



**BIODIVERSE**  
CONSULTING

# COMMERCIAL STREET

PRELIMINARY ECOLOGICAL APPRAISAL

FOR: LIDL GB

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CLIENT	PROJECT	
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**DOCUMENT CONTROL**

VERSION	DATE	CHANGES	CONFIDENTIALITY	PREP	REV	AUTH
V1.0	24/02/25	Initial to Client	N/A	AB	LM	LHF



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## EXECUTIVE SUMMARY

Biodiverse Consulting Ltd was commissioned to undertake a Preliminary Ecological Appraisal (PEA) of land at Commercial Street, Risca, Newport. The Site is proposed to be developed into a series of residential units with soft landscaping and one retail unit with associated infrastructure. This report presents the key ecological constraints and opportunities in relation to the development, as summarised in the table below.

ECOLOGICAL CONSIDERATIONS FOR COMMERCIAL STREET	
<b>Designated Sites</b>	Three internationally designated sites are located within 10km of the Site. 20 non-statutory designated sites are located within 2km.
<b>Bats</b>	Habitats onsite afford no suitability for roosting bats and are of negligible value for both foraging and commuting bats. The Site is of negligible value to bats however the wider landscape and habitat adjacent to the Site presents good opportunities for an assemblage of notable bat species.
<b>Birds</b>	Limited nesting habitat is afforded onsite by the Introduced Shrub and Non-Native Ornamental Hedgerow. Limited foraging habitat is afforded onsite. Birds are not considered to be a significant ecological restraint to development.
<b>Otter</b>	Habitat onsite is considered unsuitable for foraging and commuting otter, the site is of negligible value.
<b>Badger</b>	The site affords no suitable habitat for foraging or sett creation. It is considered unlikely that badger are present onsite and have been scoped out of future assessment.
<b>Priority Species</b>	The Site has the potential to support priority species including hedgehog.
<b>Invasive Non-Native Species</b>	Schedule 9 invasive Cotoneaster is present in all Introduced Shrub and hedgerow areas.
<b>Further Survey and Assessment</b>	Production of a Construction Ecological Management Plan. A range of good practice avoidance, mitigation and compensation measures are recommended to address ecological impacts and to ameliorate any residual risk of impacts on protected species.



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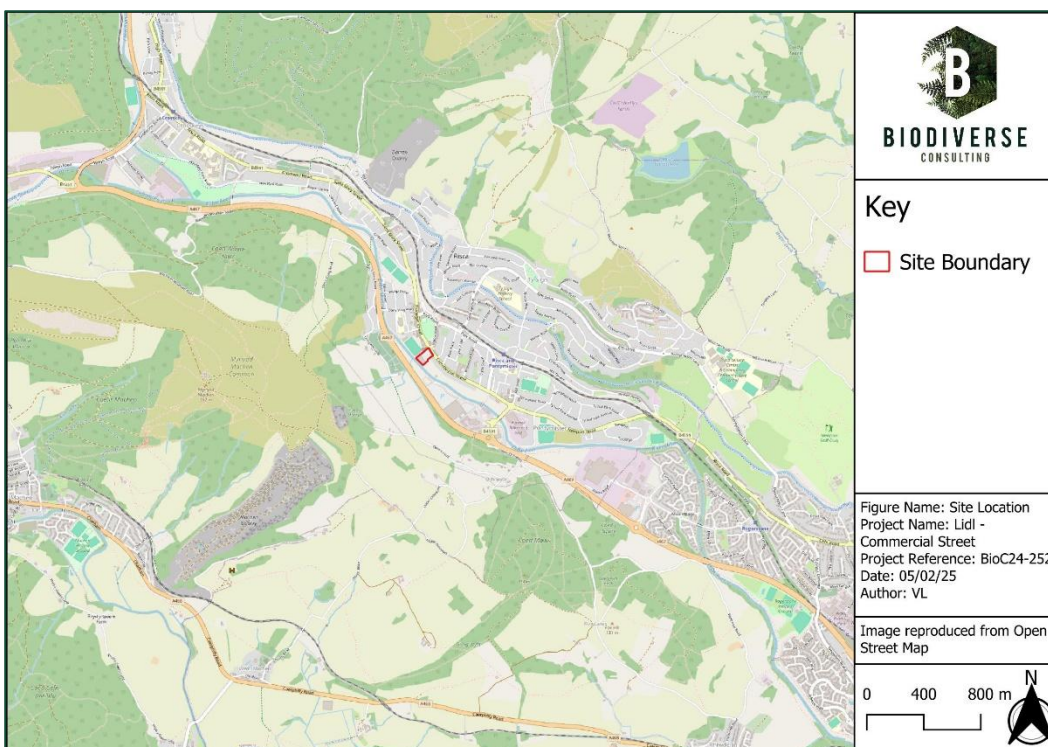


# 1 INTRODUCTION

## 1.1 SITE LOCATION & DESCRIPTION

The Site is located at Commercial Street, Ochrwyth, Risca, NP11 6AW at an approximate central grid reference of ST 23925 90219 as illustrated in Figure 1. The 0.69ha Site currently consists of hard standing, sealed surface carparks and buildings with associated soft landscaping.

**FIGURE 1: SITE LOCATION**



## 1.2 REPORT OBJECTIVES

The aim of this report is to determine the potential ecological constraints and opportunities to development. The objectives of this report are to:

- Identify and describe ecological features/receptors that may be present on Site or within an identified Zone of Influence (ZoI).
- Assess the potential for the development to impact the identified features.
- Outline potential mitigation, compensation or enhancement measures if required.
- Determine the need for and scope of further surveys.



### 1.3 DEVELOPMENT PROPOSALS

The development proposal comprises a series of residential units with associated soft landscaping alongside one retail unit with associated infrastructure (Figure 2).

**FIGURE 2: PROPOSED SITE PLAN**





## 2 METHODOLOGY

### 2.1 SURVEY AREA

The survey area comprised the 'Site' (Figure 2) and, where access was available, an appropriate buffer.

**FIGURE 2: SURVEY AREA**



### 2.2 DESK STUDY

A desk study was undertaken to obtain pre-existing ecological information relevant to the assessment. The desk study included:

- An assessment of aerial imagery and Ordnance Survey mapping.
- A search of the MAGIC website<sup>1</sup> for designated sites and European Protected Species within 2km of the Site.
- A request to the Local Record Centre (LRC) for records of non-statutory designated sites and protected and priority habitats and species.

<sup>1</sup> Multi Agency Geographic Information for the Countryside ([www.magic.gov.uk](http://www.magic.gov.uk))





## 2.3 FIELD SURVEY

Table 1 provides a summary of the field surveys undertaken. Full details of each survey are provided in the subsequent sections. All surveys were undertaken by suitably experienced and licenced ecologists; full details are available on request.

**TABLE 1: SURVEY SUMMARY**

SURVEY TYPE	DATE	TEMPERATURE	CLOUD	PRECIPITATION	WIND <sup>2</sup>
Preliminary Ecological Appraisal & Preliminary Roost Assessment	31/01/25	9°C	20%	None	5 - Fresh Breeze

### 2.3.1 Habitats/Protected Species

The Site was subjected to a Preliminary Ecological Appraisal (PEA) walkover survey during which habitats were assessed in line with the UK Habitat Classification (UKHab) methods<sup>3</sup>. As part of the survey, the Site was also checked for evidence of protected and priority species, and habitats were assessed for their potential to support them.

### 2.3.2 Bats

Survey methods and assessment are based on the Bat Conservation Trust (BCT) Good Practice Guidelines<sup>4</sup>. A Ground Level Tree Assessment (GLTA) determined the value of trees and a Preliminary Roost Assessment (PRA) determined the value of structures to roosting bats and the need for further survey and/or mitigation.

A Daytime Bat Walkover (DBW) assessed habitats for bats to roost, commute, and forage both on Site and in the surrounding area. The aim is to determine the suitability of the Site for bats, to assess whether further bat surveys will be needed and how those surveys should be safely carried out.

## 2.4 LIMITATIONS TO SURVEY

The survey was conducted outside of the optimal season for undertaking botanical surveys. This is not considered to be a significant limitation given the dominance of sealed surface on Site, and

<sup>2</sup> Beaufort wind force scale available at: <https://www.metoffice.gov.uk/weather/guides/coast-and-sea/beaufort-scale>

<sup>3</sup> Butcher, B., Carey, P., Edmonds, R., Norton, L. and Treweek, J. (2023) The UK Habitats Classification User Manual Version 2. Available from: <http://www.ukhab.org/>

<sup>4</sup> Collins, J. (ed) (2023) Bat Surveys for Professional Ecologists: Good Practice Guidelines (4<sup>th</sup> Edition). Bat Conservation Trust



it was still possible to discern remaining habitat types and identify herbaceous species. Additionally, access to the rear of the building onsite was limited, however visibility from afar in combination with satellite imagery review provided sufficient ground cover identification, this is not considered a significant limitation.

## 2.5 ASSESSMENT

The PEA surveys may provide sufficient information to accurately determine the value of some features, whereas other features may require further study to allow this. Features for which sufficient information is available at this stage are assigned a value using a geographic frame of reference in line with guidance from the Chartered Institute of Ecology and Environmental Management (CIEEM) (Appendix F).



## 3 RESULTS

### 3.1 DESK STUDY

#### 3.1.1 Designated Sites

A summary of statutory designated sites is provided in Table 2 and a map in Appendix C. A list of non-statutory sites is available upon request, the closest is 460m NNW of the Site.

**TABLE 2: DESIGNATED SITES**

DESIGNATION	SITE NAME	REASON FOR DESIGNATION	DISTANCE FROM SITE
Statutory Designated Sites			
Ramsar	Severn Estuary (Wales)	Estuarine habitats including intertidal mudflats and sandflats, saltmarsh, shingle and rocky shore habitats bordering the Estuary. Supporting an assemblage of breeding, feeding, wintering and migration of rare and vulnerable species of birds.	9410m
Special Protection Area	Severn Estuary (Wales)	National and international importance for the breeding, feeding, wintering and migration of rare and vulnerable species of birds.	9410m
Special Area of Conservation	River Usk/ Afon Wysg	Hosts the following habitats: estuaries, mudflats and sandflats not covered by seawater at low tide, Atlantic salt meadows ( <i>Glauco Puccinellietalia maritimae</i> ), sandbanks which are slightly covered by sea water all the time, and reefs. The site also supports sea lamprey ( <i>Petromyzon marinus</i> ), river lamprey ( <i>Lampetra fluviatilis</i> ) and twaite shad ( <i>Alosa fallax</i> ).	7390m



### 3.1.2 Priority Habitats

There are no records of Priority Habitats within the Site, however the Ebbw River borders the southwest of the Site. There are records of Priority Habitats within 2 km of the Site including: Deciduous Woodland, Neutral Grassland, Acid Grassland, Calcareous Grassland, Heathland, Acid/Neutral Skree and Standing Water (ponds). The LRC map of the Priority Habitats is provided in Appendix D.

### 3.1.3 Protected and Priority Species

A summary of recent (2010–present) records of protected, priority or otherwise notable species was provided by the LRC and relevant records are discussed in the results sections below. The full LRC search results are available on request.

## 3.2 FIELD SURVEY

### 3.2.1 Habitats

The 0.69ha Site comprises sealed carpark and retail store with associated soft landscaping. Detailed accounts of the UKHab habitats are provided below. A map of the UKHab habitats is provided in Appendix A.

**IMAGE 1 – INTRODUCED SHRUB**



**IMAGE 2 – NON-NATIVE AND ORNAMENTAL HEDGEROW**





**IMAGE 3 – DEVELOPED LAND;  
SEALED SURFACE (CARPARK)**



**IMAGE 4 – DEVELOPED LAND;  
SEALED SURFACE (BUILDING)**



### 3.2.1.1 847 – Introduced Shrub

Introduced Shrub is located in three blocks around the Site boundary to a combined area of 0.064ha (Appendix A, Image 1).

Species composition and structure is similar across all introduced shrub areas with dominant red-osier dogwood *Cornus sericea* and cotoneaster *Cotoneaster sp.* Shrub areas onsite show signs of management and have been recently trimmed.

The Introduced shrub is of low value.

### 3.2.1.2 h2b Non-Native and Ornamental Hedgerow

One Non-Native and Ornamental Hedgerow is located on the northern boundary of the Site to a length of 0.11km (Appendix A, Image 2). Height varied between 0.5m-1m and width 1-1.5m. The hedgerow was dominated by cotoneaster with red-osier dogwood, bramble *Rubus fruticosus agg* and butterfly-bush *Buddleja davidii*

Non-native and Ornamental Hedgerow is considered to be of low value.

### 3.2.1.3 U1b Developed Land; Sealed Surface (including buildings)

Developed Land; Sealed Surface comprises a carpark to the north, and a building to the south of the Site to a combined area of 0.63ha (Appendix A, Images 3 and 4).

Developed Land; Sealed Surface is considered to be of negligible value.

## 3.2.2 Invasive Non-Native Species

Schedule 9 listed invasive cotoneaster is located throughout the Site boundaries in all shrub blocks and ornamental hedges (Appendix A).



### 3.2.3 Protected Species

Protected species are afforded a level of legal protection which means that their presence may pose a constraint to development. A summary of relevant legislation and associated species is provided in Appendix F.

The following sections describe the results of the field surveys and an appraisal of desk study data. Species not addressed below are considered extremely unlikely to be present and/or affected by the development and so are scoped out of further assessment.

#### 3.2.3.1 Bats

The local records centre returned 38 records of bats in the last 10 years within 2km of the Site comprising of the following species: barbastelle *Barbastella barbastellus*, myotis species *Myotis Sp.*, Brandt's bat *Myotis brandtii*, Daubenton's bat *Myotis daubentoniid*, whiskered bat *Myotis mystacinus*, Leisler's Bat *Nyctalus leisleri*, noctule *Nyctalus noctule*, Nathusius's Pipistrelle *Pipistrellus nathusii*, common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, brown long-eared bat *Plecotus auritus*, greater horseshoe bat *Rhinolophus ferrumequinum*, lesser horseshoe bat *Rhinolophus hipposideros*. The closest record was soprano pipistrelle 272m east of the Site.

The habitats onsite afford no suitability for roosting bats and the Preliminary Bat Roost Assessment (PBRA) of the building presented no Potential Roosting Features (PRF's) and was deemed negligible for roosting bats.

Habitats onsite are considered of negligible value for both foraging and commuting bats. The wider landscape affords good habitat for bats particularly immediately adjacent the east and south of the Site where woodland borders much of the Ebbw River.

The Site itself has negligible value to bats. However, the habitats immediately adjacent to the Site provide suitable commuting and roosting habitats for a wide range of notable bat species. Therefore, a robust lighting strategy consisting of a dark corridor along the eastern and southern boundaries of the Site and good practice methodology should be implemented to safeguard species during the construction and operational phases of the development.

#### 3.2.3.2 Birds

Local records centre returned 343 records of birds in the last 10 years within 2km of the Site, the closest record to the Site was a Kingfisher *Alcedo atthis* was observed 103m south of the Site in the Ebbw River. No birds or field signs of bird species were identified during the survey.

Limited nesting habitat is afforded onsite by the Introduced Shrub and Non-Native Ornamental Hedgerow.



Limited foraging habitat is afforded by fruit-bearing Cotoneaster and bramble associated with the Non-native Hedgerow and some areas of Introduced Shrub. This could also support small numbers of wintering bird species.

Given the Site's limited suitable nesting and foraging habitats and high levels of public use, birds are not considered to be a significant ecological constraint to development. However, a series of good practice methods will be followed to ensure the species is safeguarded during construction.

#### 3.2.3.3 Badger (*Meles meles*)

The local records centre returned 9 counts of badger within 2km of the Site, the closest of which was 702m south of the Site and River Ebbw. During the survey, no field signs of badger including latrines, snuffle holes or setts were identified on Site.

The Site affords no suitable habitat for foraging or sett creation.

It is considered unlikely that badger are present onsite and have been scoped out of future assessment.

#### 3.2.3.4 Otter (*Lutra lutra*)

Local records returned 16 records of otter, within 2km of Site in the last 10 years. The closest of which 84m south of the Site in the Ebbw River. No evidence of otter such as spraints or holts were found onsite during the survey.

Habitat onsite is considered unsuitable for foraging and commuting otter but it is possible that otter could be commuting or using the Ebbw River in close proximity to the southeastern Site boundary.

The Site is considered to be of negligible value to otter but a precautionary approach will be taken to safeguard this species during construction and the lifespan of the development.

#### 3.2.3.5 Priority Species

The Site has the potential to support priority species including hedgehog *Erinaceus europaeus* and the local data centre returned records within 2km. However, no evidence of priority species was found at the time of survey.

A precautionary approach will be taken to safeguard this species during construction and the lifespan of the development.



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## 4 RECOMMENDATIONS

### 4.1 POTENTIAL IMPACTS

The development has the potential to adversely impact valuable ecological features and some of these impacts may also constitute legal offences. The broad impacts include:

- Direct harm of animal species
- Disturbance of animal species
- Loss and degradation of valuable habitats
- Loss and degradation of habitats that support protected/priority species

Many of these impacts can be adequately addressed at this stage and therefore a range of good practice avoidance, mitigation and compensation measures are recommended below. Impacts to some features cannot be robustly assessed without additional information and so further surveys and assessments are recommended for such features.

### 4.2 FURTHER SURVEY AND ASSESSMENT

No further surveys are necessary to inform the assessment of the potential ecological impacts of the development. A range of good practice avoidance, mitigation and compensation measures are recommended to address ecological impacts and reduce the likelihood of legal offences.

### 4.3 AVOIDANCE

The following measures should be incorporated into the design of the development, including the construction phase, to avoid and reduce impacts on wildlife:

- A Construction Ecological Management Plan (CEcMP) – To provide suitable precautionary mitigation measures for protected species including but not limited to protected habitats such as the Ebbw River, and protected species such as bats, hedgehog etc.
- Avoid Site clearance works during the nesting bird season (March to August inclusive) unless the Site is checked by a Suitably Qualified Ecologist (SQE) and active nests are confirmed to be absent no later than 48 hours before works commence.
- External lighting will be designed in line with BCT guidance<sup>5</sup> to reduce impacts bats and a range of other wildlife associated with retained and off-site habitats. The lighting strategy should include a dark buffer along the southern and eastern boundaries of the Site.

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<sup>5</sup> Bat Conservation Trust (2023) Guidance Note 08/23: Bats and Artificial Lighting at Night





## 4.4 MITIGATION

Mitigation is proposed to reduce the impacts on wildlife that cannot be avoided through design:

- All construction activities will be programmed to daytime hours to reduce disturbance to sensitive nocturnal species, such as bats and roosting bird species.
- Excavations should be securely covered or fenced overnight, or otherwise provide a means of escape for animals that may become trapped in the form of a ramp at least 300mm wide and angled no greater than 45°. Excavations should be inspected for the presence of animals before work recommences and, in the event of trapped animals being trapped, an ecologist contacted for advice.
- Gaps of at least 13cm x 13cm will be created within boundaries to facilitate movement of hedgehogs and other small animals through the Site.

## 4.5 COMPENSATION/ENHANCEMENT

Compensation is proposed to address the impacts on habitats which cannot be avoided or mitigated:

- Landscape planting to compensate for any tree/shrub loss shall include species native to the local area as well as alongside pollinator species, to provide increased foraging opportunities in the local area.
- It is recommended that bat and bird boxes are integrated into 10% of the houses of suitable aspect.



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# APPENDICES



## APPENDIX A – UKHAB MAP





APPENDIX B– BAT SUITABILITY AND SURVEY EFFORT

POTENTIAL SUITABILITY	DESCRIPTION	
	ROOSTING HABITATS IN STRUCTURES	POTENTIAL FLIGHT-PATHS AND FORAGING HABITATS
None	No habitat features on Site likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/suitable shelter at all grounds/underground levels).	No Habitat features on Site likely to be used by any commuting or foraging bats at any time of the year (i.e. no habitats that provide continuous lines of shade/protection for flight-lines or generate/shelter insect populations available to foraging bats.
Negligible (a)	No obvious habitat features on Site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can be use small and apparently unsuitable features on occasion	No obvious habitat features on Site likely to be used as flight-paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions(b) and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not classic cool/stable hibernation site, but could be used by individual hibernating bats(c))	Habitat that could be used by small numbers of bats as flight-paths such as gappy hedgerow or unvegetated stream, but isolated, i.e. not very well connected to the surrounding landscape by other habitats.  Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.



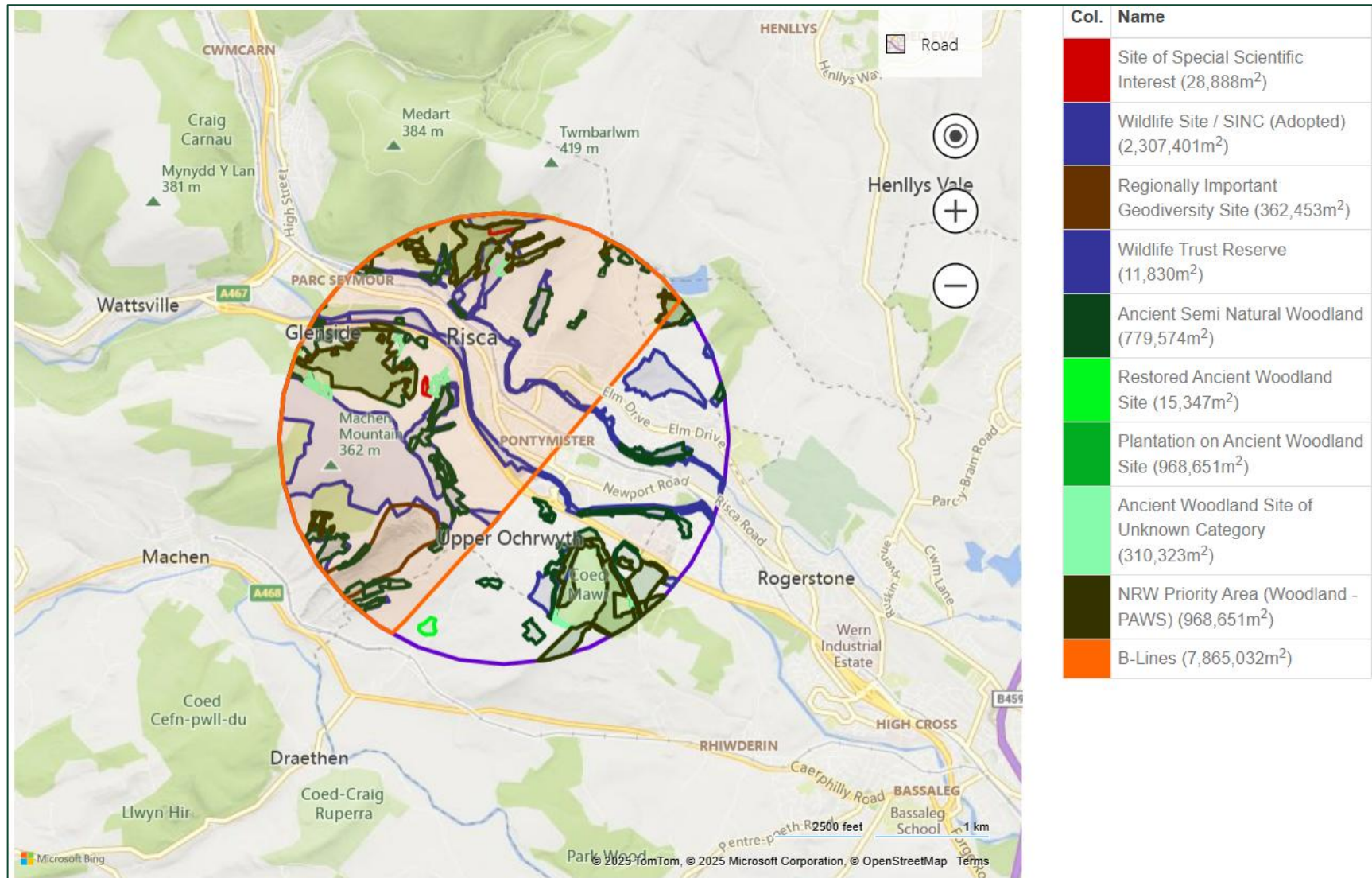
POTENTIAL SUITABILITY	DESCRIPTION	
	ROOSTING HABITATS IN STRUCTURES	POTENTIAL FLIGHT-PATHS AND FORAGING HABITATS
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection conditions(b) and hibernation – categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed	<p>Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub or linked back gardens.</p> <p>Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland, or water.</p>
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions(b) and surrounding habitat. These structures have a potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.	<p>Continuous high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys. Streams, hedgerows, lines of trees and woodland edge.</p> <p>High-quality habitat what is well connected to the wider landscape what is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses and grazed parkland.</p> <p>Site is close to and connected to known roosts,</p>



POTENTIAL SUITABILITY	DESCRIPTION	
	ROOSTING HABITATS IN STRUCTURES	POTENTIAL FLIGHT-PATHS AND FORAGING HABITATS
	<p>a. Negligible is defined as ‘so small or unimportant as to be not worth considering, insignificant’. This category may be used where there are places that a bat could roost or forage (due to one attribute) but it is unlikely that they actually would (due to another attribute)</p> <p>b. For example, in terms of temperature, humidity, height above ground level, light levels or levels of disturbance</p> <p>c. Evidence from the Netherlands shows mass swarming events of common pipistrelle bats in the autumn followed by mass hibernation in a diverse range of building types in urban environments (Korsten et al., 2016 and Jansen et al., 2022). Common pipistrelle swarming has been observed in that UK (Bell, 2022 and Tomlinson, 2020) and winter hibernation of numbers of this species has been detected at Seaton Delaval Hall in Northumberland (National Trust, 2018). This phenomenon requires some research in the UK, but ecologists should be aware of the potential for larger numbers of this species to be present during the autumn and winter in prominent buildings in the landscape, urban or otherwise.</p>	

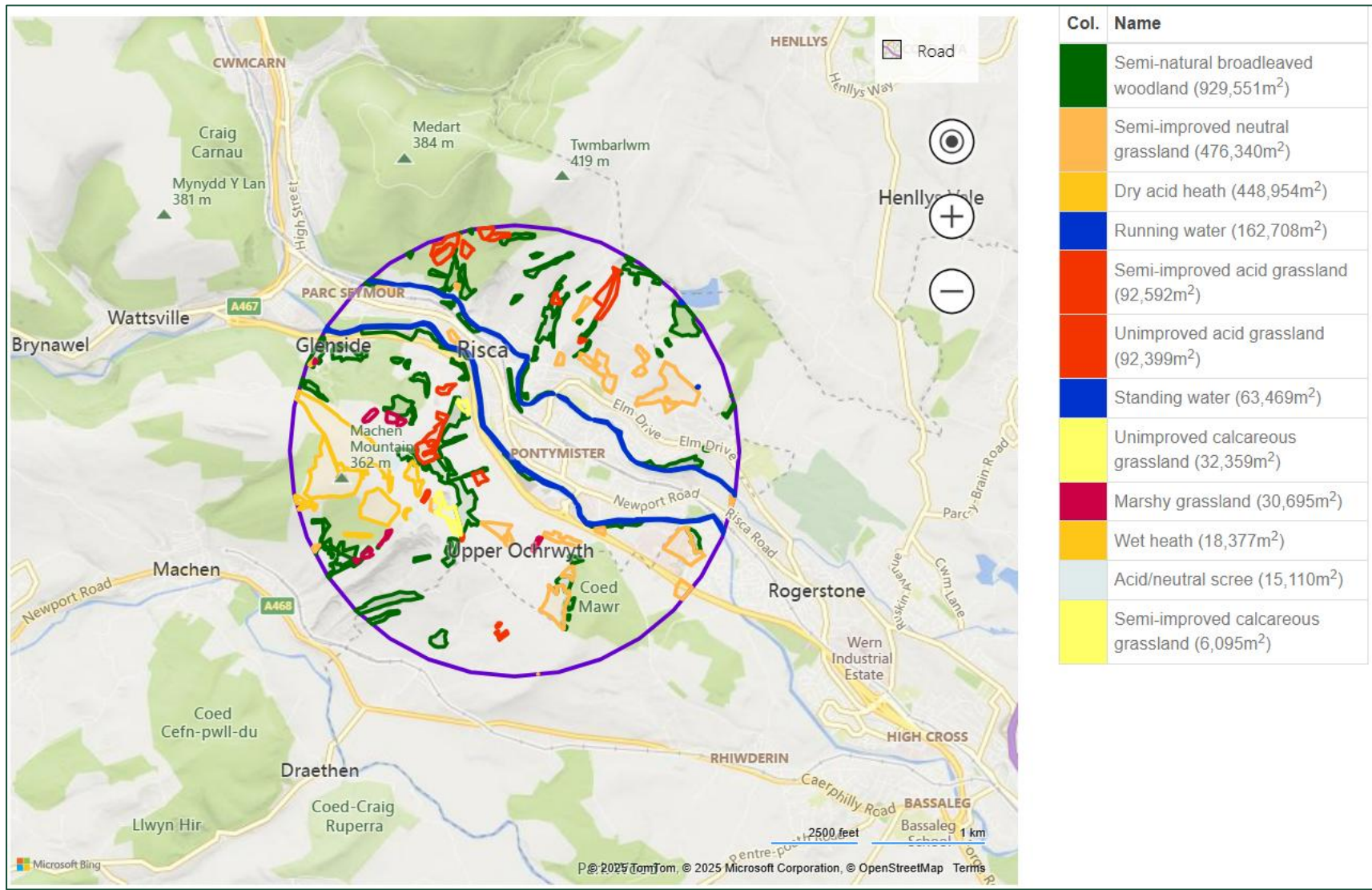


APPENDIX C – DESIGNATED SITES MAP





APPENDIX D – PRIORITY HABITATS MAP





## APPENDIX E – POLICY AND LEGISLATION

### The Wildlife and Countryside Act 1981

The Wildlife and Countryside Act 1981<sup>6</sup>, as amended by the Countryside and Rights of Way Act (CRoW) 2000<sup>7</sup> and the Natural Environment and Rural Communities Act (NERC) 2006<sup>8</sup>, is the main legislation that protects wildlife in Great Britain and is the mechanism for defining and protecting nationally important Sites of Special Scientific Interest (SSSI). The legislation makes it an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection; and
- Pick or uproot any wild plant listed under Schedule 8 of the Act. Schedule 9, Part II of the Act also lists many species for which it is an offence to plant, or otherwise cause to grow, in the wild. Any material containing Japanese knotweed is also identified as controlled waste under the Environmental Protection Act 1990<sup>9</sup> and must be disposed of properly at licensed landfill according to the Environmental Protection Act (Duty of Care) Regulations 1991<sup>10</sup>.

### The Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017<sup>11</sup> (the ‘Habitat Regulations’), as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019<sup>12</sup>, establish the requirements for protecting sites that are internationally important for threatened habitats and species – the National Site Network – and thus the requirement for a ‘Habitat Regulations Assessment’ of plans or developments with potential to affect them.

<sup>6</sup> Wildlife and Countryside Act 1981. Available from: <https://www.legislation.gov.uk/ukpga/1981/69>

<sup>7</sup> The Countryside and Rights of Way Act 2000. Available from: <https://www.legislation.gov.uk/ukpga/2000/37/contents>

<sup>8</sup> Natural Environment and Rural Communities Act 2006. Available from: <https://www.legislation.gov.uk/ukpga/2006/16/contents>

<sup>9</sup> The Environmental Protection Act 1990. Available from: <https://www.legislation.gov.uk/ukpga/1990/43/contents>

<sup>10</sup> The Environmental Protection Act (Duty of Care) Regulations 1991. Available from: <https://www.legislation.gov.uk/uksi/1991/2839/made>

<sup>11</sup> The Conservation of Habitats and Species Regulations 2017. Available from: <https://www.legislation.gov.uk/uksi/2017/1012/contents/made>

<sup>12</sup> The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Available from: <https://www.legislation.gov.uk/ukdsi/2019/9780111179512/contents>

The Habitat Regulations also establish the strict protection of some species – European Protected Species – and make it an offence to deliberately capture, kill or disturb certain wild animals, and to damage or destroy a breeding site or resting place of such an animal even if the animal is not present at the time.

### **Natural Environment & Rural Communities (NERC) Act 2006**

The NERC Act 2006<sup>8</sup> places a duty on local planning authorities to have due regard for biodiversity and nature conservation during their operations, and thus ensures that biodiversity is a key consideration in the planning process. The Act also establishes a list of species and habitats of principal importance ('Priority' Species and Habitats) for the conservation of biodiversity.

### **The Environment Act 2021<sup>13</sup>**

The Environment Act 2021 provides a framework for environmental protection in the UK. It is a wide-range piece of legislation affecting many aspects of the natural environment, including biodiversity. The act sets clear targets to halt the decline in wildlife populations through a legally binding target for species abundance by 2030 and a requirement to increase species populations by 10% by 2042. The Act also establishes mandatory requirement for Biodiversity Net Gain in new developments.

### **Ramsar Convention**

The Convention on Wetlands of International Importance especially as Waterfowl Habitat (the 'Ramsar Convention'<sup>14</sup>) provides the only international mechanism for protecting internationally important wetlands; such sites are designated as Ramsar sites. It is government policy that Ramsar sites are afforded the same level of protection as sites in the National Site Network and so they are also subject to HRA.

### **Protection of Badgers Act 1992**

Badgers receive strict protection under the Protection of Badgers Act 1992<sup>15</sup>, which prohibits the taking, injuring, selling, possessing or killing of badgers and makes it an offence to ill-treat any badger, damage, destroy, disturb or cause a dog to enter a badger sett.

### **Planning Policy Wales**

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<sup>13</sup> The Environment Act 2021. Available from: <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

<sup>14</sup> The Ramsar Convention <https://www.ramsar.org/>

<sup>15</sup> Protection of Badgers Act 1992. Available from: <https://www.legislation.gov.uk/ukpga/1992/51/contents>

Planning Policy Wales<sup>16</sup> sets out the Welsh Government's requirement for the planning system in Wales and in doing so establishes the framework within which local planning authorities can develop their own planning policies.

### **The Hedgerow Regulations 1997**

The Hedgerow Regulations 1997<sup>17</sup> establishes the legal protection of important countryside hedgerows, principally ancient and species-rich hedgerows. The Hedgerow Regulations also provide arrangements for planning authorities to protect important hedgerows in the countryside by controlling their removal through a system of notification.

### **Biodiversity Action Plans**

The UK Biodiversity Action Plan (UK BAP) was developed to fulfil the Rio Convention on Biological Diversity in 1992, to which the UK is a signatory. The UK Post-2010 Biodiversity Framework<sup>18</sup> succeeded the UKBAP and expired in 2019, but the UKBAP priority species and habitats are retained through the NERC Act 2006. Regional and local BAPs have also been developed for species/habitats of nature conservation importance at regional and local levels.

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<sup>16</sup> Planning Policy Wales 2021 (edition 11). Available from:

[https://www.gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11\\_0.pdf](https://www.gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf)

<sup>17</sup> The Hedgerow Regulations 1997. Available from:

<http://www.legislation.gov.uk/ukxi/1997/1160/contents/made>

<sup>18</sup> UK Post-2010 Biodiversity Framework. Available from: <https://hub.jncc.gov.uk/assets/587024ff-864f-4d1d-a669-f38cb448abdc>

## APPENDIX F – VALUE OF ECOLOGICAL FEATURES

VALUE	EXAMPLES
<b>International</b>	<ul style="list-style-type: none"> <li>• An internationally designated site or candidate site (SPA, pSPA, SAC, cSAC, pSAC, Ramsar site) or an area which meets the designation criteria for such sites.</li> <li>• Internationally significant and viable areas of a habitat type listed in Annexe 1 of the Habitats Directive, or smaller areas of such habitat, which are essential to maintain the viability of a larger whole.</li> <li>• Any regularly occurring, globally threatened species.</li> <li>• A regularly occurring population of an internationally important species, which is threatened or rare in the UK, of uncertain conservation status</li> <li>• A regularly occurring, nationally significant population/number of any internationally important species.</li> </ul>
<b>National</b>	<ul style="list-style-type: none"> <li>• A nationally designated site (e.g. SSSI, NNR) or a discrete area which meets the published selection criteria for national designation (e.g. SSSI selection guidelines) irrespective of whether or not it has yet been notified.</li> <li>• A viable area of a UK BAP priority habitat, or smaller areas of such habitat which are essential to maintain the viability of a larger whole.</li> <li>• A regularly occurring significant number/population of a nationally important species e.g. listed on the Wildlife and Countryside Act 1981 (as amended).</li> <li>• A regularly occurring population of a nationally important species that is threatened or rare in the county or region.</li> <li>• A feature identified as being of critical importance in the UK BAP.</li> </ul>
<b>Regional / County</b>	<ul style="list-style-type: none"> <li>• Viable areas of key habitat identified in the Regional or County BAP or smaller areas of such a habitat, which are essential to maintain the viability of the larger whole.</li> <li>• Regional/county significant and viable areas of key habitat identified as being of regional value in the appropriate English Nature (now Natural England) Natural Area.</li> <li>• A regularly occurring significant population/number of any important species important at a regional/county level.</li> <li>• Any regularly occurring, locally significant population of a species which is listed in a Regional/County Red Data Book or BAP on account of its regional rarity or localisation.</li> <li>• Sites of conservation importance that exceed the district selection criteria but that fall short of SSSI selection guidelines.</li> </ul>
<b>City/District/ Borough</b>	<ul style="list-style-type: none"> <li>• Areas of habitat identified in a District/City/Borough BAP or in the relevant Natural Area profile.</li> <li>• Sites that the designating authority has determined meet the published ecological selection criteria for designation, including Local Nature Reserves selected on District/City/Borough ecological criteria.</li> <li>• Sites/features that are scarce within the District/City/Borough or which appreciably enrich the District/City/Borough habitat resource.</li> </ul>

VALUE	EXAMPLES
	<ul style="list-style-type: none"> <li>• A diverse and/or ecologically valuable hedgerow network.</li> <li>• A population of a species that is listed in a District/City/Borough BAP because of its rarity in the locality or in the relevant Natural Area profile because of its regional rarity or localisation.</li> <li>• A regularly occurring, locally significant number of a District/City/Borough important species during key phases of its life cycle.</li> </ul>
<b>Parish</b>	<ul style="list-style-type: none"> <li>• A feature considered scarce within a Parish or which appreciably enriches the Parish resource.</li> </ul>
<b>Local</b>	<ul style="list-style-type: none"> <li>• Areas identified in a Local BAP or the relevant natural area profile.</li> <li>• Sites/features which are scarce in the locality or which are considered to appreciably enrich the habitat resource within the local context, e.g. species-rich hedgerows.</li> <li>• Local Nature Reserves selected on Parish/Local ecological criteria.</li> <li>• Significant numbers/population of a locally important species <u>e.g.</u> one which is listed on the Local BAP.</li> <li>• Any species, populations or habitats of local importance.</li> </ul>
<b>Low</b>	<ul style="list-style-type: none"> <li>• Habitats of moderate to low diversity which support a range of locally and nationally common species, the loss of which can be easily mitigated.</li> </ul>



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