



**Land at Hickman Avenue Depot**  
Ecological Impact Assessment Report (EclA)

## Document Control

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# Summary

<b>Report Purpose</b>	<p>With reference to the development proposals and applicable planning policy &amp; legislation, the scope of the present Report is to:</p> <ul style="list-style-type: none"><li>• Identify key ecological constraints associated with the project.</li><li>• Identify avoidance, mitigation or compensation measures likely to be required in accordance with the mitigation hierarchy.</li><li>• Identify any additional surveys that may be required to inform the above.</li><li>• Identify opportunities to deliver ecological enhancement.</li></ul>
<b>Methodology</b>	<p>A desk study was carried out which included an online search (UK Government MAGIC website) for designated sites of nature conservation and historical Natural England licence returns.</p> <p>A Phase 1 Habitat survey extended to consider protected species, including a Preliminary Bat Roost Assessment survey, was carried out on the 19<sup>th</sup> January 2022.</p>
<b>Key Notes</b>	<p>The development will result in minor losses of common and widespread habitats of negligible to limited conservation value comprising small areas of introduced shrub and poor semi-improved grassland.</p> <p>The buildings on site were of negligible conservation value, with the exception of building B3 (electricity substation), which is of low suitability for roosting bats. With reference to national guidance, if works are required to building B3 (electricity substation), one nocturnal emergence/ re-entry survey should be undertaken, to establish the presence/ likely absence of roosting bats. However, it is understood that B3 will be retained.</p> <p>Avoidance measures are recommended for nesting birds which are likely to be present in the buildings (feral pigeon), carrying out demolition works outside of the core nesting bird season of March to September. If the nesting bird season cannot be avoided, a nesting bird survey should be carried out prior to works. To mitigate for the loss of nesting bird resource at the site, integrated bird boxes could be installed on new buildings post-development.</p>
<b>Conclusions</b>	<p>If impacts to building B3 can be avoided and the nesting bird recommendations adhered to, it is considered that the scheme would not result in significant ecological impacts.</p> <p>Opportunities for ecological enhancement include the planting of native species trees or hedgerows within the proposed development.</p>

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# 1 Introduction

## Background

- 1.1 Elton Ecology was commissioned by City of Wolverhampton Council in January 2022 to conduct a Preliminary Ecological Appraisal of the land at Hickman Avenue Depot.
- 1.2 The present assessment has been informed by the following documents:
  - Hickman Avenue Depot Boundary Plan.jpg, received via email 26/01/2022
  - Hickman Depot – Option 5, Halliday Meecham Architects Limited (Drawing ref: 5482-HMA-HD-ZZ-DR-A-SK14, Revision P1) 19/12/2021

## Site description

- 1.3 The site comprised an area of hardstanding and a series of commercial buildings located at Hickman Avenue, Wolverhampton, WV1 2HS (site central OS grid reference SO 92862 98330). Immediately surrounding the site is further commercial use development including a waste facility and a car breaker yard.
- 1.4 The surrounding landscape is primarily urban, with the residential areas of Wolverhampton and main roads throughout. Fragmented areas of open space park grassland and woodland blocks are scattered throughout the surrounding area. The Rugby-Birmingham-Stafford Line and the Birmingham Canal Navigations lie approximately 250m and 400m east of the survey site respectively (Appendix 1: Surrounding Landscape Plan). The habitat connectivity of the site to the surrounding area is poor.
- 1.5 The site boundary is shown on Appendix 3: Phase 1 Habitat Plan.

## Development Proposals

- 1.6 The proposals include the demolition of existing structures to construct light industrial buildings and car parking.

## Planning Policy and Legislation

- 1.7 A summary of biodiversity planning policies and wildlife legislation relevant to the site is provided in Appendix 3: Planning Policy and Legislation Summary. The relevant planning policy and legislation includes:
  - Black Country Core Strategy Adopted February 2011, Policy CSP3 Environmental Infrastructure and ENV1 Nature Conservation;
  - Biodiversity Action Plan for Birmingham and the Black Country (2009);
  - National Planning Policy Framework 2021;
  - Government Circular ODPM 06/05 Biodiversity and Geological Conservation;
  - The Conservation of Habitats and Species Regulations (2017) (As Amended);
  - Wildlife and Countryside Act 1981 (As Amended);
  - Natural Environment and Rural Communities (NERC) Act 2006 – Habitats and Species of Principal Importance;
  - The Wild Mammals (Protection) Act 1996 (As Amended); and
  - The Protection of Badgers Act 1992.

## Report Purpose and Scope

- 1.8 With reference to the development proposals and applicable planning policy & legislation, the scope of the present report is to:
- Identify key ecological constraints associated with the project.
  - Identify avoidance, mitigation or compensation measures likely to be required in accordance with the mitigation hierarchy.
  - Identify any additional surveys that may be required to inform the above.
  - To form the basis of an Ecological Impact Assessment (EclA), if considered proportionate with reference to the likely impacts of the scheme.
  - Identify likely opportunities to deliver ecological enhancement.

## 2 Methodology

### Desk Study

- 2.1 The sources of information and study areas of the desk study data are provided in Table 1 below.

Table 1: Desk study sources and areas

Feature		Study Area	Data Source	Accessed
<b>Designated sites of nature conservation</b>	International (e.g. Special Area of Conservation, Special Protection Area, and Ramsar)	5 km radius of the site boundary	UK Government MAGIC <sup>1</sup> website	03/03/2022
	National (e.g. Site of Special Scientific Interest (SSSI), SSSI Impact Risk Zones (SSSI IRZ)), Local Nature Reserves, National Nature Reserves	2 km radius of the site boundary		
<b>Historic Licence Returns</b>		2 km radius of the site boundary	UK Government MAGIC website	
<b>The site in the context of habitat connectivity to the surrounding landscape</b>		Surrounding area	Satellite and OS map data	
<b>Local Environmental Records Center (LERC)</b>		Due to the small scale of the site and paucity of habitats present, it was not considered proportionate at this stage to obtain records of protected/ notable species and non-statutory designated sites from the LERC.		N/A

### Extended Phase 1 Habitat Survey

- 2.2 Unless otherwise specified in the following sections, the study area for each field survey type was the land on and within the site boundary as a minimum (as shown on Appendix 3: Phase 1 Habitat Plan).
- 2.3 The Phase 1 Habitat survey was carried out on the 23<sup>rd</sup> February 2022 and was extended to include an assessment for Natural Environment and Rural Communities Act (2006) Section 41 Habitats of Principal Importance (HPI) and of the sites potential to be used by protected or notable species as described below.
- 2.4 Weather conditions were appropriate for field survey with no rain and good visibility.

### Phase 1 Habitat Survey

- 2.5 The site was walked over, and botanical species lists of representative and notable plant species for each habitat type were recorded. Habitats were classified and mapped with

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



reference to industry guidelines (JNCC, 2010). The nomenclature used for botanical species lists broadly follows that of Stace, (2019).

#### *Protected/Notable Species Assessment*

- 2.6 An assessment of the actual or likely use of the site by protected/ notable species assemblages was made, based on a combination of desk study information, field survey data (e.g. field signs of species presence recorded), geographic location, and an assessment of the likely value of the habitats for each species informed by the phase 1 habitat survey.

#### *Protected/Notable Species Survey*

- 2.7 The Phase 1 Survey was extended to assess the potential use of the site by protected and/or priority species such as bats, great crested newt *Triturus cristatus*, reptiles and nesting birds. Specific methodologies are outlined below where applicable.

#### *Badger*

- 2.8 The badger walkover survey included a search for evidence of badger at the site with a 30m radius, such as sett entrances (normally 25 to 35cm wide and shaped like a 'D' on its flat edge), large spoil heaps outside sett entrances, bedding, footprints, mammal paths, latrines, hairs, scratching posts, and signs of digging for food or 'snuffle holes'.

#### *Bats - Ground Level Bat Assessment of Trees*

- 2.9 The Ground Level Bat Roost Assessment of trees was carried out with reference to best practice industry guidelines (Collins, 2016). The study area included all trees within the survey area.
- 2.10 The survey included a surveyor assessing the tree(s) from ground level aided by binoculars, noting potential bat entry/exit points, potential roosting features (PRFs), and any evidence of bats. The trees were graded for their suitability to support roosting bats, which will inform the need for further survey effort, if required, such as a potential roost feature (PRF) inspection via rope and harness access and/or nocturnal survey.
- 2.11 The suitability of the trees for roosting bats was then categorised with reference to best practice industry guidelines (Collins, 2016) (Table 2) as either negligible, low, moderate, or high, which informs the need for further survey effort to establish the presence/ likely absence of roosting bats.

#### *Preliminary Bat Roost Assessment*

- 2.12 The preliminary bat roost assessment (PBRA) was carried out on the 23<sup>rd</sup> February 2022 with reference to best practice guidelines (Collins, 2016).
- 2.13 The survey involved a level 1 Natural England bat licenced surveyor making a detailed external and internal inspection of the structure(s) on-site, compiling information on potential bat entry/exit points, roosting features, and any evidence of bats found (such as actual bat sightings, droppings, and fur-oil staining).
- 2.14 The PBRA was aided as required by a high-powered torch to view features on the building and/ or search accessible cracks and crevices for the presence of bats where required/ possible.
- 2.15 The suitability of the structure(s) for roosting bats was categorised with reference to best practice industry guidelines (Collins, 2016) (Table 2: Guidelines for Assessing the Potential Bat Roosting Suitability of Structures and Trees) as either negligible, low, moderate, or high, which will inform the need for further survey effort to establish the presence/ likely absence of roosting bats. Suitability grading of structures requires consideration of the potential

roosting features on the structure within the context of the suitability of the surrounding landscape to support commuting and foraging bats.

*Table 2: Guidelines for Assessing the Potential Bat Roosting Suitability of Structures and Trees (Adapted From Collins, (2016))*

Suitability	Description of Roosting Habitats	Commuting and Foraging Habitats
Negligible	Negligible features likely to be used by roosting bats.	Negligible features likely to be used by commuting or foraging bats.
Low	A structure or tree with a potential roost site which could be used by individual bats, which does not provide enough space, shelter, protection, or appropriate conditions (i.e. temperature, humidity, height above ground level, light levels, disturbance) or suitable surrounding habitat to be used on a regular basis by larger numbers of bats.	Habitat that could be used by small numbers of commuting bats such as a hedgerow with gaps or unvegetated stream, but isolated (i.e. not very well connected to the surrounding landscape by habitat).  Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree or a patch of scrub.
Moderate	A structure or tree with a potential roost site that could be used by bats but is unlikely to support a roost of high conservation status.	Continuous habitat connected to the wider landscape that could be used by commuting bats such as lines of trees and scrub or linked back gardens.  Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland, or water.
High	A structure or tree with one or more potential roost sites that are suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time.	Continuous high-quality habitat that is well connected to the wider landscape likely to be used regularly by commuting bats such as river valleys, streams, hedgerows, lines of trees, and woodland edge.  Continuous high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree-lined watercourses, and grazed parkland.  Site is close to and connected to known roosts.

### Birds

- 2.16 An assessment of the site to support foraging and nesting birds was made, and the site was searched where accessible for active or historical bird nests.

### Great Crested Newt

- 2.17 The habitats at the site were assessed for their suitability for great crested newt, including a search of the site for ponds and suitable terrestrial habitat.

### Invasive species

- 2.18 Invasive plant species such as Japanese Knotweed *Fallopia japonica* and Himalayan balsam *Impatiens glandulifera* were recorded where encountered during the Phase 1 Habitat survey.

### Assessment

- 2.1 The assessment within this report was carried out with reference to guidelines from the Chartered Institute of Ecology and Environmental Management (CIEEM) set out in the document *Guidelines for Preliminary Ecological Appraisal* (CIEEM, 2017).

### Personnel

- 2.1 The Preliminary Bat Roost Assessment (PBRA) & Nesting Bird Survey was carried out by Tim Elton BSc (Hons), MCIEEM. Tim has professional experience in ecological consultancy since early 2013, including Protected Species Survey, Extended Phase 1 Habitat Survey and report writing. Tim is trained in a wide variety of protected species survey, including holding Natural England class licences for bats (level 2 reference number: 2018-33647-CLS-CLS), barn owl *Tyto alba*, great crested newt *Triturus cristatus* (level 1), and dormice *Muscardinus avellanarius* (level 1). Tim is trained in botanical species identification and holds a Level 3 Botanical Society of Britain and Ireland (BSBI) Field Identification Skills Certificate.
- 2.2 The survey was assisted by Ecologist Petrina Harris BSc (Hons), MSc. Petrina holds a class 1 bat licence (reference number: 2021-54491-CLS-CLS) and is a Qualifying member of CIEEM. Petrina is experienced in undertaking ecology surveys, GIS mapping, and report writing.

### Limitations

- 2.3 It must be noted that survey effort has been made to provide detailed descriptions of the site within the context of potential usage by protected species, however a fully comprehensive assessment and prediction of natural factors cannot be made. The protected species assessment provides a professional view of the likelihood of such species being present and cannot be taken as a definitive presence or absence of the same. The Extended Phase 1 Habitat Survey includes an assessment of the likelihood of key protected or notable species being present. Systematic presence/ likely absence surveys for such species, which typically require multiple survey visits, have not been undertaken but are recommended in the present report if considered proportionate to the potential ecological impacts of the development proposals.
- 2.4 A full search of crevices and cavities on buildings typically cannot be made without specialist access equipment and in most cases intrusive works, and therefore accessible areas only have been searched for evidence of protected species and a negative result of evidence does not conclusively equate to absence of such species which may occupy inaccessible crevices on the building. However, provided any recommended nocturnal emergence/ re-entry bat survey(s) are undertaken, this is not considered a significant limitation to assessing the presence/ likely absence of roosting bats at a site.
- 2.5 The building B3 (electricity substation) was not entered due to safety concerns. This limitation is not considered significant due to the recommendation of a further survey if the building is to be impacted by the development.
- 2.6 Third party desk study data is not exhaustive, and an absence of a species does not preclude the presence of protected species from the site/ search area.

- 2.7 The Phase 1 Habitat survey botanical species lists given should not be considered exhaustive or a complete inventory. Such lists would require multiple survey visits at various times of the year and are beyond the scope of Phase 1 Habitat surveys for Preliminary Ecological Appraisals.
- 2.8 The Phase 1 Habitat survey was undertaken outside of the main growing season for plants. However, species identification is typically still possible based on the vegetative characteristics of plants present. Where additional botanical surveys during the vegetative growing season are required to inform a habitat classification, these would be recommended.
- 2.9 All dimensions and distances provided are approximate.

## 3 Results

### Desk Study

#### *Statutory Designated Sites*

- 3.1 The site does not form part of an international or national designated site for nature conservation.
- 3.2 No internationally designated sites were located within a 5km radius of the site.
- 3.3 No nationally designated sites were located within a 2km radius of the site.
- 3.4 The site lies within a SSSI Impact Risk Zone (SSSI IRZ), requiring the Local Planning Authority to consult with Natural England on any risks which may affect designated sites as a result of certain development types. However, the current development type is not listed in the SSSI IRZ citation as requiring consultation.

#### *Phase 1 Habitat Survey*

- 3.5 No Habitats of Principal Importance under the Natural Environment and Rural Communities (NERC) Act 2006 (Maddock, 2011) were recorded at the site.
- 3.6 The habitats present at the site are mapped in Appendix 3: Phase 1 Habitat Plan and described below. See Appendix 4 for photographs.

#### *Poor Semi-improved Grassland*

- 3.7 A small area of semi improved grassland was present to the northwest of B1. Species included frequent Yorkshire fog *Holcus lanatus*, frequent cock's foot *Dactylis glomerata* and moss species, occasional annual meadow grass *Poa annua*, fescue *Festuca sp.* dandelion *Taraxacum officinale agg* and clover *Trifolium sp.* (Appendix 4: Photographs, Photo 1).

#### *Introduced Shrub*

- 3.8 An area of introduced shrub was present at the west site boundary, dominated by *Buddleja sp.* (Photo 1).
- 3.9 Two small areas of introduced shrub in raised containers were present to the south of B1 (Photo 2).

#### *Fence*

- 3.10 Two fences were present on site. One metal fence was present at the north and west boundaries surrounding the car parking area (Photo 3).
- 3.11 A second fence composed of meatal bars and timber panels was present at the west site boundary at the substation (Photo 4).

#### *Buildings*

- 3.12 Three buildings (B1 – B3) were present on site, see Preliminary Bat Roost Assessment (PBRA) for details.

#### *Hardstanding*

- 3.13 Large areas of tarmac hardstanding were present throughout the site, forming a car parking area in the north of the site, and surrounding B3 in the south of the site (Photo 3).

- 3.14 An area of gravel and concrete hardstanding was present to the southeast of B1 and B2 (Photo 2).

#### Protected/Notable Species Assessment

##### *Amphibians (Including Great Crested Newt (GCN)) & Reptiles*

- 3.15 No records of Great Crested Newt Natural England Class Licence returns or Pond Survey Presence (2017 – 2019) were located within a 2km radius of the site.
- 3.16 No ponds were present on site.
- 3.17 No ponds were present within 250m of the site.
- 3.18 The site provides negligible terrestrial habitat and hibernacula for amphibians and reptiles.

##### *Badger*

- 3.19 No evidence of badger was identified during the survey.
- 3.20 The site offers negligible suitability commuting and foraging habitat for badger.

##### *Bats*

- 3.21 Two records of a previously granted Natural England mitigation licences relating to bats were found within a 2km radius of the site:
- 3.22 Both records related to licences allowing for the destruction of a non-breeding resting place for common pipistrelle *Pipistrellus pipistrellus*, located approximately 950m west and 1.3km northwest of the survey site, between 2013 and 2014 and between 2018 and 2020, respectively.
- 3.23 The site offers low to negligible commuting and foraging habitats for bats.

##### *Preliminary Bat Roost Assessment (PBRA)*

- 3.24 No evidence of bats was observed during the PBRA.
- 3.25 For the purpose of this report the buildings are labelled B1-B3 (Appendix 3: Phase 1 Habitat Plan, B1-B3).

##### *B1*

- 3.26 B1 relates to the most northern industrial building. It is approximately 57m in length and 26m in width, and composed of single thickness corrugated metal walls, with a pitched corrugated metal roof also of single material thickness, and skylights present throughout. A single storey brick-built extension with a flat roof was present to the east of B1 (Photos 5-7).
- 3.27 Internally, B1 was open to the roof pitch, and split into several compartments with dividing walls completely separating each room. The roof structure was similar throughout the compartments and consisted of metal beams with no internal lining present. The skylights allowed for a large amount of light ingress (Photo 8).
- 3.28 In accordance with national bat survey guidelines (Collins, 2016), building B1 was assessed as having negligible bat roosting suitability, due to the large amount of light ingress from the skylights, the likely temperature fluctuation from the single thickness materials, lack of roosting spaces/ crevices and the negligible to low habitat connectivity from the urban setting.

## B2

- 3.29 B2 was approximately 45m in length and 30m in width, and composed of single thickness corrugated metal walls, with a pitched corrugated metal roof, and skylights present throughout (Photos 9-11).
- 3.30 Internally, B2 was open to the roof pitch, and split into several compartments with dividing walls separating each room. The roof structure was similar throughout the compartments and consisted of metal beams with no internal lining present. The skylights allowed for a large amount of light ingress (Photo 12).
- 3.31 In accordance with national bat survey guidelines (Collins, 2016), building B2 was assessed as having negligible bat roosting suitability, due to the large amount of light ingress from the skylights, the likely temperature fluctuation from the single thickness materials, lack of roosting spaces/ crevices and the negligible to low habitat connectivity from the urban setting.

## B3

- 3.32 B3 relates to the substation in the southwest of the site. The building is approximately 6m in length, 4m in width, and of single storey height. It is composed of brick-built walls with a pitched roof lined with bitumen roofing felt (Photos 13-15).
- 3.33 Potential bat access points included through the gap at the ill-fitting door at the north elevation (Photo 16), through the gap behind the plastic sheeting at the east elevation (Photo 17), through gaps in the brickwork at the south elevation (Photo 18), and in gaps created by missing mortar between bricks at the north elevation (Photo 19).
- 3.34 In accordance with national bat survey guidelines (Collins, 2016), building B3 was assessed as offering low bat roosting suitability. The building offers enclosed potential roosting spaces for bats, however its situation in the landscape significantly lowers its suitability.

## Dormouse

- 3.35 The site does not offer suitable habitat for hazel dormouse *Muscardinus avellanarius*.

## Nesting Birds

- 3.36 No evidence of nesting birds was observed at the time of survey. However, an exhaustive search of the buildings such as atop ledges and roof beams could not be undertaken, and the large number of feral pigeons *Columba livia* present suggests the likely use of the buildings by nesting birds.

## Invertebrates

- 3.37 The site offers small areas of common and widespread habitats of limited botanical diversity or interest, including habitats dominated by non-native species. It is therefore considered unlikely that the site would support notable invertebrate populations.

## Other Mammals

- 3.38 The site offered negligible suitability for other protected/ notable mammal species.

## 4 Discussion

### Habitats

- 4.1 The area of poor semi-improved grassland within the site which will be lost to the development is a small area of a widespread and common habitat of low conservation value. The introduced shrub is of negligible conservation value. No other habitats were recorded on site.
- 4.2 It is considered that the development of the site would have a negligible to low impact on habitats at the site level only.

### Protected/ Notable Species

#### *Bats*

- 4.3 Bats are fully protected as a European Protected Species (EPS) under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).
- 4.4 The Preliminary Bat Roost Assessment assessed buildings B1 and B2 as having negligible bat roosting suitability. With reference to national bat survey guidelines (Collins, 2016), no further surveys of these buildings are required.
- 4.5 With reference to national bat survey guidelines (Collins, 2016) the building B3 was assessed as having low bat roosting suitability. This building will be retained during works.

#### *Birds*

- 4.6 Nesting birds are afforded legal protection under the Wildlife and Countryside Act 1981 (as amended).
- 4.7 Nesting bird habitat was present on site in the form of buildings B1 and B2.



## 5 Recommendations

Table 3: Recommendations

Ecological Constraint	Further Survey or Information Required to Inform Ecological Impact Assessment (EclA)	Required Avoidance, Mitigation, or Compensation	Biodiversity Gain/ Enhancement Opportunities
Minor losses in common and widespread non-priority habitat.	N/A	Avoidance and mitigation are not considered proportionate to the significance of habitat losses, which are minor.	Native species planting in the proposed site layout.
Building with bat roosting suitability	<p>Assessed against national guidelines (Collins, 2016), building B3 (electricity sub-station) offers low suitability for roosting bats.</p> <p>It is understood that the building will be retained, and therefore no further bat surveys are required.</p> <p>If the building cannot be retained, or works are required to the building, one nocturnal emergence/ re-entry survey should be undertaken to establish the presence/ likely absence of roosting bats. With reference to the guidelines, one such survey would be required within the May to September seasonal window to demonstrate likely absence by a negative result.</p>	If works to the building cannot be avoided, and roosting bats are present, a proportionate scheme of mitigation and compensation would be required, likely requiring obtaining a Natural England Mitigation Licence to proceed with the works lawfully.	Not recommended as the site is of low bat commuting and foraging habitat suitability.
Nesting birds	Where works affecting nesting bird habitat at the site cannot avoid the nesting bird season of March to August (inclusive) and September in mild years, the habitat to be subject to works should be surveyed for nesting birds immediately prior to removal by a suitably qualified ecologist. If nesting birds are recorded, a suitable buffer zone should be defined by the ecologist and implemented until the ecologist confirms the chicks have fledged. If species identification is possible, this can be used to inform the typical egg incubation and fledging period, giving an indication of an appropriate time for re-survey to confirm fledging.	<p>Works affecting nesting bird habitat at the site should avoid the nesting bird season of March to August (inclusive), and September in mild years. In the unlikely event that nesting birds are encountered during works outside of the nesting bird season, works should cease immediately, and the advice of a suitably qualified ecologist sought.</p> <p>To mitigate for the loss of nesting bird resource at the site, integrated bird boxes could be installed on new buildings. A suitable model would be the Manthorpe Building Products Swift Brick.</p>	Integrated bird boxes on new buildings

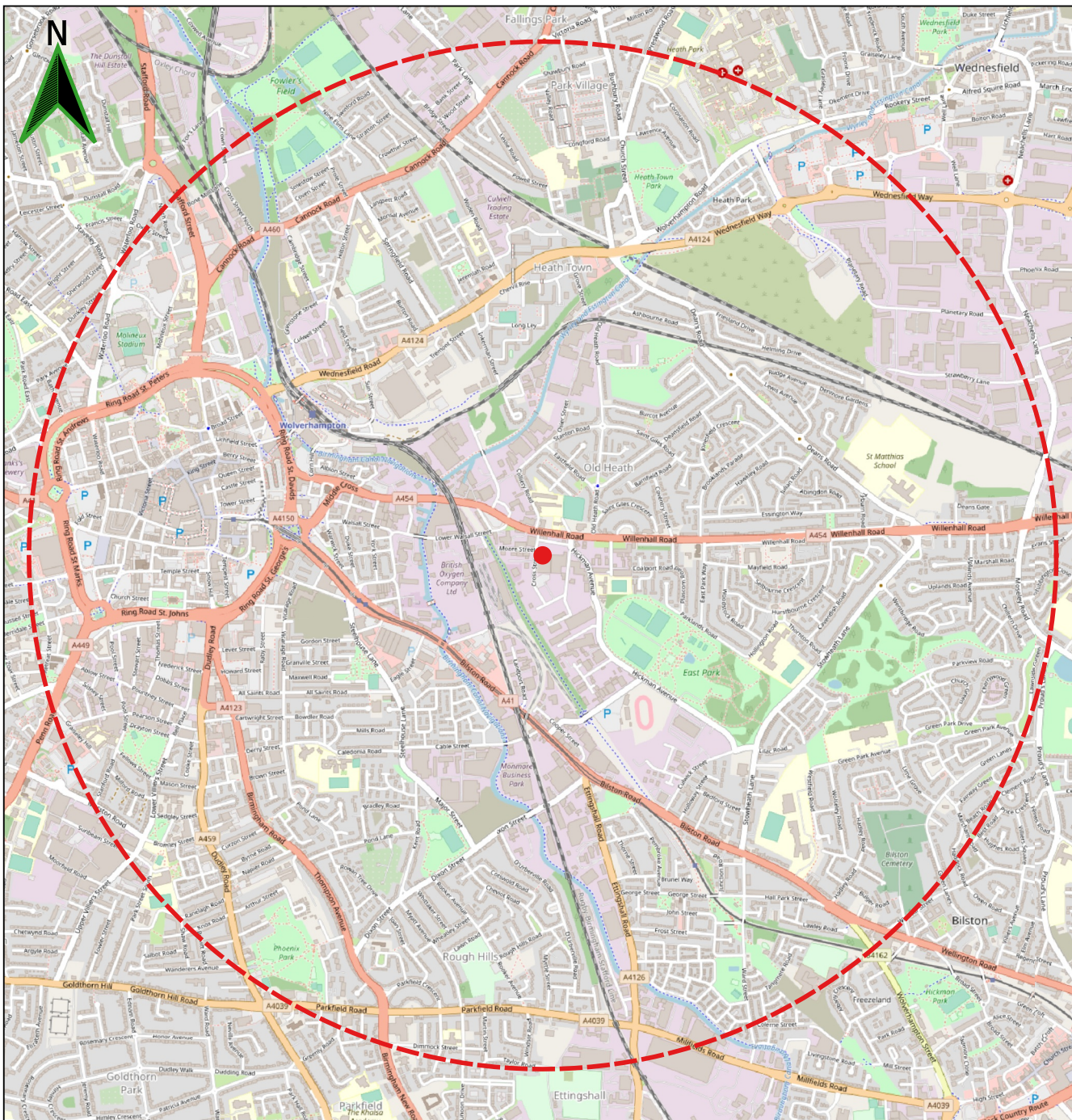
## 6 References

- 6.1 Bat Conservation Trust (BCT) & Institution of Lighting Professionals (ILP), (2018). *Bats and artificial lighting in the UK*. Bats and the Built Environment series. Guidance Note 08/18.
- 6.2 Barn Owl Trust (2012). *Barn Owl Conservation Handbook*. Pelagic Publishing.
- 6.3 British Standards Institute (BSI)SI (2013). BS 42020:2013 Biodiversity. Code of practice for planning and development. British Standards Institute, London.
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| Appendix 1: Surrounding Landscape Plan  
(Overleaf)

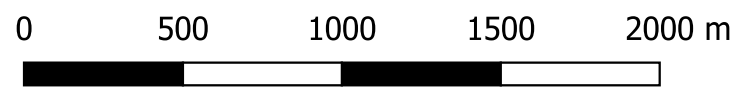




## Legend

- Site Location
- 2km Buffer

Project:  
**Hickman Avenue Depot**  
 Drawing:  
**Appendix 1: Surrounding Landscape Plan**  
 Date: 01-03-2022      Version: FINAL  
 Author: PH                      Job No: P2272



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## Appendix 2: Planning Policy and Legislation Summary

- 6.21 This appendix serves as a summary of relevant policy and legislation. It is not intended to supersede the policy or legislation documents to which it refers, and the relevant full documents should always be consulted prior to decision making. The following text does not constitute legal or planning advice.

### National Planning Policy Framework 2021

- 6.22 Biodiversity is a material consideration under the National Planning Policy Framework (2021). Key text relevant to biodiversity from the NPPF is extracted below.

- 6.23 In Section 2 of the NPPF 'Achieving sustainable development', paragraph 8(c), the NPPF sets an environmental objective:

*"Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): [...]"*

*c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

- 6.24 In Section 15 'Conserving and enhancing the natural environment', the NPPF states that:

*"174. Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

*c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*

*d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; [...]"*

*"175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries."*

*"179. To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity (Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system); wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation (Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them); and*



*b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.”*

*“180. When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*

*b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*

*c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons (for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists; and*

*d) development whose primary objective is to conserve or enhance biodiversity should be supported; while 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 where this is appropriate.”*

*“181. The following should be given the same protection as habitats sites:*

*a) potential Special Protection Areas and possible Special Areas of Conservation;*

*b) listed or proposed Ramsar sites (Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site); and*

*c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”*

*“182. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

*“185. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

*c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

#### Government Circular ODPM 06/05 Biodiversity and Geological Conservation

6.25 The government circular provides administrative guidance on the application of statutory obligation and legislation relating to planning and nature conservation in England. It complements the National

Planning Policy Framework. The document includes guidance on designated sites (international and national), habitats, and protected species.

6.26 Relating to protected species and the requirement for their consideration in planning applications, the government circular, in paragraph 98 details that:

6.27 *“The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature [now Natural England] before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species’ protection provisions affecting the site concerned.”*

6.28 Paragraph 99, relating to the requirement and timing of protected species survey and mitigation, the government circular states that:

6.29 *“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a [Natural England] licence.”*

#### Government Standing Advice

A range of standing advice is available on the .Gov web pages under ‘Planning and Development’ from Natural England and Defra, entitled “Protected sites and species: detailed information”.

#### The Conservation of Habitats and Species Regulations (2017) (as amended)

6.30 The term ‘European Protected Species’ (EPS) is used to describe species listed on Schedule 2 of the The Conservation of Habitats and Species Regulations 2017 (as amended). Regarding these species, Regulation 43 of the Regulations make guilty of an offence a person who:

- *“Deliberately captures, injures or kills any wild animal of a European protected species;*
- *Deliberately disturbs wild animals of any such species;*
- *Deliberately takes or destroys the eggs of such an animal, or;*
- *Damages or destroys a breeding site or resting place of such an animal [...]*”

6.31 Regulation 43 defines that the disturbance of animals includes 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.



6.32 A person guilty of an offence under Regulation 43 is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine, or to both.

#### Wildlife and Countryside Act 1981 (As Amended)

6.33 The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) lists species on Schedule 5 for which the Act makes it an offence to:

- Intentionally kill, injure or take;
- Recklessly or intentionally damage or destroy, or obstruct access to any structure or place which any wild animal included uses for shelter or protection;
- Recklessly or intentionally disturb any such animal while it is occupying a structure or place which it uses for shelter or protection.

6.34 Some species receive partial protection under the Act, which limits their protection under the Act to intentional killing or injury.

6.35 All wild nesting birds are protected under the Act, making it an offence to:

- Intentionally kill, injure or take any wild bird; and
- Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.

6.36 Some bird species are afforded special protection via their inclusion in Schedule 1 of the Act, which makes an offence to intentionally or recklessly disturb any schedule 1 bird building a nest or which is in, on or near a nest containing eggs or young; or to disturb dependent young of such a bird, or whilst such a bird 'leaks' (i.e. congregates for community courtship behaviour).

6.37 Schedule 9 of the Act makes it an offence to cause any plant listed to grow in the wild, unless all reasonable steps were taken to prevent an offence and due diligence was exercised.

6.38 The Act sets out provisions to protect Sites of Special Scientific Interest (SSSI).

#### Natural Environment and Rural Communities Act 2006

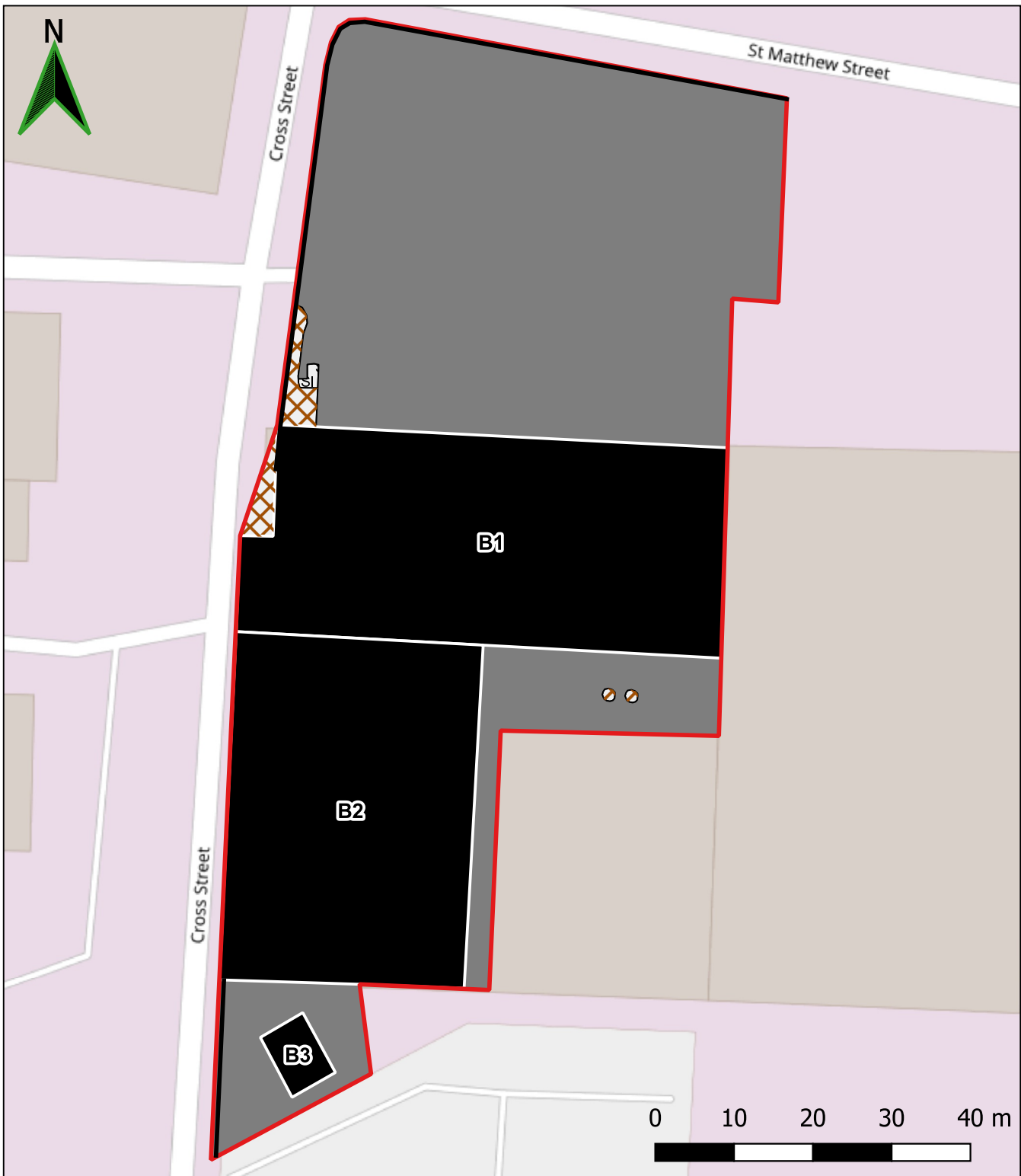
6.39 Section 40 of the Act places a legal duty on public authorities (including planning authorities) to have regard to biodiversity conservation in their normal functions (including planning applications).

6.40 Under Section 41 of the Act, lists of Habitats of Principal Importance (HPI) and Species of Principal Importance (SPI), of principal importance for the purpose of conserving biodiversity, are produced which serve to guide public authorities in carrying out their functions with consideration for biodiversity conservation.







#### Wild Mammals (Protection) Act 1996 (as amended)

6.41 The Act protects wild mammals against certain cruel acts, including intentional crushing, downing or asphyxiation.

## | Appendix 3: Phase 1 Habitat Plan



### Legend

-  Site Boundary
-  Poor semi-improved grassland
-  Introduced shrub
-  Buildings with reference number
-  Hardstanding
-  Fence

Project:  
**Hickman Avenue Depot**  
 Drawing:  
**Appendix 3: Phase 1 Habitat Plan**  
 Date: 01-03-2022      Version: FINAL  
 Author: PH                      Job No: P2272



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## | Appendix 4: Photographs



Photo 1: Introduced shrub (left) and poor semi-improved grassland (right) to the northwest of building B1.



Photo 2: Introduced shrub containers, with gravel and concrete hardstanding.



Photo 3: Tarmac hardstanding surrounded by a metal fence at the north site boundary.



Photo 4: Metal and timber panel fence at the west site boundary.





Photo 5: North elevation of B1.



Photo 6: South elevation of B1.



Photo 7: West elevation of B1.



Photo 8: Typical internal view of B1.



Photo 9: East elevation of B2.



Photo 10: South elevation of B2.





Photo 11: West elevation of B2.



Photo 12: Typical internal view of B2.



Photo 13: North elevation of B3.



Photo 14: East and south elevations of B3.



Photo 15: South and west elevations of B3.



Photo 16: Gap in the door at the north elevation of B3.





Photo 17: Gap behind plastic sheet at the east elevation of B3.



Photo 18: Gaps between bricks at the south elevation of B3.



Photo 19: Missing mortar between bricks at the north elevation of B3.



Photo 20: Pigeons present within B1 and B2.