

Edward St Hospital, Edward St, West
Bromwich, B70 8NL

Ecological Appraisal

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Executive Summary

- i) **Introduction.** Aspect Ecology was commissioned by Vinci Construction UK Ltd in September 2021 to undertake an Ecological Appraisal in respect of proposed development of land at Edward St Hospital, Edward St, West Bromwich, B70 8NL.
- ii) **Proposals.** The proposals are for the partial demolition and redevelopment of a section of King Edward Street Hospital, and the refurbishment of the 'Lighthouse' building to provide a new facility for older adult dementia care. The proposals include two new 15 bed wards with associated ancillary, staff and treatment spaces and garden spaces.
- iii) **Survey.** The site was surveyed in November 2021 based on standard extended Phase 1 methodology. In addition, a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species, with specific survey conducted in respect of bats and Badger.
- iv) **Ecological Designations.** The site itself is not subject to any statutory or non-statutory ecological designations. The nearest statutory designation is Sot's Hole with Bluebell Wood Local Nature Reserve (LNR) located approximately 1.3km to the north-east of the site. The nearest non-statutory designation is Snow Hill to Wolverhampton Railway Site of Local Importance for Nature Conservation (SLINC), located approximately 0.5km to the north-west of the site. All of the ecological designations in the surrounding area are physically well separated from the site by existing development and are therefore unlikely to be adversely affected by the proposals.
- v) **Habitats.** The site comprises buildings and hardstanding surrounded by areas of amenity grassland and planting, with some semi-mature to mature trees. The on-site and adjacent habitats do not form important ecological features and the proposed losses would not be of ecological significance.
- vi) **Protected Species.** No evidence of roosting bats was detected during the survey work undertaken. However, building B1 provides low suitability for small numbers of crevice roosting bats. Accordingly, further survey work is recommended prior to demolition to confirm the presence/absence of bat roosts within the building. Nevertheless, the proposals allow the implementation of a suitable mitigation strategy should roosting bats be present. Measures to safeguard nesting birds would also be implemented during the proposed works.
- vii) **Enhancements.** The proposals present the opportunity to secure a number of biodiversity gains, including new roosting opportunities for bats, and more diverse nesting habitats for birds.
- viii) **Summary.** Subject to the implementation of appropriate avoidance and mitigation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity.

1 Introduction

1.1 Background and Proposals

1.1.1 Aspect Ecology was commissioned by Vinci Construction UK Ltd in September 2021 to undertake an Ecological Appraisal in respect of proposed development of land at Edward St Hospital, Edward St, West Bromwich, centred at grid reference SP 00183 91230 (see Plan 6405/ECO1), hereafter referred to as 'the site'.

1.1.2 The proposals are for the partial demolition and redevelopment of a section of King Edward Street Hospital, and the refurbishment of the 'Lighthouse' building to provide a new facility for older adult dementia care. The proposals include two new 15 bed wards with associated ancillary, staff and treatment spaces and garden spaces.

1.2 Site Overview

1.2.1 The site is located in the centre of West Bromwich in the West Midlands within an urban context. The site is bound in all directions by roads and urban development, although the southern boundary is adjacent to the Metro Line which has vegetated banks and therefore acts as a green corridor through West Bromwich.

1.2.2 The site itself is dominated by Edward Street Hospital, along with numerous other small buildings which are surrounded by areas of hardstanding and landscaping, including areas of mown amenity grassland interspersed with tree and shrub planting. In addition, a private garden for the hospital is present along the southern boundary.

1.3 Purpose of the Report

1.3.1 This report documents the methods and findings of the baseline ecology surveys and desktop study carried out in order to establish the existing ecological interest of the site, and subsequently provides an appraisal of the likely ecological effects of the proposals. The importance of the habitats and species present is evaluated. Where necessary, avoidance, mitigation and compensation measures are proposed so as to safeguard any significant existing ecological interest within the site and where appropriate, opportunities for ecological enhancement are identified with reference to national conservation priorities and local Biodiversity Action Plans (BAPs).

2 Methodology

2.1 Desktop Study

2.1.1 In order to compile background information on the site and its immediate surroundings the local records centre, EcoRecord, was contacted in November 2021, with data requested on the basis of a search radius of 2km. Where information has been received from EcoRecord this is reproduced on Plan 6405/ECO2, where appropriate.

2.1.2 Information on statutory designations was obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC) database, which utilises data provided by Natural England, with an extended search radius (25km). In addition, the MAGIC database was searched to identify the known presence of any Priority Habitats within or adjacent the site. Relevant information is reproduced on Plan 6405/ECO2, where appropriate.

2.1.3 In addition, the Woodland Trust database was searched for any records of ancient, veteran or notable trees within or adjacent to the site.

2.2 Habitat Survey

2.2.1 The site was surveyed in November 2021 in order to ascertain the general ecological value of the land contained within the boundaries of the site and to identify the main habitats and ecological features present.

2.2.2 The site was surveyed based on standard Phase 1 Habitat Survey methodology¹, whereby the habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential which require further survey. Any such areas identified can then be examined in more detail through Phase 2 surveys. This method was extended, in line with the Guidelines for Preliminary Ecological Appraisal² to record details on the actual or potential presence of any notable or protected species or habitats.

2.2.3 Using the above method, the site was classified into areas of similar botanical community types, with a representative species list compiled for each habitat identified. The nomenclature used for plant species is based on the Botanical Society for the British Isles (BSBI) Checklist.

2.3 Faunal Surveys

2.3.1 General faunal activity, such as mammals or birds observed visually or by call during the course of the surveys was recorded. Specific attention was also paid to the potential presence of any protected, rare or notable species, and specific consideration was given to bats and Badger, as described below.

¹ Joint Nature Conservation Committee (2010, as amended) *'Handbook for Phase 1 habitat survey: A technique for environmental audit.'*

² Chartered Institute for Ecology and Environmental Management (CIEEM) (2013) *'Guidelines for Preliminary Ecological Appraisal.'*

Bats³

Visual Inspection Surveys

- 2.3.2 **Buildings.** Buildings within the site to be impacted by the proposals were subject to specific internal and external inspection surveys using ladders, torches and binoculars where necessary in November 2021.
- 2.3.3 During the external inspections, particular attention was given to any potential roost features or access points, such as broken or lifted roof tiles, lifted lead flashing, soffit boxes, weatherboarding, hanging tiles, etc. and for any external signs of use by bats such as accumulations of bat droppings or staining. Binoculars were used to inspect any inaccessible areas more closely where appropriate.
- 2.3.4 During the internal inspections, evidence for the presence of bats was searched for with particular attention paid to any loft voids and relevant potential roost features and locations, such as ridge boards, rafters, purlins, gable walls, and mortise joints. Specific searches were made for bat droppings that can indicate present or past use and extent of use, whilst other signs that can indicate the possible presence of bats were also searched for, e.g. presence of stained areas, feeding remains, corpses, etc.
- 2.3.5 **Trees.** Trees were assessed for their suitability to support roosting bats based on the presence of features such as holes, cracks, splits or loose bark. Suitability for roosting bats was rated based on relevant guidance⁴ as:
- Negligible;
 - Low;
 - Moderate; or
 - High.
- 2.3.6 Any potential roost features identified were also inspected for any signs indicating possible use by bats, e.g. staining, scratch marks, bat droppings, etc.

Badger (*Meles meles*)⁵

- 2.3.7 A detailed Badger survey was carried out in November 2021. The survey comprised two main elements. The first element involved searching for evidence of Badger setts. For any setts that were encountered, each sett entrance was noted and mapped. The second element involved searching for signs of Badger activity such as well-worn paths and push-throughs, snagged hair, footprints, latrines and foraging signs, so as to build up a picture of any use of the site by Badger.

2.4 Survey Constraints and Limitations

- 2.4.1 All of the species that occur in each habitat would not necessarily be detectable during survey work carried out at any given time of the year, since different species are apparent during different seasons. The Phase 1 habitat survey was undertaken outside the optimal season, albeit the nature of the habitats within the site allowed for the broad habitat types

³ Surveys based on: English Nature (2004) '*Bat Mitigation Guidelines*' and Collins, J. (ed.) (2016) '*Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edn).' Bat Conservation Trust

⁴ Collins, J. (ed.) (2016) '*Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edn).' Bat Conservation Trust

⁵ Based on: Mammal Society (1989) '*Occasional Publication No. 9 – Surveying Badgers*'

to be identified and for an adequate assessment of the intrinsic ecological interest of the site to be made.

- 2.4.2 Attention was paid to the presence of any invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). However, the detectability of such species varies due to a number of factors, e.g. time of year, site management, etc., and hence the absence of invasive species should not be assumed even if no such species were detected during the Phase 1 survey.

2.5 Ecological Evaluation Methodology

- 2.5.1 The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018)⁶, which involves identifying 'important ecological features' within a defined geographical context (i.e. international, national, regional, county, district, local or site importance). For full details refer to Appendix 6405/1.

2.6 National Policy Approach to Biodiversity in the Planning System

- 2.6.1 The National Planning Policy Framework (NPPF)⁷ describes the Government's national policies on 'conserving and enhancing the natural environment' (Chapter 15). NPPF is accompanied by Planning Practice Guidance on 'Biodiversity, ecosystems and green infrastructure' and ODPM Circular 06/2005⁸.

- 2.6.2 NPPF takes forward the Government's strategic objective to halt overall biodiversity loss⁹, as set out at Paragraph 174, which states that planning policies and decisions should contribute to and enhance the natural and local environment by:

'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'

- 2.6.3 The approach to dealing with biodiversity in the context of planning applications is set out at Paragraph 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*

⁶ CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine', ver. 1.1, Chartered Institute of Ecology and Environmental Management, Winchester

⁷ Ministry of Housing, Communities & Local Government (2021) 'National Planning Policy Framework'

⁸ ODPM (2006) 'Circular 06/2005: Planning for Biodiversity and Geological Conservation – A Guide to Good Practice'

⁹ DEFRA (2011) 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services'

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 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.'*

2.6.4 The above approach encapsulates the 'mitigation hierarchy' described in British Standard BS 42020:2019¹⁰, which involves the following step-wise process:

- **Avoidance** – avoiding adverse effects through good design;
- **Mitigation** – where it is unavoidable, mitigation measures should be employed to minimise adverse effects;
- **Compensation** – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm; and
- **Enhancement** – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

2.6.5 The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development (BS 42020:2019, section 5.5).

2.7 Local Policy

2.7.1 Planning policy at the local level of relevance to the site is set out within the Black Country Core Strategy (adopted in 2011) and the West Bromwich Area Action Plan (adopted in 2012). The following policies from these documents are of relevance to ecology:

Black Country Core Strategy (2011)

Policy ENV1: Nature Conservation

2.7.2 Policy ENV1 aims to safeguard the Black Country's nature conservation, and states that:

'Development within the Black Country will safeguard nature conservation, inside and outside its boundaries by ensuring that:

- *'Development is not permitted where it would harm internationally (Special Areas of Conservation), nationally (Sites of Special Scientific Interest and National Nature Reserves) or regionally (Local Nature Reserve and Sites of Importance for Nature Conservation) designated nature conservation sites;*

¹⁰ British Standards Institution (2013) 'Biodiversity – Code of practice for planning and development', BS 42020:2019

- *Locally designated nature conservation sites (Sites of Local Importance for Nature Conservation), important habitats and geological features are protected from development proposals which could negatively impact upon them;*
- *The movement of wildlife within the Black Country and its adjoining areas, through both linear habitats (e.g. wildlife corridors) and the wider urban matrix (e.g. stepping stone sites) is not impeded by development;*
- *Species which are legally protected, in decline, are rare within the Black Country or which are covered by national, regional or local Biodiversity Action Plans will not be harmed by development.'*

2.7.3 Policy ENV1 also states that all development should positively contribute to the natural environment of the Black Country by:

- *'Extending nature conservation sites;*
- *Improving wildlife movement; and/or*
- *Restoring or creating habitats / geological features which actively contribute to the implementation of Biodiversity Action Plans (BAPs) and/or Geodiversity Action Plans (GAPs) at a national, regional or local level.*

Details of how improvements (which are appropriate to the location and scale) will contribute to the natural environment, and their ongoing management for the benefit of biodiversity and geodiversity will be expected to accompany planning applications. Local authorities will provide additional guidance on this in Local Development Documents.'

West Bromwich Area Action Plan (2012)

Policy WBP9: Natural Environment

2.7.4 Policy WBP9 refers to the protection and enhancement of natural resources, and states that:

'The Council will seek to protect and enhance the AAP's natural resources.

Ensure that in making decisions in relation to development that issues on environmental sustainability, resource efficiency and energy efficiency are properly addressed.

All new developments within the AAP area will be required to make a contribution towards measures to offset any adverse air quality impacts of the development in those areas identified in the Air Quality Action Plan.

That opportunities be taken to enliven new development through incorporation of greenery. As part of major new development schemes opportunities will be taken to introduce and provide structural landscaping particularly through the introduction of trees.'

3 Ecological Designations

3.1 Statutory Designations

Description

- 3.1.1 The statutory designations of ecological importance that occur within the local area are shown on Plan 6405/ECO2. The nearest statutory designation is Sot's Hole with Bluebell Wood Local Nature Reserve (LNR) located approximately 1.3km to the north-east of the site. The LNR is designated on the basis of its high quality bluebell woods, marsh and grassland areas. The next nearest statutory designation is Priory Woods LNR located approximately 1.5km to the east of the site, which is designated for its woodland, pools, streams and marshes surrounding 12th century priory ruins.
- 3.1.2 The closest internationally designated site is Fens Pools Special Area of Conservation (SAC) which is located approximately 8.5km to the south-west of the site. The SAC is selected for the population of Great Crested Newt *Triturus cristatus*. In addition, Cannock Extension Canal SAC is located approximately 13.4km to the north of the site.
- 3.1.3 Natural England has developed Impact Risk Zones (IRZs) as an initial tool to help assess the risk of developments adversely affecting SSSIs, taking into account the type and scale of developments. The site sits within an IRZ in relation to Fens Pools SAC, however the IRZ does not apply to the proposed development type.

Evaluation

- 3.1.4 The site itself is not subject to any statutory ecological designations. All statutory ecological designations in the surrounding area are well separated from the site by existing development. Considering the nature of the proposals which relate to redevelopment of an existing built up site and continued use in association with the hospital, the local designations are unlikely to be affected.

3.2 Non-statutory Designations

Description

- 3.2.1 The non-statutory designations of nature conservation interest that occur within the local area are shown on Plan 6405/ECO2. The nearest non-statutory designation is Snow Hill to Wolverhampton Railway Site of Local Importance for Nature Conservation (SLINC), the closest section of which is located approximately 0.5km to the north-west of the site. The SLINC is designated on the basis of its neutral and marshy grassland, scrub, reed swamp and standing open water, acting as a wildlife corridor. There are 10 other non-statutory designations located 1-2km from the site.

Evaluation

- 3.2.2 The site itself is not subject to any non-statutory nature conservation designations. All non-statutory designations in the surrounding area are well separated from the site by existing development and given the nature and scale of the proposals, these designations are unlikely to be affected.

3.3 **Priority Habitats, Ancient Woodland and Notable Trees**

Description and Evaluation

- 3.3.1 There are no records of any notable or veteran trees within or adjacent to the site. No areas within or adjacent to the site were identified as Priority Habitat after a review of the MAGIC database. Therefore, none of these notable habitats are expected to be impacted by the proposals.

3.4 **Summary**

- 3.4.1 In summary, the site itself is not subject to any statutory or non-statutory ecological designations and it is unlikely that any such designations in the surrounding area will be significantly affected by the proposals.

4 Habitats and Ecological Features

4.1 Background Records

4.1.1 No specific records of any protected, rare or notable plant species from within or adjacent to the site are included within the information returned from the Records Centre. A number of records of species listed in the local Biodiversity Action Plan were returned from the search area, including Bluebell *Hyacinthoides non-scripta*, Bee Orchid *Ophrys apifera* and Broad-leaved Helleborine *Epipactis helleborine*. No evidence for the presence of any of these species within or adjacent to the site was recorded during the survey work undertaken.

4.2 Overview

4.2.1 The habitats and ecological features present within the site are described below and evaluated in terms of whether they constitute an important ecological feature and their level of importance, taking into account the status of habitat types and the presence of rare plant communities or individual plant species of elevated interest. The likely effects of the proposals on the habitats and ecological features are then assessed. The value of habitats for the fauna they may support is considered separately in Chapter 5 below.

4.2.2 The following habitats/ecological features were identified within/adjacent to the site:

- Amenity Grassland;
- Trees;
- Amenity Planting;
- Invasive Species; and
- Buildings and Hardstanding.

4.2.3 The locations of these habitat types and features are illustrated on Plan 6405/ECO3 and described in detail below.

4.3 Priority Habitats

4.3.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats which are of principal importance for conservation in England. This list is largely derived from the 'Priority Habitats' listed under the former UK Biodiversity Action Plan (BAP), which continue to be regarded as priority habitats under the subsequent country-level biodiversity strategies.

4.3.2 None of the habitats within the site qualify as a Priority Habitat.

4.4 Amenity Grassland

Description

4.4.1 Areas of amenity grassland are present in the northern section of the site bordering Edward Street, and in the hospital garden (see Plan 6405/ECO3). The grassland is regularly mown to a short sward of approximately 5cm. Species present in the sward include Yorkshire-fog

Holcus lanatus, *Poa* sp., Perennial Rye-grass *Lolium perenne*, Creeping Buttercup *Ranunculus repens*, Dandelion *Taraxacum officinale* agg., Ribwort Plantain *Plantago lanceolata*, White Clover *Trifolium repens*, Daisy *Bellis perennis*, Hawksbeard *Crepis* sp. and Dove's-foot Cranesbill *Geranium molle*.

Evaluation

- 4.4.2 The amenity grassland supports a low diversity of common and widespread species and is regularly mown. As such, the grassland does not constitute an important ecological feature and the loss of the grassland under the proposals is of negligible ecological significance.

4.5 Trees

Description

- 4.5.1 A number of trees are present within the site, largely associated with the amenity grassland along Edward Street and also along the southern boundary adjacent to the Metro Line. Most trees are semi-mature to mature in age and species present include Sycamore *Acer pseudoplatanus*, Silver Birch *Betula pendula*, Cherry *Prunus* sp., Ash *Fraxinus excelsior* and Pine *Pinus* sp.

Evaluation

- 4.5.2 The more mature trees recorded are of ecological interest in their own right, albeit at present do not constitute important ecological features. Other trees are relatively small in size and younger such that they are currently of limited ecological interest and are also not considered to form important ecological features.
- 4.5.3 A small number of trees along Edward Street are to be removed to facilitate the proposals, which would be of minor ecological significance. New native tree planting will be incorporated within the landscape scheme to compensate for these losses.
- 4.5.4 The trees which will be retained under the proposals will be subject to safeguards set out in Chapter 6 below, whilst new planting will combine with the existing trees to compensate for the trees lost and to provide new opportunities for wildlife. Potential for the trees to support faunal species such as nesting birds is discussed below in Chapter 5.

4.6 Amenity Planting

Description

- 4.6.1 Areas of amenity planting are present within the site, with the area to the north of building B1 along Edward Street comprising species such as Viburnum *Viburnum* sp., Rose *Rosa* sp., Hazel *Corylus avellana*, Cherry *Prunus* sp., Acacia *Acacia* sp., *Skimmia* sp., Cotoneaster sp., *Brachyglottis greyi*, *Ribes* sp., *Mahonia* sp., *Hebe* sp., *Sarcococca* sp., Variegated Euonymus *Euonymus* sp., Paperplant *Fatsia japonica*, Ivy *Hedera helix*, Common Dogwood *Cornus sanguinea*, *Hydrangea* sp. and Elder *Sambucus nigra*.
- 4.6.2 The garden area to the south of building B1 includes Purple Loosestrife *Lythrum salicaria*, *Miscanthus sinensis*, Elder, Hazel, Mexican Orange *Choisya* sp., Mountain Flax *Phormium colensoi*, Cherry Laurel *Prunus laurocerasus*, Herb Robert *Geranium robertianum*, *Laurustinus viburnum*, *Wisteria* sp., Jasmine *Jasminum* sp., Bamboo, Acacia, Glossy Abelia *Abelia x grandiflora*, Bramble *Rubus fruticosus* agg., Butterfly Bush *Buddleja davidii*, Honeysuckle *Lonicera* sp. and Elephant Ears *Colocasia esculenta*.

Evaluation

- 4.6.3 The majority of the amenity planting on-site comprises non-native ornamental shrub species which are well managed, and therefore this habitat does not constitute an important ecological feature. The proposed loss would therefore be of negligible ecological significance. Nevertheless, new shrub and herb planting will be incorporated as part of the landscape proposals.

4.7 Invasive Species

Description

- 4.7.1 Occasional Cotoneaster and Rhododendron species were recorded within the site associated with the areas of amenity planting. Several Cotoneaster and Rhododendron species are listed under Schedule 9 Part II of the Wildlife and Countryside Act 1981 (as amended), albeit it was not possible to distinguish whether the species present include any of those listed.

Evaluation

- 4.7.2 The Cotoneaster and Rhododendron present within the site are potentially listed under Schedule 9 Part II of the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to cause to grow in the wild any plant listed on the schedule. Further discussion of this issue along with a number of recommendations for removing these species are included at Chapter 6.

4.8 Buildings and Hardstanding

Description

- 4.8.1 A number of buildings are present within the site, identified as buildings B1-B5 on Plan 6405/ECO3 (see Appendix 6405/3 for a detailed description of B1). These include an active hospital, associated three storey red brick building, electrical plant building, generator room and a large red brick community teams base building. The buildings are surrounded by areas of hardstanding including car parking, access roads and pavements. The hardstanding is in generally good condition and devoid of vegetation, apart from a few common and widespread colonising species from the adjacent amenity grassland.

Evaluation

- 4.8.2 The buildings and hardstanding support a limited range of common and widespread floral species and are inherently of negligible ecological value. As such, they do not form important ecological features and their removal/refurbishment under the proposals is of negligible ecological significance. Potential for the buildings to support faunal species such as roosting bats is discussed below in Chapter 5.

4.9 Habitat Evaluation Summary

- 4.9.1 On the basis of the above, none of the habitats within or immediately adjacent to the site form important ecological features.
- 4.9.2 Other habitats present within the site include amenity grassland, trees, amenity planting, invasive species, buildings and hardstanding. However, these habitats do not form important ecological features.

5 Faunal Use of the Site

5.1 Overview

5.1.1 During the survey work, general observations were made of any faunal use of the site with specific attention paid to the potential presence of protected or notable species. Specific survey work was undertaken in respect of bats and Badger, with the results described below.

5.2 Priority Species

5.2.1 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. In particular, Section 41 of the NERC Act requires the Secretary of State to publish a list of species which are of principal importance for conservation in England. This list is largely derived from the 'Priority Species' listed under the former UK Biodiversity Action Plan (BAP), which continue to be regarded as priority species under the subsequent country-level biodiversity strategies.

5.2.2 During the survey work undertaken, no Priority Species were recorded within the site.

5.3 Bats

5.3.1 **Legislation.** All British bats are classed as European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended) and are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). As such, both bats and their roosts (breeding sites and resting places) receive full protection under the legislation (see Appendix 6405/2 for detailed provisions). If proposed development work is likely to result in an offence a licence may need to be obtained from Natural England which would be subject to appropriate measures to safeguard bats. Given all bats are protected species, they are considered to represent important ecological features. A number of bat species are also considered S41 Priority Species.

5.3.2 **Background Records.** No specific records of bats from within or adjacent to the site were returned from the desktop study. Information received from the LRC returned records of Common Pipistrelle *Pipistrellus pipistrellus*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Noctule *Nyctalus noctula*, Serotine *Eptesicus serotinus*, Leisler's Bat *Nyctalus leisleri*, Daubenton's Bat *Myotis daubentonii* and Whiskered Bat *Myotis mystacinus*. The closest record is for a *Pipistrellus* sp. in flight, located approximately 0.2km to the north of the site (dated 2017).

5.3.3 Survey Results and Evaluation

Roosting

Buildings

5.3.4 Since the redevelopment work will solely impact Building B1, only this building was subject to detailed internal and external inspections with regard to suitability to support roosting bats, the results of which are detailed in Appendix 6405/3, and summarised below.

5.3.5 Building B1 is a three-storey structure of brick construction in active use as Edward Street Hospital, including a section of the building known as the 'Lighthouse'. The building has a pitched roof clad with interlocking clay tiles. Narrow areas of first floor sloping roof clad

with clay tiles are also present and areas of glass and metal framework canopies are located over the main entrance and on the southern side of the building.

- 5.3.6 Associated with the uppermost level of the building is a series of connected plant rooms, which are generally very well sealed. Given the good condition of the building materials and the disturbance caused by use of these rooms, internal opportunities for roosting bats appear to be negligible. However, small voids created by the sloped roof on the first floor could not be accessed for a detailed inspection. In addition, the building offers a low number of potential roosting opportunities for small numbers bats in the form of lifted tiles, lifted lead flashing and small gaps and holes in the brickwork. No evidence of bat occupation, e.g. droppings, staining, feeding remains, etc., were recorded during the inspection surveys.
- 5.3.7 Taking the above into consideration, building B1 is considered to provide low suitability to support roosting bats. Further survey work is recommended prior to demolition or any refurbishment which may impact roofing materials, to determine the presence/absence of roosting bats and to inform appropriate mitigation measures, if necessary. In the meantime, a provisional mitigation strategy is set out in Chapter 6 below on the assumption that bats may be present.

Trees

- 5.3.8 A number of semi-mature and mature trees are present on site. However none of these trees provide suitable features for roosting bats and therefore do not require any further survey work or specific mitigation for bats should felling or pruning be required.

Foraging and Commuting

- 5.3.9 The site provides limited opportunities for foraging bats, being comprised mainly of buildings and hardstanding, with external lighting present particularly along the northern boundary. In addition, the majority of surrounding habitats immediately adjacent to the site are also unlikely to provide significant foraging and commuting opportunities for bats. The Metro Line adjacent to the southern boundary of the site provides a green corridor which may provide opportunities for foraging and commuting bats; this off-site vegetation will be retained and protected under the proposals such that bats can continue to utilise the feature. As such, subject to the implementation of the recommendations outlined at Chapter 6 below in relation to lighting, the proposals are not expected to significantly impact foraging or commuting bats and the conservation status of local bat populations will be fully safeguarded under the scheme.

5.4 Badger

- 5.4.1 **Legislation.** Badger receive legislative protection under the Protection of Badgers Act 1992 (see Appendix 6405/2 for detailed provisions), and as such should be assessed as an important ecological feature. The legislation aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It is the duty of planning authorities to consider the conservation and welfare impacts of development upon Badger and issue permissions accordingly.

- 5.4.2 Licences can be obtained from Natural England for development activities that would otherwise be unlawful under the legislation. Guidance on the types of activity that should be licensed is laid out in the relevant best practice guidance.^{11, 12}
- 5.4.3 **Background Records.** Records of Badger were returned from a number of locations within the 2km search area, with the closest record being of a single Badger as roadkill located approximately 1.3km to the east of the site, dated 2017.
- 5.4.4 **Survey Results and Evaluation.** No evidence of any Badger setts was recorded within or adjacent to the site during the specific Badger survey. Signs of mammal foraging were recorded in areas of amenity planting on the south side of building B1, however these could not be attributed to Badger. The site does not contain large areas of suitable habitat for this species, being dominated by buildings and hardstanding within a very urban context, however it is possible that Badgers may commute using the off-site green corridor adjacent to the Metro Line. Therefore, a number of precautionary measures are outlined in Chapter 6, to ensure that Badgers are fully safeguarded should they enter the site during construction.

5.5 Other Mammals

- 5.5.1 **Legislation.** A number of other UK mammal species do not receive direct legislative protection relevant to development activities but may receive protection against acts of cruelty (e.g. under the Wild Mammals (Protection) Act 1996). In addition, a number of these mammal species are S41 Priority Species and should be assessed as important ecological features.
- 5.5.2 **Background Records.** No specific records of any other mammals from within or adjacent to the site were returned from the desktop study. A number of records of the protected species Water Vole *Arvicola amphibus* and Priority Species Hedgehog *Erinaceus europaeus* were returned from the 2km search radius. The closest record for Water Vole is from 1997 and located approximately 1.1km to the east of the site, while the closest record for Hedgehog is located approximately 0.8km to the south of the site and dated 2017.
- 5.5.3 **Survey Results and Evaluation.** No evidence of any protected, rare or notable mammal species was recorded within the site. The site does not contain any suitable habitat for Water Vole, such that no impact from the proposals on this species is expected.
- 5.5.4 The desktop study returned background records of Hedgehog (Priority Species) within the surrounding area. The site offers potential opportunities for this species in the form of areas of denser amenity planting at the south of the site, although this habitat is unlikely to be of importance in a local context and similar opportunities are likely to be provided in the surrounding urban landscape. However, it is recommended that precautionary safeguards are put in place to minimise the risk of harm to Hedgehog in the event this species is present, as detailed in Chapter 6 below.
- 5.5.1 Other mammal species likely to utilise the site, such as Fox *Vulpes vulpes*, remain common in both a local and national context, and as mentioned above do not receive specific legislative protection in a development context. As such, these species are not a material planning consideration and the loss of potential opportunities for these species to the proposals is of negligible significance.

¹¹ English Nature (2002) 'Badgers and Development'

¹² Natural England (2011) 'Badgers and Development: A Guide to Best Practice and Licensing', Interim Guidance Document

5.6 Amphibians

- 5.6.1 **Legislation.** All British amphibian species receive a degree of protection under the Wildlife and Countryside Act 1981 (as amended). Great Crested Newt is protected under the Act and is also classed as a European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended). As such, both Great Crested Newt and habitats utilised by this species are afforded protection (see Appendix 6405/2 for detailed provisions). Great Crested Newt is also a S41 Priority Species, as are Common Toad *Bufo bufo*, Natterjack Toad *Epidalea calamita*, and Pool Frog *Pelophylax lessonae*. As such, these species should be assessed as important ecological features.
- 5.6.2 **Background Records.** No specific records of Great Crested Newt from within or adjacent to the site were returned from the desktop study. A number of records of Great Crested Newt, Smooth Newt *Lissotriton vulgaris*, Common Frog *Rana temporaria* and Common Toad were returned from the wider search area surrounding the site, with the only record of Great Crested Newt located approximately 1.8km to the east of the site (dated 1980).
- 5.6.3 **Survey Results and Evaluation.** The site does not contain any suitable habitat to support amphibians, and no ponds have been identified on OS mapping within 250m of the site. Therefore local populations of amphibians are not expected to be impacted by the proposals and no specific mitigation will be required.

5.7 Reptiles

- 5.7.1 **Legislation.** All six species of British reptile are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), which protects individuals against intentional killing or injury. Sand Lizard *Lacerta agilis* and Smooth Snake *Coronella austriaca* receive additional protection under the Conservation of Habitats and Species Regulations 2017 (as amended); refer to Appendix 6405/2 for detailed provisions. All six reptile species are also S41 Priority Species. As such, all reptile species should be assessed as important ecological features.
- 5.7.2 **Background Records.** No records of any reptiles from within the search area were returned from the records centre.
- 5.7.3 **Survey Results and Evaluation.** The habitats within the site itself are generally unsuitable for reptiles, being dominated by buildings and hardstanding with well managed amenity grassland and planting. The surrounding habitats are also generally unsuitable for reptiles, with busy roads surrounding the site forming a significant barrier to dispersal. As such, it is highly unlikely the site would support any reptile populations and no specific mitigation is required in respect of this species group.

5.8 Birds

- 5.8.1 **Legislation.** All wild birds and their nests receive protection under Section 1 of the Wildlife and Countryside Act 1981 (as amended) in respect of killing and injury, and their nests, whilst being built or in use, cannot be taken, damaged or destroyed. Species included on Schedule 1 of the Act receive greater protection and are subject to special penalties (see Appendix 6405/2 for detailed provisions).

- 5.8.2 **Conservation Status.** The conservation importance of British bird species is categorised based on a number of criteria including the level of threat to a species' population status¹³. Species are listed as Green, Amber or Red. Red Listed species are considered to be of the highest conservation concern being either globally threatened and or experiencing a high/rapid level of population decline (>50% over the past 25 years). A number of birds are also S41 Priority Species. Red and Amber listed species and priority species should be assessed as important ecological features.
- 5.8.3 **Background Records.** Information from the data search included records for several bird species in the vicinity of the site, including the Red Listed species Skylark *Alauda arvensis*, Linnet *Linaria cannabina*, Yellowhammer *Emberiza citronella*, Starling *Sturnus vulgaris*, Corn Bunting *Emberiza calandra*, Willow Tit *Phylloscopus trochilus*, House Sparrow *Passer domesticus*, Tree Sparrow *Passer montanus*, Cuckoo *Cuculus canorus*, and Song Thrush *Turdus philomelos*, which are also all Priority Species. None of the records originate from within the site itself, although records of Dunnock *Prunella modularis*, House Sparrow and Starling from approximately 10m to the south of the site along the railway line were returned (dated 1986).
- 5.8.4 **Survey Results and Evaluation.** A number of bird's nests were recorded in semi-mature trees within the site and also one in the glass and metal canopy structure over the entrance to building B1. No birds of any special conservation status were recorded at the site during the Phase 1 survey, although it is likely that some Priority Species more typical of urban areas, such as House Sparrow, Starling and Dunnock may utilise the site. Skylark, Corn Bunting and Song Thrush, records of which were returned from the data search, are generally associated with farmland/grassland habitats and highly unlikely to be supported by the site which comprises mainly buildings and hardstanding with limited areas of amenity vegetation.
- 5.8.5 A number of birds' nests were recorded within site and there is therefore the potential for demolition and refurbishment of building B1 and any tree/shrub removal to affect any nesting birds that may be present at the time of works. Accordingly, a number of safeguards in respect of nesting birds are proposed, as detailed in Chapter 6 below. In the long-term, new nesting opportunities will be available for birds as described in Chapter 6 below.

5.9 Invertebrates

- 5.9.1 **Legislation.** A number of invertebrate species are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). In addition, Large Blue Butterfly *Maculinea arion*, Fisher's Estuarine Moth *Gortyna borelii lunata* and Lesser Whirlpool Ram's-horn Snail *Anisus vorticulus* receive protection under the Conservation of Habitats and Species Regulations 2017 (as amended); refer to Appendix 6405/2 for detailed provisions. A number of invertebrates are also S41 Priority Species. Where such species are present, they should be assessed as important ecological features.
- 5.9.2 **Background Records.** No specific records of invertebrates were returned from within the site, and one record of the Priority Species Latticed Heath *Chiasmia clathrate* was returned located approximately 10m to the south of the site, dated 1986. Within the wider 2km search area, a number of records of Priority Species including Small Heath *Coenonympha pamphilus*, Wall *Lasiommata megera*, Buff Ermine *Spilosoma lutea*, Centre-barred Sallow *Atethmia centrago*, Cinnabar *Tyria jacobaeae*, Dot Moth *Melanchra persicariae*, Dusky

¹³ Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015) 'Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and the Isle of Man' British Birds 108, pp.708-746

Thorn *Ennomos fuscantaria*, Oak Hook-tip *Watsonalla binaria* and Small Pheonix *Ecliptopera silaceata* were returned.

5.9.3 **Survey Results and Evaluation.** No evidence for the presence of any protected, rare or notable invertebrate species was recorded within the site. The site is dominated by buildings, hardstanding and regularly managed amenity planting, which are likely to support only a limited diversity of invertebrates. The site has no micro-habitats that would typically indicate elevated potential for invertebrates¹⁴, such as a variable topography with areas of vertical exposed soil, areas of species-rich semi-natural vegetation; variable vegetation structure with frequent patches of tussocks combined with short turf; free-draining light soils; walls with friable mortar or fibrous dung. Accordingly, given the habitat composition of the site and lack of adjacent sites designated for significant invertebrate interest, it is considered unlikely that the proposals will result in significant harm to any protected, rare or notable invertebrate populations, and the site is highly unlikely support an important invertebrate assemblage.

5.10 Summary

5.10.1 On the basis of the above, a summary of the evaluation of fauna is provided below:

Table 5.1. Evaluation summary of fauna forming important ecological features.

Species / Group	Supported by or associated with the site	Level of Importance
Bats – Roosting	Potential minor opportunities in the form of building B1	Likely Local, although requires further survey work
Bats – Foraging / Commuting	Potentially utilise site in low numbers	Site-Local
Badger	No setts; may forage or commute through the site	Site
Birds	Confirmed nesting on site	Local

5.10.1 Other fauna supported by the site likely include non-priority species of mammals and invertebrates. However, these species do not form important ecological features.

¹⁴ Natural England (2010) 'Higher Level Stewardship – Farm Environment Plan (FEP) Manual', 3rd Edition

6 Further Survey Work, Mitigation Measures and Biodiversity Net Gains

6.1 Further Survey Work

- 6.1.1 Building B1 is considered to be of low suitability to support roosting bats and, as such, further survey work is required prior to demolition. In accordance with latest best practice guidance¹⁵, it is recommended that the part of the building to be demolished be subject to a single dusk emergence or dawn re-entry survey in order to determine the presence/likely absence of bat roosts. It is understood that the proposed refurbishment works to the 'Lighthouse' will not affect the roof structure and materials, and therefore this part of the building would not need to be surveyed.
- 6.1.2 Dusk emergence and dawn re-entry surveys require surveyors equipped with bat detectors to be strategically situated around the building to record any bats entering/leaving the building. For dusk surveys, the surveyors would be in position 15-30 minutes before sunset and survey for up to two hours. For dawn surveys, the surveyors would be in position up to two hours before sunrise and remain in position until 15 minutes after sunrise. The survey season for such work is May to September inclusive, with the optimal period being May to August.

6.2 Mitigation

- 6.2.1 Based on the habitats, ecological features and associated fauna identified within / adjacent to the site, it is proposed that the following mitigation measures (**MM1 – 6**) are implemented under the proposals. Further, detailed mitigation strategies or method statements can be secured via suitably-worded planning conditions, as recommended by relevant best practice guidance (BS 42020:2019).

Trees

- 6.2.2 **MM1 – Tree Protection.** All trees to be retained within the proposed development shall be protected during construction in line with standard arboriculturalist best practice (BS5837:2012) or as otherwise directed by a suitably competent arboriculturalist. This will involve the use of protective fencing or other methods appropriate to safeguard the root protection areas of retained trees.

Bats

- 6.2.3 **MM2 – Commencement of Works.** Should further survey work confirm roosting bats are present within the building to be demolished then the results would inform the production of a detailed mitigation strategy to be implemented under a Natural England mitigation licence, in accordance with best practice guidance. In summary, this would likely involve the provision of replacement roosting opportunities, a pre-works check for roosting bats, and a soft-strip of potential roost features under ecological supervision. Works may be seasonally constrained depending on the nature of any roosts identified.
- 6.2.4 **MM3 – Sensitive Lighting.** Light-spill onto retained and newly created habitat, in particular the planting adjacent to the Metro Line and any new roosting features (eg. bat boxes) will

¹⁵ Collins, J. (ed.) (2016) 'Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn).' Bat Conservation Trust

be minimised in accordance with good practice guidance¹⁶ to reduce potential impacts on light-sensitive bats (and other nocturnal fauna). This may be achieved through the implementation of a sensitively designed lighting strategy, with consideration given to key factors such as light intensity, directionality, light exclusion zones and part-night lighting.

Badger

6.2.5 **MM4 – Badger Construction Safeguards.** In order to safeguard Badger should they enter the site during construction works, the following measures will be implemented:

- Any trenches or excavations within the site that are to be left open overnight will be provided with a means of escape should a Badger enter. This could simply be in the form of a gently graded ramp or roughened plank of wood placed in the trench as a ramp to the surface. This is particularly important if the trench fills with water;
- Any temporarily exposed open pipes (>150mm outside diameter) should be blanked off at the end of each working day so as to prevent Badgers gaining access as may happen when contractors are off-site;
- Any trenches/pits will be inspected each morning to ensure no Badgers have become trapped overnight. Should a Badger become trapped in a trench it will likely attempt to dig itself into the side of the trench, forming a temporary sett. Should a trapped Badger be encountered a suitably qualified ecologist will be contacted immediately for further advice;
- The storage of topsoil or other 'soft' building materials in the site will be given careful consideration. Badgers will readily adopt such mounds as setts. So as to avoid the adoption of any mounds, these will be kept to a minimum and any essential mounds subject to daily inspections with consideration given to temporarily fencing any such mounds to exclude Badgers;
- The storage of any chemicals at the site will be contained in such a way that they cannot be accessed or knocked over by any roaming Badgers;
- Fires will only be lit in secure compounds away from areas of Badger activity and not allowed to remain lit during the night; and
- Unsecured food and litter will not be left within the working area overnight.

Nesting Birds

6.2.6 **MM5 – Timing of Works.** To avoid a potential offence under the relevant legislation, no clearance of suitable vegetation or demolition of buildings with potential to support nesting birds should be undertaken during the bird-nesting season (1st March to 31st August inclusive). If this is not practicable, any potential nesting habitat to be removed should first be checked by a competent ecologist in order to determine the location of any active nests. Any active nests identified would then need to be cordoned off (minimum 5m buffer) and protected until the end of the nesting season or until the birds have fledged. These checking surveys would need to be carried out no more than three days in advance of vegetation clearance or building demolition.

¹⁶ Bat Conservation Trust and Institute of Lighting Professionals (2018) 'Guidance Note 08/18: Bats and artificial lighting in the UK'; Stone, E.L. (2013) 'Bats and lighting: Overview of current evidence and mitigation guidance.'; ILP (2011) 'Guidance notes for the reduction of obtrusive light' Institution of Lighting Professionals, GN01:2011.

Invasive Species

- 6.2.7 **MM6 – Invasive Species Safeguards.** Cotoneaster and Rhododendron, of which several species are listed on Schedule 9 Part II of the Wildlife and Countryside Act 1981, were recorded within the site. It is an offence to cause to grow in the wild, any plant listed on the schedule. As such, all relevant precautions should be taken when carrying out actions that could potentially spread these plants. The government has set out guidance on what can be considered ‘causing to grow in the wild’ within a response to the Schedule 9 review which states:

“We would expect that where plants listed in Schedule 9 are grown in private gardens, amenity areas etc., reasonable measures will be taken to confine them to the cultivated area so as to prevent their spreading to the wider environment and beyond the landowner’s control. It is our view that any failure to do so, which in turn results in the plant spreading to the wild, could be considered as ‘causing to grow in the wild’ and as such would constitute an offence...Additionally, negligent or reckless behaviour such as inappropriate disposal of garden waste, where this results in Schedule 9 species becoming established in the wild would also constitute an offence.”

- 6.2.8 As such, it is recommended that appropriate safeguards be put in place to prevent the spread of the Schedule 9 species during the proposed development works. Such measures would likely involve herbicide application and/or excavation and removal of any material within the site itself (which should then be disposed of appropriately to prevent colonisation of off-site areas).

6.3 Biodiversity Net Gains

- 6.3.1 The National Planning Policy Framework (NPPF) encourages new developments to maximise the opportunities for biodiversity through incorporation of enhancement measures. The proposals present the opportunity to deliver ecological enhancements at the site for the benefit of local biodiversity, thereby making a positive contribution towards the broad objectives of national conservation priorities and local Biodiversity Action Plans (BAP). The recommendations and enhancements summarised below are considered appropriate given the context of the site and the scale and nature of the proposals. Through implementation of the following ecological enhancements (**EE1 – EE4**), the opportunity exists for the proposals to deliver a number of biodiversity net gains at the site.

Habitat Creation

- 6.3.2 **EE1 – New Planting.** It is recommended that where practicable, new planting within the site be comprised of native species of local provenance, including trees and shrubs appropriate to the local area. Suitable species for inclusion within the planting could include native trees such as Oak *Quercus robur*, Birch *Betula pendula* and Field Maple *Acer campestre*, whilst native shrub species of particular benefit would include fruit and nut bearing species which would provide additional food for wildlife, such as Blackthorn *Prunus spinosa*, Hawthorn *Crataegus monogyna*, Crab Apple *Malus sylvestris*, Hazel and Elder *Sambucus nigra*. Where non-native species are proposed, these should include species of value to wildlife, such as varieties listed on the RHS’ ‘Plants for Pollinators’ database, providing a nectar source for bees and other pollinating insects.

Bats

- 6.3.3 **EE2 - Bat Boxes.** A number of bat boxes will be incorporated within the proposed development. The provision of bat boxes will provide new roosting opportunities for bats

in the area, such as Soprano Pipistrelle, a national Priority Species. So as to maximise their potential use, the bat boxes should ideally be situated on suitable retained trees, erected as high up as possible and sited in sheltered wind-free areas that are exposed to the sun for part of the day, facing a south-east, south or south-westerly direction. In addition, where architectural design allows, a number of integrated bat boxes / roost features should be incorporated into a proportion of the new build. The precise number and locations of boxes / roost features should be determined by a competent ecologist, post-planning once the relevant final development design details have been approved.

Birds

- 6.3.4 **EE3 - Bird Boxes.** A number of bird nesting boxes are to be incorporated within the proposed development, thereby increasing nesting opportunities for birds at the site. Ideally, the bird boxes will have greater potential for use if sited on suitable, retained trees, situated as high up as possible. The precise number and locations of boxes should be determined by a competent ecologist, post-planning once the relevant final development design details have been approved.

Invertebrates

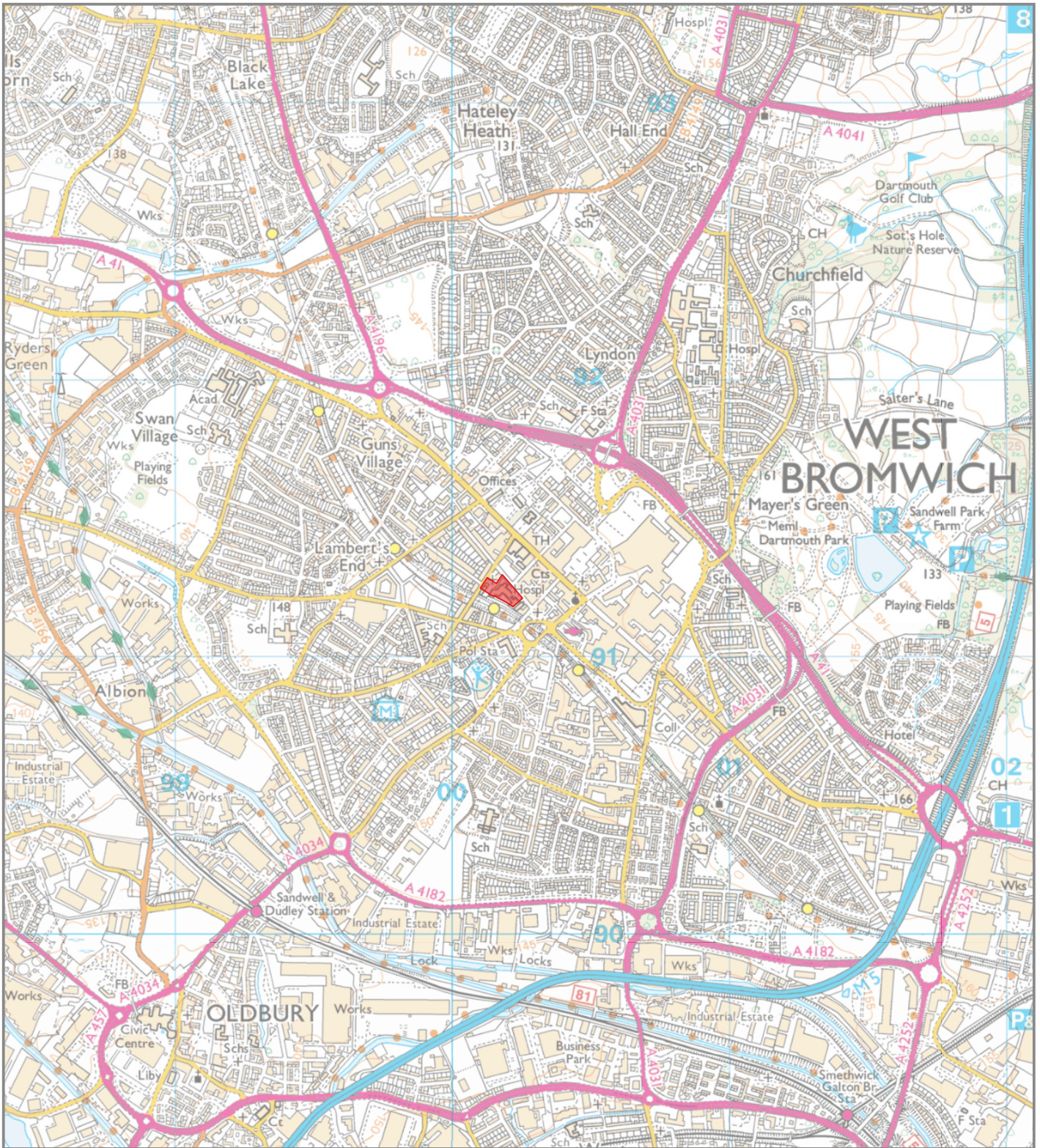
- 6.3.5 **EE4 – Bee Bricks.** It is recommended that a number of bee bricks be incorporated within the proposed new building thereby increasing nesting opportunities for declining populations of non-swarming solitary bee populations. Ideally, bee bricks should be located within suitable south-facing walls (where architectural design allows), located at least 1m off the ground. The bricks should be unobstructed by vegetation, though within close vicinity of nectar and pollen sources.

7 Conclusions

- 7.1 Aspect Ecology has carried out an Ecological Appraisal of the proposed development, based on the results of a desktop study, Phase 1 habitat survey and detailed protected species surveys.
- 7.2 The available information confirms that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals.
- 7.3 The Phase 1 habitat survey has established that no habitats of ecological importance are present within or adjacent to the site.
- 7.4 Building B1 within the site offers low suitability for small numbers of roosting bats. Accordingly, further survey work is recommended to confirm the presence/absence of bat roosts within this building prior to demolition. Measures to safeguard nesting birds should also be implemented during the removal of any vegetation or building structures suitable for nesting.
- 7.5 In conclusion, subject to the implementation of appropriate avoidance and mitigation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. On the contrary, the proposals provide the opportunity to secure gains within the site through new planting and the provision of roosting features for bats and nesting opportunities for birds.

Plan 6405/ECO1:

Site Location



Key:

 Site Location



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**Edward St Hospital, Edward St,
 West Bromwich**
 Site Location

6405/ECO1

A/AM

December 2021

PROJECT

TITLE

DRAWING NO.

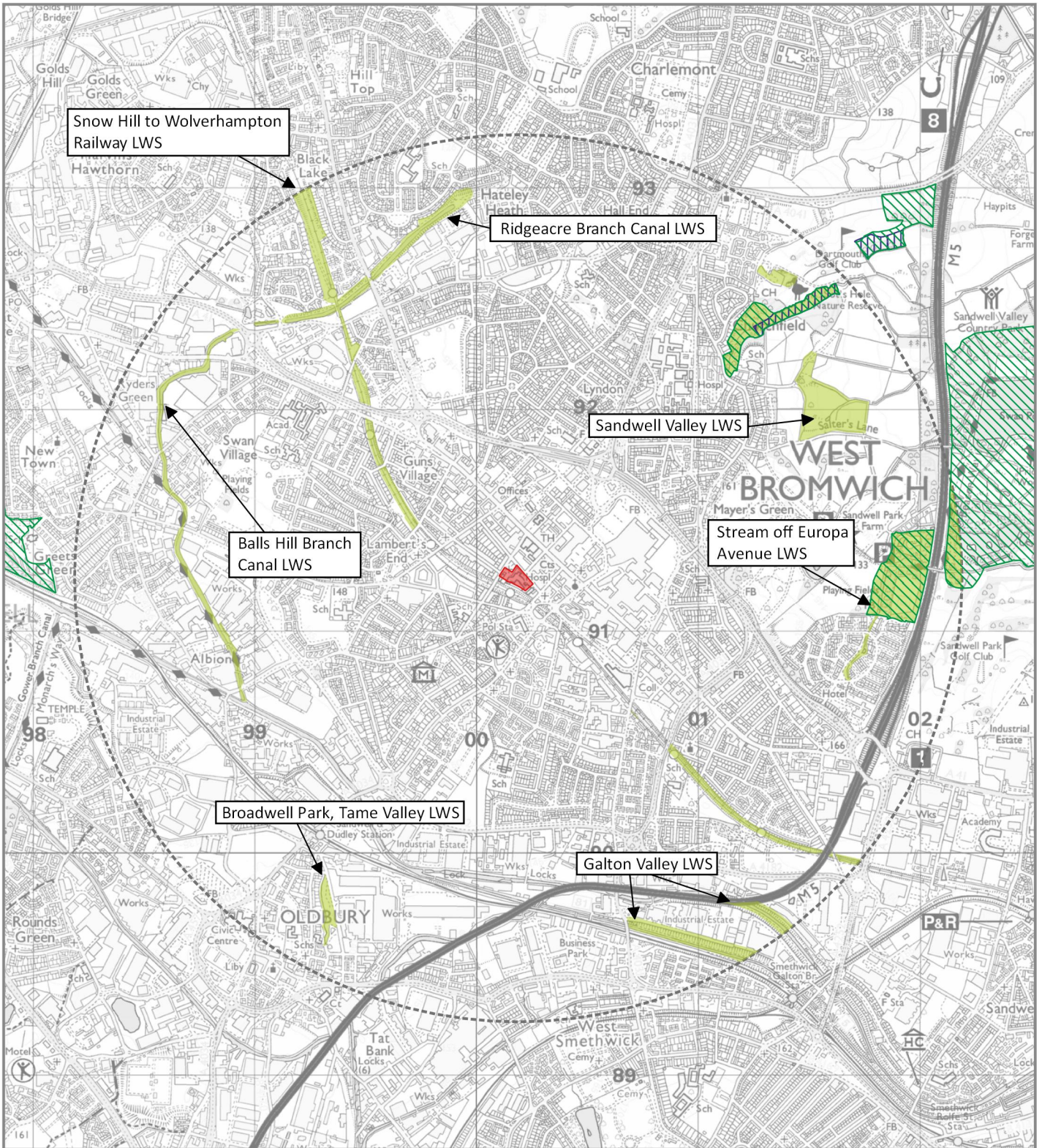
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Plan 6405/ECO2:

Ecological Designations



Key:

-  Site Location
-  Ancient Semi-natural Woodland (ASW)
-  Local Nature Reserve (LNR)
-  Local Wildlife Site (LWS)
-  Local Records Centre 2km Search Area



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Edward St Hospital, Edward St, West Bromwich
 Ecological Designations

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


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Plan 6405/ECO3:

Habitats and Ecological Features



- Key:
-  Site Boundary
 -  Amenity Planting
 -  Amenity Grassland
 -  Hardstanding
 -  Building
 -  Tree



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Edward St Hospital, Edward St,
 West Bromwich
 Habitats and Ecological Features

6405/ECO3

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Appendix 6405/1:

Evaluation Methodology

Principles of Ecological Evaluation

1. The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM) 'Guidelines for Ecological Impact Assessment in the UK and Ireland'¹.

Importance of Ecological Features

2. Various characteristics contribute to the importance of ecological features, including:
 - Naturalness;
 - Animal or plant species, sub-species or varieties that are rare or uncommon, either internationally, nationally or more locally, including those that may be seasonally transient;
 - Ecosystems and their component parts, which provide the habitats required by important species, populations and/or assemblages;
 - Endemic species or locally distinct sub-populations of a species;
 - Habitat diversity;
 - Habitat connectivity and/or synergistic associations;
 - Habitats and species in decline;
 - Rich assemblages of plants and animals;
 - Large populations of species or concentrations of species considered uncommon or threatened in a wider context;
 - Plant communities (and their associated animals) that are considered to be typical of valued natural/semi-natural vegetation types, including examples of naturally species-poor communities; and
 - Species on the edge of their range, particularly where their distribution is changing as a result of global trends and climate change.
3. As an objective starting point for identifying important ecological features, European, national and local governments have identified sites, habitats and species which form a key focus for biodiversity conservation in the UK, supported by policy and legislation. These are summarised by CIEEM guidance as follows:

Designated Sites

- Statutory sites designated or classified under international conventions or European legislation, for example World Heritage Sites, Biosphere Reserves, Wetlands of International Importance (Ramsar sites), Special Areas of Conservation (SAC), Special Protection Areas (SPA);
- Statutory sites designated under national legislation, for example Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR);
- Locally designated wildlife sites, e.g. Local Wildlife Sites (LWS).

¹ Chartered Institute of Ecology and Environmental Management (CIEEM) (2016) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal'

Biodiversity Lists

- Habitats and species of principal importance for the conservation of biodiversity in England and Wales (largely drawn from UK BAP priority habitats and priority species), often referred to simply as Priority Habitats / Species;
- Local BAP priority species and habitats.

Red Listed, Rare, Legally Protected Species

- Species of conservation concern, Red Data Book (RDB) species;
 - Birds of Conservation Concern;
 - Nationally rare and nationally scarce species;
 - Legally protected species.
4. In addition to this list, other features may be considered to be of importance on the basis of local rarity, where they enable effective conservation of other important features, or play a key functional role in the landscape.

Assigning Level of Importance

5. The importance of an ecological feature should then be considered within a defined geographical context. Based on CIEEM guidance, the following frame of reference is used:
- International (European);
 - National;
 - Regional;
 - County;
 - District;
 - Local (e.g. Parish or Neighbourhood);
 - Site (not of importance beyond the immediate context of the site).
6. Features of 'local' importance are those considered to be below a district level of importance, but are considered to appreciably enrich the nature conservation resource or are of elevated importance beyond the context of the site.
7. Where features are identified as 'important' based on the list of key sites, habitats and species set out above, but are very limited in extent or quality (in terms of habitat resource or species population) and do not appreciably contribute to the biodiversity interest beyond the context of the site, they are considered to be of site importance.
8. In terms of assigning the level of importance, the following considerations are relevant:

Designated Sites

9. For designated sites, importance should reflect the geographical context of the designation (e.g. SAC/SPA/Ramsar sites are designated at the international level whereas SSSIs are designated at the national level). Consideration should be given to multiple designations as appropriate (where an area is subject to differing levels of nature conservation designations).

Habitats

10. In certain cases, the value of a habitat can be measured against known selection criteria, e.g. SAC selection criteria, 'Guidelines for the selection of biological SSSIs' and the Hedgerows Regulations 1997. However, for the majority of commonly encountered sites, the most relevant habitat evaluation will be at a more localised level and based on relevant factors such as antiquity, size, species-diversity, potential, naturalness, rarity, fragility and typicalness (Ratcliffe, 1977). The ability to restore or re-create the habitat is also an important consideration, for example in the case of ancient woodland.
11. Whether habitats are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, so called 'Habitats of Principal Importance' or 'Priority Habitats', or within regional or local Biodiversity Action Plans (BAPs) is also relevant, albeit the listing of a particular habitat under a BAP does not in itself imply any specific level of importance.
12. Habitat inventories (such as habitat mapping on the MAGIC database) or information relating to the status of particular habitats within a district, county or region can also assist in determining the appropriate scale at which a habitat is of importance.

Species

13. Deciding the importance of species populations should make use of existing criteria where available. For example, there are established criteria for defining nationally and internationally important populations of waterfowl. The scale within which importance is determined could also relate to a particular population, e.g. the breeding population of common toads within a suite of ponds or an otter population within a catchment.
14. When determining the importance of a species population, contextual information about distribution and abundance is fundamental, including trends based on historical records. For example, a species could be considered particularly important if it is rare and its population is in decline. With respect to rarity, this can apply across the geographic frame of reference and particular regard is given to populations where the UK holds a large or significant proportion of the international population of a species.
15. Whether species are listed as priorities for conservation at a national level in accordance with Sections 41 and 42 of the Natural Environment and Rural Communities Act (NERC) 2006, so called 'Species of Principal Importance' or 'Priority Species', or within regional or local Biodiversity Action Plans (BAPs) is also relevant, albeit the listing of a particular species under a BAP does not in itself imply any specific level of importance.
16. Species populations should also be considered in terms of the potential zone of influence of the proposals, i.e. if the entire species population within the site and surrounding area were to be affected by the proposed development, would this be of significance at a local, district, county or wider scale? This should also consider the foraging and territory ranges of individual species (e.g. bats roosting some distance from site may forage within site whereas other species such as invertebrates may be more sedentary).

Appendix 6405/2:

Legislation Summary

LEGISLATION SUMMARY

1. In England and Wales primary legislation is made by the UK Parliament, and in Scotland by the Scottish Parliament, in the form of Acts. The main piece of legislation relating to nature conservation in the UK is the Wildlife and Countryside Act 1981 (as amended).
2. Acts of Parliament confer powers on Ministers to make more detailed orders, rules or regulations by means of secondary legislation in the form of statutory instruments. Statutory instruments are used to provide the necessary detail that would be too complex to include in an Act itself¹. The provisions of an Act of Parliament can also be enforced, amended or updated by secondary legislation.
3. In summary, the key pieces of legislation relating to nature conservation in the UK are:
 - Wildlife and Countryside Act 1981 (as amended)
 - Protection of Badgers Act 1992
 - Hedgerows Regulations 1997
 - Countryside and Rights of Way (CROW) Act for England and Wales 2000
 - Natural Environment and Rural Communities Act 2006
 - Conservation of Habitats and Species Regulations 2017
4. A brief summary of the relevant legislation is provided below. The original Acts and instruments should be referred to for the full and most up to date text of the legislation.
5. **Wildlife and Countryside Act 1981 (as amended)**. The WCA Act provides for the notification and confirmation of Sites of Special Scientific Interest (SSSIs) identified for their flora, fauna, geological or physiographical features. The Act contains strict measures for the protection and management of SSSIs.
6. The Act also refers to the treatment of UK wildlife including protected species listed under Schedules 1 (birds), 5 (mammals, herpetofauna, fish, invertebrates) and 8 (plants).
7. Under Section 1(1) of the Act, all wild birds are protected such that it is an offence to intentionally:
 - Kill, injure or take any wild bird;
 - Take, damage or destroy the nest of any wild bird whilst in use* or being built;
 - Take or destroy an egg of any wild bird.

* The nests of birds that re-use their nests as listed under Schedule ZA1, e.g. Golden Eagle, are protected against taking, damage or destruction irrespective of whether they are in use or not.
8. Offences in respect of Schedule 1 birds are subject to special, i.e. higher, penalties. Schedule 1 birds also receive greater protection such that it is an offence to intentionally or recklessly:
 - Disturb any wild bird included in Schedule 1 while it is building a nest or while it is in, on or near a nest containing eggs or young;
 - Disturb dependent young of such a bird.

¹ <http://www.parliament.uk/business/bills-and-legislation/secondary-legislation/statutory-instruments/>

9. Under Section 9(1) of the Act, it is an offence to:
 - Intentionally kill, injure or take any wild animal included in Schedule 5.
10. In addition, under Section 9(4) it is an offence to intentionally or recklessly:
 - Obstruct access to, any structure or place which any wild animal included in Schedule 5 uses for shelter or protection; or
 - Disturb any wild animal included in Schedule 5 while occupying a structure or place which it uses for that purpose.
11. Under Section 13(1) it is an offence:
 - To intentionally pick, uproot or destroy any wild plant listed in Schedule 8; or
 - Unless the authorised person, to intentionally uproot any wild plant not included in Schedule 8.
12. The Act also contains measures (S.14) for preventing the establishment of non-native species that may be detrimental to native wildlife, prohibiting the introduction into the wild of animals (releases or allows to escape) and plants (plants or causes to grow) listed under Schedule 9.
13. **Protection of Badgers Act 1992.** The Act aims to protect the species from persecution, rather than being a response to an unfavourable conservation status, as the species is in fact common over most of Britain. It should be noted that the legislation is not intended to prevent properly authorised development. Under the Act it is an offence to:
 - Wilfully kill, injure, take, possess or cruelly ill-treat* a Badger, or attempt to do so;
 - To intentionally or recklessly interfere with a sett# (this includes disturbing Badgers whilst they are occupying a sett, as well as damaging or destroying a sett or obstructing access to it).

* the intentional elimination of sufficient foraging area to support a known social group of Badgers may, in certain circumstances, be construed as an offence

A sett is defined as “any structure or place which displays signs indicating current use by a Badger”. Natural England advice (June 2009) is that a sett is protected so long as such signs remain present, which in practice could potentially be for some time after the last actual occupation by Badger. Interference with a sett includes blocking tunnels or damaging the sett in any way
14. Licences can be obtained from the Statutory Nature Conservation Organisation (SNCO) for development activities that would otherwise be unlawful under the legislation, provided there is suitable justification. The SNCO for England is Natural England.
15. **Hedgerows Regulations 1997.** ‘Important’ hedgerows (as defined by the Regulations) are protected from removal (up-rooting or otherwise destroying). Various criteria specified in the Regulations are employed to identify ‘important’ hedgerows for wildlife, landscape or historical reasons.
16. **Countryside and Rights of Way (CRoW) Act for England and Wales 2000.** The CRoW Act provides increased measures for the management and protection of SSSIs and strengthens wildlife enforcement legislation. Schedule 12 of the Act amends the species provisions of the WCA 1981, strengthening the legal protection for threatened species. The Act also introduced a duty on Government to have regard to the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the Convention on Biological Diversity.


17. **Natural Environment and Rural Communities Act 2006.** Section 41 of the NERC Act requires the Secretary of State to publish a list of habitats and species that are of principal importance for the conservation of biodiversity in England. The S41 list is used to guide decision-makers such as local planning authorities, in implementing their duty under Section 40 of the Act, to have regard to the conservation of biodiversity in England, when exercising their normal functions. 56 habitats and 943 species of principal importance are included on the S41 list. These are all the habitats and species in England that were identified as requiring action in the UK Biodiversity Action Plan (BAP).
18. **Conservation of Habitats and Species Regulations 2017.** The Regulations enact the European Union's Habitats Directive (92/43/EEC) in the UK. The Habitats Directive was designed to contribute to the maintenance of biodiversity within member states through the conservation of sites, known in the UK as Special Areas of Conservation (SACs), containing habitats and species selected as being of EC importance (as listed in Annexes I and II of the Habitats Directive respectively). Member states are required to take measures to maintain or restore these natural and semi-natural habitats and wild species at a favourable conservation status.
19. The Regulations also require the compilation and maintenance of a register of European sites, to include SACs and Special Protection Areas (SPAs)² classified under Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive). These sites constitute the Natura 2000 network. The Regulations impose restrictions on planning decisions likely to significantly affect SPAs or SACs.
20. The Regulations also provide protection to European Protected Species of animals that largely overlaps with the WCA 1981, albeit the provisions are generally stricter. Under Regulation 43 it is an offence, *inter alia*, to:
 - Deliberately capture, injure or kill any wild animal of a European Protected Species;
 - Deliberately disturb any wild animals of any such species, including in particular any disturbance likely to impair their ability to survive, to breed or reproduce, to rear or nurture their young, to hibernate or migrate, or which is likely to affect significantly their local distribution or abundance;
 - Deliberately take or destroy the eggs of such an animal;
 - Damage or destroy a breeding site or resting place of such an animal.
21. Similar protection is afforded to European Protected Species of plants, as detailed under Regulation 47.
22. The Regulations do provide a licensing system that permits otherwise illegal activities in relation to European Protected Species, subject to certain tests being fulfilled.

² Special Protection Areas (SPAs) are protected sites classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC) (aka the Birds Directive), which came into force in April 1979. SPAs are classified for rare and vulnerable birds (as listed on Annex I of the Directive), and for regularly occurring migratory species.


Appendix 6405/3:

Building Descriptions


Appendix 6405/3: Building Descriptions

Building Number	Photos	Description	Bat Roosting Potential
B1		<p>B1 is a three-storey structure of brick construction in active use as Edward Street Hospital, including a section of the building known as the 'Lighthouse'. The building has a pitched roof with interlocking clay tiles, clay ridge tiles and vents. On the first floor there are areas of sloping roof with clay tiles and lead flashing sealing the roof to the building. The tiles are in generally good condition throughout, with only a few lifted tiles providing small gaps. The brickwork is in generally good condition, although occasional gaps and/or holes are present.</p> <p>Windows of plastic construction are present throughout the building but are in good condition with no gaps. Bay windows are present on the first floor which are sealed with lead flashing along the top, again this is in generally good condition. Guttering is present and externally fitted.</p> <p>The main entrance to the building is covered by a pitched canopy made of glass panels with a metal framework, supported by brick columns. Further glass and metal canopy areas are present on the south side of the building. Lead flashing connects the canopy to the main building structure. The canopy is in fairly good condition with only a few small cracks.</p> <p>A number of different vents are present across the building. The roof of the 'Lighthouse' has three large vent towers with associated lead flashing; the southernmost tower has some gaps in the lead flashing whereas the other two towers are well fitted with no gaps. Two large round open vents are present which are sealed from the inside with a small mesh panel. Ventilation pipes protruding from the brickwork are generally well sealed with no obvious gaps.</p> <p>External lighting is present including floodlights for the service road and some external lights fitted to the building.</p>	<p>Roosting opportunities are afforded by lifted tiles, lifted lead flashing at the base of vent towers and first floor roof areas and small gaps and/or holes in the brickwork. Not all areas of the roof could be subject to full external inspections given the size of the building.</p> <p>No evidence of roosting bats was recorded within any of the plant rooms.</p> <p>Low Bat Roosting Potential.</p>

Appendix 6405/3: Building Descriptions

Building Number	Photos	Description	Bat Roosting Potential
		<p>In addition, street lights are present along Edward Street adjacent to the northern site boundary.</p> <p>Where the first floor sloped roofs are located small enclosed voids are present internally. These could not be accessed for internal survey.</p> <p>The uppermost level of the building is divided into a series of open and connected plant rooms containing the equipment required to supply building services. Eight plant rooms are present within building B1</p> <p>Plant Room 1 (PR1) is a large, open room approximately 40m x 15m and 15m high. The walls are painted breeze block with a pitched metal-framed roof. Large wooden wall plates and cross beams are present. Plastic lined insulation is present behind the metal framework. A hole in the insulation reveals the clay roof tiles above, otherwise the room is very well sealed and in good condition. Internal lighting is present and largely turned off for most of the time. However the area is noisy from machinery and it is regularly in use, thus subject to disturbance. Metal walkways provide access to equipment higher up in the plant room. Small windows are present with metal slits and small-holed grills—these do not provide access into the room.</p> <p>PR2 is approximately 15m x 8m and 3.5m high. It has a similar structure to PR1 but with brick gables. There is a central concrete walkway with a drop of 1.5m below to fibreglass insulation set within a metal framework. A small tear is present in the fibreglass plastic liner. A potential light source appears to be coming from the floors below. Internal lighting present but as for PR1 this is usually turned off.</p>	

Appendix 6405/3: Building Descriptions

Building Number	Photos	Description	Bat Roosting Potential
		<p>PR3 has the same structure as PR1. Very noisy inside and contains large metal ventilation pipes. Internal lighting present. A pipe approximately 4 inches across passes out of the room at the roof, revealing the clay roof ridge tiles above.</p> <p>PR4 is a small space at the end of the plant room with breeze block walls and insulation material. A small tear in the insulation shows a further lining of bitumen felt behind. A large, round vented window is present and acts as an outsource for the ventilation system. The room is cold, very draughty and light.</p> <p>PR5 is approximately 10m x 10m and 4m high and has a similar structure to the other plant rooms. There are breezeblock gable ends to the south-east and a red brick gable end to the north-west. Wooden panel boarding is present on the walls which is well-sealed with concrete on top and over joints. Fibreglass insulation is present on the floor with a concrete walkway above, and the room is very well sealed.</p> <p>PR6 is the same as PR5 but with concrete panels instead of wooden ones. Well-sealed with internal lighting.</p> <p>PR7 is approximately 20m x 6m and 5m high. It has a similar structure to PR3 with lots of noisy machinery inside and no walkway or lowered sections.</p> <p>PR8 is the same as PR4, with a round vented window present.</p>	

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