk study included a search for:

- Landscape Scale Conservation Initiatives;
- European statutory nature conservation sites in the UK (collectively the 'National Site Network') within a 10 km radius of the site;
- UK statutory sites within a 2 km radius; and,
- Non-statutory sites and protected/notable habitats and species records within a 1 km radius.

The data collected from the consultees are discussed in Chapter 3. In compliance with the terms and conditions relating to its commercial use, the full desk study data are not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Appendix 1).

### 2.2 Phase 1 Habitat Survey

A field survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee<sup>1</sup> and the Institute of Environmental Assessment<sup>2</sup>. Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, a Habitat Condition Assessment was carried out to determine the ecological status of each habitat recorded. The condition assessment was undertaken using criteria published by Natural England (2023)<sup>3</sup>, the details of which are presented in Section 8.

During the survey, the presence or potential presence of protected species was noted where observed. This included a review of suitable habitat opportunities or field signs of notable species

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<sup>1</sup> Joint Nature Conservation Committee (2010). *Handbook for Phase 1 Habitat Survey: A technique for environmental audit (reprint)*. Joint Nature Conservation Committee, Peterborough.

<sup>2</sup> Institute of Environmental Assessment. (1995). *Guidelines for Baseline Ecological Assessment*, Institute of Environmental Assessment. E&FN Spon, An Imprint of Chapman and Hall. London.

<sup>3</sup>Natural England (2023) *The Biodiversity Metric 4.0 – User Guide: Technical Annex 1 Condition Sheets and Methodology*. Natural England Joint Publication JP039. Available <http://publications.naturalengland.org.uk/publication/6049804846366720>

groups (amphibians, bats, birds, terrestrial and aquatic invertebrates, terrestrial and aquatic mammals, plants and reptiles).

The survey was carried out on 17<sup>th</sup> August 2023 by Amy Carter MSc (Ecological Project Officer). Table 2.1 details the weather conditions at the time of the survey

| Parameter        | Condition |
|------------------|-----------|
| Temperature (°C) | 24C       |
| Cloud (%)        | 40%       |
| Wind (Beaufort)  | F1        |
| Precipitation    | Dry       |

**Table 2.1: Weather Conditions During Field Survey**

#### Field Survey Constraints and Limitations

No constraints or limitations were noted during the field survey.

## 2.3 Preliminary Evaluation

The Preliminary Evaluation is an initial review of the ecological data (desk study and Phase 1 Habitat Survey) to identify important ecological features in the context of the site. Important ecological features are those that by virtue of their legal status, their inclusion in any national policy or plan, or their rarity or contribution to local ecological networks, are worthy of further consideration in the planning system. This typically includes statutory or non-statutory nature conservation sites, species protected by law, Habitats and Species of Principal Importance in England as defined by the Natural Environment and Rural Communities (NERC) Act 2006 or other ecological corridors and Biodiversity Opportunity Areas outlined in local policy.

## 2.4 Preliminary Impact Assessment

An initial review of the proposals has been undertaken to identify possible impacts on important ecological features that could occur as a result of the development. This initial assessment of impacts is based on Middlemarch's current understanding of the project.

## 3. Desk Study

### 3.1 Landscape Initiatives

No landscape scale initiatives were found covering the site.

### 3.2 Nature Conservation Sites

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 3.1.

| Site Name                                                                                                                                                                                                                 | Designation | Proximity to the Survey Area | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>European Statutory Sites</b>                                                                                                                                                                                           |             |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Mersey Narrows & North Wirral Foreshore                                                                                                                                                                                   | Ramsar/SPA  | 9.72 km west                 | Habitats on site include intertidal mudflats, intertidal marshes and freshwater and brackish lagoons. The site supports important populations of wading birds. It is one of the most important UK sites for little gull <i>Hydrocoloeus minutus</i> and common tern <i>Sterna hirundo</i> . Over winter the site supports important populations of bar-tailed godwit <i>Limosa lapponica</i> . The site is also used by knot <i>Calidris canutus islandica</i> . The site hosts many other waterbird species, including sanderling <i>Calidris alba</i> , redshank <i>Tringa tetanus</i> and cormorant <i>Phalacrocorax carbo</i> . The site is also designated as a SSSI. |
| <b>Non-statutory Sites</b>                                                                                                                                                                                                |             |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Meadow, Kirkby (Mill) Brook, south of Old Hall Lane                                                                                                                                                                       | LWS         | 610 m west                   | A meadow within a wet flush on the banks of Kirkby Brook with sandstone exposures on the banks. The site supports breeding water vole <i>Arvicola amphibius</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Kirkby Brook                                                                                                                                                                                                              | LWS         | 640 m west                   | An open water course providing good water vole habitats.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Kirkby Brook, including Mill Brook                                                                                                                                                                                        | LWS         | 660 m north-west             | The site consists of a stream course and associated banks, rich in plants, with exposures of sandstone and wet flushes. Over 90% of the plants present are native to North Merseyside.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Key:</b><br>SPA: Special Protection Area<br>SSSI: Site of Special Scientific Interest<br>Ramsar: Site listed on The Convention on Wetlands of International Importance (Ramsar Convention)<br>LWS: Local Wildlife Site |             |                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

**Table 3.1: Summary of Nature Conservation Sites**

The site falls into an impact risk zone for Mersey Narrows SSSI, which is located approximately 9.72 km west.

### 3.3 Habitats

Table 3.2 summarises known priority or notable habitats within a 1 km radius of the site.

| Habitat Type       | No. of Records | Location of Nearest Record |
|--------------------|----------------|----------------------------|
| Deciduous woodland | 19             | 435 m north-west           |

**Table 3.2: Summary of Priority/Notable Habitats**

There are three ponds within 1 km of the site, the nearest of which is located approximately 650 m north-west. Kirkby Brook is located approximately 640 m west.

### 3.4 Protected / Notable Species

Table 3.3 and the following text provide a summary of protected and notable species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

| Species                                                | No. of Records | Most Recent Record | Proximity of Nearest Record to Survey Area | Species of Principal Importance? | Legislation / Conservation Status |
|--------------------------------------------------------|----------------|--------------------|--------------------------------------------|----------------------------------|-----------------------------------|
| <b>Amphibians</b>                                      |                |                    |                                            |                                  |                                   |
| Common frog<br><i>Rana temporaria</i>                  | 7              | 2021               | 660 m west                                 | -                                | WCA 5 S9(5)                       |
| Great crested newt<br><i>Triturus cristatus</i>        | 1              | 2011               | *                                          | ✓                                | ECH 2, ECH 4, WCA 5               |
| <b>Birds</b>                                           |                |                    |                                            |                                  |                                   |
| Peregrine<br><i>Falco peregrinus</i>                   | 1              | 2002               | *                                          | -                                | WCA1i                             |
| Barn owl<br><i>Tyto alba</i>                           | 1              | 1998               | **                                         | -                                | WCA1i                             |
| <b>Mammals - Bats</b>                                  |                |                    |                                            |                                  |                                   |
| Common pipistrelle<br><i>Pipistrellus pipistrellus</i> | 5              | 2016               | 260 m south-west                           | -                                | ECH 4, WCA 5, WCA 6               |
| Soprano pipistrelle<br><i>Pipistrellus pygmaeus</i>    | 1              | 2007               | 530 m south-west                           | ✓                                | ECH 4, WCA 5, WCA 6               |
| Unidentified bat<br><i>Chiroptera</i> sp.              | 1              | 2010               | 690 m north                                | #                                | ECH 2 #, ECH 4, WCA 5, WCA 6      |
| Pipistrelle<br><i>Pipistrellus</i> sp.                 | 1              | 2016               | 750 m west                                 | #                                | ECH 4, WCA 5, WCA 6               |

**Table 3.3 (Continues): Summary of Protected/Notable Species Records**

| Species                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | No. of Records | Most Recent Record | Proximity of Nearest Record to Survey Area | Species of Principal Importance? | Legislation / Conservation Status |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|--------------------------------------------|----------------------------------|-----------------------------------|
| <b>Mammals - Other</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |                    |                                            |                                  |                                   |
| Red Squirrel<br><i>Sciurus vulgaris</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 5              | 2010               | 320 m east                                 | ✓                                | WCA 5, WCA 6                      |
| Water vole<br><i>Arvicola amphibius</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 24             | 2010               | 500 m west                                 | ✓                                | WCA 5                             |
| Hedgehog<br><i>Erinaceus europaeus</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 14             | 2022               | 200 m north-east                           | ✓                                | WCA 6                             |
| Brown hare<br><i>Lepus europeus</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1              | 2008               | *                                          | ✓                                | -                                 |
| <p><b>Key:</b></p> <p>#: Dependent on species.</p> <p>*: Potentially within a 1 km radius (grid reference provided was four figures only).</p> <p>**: Potentially within a 1 km radius (grid reference provided was two figures only).</p> <p>ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation.</p> <p>ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection.</p> <p>WCA 1i: Schedule 1 Part 1 of Wildlife and Countryside Act 1981 (as amended). Birds protected by special penalties at all times.</p> <p>WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds).</p> <p>WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal.</p> <p>WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods.</p> <p>Species of Principal Importance: Species of Principal Importance for Nature Conservation in England.</p> |                |                    |                                            |                                  |                                   |

**Table 3.3 (Cont.): Summary of Protected/Notable Species Records**

### Birds

The desk study returned records of 19 birds listed as Species of Principal Importance, including grey partridge *Perdix perdix*, lapwing *Vanellus vanellus*, linnet *Linaria cannabina* and skylark *Alauda arvensis*.

The desk study returned records of 20 birds on the RSPB Red List, including spotted flycatcher, lesser redpoll *Acanthis cabaret*, corn bunting *Emberiza calandra* and grasshopper warbler *Locustella naevia*.

Records were also provided of seven birds on the RSPB Amber List, including cuckoo *Cuculus canorus*, reed bunting *Emberiza schoeniclus* and song thrush *Turdus philomelos*.

### Bony Fish

The desk study provided records of European eel *Anguilla anguilla*, which is a Species of Principal Importance.

### Invertebrates

The desk study provided records of small heath butterfly *Turdus philomelos*, which is a Species of Principal Importance.

## 3.5 Invasive Species

Table 3.4 provides a summary of invasive species records within a 1 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

| Species                                                                                                                       | No. of Records | Most Recent Record | Proximity of Nearest Record to Survey Area | Legislation / Conservation Status |
|-------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|--------------------------------------------|-----------------------------------|
| Himalayan balsam<br><i>Impatiens glandulifera</i>                                                                             | 43             | 2022               | 530 m south-west                           | LISI 3, WCA 9                     |
| Japanese knotweed<br><i>Fallopia japonica</i>                                                                                 | 10             | 2017               | 600 m west                                 | LISI 3, WCA 9                     |
| Rhododendron<br><i>Rhododendron ponticum</i>                                                                                  | 2              | 2022               | 650 m west                                 | LISI 2, WCA 9                     |
| <b>Key:</b><br>WCA 9: Schedule 9 of Wildlife and Countryside Act 1981 (as amended). Invasive, non-native, plants and animals. |                |                    |                                            |                                   |

**Table 3.4: Summary of Invasive Species Records**

## 4. Survey Results

### 4.1 Introduction

A Phase 1 Habitat Survey Drawing (Drawing 161307-04), illustrating the location and extent of all habitat types recorded on site, is provided in Chapter 8. Detailed habitat descriptions and a summary of the condition assessment for each habitat type using criteria published by Natural England (2023)<sup>3</sup> is also included in Chapter 8.

### 4.2 Habitats

Table 4.1 details the types, extent and ecological condition of the habitats which were recorded on site during the field survey visit. Photographs taken during the field survey are presented in Chapter 9.

| Habitat                      | Area (ha) / Length (m) / Number (no.) | Condition | Photo Reference  |
|------------------------------|---------------------------------------|-----------|------------------|
| Amenity grassland            | 0.122 ha                              | Poor      | Plate 9.1        |
| Hardstanding                 | 0.317 ha                              | N/A       | Plates 9.2 – 9.3 |
| Dense scrub                  | 0.009 ha                              | Poor      | Plate 9.4        |
| Lines of Trees               | 0.036 km                              | Poor      | Plates 9.5 & 9.6 |
| Scattered trees              | 1 no.                                 | Moderate  | -                |
| Tall ruderal vegetation      | 0.003 ha                              | Moderate  | Plate 9.6        |
| Species-poor native Hedgerow | 0.040 km                              | Poor      | Plate 9.5        |

**Table 4.1: Summary of Habitats Recorded on Site**

### 4.3 Protected / Notable Species

Table 4.2 summarises the suitability of the site for protected/notable species and any species/evidence of species that were recorded during the survey. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

| Species/Group                  | Description                                                                                                                                                                                                                       |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Amphibians                     | Although some of the scrub along paths may be of suitability for common amphibians, due to the busy nature of the carriageways surrounding the car park, the site is unlikely to be suitable for common amphibians.               |
| Nesting Birds                  | A corvid nest was noted in one of the trees to the west, the trees are all semi-mature and are suitable for nesting birds. Scrub found to the west was also noted to be suitable for nesting birds.                               |
| Terrestrial Mammals (Hedgehog) | The amenity grassland and scrub offer some suitable habitat for foraging terrestrial mammals such as hedgehog and fox as well as adjacent residential buildings and gardens, it is likely they utilise the area for this purpose. |

**Table 4.2: Summary of Species/Species Evidence Recorded on Site**

### 4.4 Invasive Species

No invasive species was noted during the field survey.

## 5. Preliminary Evaluation

### 5.1 Identification of Important Ecological Features

Table 5.1 identifies the important ecological features on and surrounding the site based on the findings of the desk study and field survey. A discussion of potential impacts on important ecological features identified is provided in Chapter 6.

| Feature                                            |                 | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|----------------------------------------------------|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Designated Sites</b>                            |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Mersey Narrows & North Wirral Foreshore RAMSAR/SPA |                 | Internationally designated sites, supporting habitats/bird populations of international importance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Mersey Narrows & North Wirral Foreshore SSSI       |                 | The site is located with an impact risk zone for Mersey Narrows and North Wirral Foreshore SSSI. SSSI's are statutory nature conservation sites of national importance.                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Meadow and Kirkby Mill Brook LWS                   |                 | Local Wildlife Sites (LWS) are some of the most ecologically important sites in the county and often support rare or threatened species and habitats that are locally important and distinctive.                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Habitats</b>                                    |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Non-priority notable habitats                      | Hedgerow H1     | The hedgerow on site does not meet Habitat of Principal Importance criteria however it does provide a small amount of habitat for birds and other fauna.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                    | Scattered trees | The more semi-mature trees have intrinsic ecological value and cannot be easily replaced in the short to medium term.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                    | Scrub           | The linear band of native scrub along the northern site boundary provides a short wildlife corridor and provides habitat for birds and other fauna in an otherwise sparsely vegetated site.                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Protected/Notable Species</b>                   |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Birds                                              |                 | <p>The desk study provided several records of protected and notable bird species within a 1 km radius of the survey area. The Schedule 1 bird species identified in the desk study are considered highly unlikely to nest on site given their specific breeding ranges and habitat requirements.</p> <p>The habitats on site provides some suitable nesting habitat for a range of notable and more common/generalist bird species and evidence of nesting within the scattered trees to the east was noted during the field survey. All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).</p> |
| Hedgehog                                           |                 | The site and surrounding landscape support suitable habitat opportunities for hedgehog. Fourteen records of this species, which is listed as a Species of Principal Importance, were identified within a 1 km radius of the site.                                                                                                                                                                                                                                                                                                                                                                                                  |

**Table 5.1: Summary of Important Ecological Features**

#### Invasive Species

No invasive species were noted during the field survey.

## 5.2 Features Scoped Out

Table 5.2. details ecological features which have been scoped due to their low/negligible ecological value, the lack of desk study records or absence of suitable habitats within the development site and its surroundings. These features are not discussed further in this appraisal report.

| Feature                                        | Justification for Scoping Out                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Habitats</b>                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Hardstanding                                   | These habitats are of negligible ecological importance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Other habitats (e.g. amenity grassland, scrub) | Although these habitats are not considered to be important and do not require further detailed consideration in the context of assessing impacts, they do hold some value and contribute to overall site biodiversity, which is recognised using a biodiversity metric tool.                                                                                                                                                                                                                                                                                                      |
| <b>Protected/Notable Species</b>               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Aquatic mammals and crayfish                   | It is considered unlikely that aquatic mammals are present and using the site due to a lack of suitable aquatic habitat on or immediately adjacent to the site.                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Bats                                           | <p>There are records of at least five bat species within a 1 km radius of the site. One building associated with the Police Station adjacent to the site and creates a boundary to the east and is fairly modern red brick with a concrete flat top and appear to be in generally good condition with few gaps or defects suitable for roosting bats. The site principally supports young trees with limited roosting potential.</p> <p>Lighting associated with the buildings and network of roads, footpaths and car park is likely to discourage bats from using the site.</p> |
| Badgers                                        | There are no records of badgers within 1km of the site and the habitats on site are unsuitable for sett building and foraging and commuting, therefore it is highly unlikely badgers would be present on or near site.                                                                                                                                                                                                                                                                                                                                                            |
| Amphibians                                     | <p>Although the desk study identified seven records of two amphibian species within a 1 km radius, including great crested newts. The site, however, does not contain any suitable breeding or sheltering habitat for great crested newt or common amphibians.</p> <p>The Ordnance Survey Mapped Data indicates that there is one ponds (potential breeding habitat) that is 770 m radius of the site, however there is a main road and other built-up areas that separate the site from the pond and It is therefore considered unlikely that amphibians use the site.</p>       |
| Invertebrates                                  | The site is dominated by the built environment and amenity grassland and is unlikely to support any notable invertebrate species or assemblages.                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Reptiles                                       | The site provides very limited structural diversity for reptiles as it is dominated by regularly managed amenity grassland. There is also limited connectivity to suitable habitat in the surrounding landscape due to the presence of roads and other built structures within the business park. Reptiles are deemed highly unlikely to be present on site.                                                                                                                                                                                                                      |

**Table 5.2: Summary of Features Scoped out of Further Assessment**

## 6. Preliminary Impact Assessment

### 6.1 Summary of Proposals

The proposed development is for residential apartments with associated landscaping and parking on a current area of hardstanding and amenity grassland with some scattered trees. The proposed development has the potential to adversely impact ecological features such as the hedgerow and scattered trees.

Activities likely to be associated with the proposed development during the construction and operational phases are outlined below.

#### Construction Phase

- Site clearance and ground preparation;
- Use and movement of heavy goods vehicles and machinery;
- Storage of plant, materials and waste;
- Presence of and movement of site personnel; and,
- Creation of landscaping

#### Operational Phase

- Permanent siting of buildings, structures and roads;
- Frequent movement of heavy goods vehicle, cars and other forms of transportation;
- Use of lighting associated with roads and buildings;
- Presence of and movement of site personnel, and;
- Maintenance of landscaping.

### 6.2 Landscape Initiatives

There are no landscape initiatives that cover the site.

### 6.3 Nature Conservation Sites

An initial review of the proposals (see Section 6.1) has been undertaken to determine whether the project has the potential to affect any nature conservation sites. The identified sites are listed in Table 6.1, and justification for scoping them in or out of further assessment is provided.

| Nature Conservation Site              | Summary of Potential Impacts                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| European Statutory Sites              |                                                                                                                                                                                                                                                                                                                                                                                                           |
| Mersey Narrows & Foreshore SPA/Ramsar | Mersey Narrows and Foreshore SPA/RAMSAR is located over 9 km west of the survey area. Since the proposed development is small in scale and given the large spatial separation and built-up nature of the intervening habitats, it is considered unlikely that the construction or operational phases of the development will impact this conservation site. As such, no further recommendations are made. |

**Table 6.1: Summary of Potential Impacts on Nature Conservation Sites (continues)**

| UK Statutory Sites                |                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mersey Narrows & Foreshore SSSI   | The site is within two impact risk zones for Mersey Narrows SSSI. Reference to Natural England's SSSI Impact Risk Tool indicates that development proposals relating to aviation, minerals/oil/gas, livestock and poultry units pose a potential risk to this designated site.<br>Given the type of development being residential and distance from the SSSI, the risk of recreational impacts on the site can be scoped out. |
| Non-statutory Sites               |                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Meadows and Kirkby Mill Brook LWS | The remaining sites are located in excess of 600 m from the survey area and due to the small-scale nature of the works, along with the built-up nature of the intervening habitats, the risk of significant harm or disturbance to these conservation sites is considered negligible.                                                                                                                                         |

**Table 6.1: Summary of Potential Impacts on Nature Conservation Sites (continued)**

## 6.4 Habitats

Table 6.2 below summarises the potential impacts on habitat features that may occur as a result of the construction and operational activities of the proposed development (see Section 6.1), in the absence of mitigation.

| Habitat Type                 | Summary of Potential Impacts                                                                                                                                                                                                      |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Species-poor intact hedgerow | <ul style="list-style-type: none"> <li>Possible loss of hedgerow H1 in its entirety</li> <li>Habitat damage or degradation during construction works, lighting or inappropriate post-construction landscape management</li> </ul> |
| Scattered Trees              | <ul style="list-style-type: none"> <li>Habitat damage or degradation during construction works, inappropriate post-construction landscape management</li> </ul>                                                                   |

**Table 6.2: Summary of Potential Impacts on Habitats**

### Habitat Opportunities

The development presents the following opportunities for habitat enhancement and creation:

- Native planting within the landscaping
- New hedgerow and wildflower grassland creation

## 6.5 Protected / Notable Species

Table 6.3 below summarises the potential impacts on species/species groups that may occur as a result of the construction and operational activities of the proposed development (see Section 6.1), in the absence of mitigation.

| Species / Species Group        | Summary of Potential Impacts                                                                                                                                                                                                                                                                     |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Birds                          | <ul style="list-style-type: none"> <li>Loss of nesting and foraging habitat (state if only minor)</li> <li>Killing or injury of nesting birds or damage/destruction of a birds nest during construction phase or as a result of inappropriate post construction landscape management.</li> </ul> |
| Terrestrial mammals (hedgehog) | <ul style="list-style-type: none"> <li>Killing or injury of terrestrial mammals during construction phase</li> <li>Loss/fragmentation of suitable foraging and refuge habitat</li> </ul>                                                                                                         |

**Table 6.3: Summary of Potential Impacts on Protected/Notable Species**

## 6.6 Invasive Plant Species

No invasive species was noted during the field survey or desk study, therefore no impacts from invasive species are anticipated.

## 7. Recommendations

All recommendations provided in this section are based on Middlemarch's current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

**R1 Scheme Design:** The proposed development should be designed in accordance with the ecological mitigation hierarchy as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG). The mitigation hierarchy requires all development schemes to apply the following principles:

- *Avoidance and Mitigation* – the proposed development should seek to avoid/minimise losses of scattered trees and the hedgerow in the first instance and incorporate these features in the landscaping layout of the scheme accordingly. This will help to further avoid and minimise impacts to protected and notable species.
- *Enhancement* – where possible new ecological features should be provided 'over and above' those required to mitigate/compensate for an impact. The development provides the opportunity to plant native flora within the landscaping.

In accordance with the principles of the Environment Act 2021 the development should also secure an overall net gain for biodiversity. Biodiversity Net Gain is a planning process that aims to leave biodiversity on site in a better state than it was before, going beyond solely avoiding, mitigating and compensating adverse effect on biodiversity and actively seeking to enhance the site's biodiversity value overall. A Biodiversity Metric tool should be used to help guide and quantify the baseline and proposed value of the scheme.

**R2 General Safeguarding Measures:** The following safeguards and appropriate working practices should be employed to minimise adverse effects on biodiversity and ensure compliance with UK Wildlife Legislation:

- Nesting Birds: Vegetation clearance should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them should be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.
- Terrestrial Mammals: Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each workday to prevent animals entering/becoming trapped.

## 8. Drawings

Drawing C161307-04-01 – Phase 1 Habitat Map



C161307-04-01

Legend

Survey area

Scattered trees

Scattered scrub

Species-poor intact hedgerow

Fence

Wall

Line of trees

A

Amenity grassland

Dense scrub

Hardstanding

Tall ruderal

Target note - habitat

Target note - feature

F1. Bird nest

Project

Kirkby, St Chad's Drive, Liverpool

Drawing

Phase 1 Habitat Map

Client

McCarthy Stone

Drawing Number

C161307-04-01

Revision

00

Scale @ A3

1:400

Date

November 2023

Approved By

AC

Drawn By

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The following tables include full habitat descriptions and summarise the condition assessment for habitats and hedgerows using criteria published by Natural England (2023)<sup>3</sup>.

| Area Habitat                                                                                                            |                         |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Condition Sheet Criteria Score |    |   |   |   |   |   |   |   |   |   |   |   |   |             |                      |      |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----|---|---|---|---|---|---|---|---|---|---|---|---|-------------|----------------------|------|
| Polygon / Line Ref.                                                                                                     | Phase 1 Habitat Type    | UK Hab Habitat Equivalent              | Habitat Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Condition Sheet Used           | A  | B | C | D | E | F | G | H | I | J | K | L | M | Total Score | Condition Assessment |      |
| TN1                                                                                                                     | Amenity grassland       | Modified Grassland                     | An area of amenity grassland was present in the east of the survey area, whilst a strip of this habitat was also present along the hardstanding footpath in the north and along the southern boundary. All areas were mown to approximately 5 cm in height and contained species such as perennial rye grass <i>Lolium perenne</i> with frequent moss and other species such as dandelion <i>Taraxacum officinalis</i> <i>agg.</i> , ribwort plantain <i>Plantago major</i> , daisy <i>Bellis perennis</i> and yarrow <i>Achillea millefolium</i> . Occasional herb Robert <i>Geranium robertianum</i> was also noted along the boundaries. The larger area of amenity grassland had a patch of bare ground at its northern end, which had begun to become colonised by scattered low growing bramble <i>Rubus fruticosus</i> <i>agg.</i> up to 10 cm high. Damaged ground, as a result of regular footfall by members of the public, was also noted along the grassland strip adjacent to the northern footpath. | Grassland Low (5)              | F* | F | P | F | P | P | P |   |   |   |   |   |   |             | 5 / 7                | Poor |
| TN2                                                                                                                     | Hardstanding            | Urban – Developed Land; Sealed Surface | Much of the site consisted of a tarmac hardstanding car park, with paved walkways to the east and north and a small wooden boundary fence separating the car park from the pavements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | N/A                            |    |   |   |   |   |   |   |   |   |   |   |   |   | N/A         | N/A                  |      |
| TN3                                                                                                                     | Dense scrub             | Mixed Scrub                            | An area of dense scrub was present to the north, running along a paved path. The scrub consisted of overgrown elder <i>Sambucus nigra</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Scrub (20)                     | F  | F | P | F | F |   |   |   |   |   |   |   |   | 1 / 5       | Poor                 |      |
| TN4                                                                                                                     | Scattered Trees         | Line of Trees                          | A line of trees was present in the north of the site, bordering the amenity grassland and car park. The trees were immature to semi-mature and consisted of species such as beech <i>Fagus sylvatica</i> , silver birch <i>Betula pendula</i> and maple <i>Acer</i> <i>sp.</i> Some evidence of nesting birds was present within the trees (see Feature Target Note 1 on Drawing C161307-04-01).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Line of Trees (16)             | P  | F | F | F | F |   |   |   |   |   |   |   |   | 1 / 5       | Poor                 |      |
| TN5                                                                                                                     | Scattered Trees         | Line of Trees                          | A small line of three silver birch trees were noted to the south of the car park. Tall ruderal vegetation was present below.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Group of Trees (16)            | P  | F | F | F | P |   |   |   |   |   |   |   |   | 2 / 5       | Poor                 |      |
| TN6                                                                                                                     | Scattered Trees         | Individual Trees                       | A single immature maple <i>Acer</i> <i>sp.</i> tree was located towards the north-east corner of the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Individual Trees (9)           | F  | P | F | P | F | P |   |   |   |   |   |   |   | 3 / 6       | Moderate             |      |
| TN7                                                                                                                     | Tall Ruderal Vegetation | Tall Forbs                             | An area of tall ruderal vegetation was present below the tree line in the south of the survey area. This comprised broad-leaved dock <i>Rumex obtusifolius</i> , cat's-ear <i>Hypochaeris radicata</i> , bramble, herb Robert and dandelion which was up to 0.5 m in height.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Urban (22)                     | F  | P | P |   |   |   |   |   |   |   |   |   |   | 2 / 3       | Moderate             |      |
| <b>Key:</b><br>P – Criteria passed<br>F – Criteria failed<br>* - Criterion needed to achieve moderate to good condition |                         |                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                |    |   |   |   |   |   |   |   |   |   |   |   |   |             |                      |      |

**Table 8.1: Habitat Descriptions and Condition Assessments**

| Hedgerows                                               |                       |                           |                                                                                                                                                                                                                                                                   | Condition Sheet Criteria Score |    |    |    |    |    |    |    |     |     | Condition Assessment |
|---------------------------------------------------------|-----------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|----|----|----|----|----|----|----|-----|-----|----------------------|
| Ref.                                                    | Phase 1 Habitat Type  | UK Hab Habitat Equivalent | Description                                                                                                                                                                                                                                                       | A1                             | A2 | B1 | B2 | C1 | C2 | D1 | D2 | E1* | E2* |                      |
| H1                                                      | Species-poor hedgerow | Native Hedgerow           | The hedgerow was located to the north, and this separated car park from a pavement leading to the business park. The hedgerow was approximately 1 m in height, 1 m wide and comprised of beech. The hedgerow had been heavily managed, with some gaps throughout. | F                              | F  | P  | F  | F  | P  | P  | F  |     |     | Poor                 |
| <b>Key:</b><br>*Applicable to hedgerows with trees only |                       |                           |                                                                                                                                                                                                                                                                   |                                |    |    |    |    |    |    |    |     |     |                      |

Table 8.2: Hedgerow Descriptions and Condition Assessments

## 9. Photographs



**Plate 9.1: Amenity Grassland to the East.**



**Plate 9.2: Hardstanding Pavements surrounding the Site.**



**Plate 9.3: Hardstanding Car Park Dominating the Site.**



**Plate 9.4: Area of Dense Scrub to the North, Adjacent to the Pavement.**



**Plate 9.5: Line of Trees and Species-poor Hedgerow to the North of the Car Park.**



**Plate 9.6: Small Tree Line with Tall Ruderal Vegetation Below.**

# Appendix 1

## General Biodiversity Legislation and Policy

The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (the Habitats Regulations 2019)

The Habitats Regulations 2017 (as amended) transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English and Welsh law. Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1 January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

The Habitats Regulations 2019 have created a 'National Site Network' on land and at sea, including both the inshore and offshore marine areas in the UK. The National Site Network includes:

- Existing Special Areas of Conservation (SACs), which are designated due to their importance to the habitats and species listed in Annexes I and II of the Habitats Directive;
- Existing Special Protection Areas (SPAs), which are designated due to their importance for wild birds in accordance with the Wild Birds Directive; and,
- New SACs and SPAs designated under these Regulations.

SACs and SPAs in the UK no longer form part of the European Union's Natura 2000 ecological network. Any references to Natura 2000 in the 2017 Regulations and in guidance now refers to the new National Site Network. However, guidance provided by Freeths (2020)<sup>4</sup> recommends that SACs and SPAs can continue to be referred to as "European sites" / "European marine sites".

Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the National Site Network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats. All Ramsar sites remain protected in the same way as SACs and SPAs.

The 2019 Regulations establish management objectives for the National Site Network. The network objectives are to:

- Maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status; and,

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<sup>4</sup> Freeths (2020). *The Habitats Regulations Assessment regime after 31 December 2020 – how will it look?*  
Available: <https://www.freeths.co.uk/2020/10/22/the-habitats-regulations-assessment-regime-after-31-december-2020-how-will-it-look/?cmpredirect>

- Contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive.

The appropriate authorities must also have regard to the:

- Importance of protected sites;
- Coherence of the National Site Network; and,
- Threats of degradation or destruction (including deterioration and disturbance of protected features) on SPAs and SACs.

The network objectives contribute to the conservation of UK habitats and species that are also of pan-European importance, and to the achievement of their favourable conservation status within the UK.

#### The Wildlife and Countryside Act (WCA) 1981 (as amended)

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2017 and the Habitats Regulations 2019, offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

#### The Countryside and Rights of Way (CROW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

#### The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Section 102 of The Environment Act 2021 (Commencement No. 5 and Transitional Provisions) Regulations 2022 makes amendments to Section 40 of the NERC Act. The revisions strengthen the requirement for public authorities to assess how they can take action to conserve and enhance biodiversity, and then take these actions.

Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CROW Act 2000.

#### The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

#### Species and Habitats of Material Consideration for Planning in England

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and

species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environment and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

### National Planning Policy Framework and Practice Guidance

In July 2021, the National Planning Policy Framework (NPPF) was updated, replacing the previous framework published in 2012 and revised in 2018 and 2019. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 15, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing existing sites of biodiversity value;
- minimising impacts on and providing net gains for biodiversity; and,
- establishing coherent ecological networks.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused. With respect to development on land within or outside of a Site of Special Scientific Interest (SSSI) which is likely to have an adverse effect (either alone or in-combination with other developments) would only be permitted where the benefits of the proposed development clearly outweigh the impacts on the SSSI itself, and the wider network of SSSIs. Development resulting in the loss of deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons for the development, and a suitable compensation strategy is provided.

Chapter 15 identifies that development whose primary objective is to conserve or enhance biodiversity should be supported and opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature.

Chapter 11, making effective use of the land, sets out how the planning system should promote use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Opportunities for achieving net environmental gains, including new habitat creation, are encouraged.

In March 2014 the Department for Communities and Local Government released guidance to support the National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG). This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England.

The guidance includes a section entitled 'Natural Environment: Biodiversity, geodiversity and ecosystems and green infrastructure', which was updated in July 2019. This document sets out information with respect to the following:

- the statutory basis for seeking to conserve and enhance biodiversity;

- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- how plan-making bodies identify and safeguard Local Wildlife Sites, including Standard Criteria for Local Wildlife Sites;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how policy should be applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured;
- definitions of biodiversity net gain including information on how it can be achieved and assessed; and,
- the consideration of ancient woodlands and veteran trees in planning decisions and how potential impacts can be assessed.

The NPPG July 2019 issue also includes a section entitled 'Appropriate assessment: Guidance on the use of Habitats Regulations Assessment' which provides information in relation to Habitats Regulations Assessment processes, contents and approaches in light of case law. This guidance will be relevant to those projects and plans which have the potential to impact on European Sites and European Offshore Marine Sites identified under the Conservation of Habitats and Species Regulations 2017 (as amended).

## Local Planning Policy - Knowsley Council

### Core Strategy:

The Knowsley Local Plan Core Strategy was adopted in January 2016. It sets the strategic framework for the growth and development of Knowsley up to 2028 and beyond. The policies of relevance to ecology are:

### Policy CS2 – Development Principles

*(Note: only the environmental section of this policy is included here)*

**Principle 4:** Recognise environmental limits, protect and enhance environmental assets, enhance local character and promote quality of place by:

- a) Understanding and respecting the character and distinctiveness of places and landscapes;
- b) Protecting and enhancing the historic environment;
- c) Promoting good quality design and ensuring that development respects its setting taking into account relevant design requirements, and best practice;
- d) Maximising opportunities for the regeneration of previously developed land, including derelict or unsightly areas to improve the image of Knowsley and use land resources efficiently;
- e) Mitigating potential negative impacts of traffic growth and road traffic on highway safety, air quality, noise and health;
- f) Supporting policies relating to Green Infrastructure and the greening of towns and cities;
- g) Maintaining or enhancing the tranquillity of open countryside and rural areas;

- h) Maintaining or enhancing the quantity and quality of biodiversity and habitats, including potential impacts on nationally and internationally important sites for biodiversity;
- i) Addressing any issues of unstable land, resulting from Knowsley's legacy of minerals extraction; and,
- j) Minimising negative impact upon flood risk, air quality, water quality, land quality, soil quality, and noise or vibration levels and ensuring any negative impacts are appropriately mitigated.

Development that will have an unacceptable impact upon any of the above will only be permitted where the benefits of the proposal clearly outweigh the harm.

### Policy CS8 – Green Infrastructure

#### *Maintenance and Enhancement of Knowsley's Existing Green Infrastructure*

- 1) Knowsley's existing Green Infrastructure and its beneficial functions will be protected, managed and/or enhanced, primarily to:
  - a) Ensure more attractive and cleaner residential neighbourhoods;
  - b) Sustain and promote biodiversity (including designated sites, priority habitats and protected and endangered species) in accordance with importance and contribution to ecological networks;
  - c) Preserve the character and function of historic environments and valued landscapes;
  - d) Mitigate the effects of climate change and flood risk;
  - e) Mitigate air, water and noise pollution;
  - f) Provide local opportunities for sport, recreation and allotments; and
  - g) Provide sustainable transport linkages between residential neighbourhoods and easy access to employment and services.
- 2) To achieve the above, planning powers and other interventions will be used to:
  - a) Protect and enhance strategically important areas of greenspace;
  - b) Ensure an appropriate quantity and improved quality of locally important open spaces, including outdoor sports provision (and ancillary facilities of appropriate scale);
  - c) Promote effective movement of wildlife through a network of strategic green links, by protecting, maintaining and improving existing and new open spaces, water courses (including water quality) and biodiversity assets;
  - d) Protect, enhance and/or introduce biodiversity into existing areas of Green Infrastructure, through integration into the design of new development and public realm projects;
  - e) Improve accessibility for communities to greenspace offering leisure and recreation opportunities;
  - f) Protect and where possible improve green paths and cycleways linking residential areas, existing strategic areas of greenspace, employment locations, local community services and leisure facilities;
  - g) Work in partnership with other districts and relevant bodies at a landscape scale to minimise the impact of development upon Knowsley's existing biodiversity and geological assets, and sustain the protection afforded to internationally important sites, including supporting habitat, for biodiversity outside of the borough; and
  - h) Deliver new integrated and functional Green Infrastructure that helps to mitigate and adapt to climate change, such as sustainable drainage systems, carbon capture and storage, soft landscaping and green roofs.

- 3) Site allocations for greenspace will be identified in the Local Plan: Site Allocations and Development Policies document, with further guidance set out in the Developer Contributions Supplementary Planning Document or future Supplementary Planning Document as appropriate.

#### *Strategic Green Links*

- 1) Knowsley's strategically important green links are:
  - a) Alt Corridor (Huyton) – stretching from Huyton Village through South Alt Park, Alt Park, Alt Meadows and into Stockbridge Village;
  - b) Valley Corridor (Kirkby) – stretching through Valley Meadow, St. Chad's Park, Millbrook Park, Millennium Green and Mill Dam;
  - c) Whiston to Cronton Corridor – stretching through Cronton, Stadt Moers Park and Whiston Greenway;
  - d) Halewood Triangle – Halewood Park linkage with the Trans-Pennine Trail and to the national cycle network;
  - e) M57 Green Belt Corridor; and
  - f) Knowsley Hall Estate – including Knowsley Safari Park and Local Wildlife Sites.

#### *Green Infrastructure within the Liverpool City Region*

- 2) Knowsley Council will work with partners to help deliver local and sub-regional programmes, initiatives and strategies to enhance Green Infrastructure.

#### *Approach to Green Infrastructure and New Development*

- 3) New development must be served by Green Infrastructure to meet the needs of residents and the local environment, in a manner which will:
  - a) Contribute to the creation of a high-quality residential environment;
  - b) Provide access to high quality open space for leisure and recreational purposes;
  - c) Seek to protect, maintain and where possible enhance biodiversity within and around new developments according to their designation and significance to provide space for nature; and,
  - d) Provide adequate mitigation and/or, as a last resort, compensation for Green Infrastructure or biodiversity loss, in circumstances where harm resulting from the development is otherwise unavoidable.

#### Policy CS21 – Greenspaces and Trees Greenspace Protection

- 1) In supporting the wider Green Infrastructure functions of urban greenspace in accordance with Policy CS8, the Council will provide and maintain quantitative, qualitative and accessibility standards for different types of public open space.
- 2) New development which would result in the loss of urban greenspace, will not be permitted unless at least one of the following criteria are met:
  - a) A surplus of provision for all types of greenspace would be maintained relative to local standards;
  - b) The land is considered unsuitable in terms of size, location or character to prevent or address individual deficiencies of different types of greenspace relative to local standards;
  - c) Appropriate mitigation is provided through replacement facilities of at least an equal quantity, quality and accessibility;

- d) The development is required to improve greenspace provision or for ancillary facilities to support sport or recreation; or,
  - e) Where the proposal relates to the loss of indoor or outdoor sports provision, and there is no evidence of future or continuing need for sports use, or alternatively only land incapable of forming a playing pitch or sporting facility is affected and its release accords with either clause 2)a) or 2)b).
- 3) Irrespective of whether criteria in 2) are met, unless the benefits of a proposal clearly outweigh the loss of urban greenspace, development will be resisted where it would significantly harm any existing or potential special qualities of greenspace in the area in terms of:
- a) Visual amenity;
  - b) Residential amenity;
  - c) Biodiversity and environmental benefits;
  - d) Historical, cultural or community value;
  - e) Recreational benefits; or,
  - f) Physical and/or visual linkages between adjoining urban greenspaces.

#### *Local Greenspace Standards*

- 4) The quantitative and accessibility standards for the provision of public open spaces within Substantial Residential Areas are set out in Table 9.1: Substantial Residential Area (SRA) Standards for Greenspace Quantity and Accessibility for the following greenspace typologies:
  - a) Park and Garden;
  - b) Amenity Greenspace;
  - c) Provision for Children and Young People; and
  - d) Allotments.
- 5) The Council's quantitative standards for Outdoor Sports Provision are set out in Table 9.2: Community Area Standards for Outdoor Sports Provision Quantity and Accessibility and seek to maintain an appropriate range of sites and address quantitative needs for individual sports at a Community Area level.
- 6) The Council will keep the standards of provision referred to above under review and if necessary publish revised standards in a future Local Plan document or Supplementary Planning Document.

#### *Accessible and Quality Greenspaces*

- 4) The Council will support improvements to existing and new areas of greenspace in accordance with best practice standards, to achieve the following requirements:
  - a) Accessible, safe and secure locations for all members of the community to use;
  - b) Clean and well maintained facilities, equipment and open spaces; and
  - c) Conservation of natural features, wildlife, fauna, landscapes, buildings and other structural features, as appropriate.
- 5) When considering proposals for new residential development, the Council will seek enhancements to greenspaces via on-site provision, new off-site provision or enhancement of existing off-site provision through developer contributions secured by legal agreement in accordance with Policy CS27: Planning and Paying for New Infrastructure, the Developer Contributions Supplementary Planning Document and/or a Community Infrastructure Levy Charging Schedule, as appropriate.

### *Local Green Spaces*

- 9) Any Local Green Spaces Designations which are formally designated will be identified in the Local Plan: Site Allocations and Development Policies or future Neighbourhood Plans (if applicable). This designation will only be used where the greenspace concerned is:
  - a) Reasonably close to the community it serves;
  - b) Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and,
  - c) Local in character and not an extensive tract of land.

### *Enhancement of Natural and Semi-Natural Greenspace and Tree Protection*

- 10) The Council will encourage proposals for new development to incorporate:
  - a) Retention of existing trees, woodland, vegetation and other habitat features which offer a positive contribution to the local environment in terms of visual amenity, recreation value or biodiversity/wildlife interest;
  - b) Appropriate planting of trees, other soft landscaping and installation of habitat features for the benefit of biodiversity; and,
  - c) Adequate replacement provision where tree loss is unavoidable, comprising two additional trees for every tree lost and taking account of species and size.

### *Unitary Development Plan:*

The Knowsley Replacement Unitary Development Plan was adopted in June 2006. Under the transitional arrangements for moving to the Local Plan system, 39 UDP policies were “saved” by the Secretary of State on 12 June 2009. The saved policies of relevance to ecology are:

### Policy DQ4 – Trees and Development

#### *All new development*

- 1) Proposals for new development should include appropriate planting of trees or other soft landscaping, the location and details of which should be determined as an integral part of the development, and which shall have regard to the character of the surrounding area.

#### *Developments affecting existing trees*

- 2) Development proposals affecting existing trees, woodlands and other vegetation, which make a positive contribution to amenity, should make provision for their retention.
- 3) Applicants for planning permission will be required to provide a detailed survey of all existing trees on the site and the likely effects on them of the proposed development, as outlined in the Council’s technical advice note “Trees and Development”.
- 4) Where the Council accepts that tree loss will be unavoidable the applicant will be required to make adequate provision for their replacement, normally including two new trees for each tree lost. Replacement planting will take into account the number; size and species of trees lost and should contribute to the extension of tree and woodland cover across the Borough.

### *Links to the Mersey Forest Plan*

- 5) All new development should be consistent with the aims and objectives of the Mersey Forest Plan.

### Policy ENV3 – Light Pollution

- 1) Development requiring external lighting must satisfy the following criteria:
  - a) The lighting scheme proposed is the minimum required for security and working purposes to undertake the task;
  - b) There would be no unacceptable impact on visual amenity in the surrounding area;
  - c) The scheme will not have an unacceptable effect on road safety;
  - d) The scheme will not harm wildlife; and,
  - e) There will be no unacceptable loss of residential amenity.

# Appendix 2

## Relevant Species Legislation

### Common amphibians

Common frogs, common toad, smooth newt and palmate newt are protected in Britain under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) with respect to sale only. They are also listed under Annex III of the Bern Convention 1979. Any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger. The convention seeks to prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species.

Common toad is listed as a Species of Principal Importance for Nature Conservation in England.

### Great crested newt

Great crested newts (GCN) and the places they use for shelter or protection receive legal protection under the Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that GCN, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2017, states that a person commits an offence if they:

- deliberately capture, injure or kill a GCN;
- deliberately disturb GCN;
- deliberately take or destroy eggs of a GCN; or
- damage or destroy a GCN breeding site or resting place.

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2017 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead GCN, part of a GCN or anything derived from GCN, which has been unlawfully taken from the wild. This legislation applies to all life stages of GCN.

Changes have been made to parts of the Habitats Regulations 2017 so that they operate effectively from 1st January 2021. The changes are made by the Habitats Regulations 2019, which transfer functions from the European Commission to the appropriate authorities in England and Wales.

All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant.

The obligations of a competent authority in the 2017 Regulations for the protection of species do not change. A competent authority is a public body, statutory undertaker, minister or department of government, or anyone holding public office.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to intentionally kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to intentionally or recklessly\* damage or destroy, or obstruct access to, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to intentionally or recklessly\* disturb any protected species while it is occupying a structure or place which it uses for shelter or protection.

\*Reckless offences were added by the Countryside and Rights of Way (CROW) Act 2000.

The reader should refer to the original legislation for the definitive interpretation.

GCN are listed a Species of Principal Importance for Nature Conservation in England which means they are a material consideration in the planning process. The list of species is derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006.

### Hedgehog

Hedgehogs receive some protection under Schedule 6 of the Wildlife and Countryside Act 1981 (as amended); this section of the Act lists animals which may not be killed or taken by certain methods, namely traps and nets, poisons, automatic weapons, electrical devices, smokes/gases and various others. Humane trapping for research purposes requires a licence.

Hedgehogs are a Species of Principal Importance for Nature Conservation in England and are thus capable of being material considerations in the planning process.

### Nesting Birds

The Conservation of Habitats and Species Regulations 2017, (Habitats Regulations 2017) and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulations 2019 (Habitats Regulations 2019) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

- kills, injures or takes any wild bird;
- takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- takes or destroys an egg of any wild bird, he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions of the act, if any person intentionally or recklessly:

- disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturbs dependent young of such a bird, he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

# Appendix 3

## Survey Calendar

# SPECIES SURVEY CALENDAR

This calendar helps identify the seasonal constraints associated with many ecological and protected species surveys.

Recommended survey time

Possible survey time

|                                              | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sep | Oct | Nov | Dec |
|----------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Extended Phase 1 Habitat Survey              |     |     |     |     |     |     |     |     |     |     |     |     |
| Botanical Survey                             |     |     |     |     |     |     |     |     |     |     |     |     |
| Bats (initial bat survey)                    |     |     |     |     |     |     |     |     |     |     |     |     |
| Bats (activity survey)                       |     |     |     |     |     |     |     |     |     |     |     |     |
| Bats (hibernation survey)                    |     |     |     |     |     |     |     |     |     |     |     |     |
| Great Crested Newt (habitat assessment)      |     |     |     |     |     |     |     |     |     |     |     |     |
| Great Crested Newt (presence/absence survey) |     |     |     |     |     |     |     |     |     |     |     |     |
| Reptiles                                     |     |     |     |     |     |     |     |     |     |     |     |     |
| Badger                                       |     |     |     |     |     |     |     |     |     |     |     |     |
| Water Vole                                   |     |     |     |     |     |     |     |     |     |     |     |     |
| Otter                                        |     |     |     |     |     |     |     |     |     |     |     |     |
| Birds (winter birds)                         |     |     |     |     |     |     |     |     |     |     |     |     |
| Birds (nesting bird)                         |     |     |     |     |     |     |     |     |     |     |     |     |
| Dormouse                                     |     |     |     |     |     |     |     |     |     |     |     |     |
| White Clawed Crayfish                        |     |     |     |     |     |     |     |     |     |     |     |     |



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