



Preliminary Ecological Appraisal

Land adjacent to Marsh View, Shard Lane, Hambleton, Poulton-le-Fylde, Lancashire, FY6 9BX

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and 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. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed by David Bailey to undertake a Preliminary Ecological Appraisal (PEA) at Land adjacent to Marsh View, Shard Lane, Hambleton, Poulton-le-Fylde, Lancashire, FY6 9BX (hereafter referred to as “the site”). The survey was required to inform a planning application for the creation of a road, and six holiday cabins on the eastern section of the site (hereafter referred to as “the proposed development”).

The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 6 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Designated sites	<p>There are 2 statutory sites within 2km of the site, the closest being Wyre Estuary located ~450m from the site.</p> <p>The site lies within the impact risk zone for Wyre Estuary (SSSI) and proposed development type is listed as a possible high risk for this designation. The Wyre estuary is located 380m to the west of the site boundary.</p> <p>The presence of non-statutory designated sites within 2km of the site cannot be established without data from LERN.</p>	<p>No direct impacts to any designated sites will occur as a result of the proposed development. However, due to the proximity of the site to Wyre Estuary and the possible presence of non-statutory designations in the vicinity, indirect effects such as pollution or tree damage could occur during construction.</p>	<p>Best practice measures to minimise the possibility of pollution must be implemented during construction.</p> <p>Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).</p> <p>The Local Planning Authority should consult with Natural England in regard to the close proximity of the site to the SSSI and being within a SSSI impact risk zone.</p>
Habitats and flora	<p>There are no notable habitats within the site but coastal saltmarsh, mudflats, coastal floodplain, grazing marsh habitats are present within 2km of the site, with the closest with all the noted habitats present being the Wyre Estuary located ~450m from the site.</p> <p>The site itself consists of trees, scrub, unmanaged neutral grassland and the presence of water bodies that all provide high value habitat for local wildlife.</p>	<p>No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats as well as the urban location of the site with surrounding physical barriers.</p> <p>Sections of neutral grassland will be removed to be replaced with an access road and the placement of the holiday cabins, which causes a small reduction in foraging habitat for wildlife including invertebrates.</p>	<p>Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).</p> <p>To compensate for the proposed habitat losses at the site, the following habitat creation measures should be incorporated:</p> <ul style="list-style-type: none"> Native plant species planting to replace the lost grassland to the works.
Amphibians	<p>There is a pond located on site near to the western boundary which has an excellent HSI value for Great Crested Newts. There is also good connectivity to other ponds within a 500m radius. The unmanaged grassland of</p>	<p>Grassland will be removed during construction. If great crested newts are present within the pond 50m to the west of the development area, this will constitute a loss of 0.421 ha within 100m of a</p>	<p>Environmental DNA (eDNA) surveys will be required of the on-site pond to determine the presence or absence of great crested newts. This will comprise collecting water samples and sending them off for laboratory</p>

	the site and the scrub present also allows protection from predators.	<p>potential breeding pond. When completing the rapid risk assessment published by Natural England (Natural England 2015), the proposed development produces an Amber risk score, which states: Offence Likely.</p> <p>Furthermore, the surrounding area of the site offers further high value habitat for great crested newts, with grassland, scrub and other ponds within a 500m radius of the pond located on site.</p> <p>This coupled with the HSI score of the pond returning as excellent, the presence of great crested newts cannot be ruled out.</p>	analysis and such surveys must be undertaken between mid-April and June, in accordance with current survey guidelines (Biggs et al, 2014).
Reptiles	The grassland and scrub present on site provides habitat to support foraging opportunities and protection from predators for reptiles. There are also basking opportunities present due to scattered rocks and the presence of some patches of hard standing. However due to the marsh habitat of the grassland, it is not likely to support all species of reptiles.	Patches of grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local reptile populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles if present.	Owing to the nature of the proposed development and the low potential for impacts to reptiles, further surveys are considered to be disproportionate. A precautionary working method will be implemented during construction.
Roosting bats	The trees on the site have negligible value for roosting bats due to a lack of potential roost features.	Bats are very unlikely to be roosting on the site and as such, there are not anticipated to be any impacts on roosting bats.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.
Foraging and commuting bats	Tree lines, grassland and the pond could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	<p>The proposed development will result in the loss of small areas of grassland but given the presence of more extensive areas of foraging and commuting habitat in the locality, this is likely to be inconsequential for bats.</p> <p>The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.</p>	A low impact lighting strategy will be adopted for the site during and post-development.
Badger	There were no setts identified in or adjacent to the site or any other badger evidence. The terrain of the site is flat with limited excavation habitat. There is access to site through the gaps in the fences. The habitats on site provide	No works will be undertaken within 30m of a badger sett. Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local badger populations	Owing to the nature of the proposed development and the low potential for impacts to badgers, further badger surveys are considered to be disproportionate.

	high habitat value for foraging badgers, and therefore they are likely to be commuting through site.	owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of badgers, if present.	A precautionary working method will be implemented during construction.
Hazel dormouse	The site is outside of known geographical range for this species. Furthermore, the site lacks connectivity to high value habitat for this species.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.
Hedgehog	The habitat on site provides foraging potential for hedgehogs. Furthermore, the bramble scrub on site allows protection from predators and hibernation habitat. There is connectivity to further high value habitat for hedgehogs and the urban garden adjacent to site provides high value habitat that provides potential for hedgehogs to be commuting through site.	Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of hedgehogs, if present.	A precautionary working method will be implemented during construction.
Otter	There are drainage ditches present to the west and south of the site. These ditches are shallow with no connection to larger bodies of water. They are likely to dry out during hot weather. Furthermore, there is a lack of high value foraging opportunities on the site for otters. Therefore there is a suitably low risk of otters on site.	No impacts are anticipated on otters as a result of the proposed development.	None.
Water vole	The drainage ditch on site has shallow banks, low quality of water present, low levels of vegetation on the banks and there was no evidence observed of water vole. Therefore there is a suitably low risk of water vole on site.	No impacts are anticipated on water vole as a result of the proposed development.	None.
Birds	The trees on site and the bramble scrub present on site provides nesting habitat for birds, with an unactive nest observed on site. The habitats present on site are also suitable for wetland birds to for foraging.	Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally.	None.
Invertebrates	The habitats on site will support invertebrate species such as the grassland and the scrub, along with the water sources on site. However the species on site are not likely to be notable due to the common species present.	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by David Bailey to undertake a Preliminary Ecological Appraisal (PEA) at Land adjacent to Marsh View, Shard Lane, Hambleton, Poulton-le-Fylde, Lancashire, FY6 9BX (hereafter referred to as “the site”). The survey was required to inform a planning application for the creation of a road, and six holiday cabins on the eastern section of the site (hereafter referred to as “the proposed development”). A plan showing the proposed development will be provided in Appendix 1 when available.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author’s knowledge, by any other consultancy.

1.2 Site Location and Landscape Context

The site is located at National Grid Reference SD 3741 0889 and has an area of approximately 0.9ha comprising unmanaged grassland, lines of trees and bramble scrub. It is surrounded by agricultural land with a residential dwelling to the west of the site with the River Wyre to the west and Hambleton Village to the north. The wider landscape comprises agricultural land with scattered residential areas and the Irish sea to the west. A site location plan is provided in Appendix 2.

1.3 Scope of the Report

This report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation. To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species.
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.
- Potential impacts on features of value, as a result of the proposed development, have been identified.
- Recommendations for further surveys and mitigation have been made.
- Opportunities for the enhancement of the site for biodiversity have been set out.

2.0 Methodology

2.1 Desk Study

The desk study included a review of the magic.gov.uk database for statutory designated sites within a 2km radius of the site. Landscape value and the presence of notable habitats as well as granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database has also been considered where these are within influencing distance of the site.

2.2 Field Survey

The survey was undertaken by Kayleigh Davies, Graduate Ecologist (Accredited Agent on Natural England Bat Licence Number: 2022-10404-CL18-BAT) on 16/11/2023.

An extended habitat survey was undertaken, following the methodology set out in *UK Habitat Classification User Manual* (UK Habitat Classification Working Group, 2018). All land parcels are described and mapped and, where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species.

Ponds on and adjacent to the site were assessed for their suitability to support great crested newts using the *Habitat Suitability Index (HSI) Assessment Methodology* (Oldham et al, 2000). #

A visual inspection of the trees on the site was undertaken from ground level using binoculars and, where accessible and safe to do so, an internal inspection of any features which bats could use for roosting was completed using an endoscope, torch and ladders. Trees were categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 below. Roost suitability is classified as high, moderate, low and negligible and dictates any further surveys required before works can proceed.

Table 1: Features of a tree that are correlated with use by bats

Suitability	Feature of tree and its context
None	Either no potential roost features in the tree or highly unlikely to be any
Further Assessment Required (FAR)	Further assessment required to establish if potential roost features are present in the tree
Potential Roost Feature (PRF)	A tree with at least one PRF. Where sufficient information is available, each PRF will be classified as: <ul style="list-style-type: none"> PRF-I – PRF is only suitable for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitats. PRF-M – PRF is suitable for multiple bats and may therefore be used by a maternity colony.

2.3 Limitations

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape and the ecology and biology of species as currently understood.

A biological records data search has not been undertaken. However, given the location of the site, the nature of the habitats present and the assessed suitability of the site for protected or notable species, it is not anticipated that the purchase of biological records data will add any significant weight or alter the conclusions and recommendations outlined in this report.

The survey was completed outside of the optimal survey period (April to October) limiting the identification of ground flora species.

These limitations have been taken into account during the evaluation of the site and requirement for further surveys and mitigation.

3.0 Results and Evaluation

3.1 Designated Sites

Details of any statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 2 below. The presence of non-statutory designated sites within 2km cannot be established without biological records data from Lancashire Environmental Records Network.

The site lies within the impact risk zone for Wyre Estuary (Site of Special Scientific Interest). Proposed development type is listed as a possible high risk with regard to this designation.

Table 2: Statutory designated sites within 2km radius of the site

Designated site name	Distance from site	Reasons for notification from Natural England and LERN
Morecambe Bay (RAMSAR)	~370m to the west	Representing the largest continuous intertidal area in Britain, the site comprises the estuaries of five rivers, intertidal mud and sandflats, associated saltmarshes, shingle beaches, and other coastal habitats. It is part of a series of west coast estuaries of outstanding importance for numerous species of passage, breeding, and wintering waterbirds. The site supports the third largest number of wintering wildfowl in Britain.
Wyre Estuary (SSSI)	~370m to the west	The Wyre Estuary, lying just south of Lune Estuary is an integral part of Morecambe Bay, one of the two largest areas of intertidal estuarine flats in Britain (the other being the Wash). The whole estuarine complex is of international significance for wintering wading birds and of national significance for wintering wildfowl. The Wyre in its own right is of national importance for wintering and passage black-tailed godwit, wintering turnstone and for wintering teal in times of hard weather.

3.2 Field Survey Results

The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 3.

Table 3: Weather conditions during the survey

Date:	16/11/2023
Temperature	10°C
Humidity	59%
Cloud Cover	60%
Wind	3mph
Rain	None

Habitats and Flora

The following habitats are present within and adjacent to the site:

- Other neutral grassland – G3c, with scattered scrub (10), waterlogged (504), unmanaged (521)
- Bramble scrub – h3d
- Other broadleaved woodland – w1g, line of trees (33)
- Other standing water – r1g, ditch (50), pond (42)


A description and photograph of each habitat is provided in Table 4.

No protected or non-native invasive plant species (as listed under Schedules 8 or 9 of the Wildlife and Countryside Act 1981) were identified on the site. However, due to the time of year in which the survey was undertaken it is possible that such species would not be visible.

Table 4: Description and photographs of habitats within and adjacent to the site

Habitat type	Habitat description	Photograph
Neutral grassland	<p>The site is a single field with a large open area of neutral grassland habitat with species present including Yorkshire fog (d), ripwort plantain (a), clover (a), <i>sedge sp.</i>(a), common rush(a), common reed (a), curly dock (a), nettles (a), creeping thistle (r) and meadow buttercup (r). Areas of the grassland are waterlogged (504) and the field is unmanaged (521) with grass length of ~30cm.</p> <p>There is scattered discarded items within the southwest corner of the site. There are also small patches of hard standing, wood and rubble piles.</p>	 <p>Figure 1 - overview of the grassland.</p>

<p>Line of trees</p>	<p>Lines of trees line the north and the south boundaries of the site. Species of trees mainly include hawthorn (d) and elder (o).</p> <p>The trees have thin trunks and in good condition with no bat roosting features noted.</p>	 <p><i>Figure 2 - line of trees present on the southern boundary of the site.</i></p>  <p><i>Figure 3 - line of trees on the northern boundary of the site.</i></p>
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<p>Dense bramble scrub</p>	<p>Bramble scrub is present on the north, east and south boundaries of the site. The bramble scrub is dense and consists largely of brambles (d) and nettles (a).</p>	 <p><i>Figure 4 - the bramble scrub present on the eastern boundary of the site between the ditch and a fence.</i></p>
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<p>Other standing water</p>	<p>A pond is present on site near to the western boundary (42). A full HSI of this pond is detailed below in table 5. The pond has submerged vegetation and a grass bank.</p> <p>There is an agricultural drainage ditch (50) that is present on the south and the east boundary of the site. The ditch on the south of the site has a line of trees either side of the banks. The ditch is shallow, heavily shaded by the line of trees and with mud banks either side. The eastern section of the drainage ditch has dense bramble scrub on the western with a fence in between the field and the bramble scrub.</p>	

Figure 5 - dense bramble scrub on the southern boundary.

Figure 6 - pond present to the west of the site.



Figure 7 - an example of the ditch at the southern boundary of the site, shows the mud banks and the heavy shading of the surrounding trees.

Fauna

An assessment of the suitability of the site for protected or notable species is provided in Table 5.

Table 5: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability
Amphibians	<p>There are two EPSLs for Great crested newts within a 2km radius. The closest is ~1,800m away from the site boundary. There are also three class licence returns within this radius for Great crested newts.</p> <p>Great crested newts exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; great crested newts are typically found within terrestrial habitats up to 500m from breeding ponds (Langton <i>et al.</i> 2001). A review of aerial imagery indicates the presence of twelve ponds within 500m of the site including seven ponds located within the fisheries ~230m to the northwest of the site, a pond located 300m east, and a pond located 384m east. The ponds located 230m northwest within the fisheries are highly managed and unlikely to be of high habitat value to great crested newts. The high levels of fish present in these ponds will also reduce the suitability for great crested newts. Furthermore they are separated from site by a busy road adjacent to the site. A further two more ponds are located to the west of the site, also are separated from the site by urban and agricultural infrastructure including tarmac roads, buildings, and extensive managed grassland, which is either grazed or regularly mown resulting</p>

in a short sward length. These landscape features are suboptimal for great crested newts due to a lack of refuge from predation. As a result and given the distance of these ponds from the site, these landscape features are likely to represent a significant barrier to dispersal eliminating connectivity to the site for great crested newts. However, the ponds located 300m and 384m east have suitable connectivity to the site via continuous grassland which includes sections of scattered scrub. Although much of this grassland is managed to a short sward length and the pond is over the typical commuting distance of 250m, the presence of commuting great crested newts within the grassland and scattered scrub on site cannot be discounted due to the suitability present. An HSI was completed of the on-site pond (P1) which returned a result indicating excellent suitability for great crested newt. The grassland on the site could provide opportunities for amphibians to forage and the bramble scrub on the site could be utilised for shelter or hibernation.

Table 7a: HSI calculation of ponds.

SI Description	SI Value P1
Geographic location	1
Pond Area	0.4
Pond Permanence	1
Water Quality	0.67
Shade	1
Waterfowl Effect	1
Fish Presence	1
Pond Density	1
Terrestrial Habitat	1
Macrophyte Cover	0.8
HSI Score	0.86
HSI Category	Excellent



Figure 8 - the pond located to the east of the site.

Reptiles

The grassland present on site is unmanaged and the shards of grass are long with the average length of 30cm. The bramble scrub present allows for protection for reptiles from predators. Furthermore the rocks and small patches of hard standing on site allow for basking habitat for reptiles.



Figure 9 - and example of the habitat present on site.



Figure 10 - patches of hard standing present to the south west corner of the site.

Badgers	No badger setts or other badger evidence was observed on site or adjacent to site. There is good connectivity to the site from other high value badger habitat. The terrain of the site is flat and doesn't allow for excavation habitat. There are gaps present in the fences and allows access to the site for badgers. Therefore it is likely that badgers are commuting through site.
Bats	There is one EPSL for bats within a 2km radius of the site, located 1,190m to the south west for the destruction of a breeding place for common pipistrelle. The trees present on site all have thin trunks and a lack of roosting features which would make them negligible for roosting bats. There is a high habitat value for foraging bats on site due to the grassland, water sources and trees present.
Hazel Dormouse	The area is outside the known geographical range for hazel dormice. Furthermore there is no suitable connectivity to high value sites for this species.
Hedgehog	The bramble scrub present on site provides shelter for hedgehogs and allows hibernation habitat. The habitats present also allow high value foraging habitat, and the residential dwelling located to the west of the site also provides high value habitat for hedgehogs and therefore this species has the potential to be commuting through site.
Otter	There is an agricultural drainage ditch present on the southern and eastern boundary of the site. This ditch is utilised by the surrounding agricultural land for drainage and therefore there is subject to fluctuations in water levels, and is likely to dry out in drier periods. It is not connected to further riparian habitat. The Wyre estuary nearby provides high value habitat for otters for foraging. The estuary is separated from site by a main road that runs to the west of the site. Therefore it is unlikely that otters will be on site. Furthermore, the vegetation on site will likely support foraging opportunities for otters but there is extensive foraging opportunities surrounding the site. Although there is otter foraging habitat provided by the nearby Wyre Estuary the site itself offers limited foraging habitat and there is a lack of suitable aquatic habitat for otters and therefore they are unlikely to be using this site or the immediate surrounding areas.
Water Vole	The ditch present on the south and west boundaries of the site has shallow sides and functions as drainage for the agricultural land present. Due to the purpose of the ditch it is unknown whether the ditch occasionally dries. The water levels of the drainage ditch will fluctuate which will cause any burrows if present to flood, therefore making it unsuitable for water vole. No burrows were observed within the ditch and the water quality of the water present was low, due to the drainage function of the ditch. Due to the shallow banks of the ditch, the lack of ground vegetation and the high levels of tree cover, there is a suitably low risk of water vole utilising the ditch.

	 <p data-bbox="674 756 1317 778"><i>Figure 11 - the ditch present at the southern boundary of the site.</i></p>
<p data-bbox="107 887 165 909">Birds</p>	<p data-bbox="674 788 2130 948">The lines of trees on site located on the northern and southern boundaries, provide nesting habitat for birds. The Wyre estuary located to the west of the site provides high value habitat for wetland birds due to the priority habitats present. The land present is not large enough that is typical of being used by wetland birds. During the survey, two snipes were observed to be on site. Therefore, notable bird species are likely to occasionally visit the site due to the close proximity to the local estuary, but the small size of the field is not likely to support overwintering birds.</p> <p data-bbox="674 983 1554 1008">In a tree located on the northern boundary of the site, a large nest was observed.</p>

	 <p data-bbox="674 756 1570 783"><i>Figure 12 - a bird's nest observed in the tree line located in the northeast corner of the site.</i></p>
Invertebrates	<p>The habitats present such as the grassland, the scrub and the trees all support invertebrate species. The pond and the ditch present will also provide habitat for invertebrates. The plant species present are common species and are likely to not support more notable invertebrate species.</p>

4.0 Conclusions, Impacts and Recommendations

Taking the desk study and field survey results into account, Table 6 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise the creation of a road, and six holiday cabins on the eastern section of the site.

Table 6: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities ¹
Designated sites	<p>There are 2 statutory sites within 2km of the site, the closest being Wyre Estuary located ~450m from the site.</p> <p>The site lies within the impact risk zone for Wyre Estuary (SSSI) and proposed development type is listed as a possible high risk for this designation. The Wyre estuary is located 380m to the west of the site boundary.</p> <p>The presence of non-statutory designated sites within 2km of the site cannot be established without data from LERN.</p>	<p>No direct impacts to any designated sites will occur as a result of the proposed development. However, due to the proximity of the site to Wyre Estuary and the possible presence of non-statutory designations in the vicinity, indirect effects such as pollution or tree damage could occur during construction.</p>	<p>Best practice measures to minimise the possibility of pollution must be implemented during construction.</p> <p>Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).</p> <p>The Local Planning Authority should consult with Natural England in regard to the close proximity of the site to the SSSI and being within a SSSI impact risk zone.</p>	None.
Habitats and flora	<p>There are no notable habitats within the site but coastal saltmarsh, mudflats, coastal floodplain, grazing marsh habitats are present within 2km of the site, with the closest with all the noted</p>	<p>No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats as well as the urban location of the site with surrounding physical barriers.</p> <p>Sections of neutral grassland will be removed to be replaced with an access road and the</p>	<p>Retained trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).</p>	Species-specific enhancement opportunities are detailed later in this table.

¹ The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).

	<p>habitats present being the Wyre Estuary located ~450m from the site.</p> <p>The site itself consists of trees, scrub, unmanaged neutral grassland and the presence of water bodies that all provide high value habitat for local wildlife.</p>	<p>placement of the holiday cabins, which will cause a small reduction in foraging habitat for wildlife including invertebrates.</p>	<p>To compensate for the proposed habitat losses at the site, the following habitat creation measures should be incorporated:</p> <ul style="list-style-type: none"> • Native plant species planting to replace the lost grassland to the works. 	
Amphibians	<p>There is a pond located on site near to the western boundary which has an excellent HSI value for Great Crested Newts. There is also good connectivity to other ponds within a 500m radius. The unmanaged grassland of the site and the scrub present also allows protection from predators.</p>	<p>Grassland will be removed during construction. If great crested newts are present within the pond 50m to the west of the development area, this will constitute a loss of 0.421 ha within 100m of a potential breeding pond. When completing the rapid risk assessment published by Natural England (Natural England 2015), the proposed development produces an Amber risk score, which states: Offence Likely.</p> <p>Furthermore, the surrounding area of the site offers further high value habitat for great crested newts, with grassland, scrub and other ponds within a 500m radius of the pond located on site.</p> <p>This coupled with the HSI score of the pond returning as excellent, the presence of great crested newts cannot be ruled out.</p>	<p>Environmental DNA (eDNA) surveys will be required of the on-site pond to determine the presence or absence of great crested newts. This will comprise collecting water samples and sending them off for laboratory analysis and such surveys must be undertaken between mid-April and June, in accordance with current survey guidelines (Biggs et al, 2014).</p>	<p>To be confirmed upon completion of the surveys.</p>
Reptiles	<p>The grassland and scrub present on site provides habitat to support foraging opportunities and protection from predators for reptiles. There are also basking opportunities present due to scattered rocks and the presence of some patches of hard standing. However due to the marsh habitat of the grassland, it is not likely to</p>	<p>Patches of grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local reptile populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles if present.</p>	<p>Owing to the nature of the proposed development and the low potential for impacts to reptiles, further surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures:</p> <ul style="list-style-type: none"> • Site clearance will be undertaken outside of the reptile hibernation season (November to February) insofar as is possible. • A toolbox talk will be given to contractors regarding the possible presence of reptiles at the site. 	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for reptiles:</p> <ul style="list-style-type: none"> • Creation of Hibernacula using removed vegetation

	support all species of reptiles.		<ul style="list-style-type: none"> • A pre-commencement inspection of the site will be undertaken for reptiles. • A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 15cm and left overnight to allow any reptiles to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter reptiles from the working area. • Any rubble piles will be dismantled by hand and debris and brash will be stored on pallets or removed from the site to prevent reptiles from utilising these areas. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. • In the unlikely event that a reptile is identified, works must cease and advice must be sought from a suitably qualified ecologist. 	<ul style="list-style-type: none"> • Planting of native scrub where possible
Roosting bats	The trees on the site have negligible value for roosting bats due to a lack of potential roost features.	Bats are very unlikely to be roosting on the site and as such, there are not anticipated to be any impacts on roosting bats.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.	The installation of two bat boxes at the site will provide additional roosting habitat for bats. The bat boxes will be installed on retained trees. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light. The bat boxes will be a specification suitable for

				crevice dwelling species such as Beaumaris Bat Box or a similar alternative brand.
Foraging and commuting bats	Tree lines, grassland and the pond could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	<p>The proposed development will result in the loss of small areas of grassland but given the presence of more extensive areas of foraging and commuting habitat in the locality, this is likely to be inconsequential for bats.</p> <p>The proposed development will include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.</p>	<p>A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures:</p> <ul style="list-style-type: none"> • Light spill on to tree lines, the water sources and the bramble scrub should be avoided. • Use narrow spectrum light sources to lower the range of species affected by lighting. • Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. • Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only. • External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. • Wall lights and security lights will be 'dimmmable' and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights 	<p>The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats:</p> <ul style="list-style-type: none"> • The planting of native wildflowers or native tree species

			are on. All lighting on the developed site will make use of the most up to date technology available.	
Badger	There were no setts identified in or adjacent to the site or any other badger evidence. The terrain of the site is flat with limited excavation habitat. There is access to site through the gaps in the fences. The habitats on site provide high habitat value for foraging badgers, and therefore they are likely to be commuting through site.	No works will be undertaken within 30m of a badger sett. Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local badger populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of badgers, if present.	Owing to the nature of the proposed development and the low potential for impacts to badgers, further badger surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures: <ul style="list-style-type: none"> • A toolbox talk will be given to contractors regarding the possible presence of badgers at the site. • A pre-commencement inspection of the site will be undertaken for any new badger activity if works do not commence within three months. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which badgers could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. • In the unlikely event that a badger sett is identified, works must cease and advice must be sought from a suitably qualified ecologist. 	None.
Hazel dormouse	The site is outside of known geographical range for this species. Furthermore, the site lacks connectivity to high value habitat for this species.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.
Hedgehog	The habitat on site provides foraging potential for hedgehogs. Furthermore, the bramble scrub on site allows protection from	Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their low value and the presence of more extensive habitat locally. However, construction	A precautionary working method will be implemented during construction, including the following measures: <ul style="list-style-type: none"> • Site clearance will be undertaken outside of the hedgehog hibernation season (November to March) insofar as is possible. 	The following habitat creation and enhancement opportunities could be incorporated into the proposed development

	<p>predators and hibernation habitat. There is connectivity to further high value habitat for hedgehogs and the urban garden adjacent to site provides high value habitat that provides potential for hedgehogs to be commuting through site.</p>	<p>activities could result in the death or injury of hedgehogs, if present.</p>	<ul style="list-style-type: none"> • A toolbox talk will be given to contractors regarding the possible presence of hedgehogs at the site. • A pre-commencement inspection of the site will be undertaken for hedgehogs. • A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 30cm and left overnight to allow any hedgehogs to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter hedgehogs from the working area. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which hedgehogs could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. • If any hedgehogs are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance. 	<p>which would be beneficial for hedgehogs:</p> <ul style="list-style-type: none"> • Hibernaculas • Hedgehog houses • Gaps in fences
Otter	<p>There are drainage ditches present to the west and south of the site. These ditches are shallow with no connection to larger bodies of water. They are likely to dry out during hot weather. Furthermore, there is a lack of high value foraging opportunities on the site for otters. Therefore there is a</p>	<p>No impacts are anticipated on otters as a result of the proposed development.</p>	<p>None.</p>	<p>None.</p>

	suitably low risk of otters on site.			
Water vole	The drainage ditch on site has shallow banks, low quality of water present, low levels of vegetation on the banks and there was no evidence observed of water vole. Therefore there is a suitably low risk of water vole on site.	No impacts are anticipated on water vole as a result of the proposed development.	None.	None.
Birds	The trees on site and the bramble scrub present on site provides nesting habitat for birds, with an unactive nest observed on site. The habitats present on site are also suitable for wetland birds to for foraging.	Grassland will be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally.	None.	The installation of two bird boxes at the site will provide additional nesting habitat for birds. The bird boxes will be installed on retained trees on site. General purpose bird boxes should be positioned 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Species-specific bird boxes should be installed in line with manufacturers specifications.
Invertebrates	The habitats on site will support invertebrate species such as the grassland and the scrub, along with the water sources on site. However the species on site are not likely to be notable due to the common species present.	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for invertebrates: <ul style="list-style-type: none"> The planting of native plant species.

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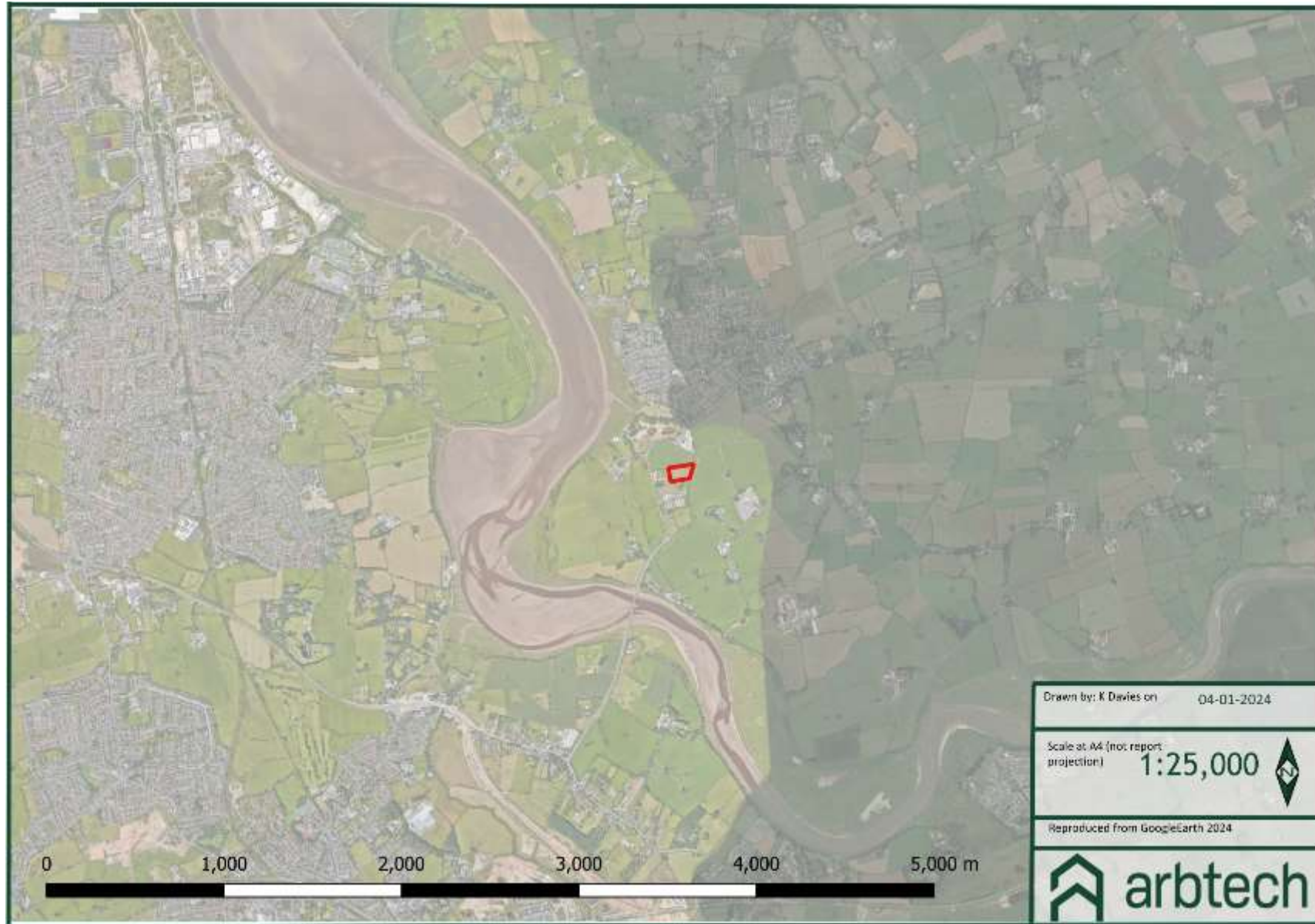
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Appendix 1: Proposed Development Plan



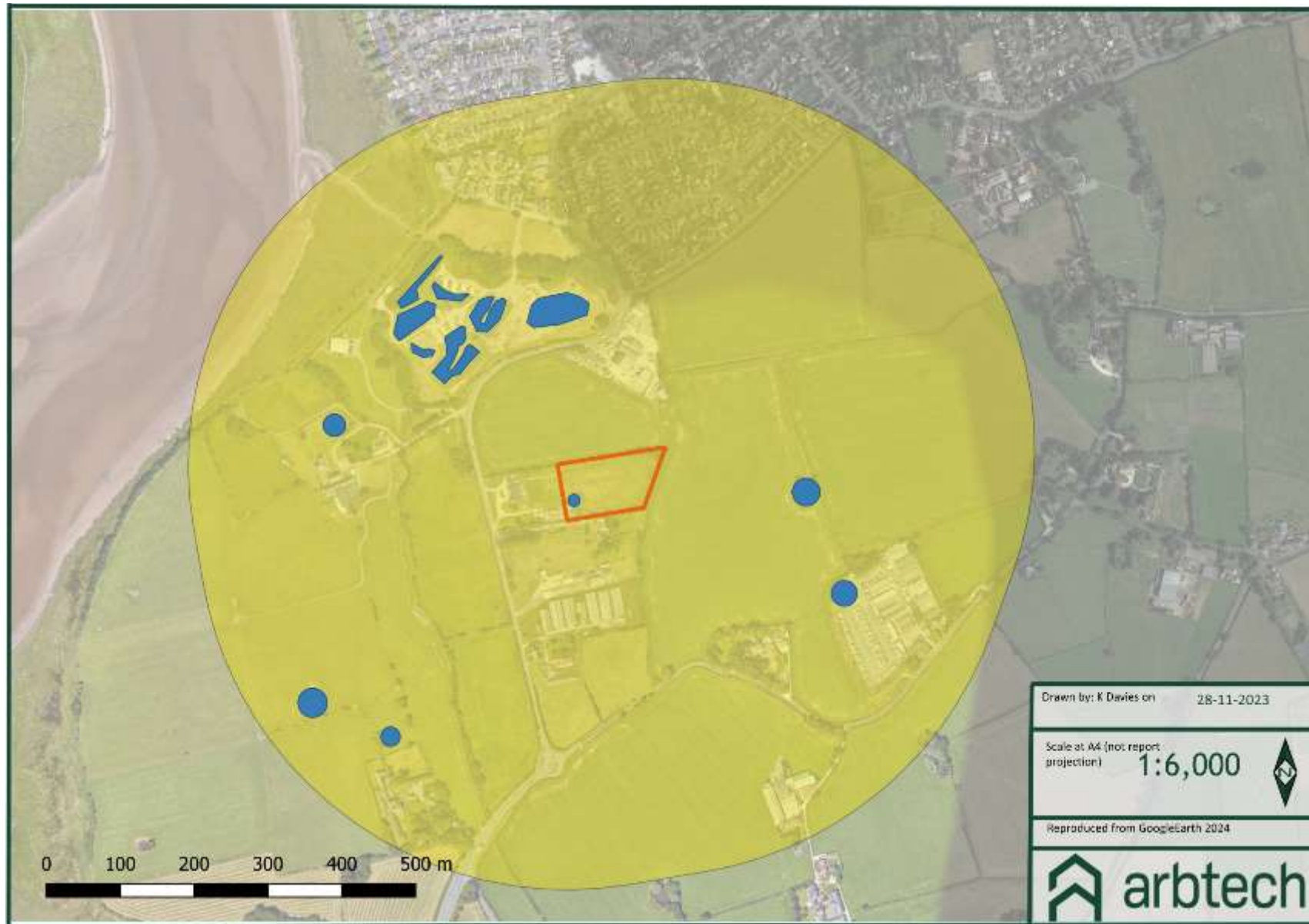
Appendix 2: Site Location Plan



Appendix 3a: Habitat Survey Plan



Appendix 3b: Pond Location Plan



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

Annex V species (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”.

However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites.

The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species

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

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

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

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CRoW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act 1992 which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett
- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A development licence will be required from the relevant countryside agency (i.e. Natural England) for any development works likely to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agencies to define what would constitute a licensable activity. It is not possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and are commonly referred to as "Schedule 1" birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Amphibians and Reptiles

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of reptiles are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

Water Voles

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:

- Intentionally kill, injure or take (capture) water voles
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection
- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England) must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

Otters

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Otters are also currently protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSL. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Hazel Dormice

Hazel dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate

- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Dormice are also protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White Clawed Crayfish

There is a considerable amount of legislation in place in an attempt to protect the White-clawed crayfish *Austropotamobius pallipes*. This species is listed under the European Union's (EU) Habitat and Species Directive and is listed under Schedule 5 of the Wildlife and Countryside Act (1981). This makes it an offence to:

- Protected against intentional or reckless taking
- Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

The relevant countryside agency (i.e. Natural England) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation Afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally picking, uprooting or destruction of any wild Schedule 8 species
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
 - Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
 - Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England) for works which are likely to affect species of plants listed on Schedule 5 of the Conservation of Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England to plant or cause to grow in the wild due to their impact on native wildlife.

Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*
- Himalayan balsam *Impatiens glandulifera*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site, however, it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

Injurious weeds

Under the Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

NATIONAL PLANNING POLICY***Environment Act 2021***

The Environment Act 2021 (EA 2021) received Royal Assent on 9 November 2021 and is expected to become fully mandated within the next couple of years. The Act principally creates a post Brexit framework to protect and enhance the natural environment. Through amendments to the Town and Country Planning Act 1990, the Act will require all planning permissions in England (subject to exemptions which is likely to include householder applications) to be granted subject to a new general pre-commencement condition that requires approval of a biodiversity net gain plan. This will ensure the delivery of a minimum of 10% measurable biodiversity net gain. The principal tool to calculate this will be the Defra Biodiversity 3.0 Metric. Works to enhance habitats can be carried out either onsite or offsite or through the purchase of 'biodiversity credits' from the Secretary of State. However, this flexibility may be removed (subject to regulations) if the onsite habitat is 'irreplaceable'. Both onsite and offsite enhancements must be maintained for at least 30 years after completion of a development (which period may be amended).

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

LOCAL PLANNING POLICY***The Wyre Local Plan (February 2019)***

The Wyre Local Plan can be viewed here: <https://www.wyre.gov.uk/downloads/file/1595/adopted-wyre-local-plan-2011-2031-incorporating-partial-update-of-2022->

The following planning policies have implications in relation to biodiversity and the proposed development:

- SP2 Sustainable Development
 1. All development should contribute positively to the overall physical, social, environmental and economic character of the area in which the development is located.
 2. All development in Wyre should be sustainable and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility.
 3. Where there is any conflict between environmental, economic and social objectives, development proposals will be required in the first instance to seek to incorporate solutions where all objectives can be met.

Lancashire Biodiversity Action Plan

The Lancashire Biodiversity Action Plan can be viewed here: <https://www.lbap.org.uk/home.htm>

The following habitats have been identified on or surrounding the site (based on the site survey and a review of the magic.gov.uk database) and are included in the plan:

- Arable farmland
- Broadleaved and Mixed woodland
- Calcareous Grassland
- Limestone Pavement
- Moorland and Fell
- Reedbed
- Rivers and Streams
- Saltmarsh / Estuarine Rivers
- Species-rich Neutral Grassland

The following species could be present on the site or in the surrounding area (based on the site survey and a review of the magic.gov.uk database) and are included in the plan:

- Bats (all species)
- Great Crested Newts
- Water Voles
- Badgers
- Barn Owls

- Kingfisher
- Peregrine
- Otters

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision ;
- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.