



Ecological Management Plan

Reading Link Retail Park

Rose Kiln Lane

Reading

RG2 0SN

Date: August 2022

Rev A 24.08.2022: Edits made to address comments received from RBC Ecology Consultation on 10.08.2022

1 Summary

Site	Reading Link Retail Park, Rose Kiln Lane, Reading, Berkshire, RG2 0SN
Central OS Grid Reference	SU 71227 72295
Report Commissioned by	Solve Planning
Report Author:	Emily Sullivan BSc MCIEEM, Senior Ecologist
Reviewed by:	Claire Munn BSc (Hons) MSc MCIEEM, Associate Director (Ecology)

Ecological Considerations	Mitigation / Enhancement Measures	Maintenance and Monitoring
Trees	Planting of new specimens between October and March inclusive.	Watering, fertiliser and manual weeding as required in year 1. Replacement of any dead trees within the first five years.
Bats	Hedgerow planting between October and March inclusive. Tree planting as above. Install two bat boxes on retained trees on the Holy Brook bank.	Watering, fertiliser and manual weeding as required in year 1. Replacement of any dead hedgerow specimens within the first five years.
Holy Brook Local Wildlife Site / Section 41 Priority Habitat – Chalk River	Hedgerow planting between October and March inclusive. Permanent 1m high bow top metal fencing will be installed along edge of buffer zone. Waste and dog waste bins and long-term signs for the river will be installed. Two bird boxes will be installed on retained trees on the bank of Holy Brook.	Hedgerows – watering, fertiliser and manual weeding in year 1 as required. Replacement of any dead hedgerow specimens within the first five years. Organisation and implementation of an appropriate waste disposal schedule for the operational phase of the development. Organisation and implementation of an appropriate long-term litter picking rota for the site and the stretch of river adjacent to the site during the operational phase of the development. Remove old nests and debris from nest boxes during November – January (inclusive).
Artificial lighting	Implement a sensitive lighting strategy to avoid illumination of retained trees and the adjacent river.	N/A

Monitoring and Review	N/A	Annual review of the habitat on-site, the condition of the stretch of river adjacent to the site and management regime each year. Review of management regime (against objectives and outcomes) by an ecologist and/or the LPA to determine progress in year 5. Any issues identified will be resolved where required.
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Contents

1	Summary	1
2	Introduction	4
2.1	Background.....	4
2.2	Site Description	4
2.3	Development Proposal	5
2.4	Objectives.....	5
3	Mitigation and Enhancement Measures	8
3.1	Trees.....	8
3.1.1	Mitigation	8
3.2	Bats.....	8
3.2.1	Mitigation	8
3.2.2	Enhancements	9
3.3	Holy Brook Local Wildlife Site / Section 41 Priority Habitat – Chalk River	10
3.3.1	Mitigation and Enhancement	10
3.4	Artificial Lighting.....	12
3.4.1	Avoidance and Mitigation	12
3.5	Monitoring and Review	12
4	Timetable	14
5	References.....	17

Appendix 1 Legislation & Planning Policy

Appendix 2 Biodiversity Enhancement Plan

2 Introduction

2.1 Background

David Archer Associates was commissioned by Solve Planning to provide an Ecological Management Plan (EMP) for Reading Link Retail Park, Rose Kiln Lane, Reading, Berkshire, RG2 0SN (OS Grid Reference: SU 71227 72295).

The purpose of this EMP is to discharge Condition 12 of the Outline Planning Decision (planning application no.201558) granted by Reading Borough Council in July 2021. Condition number 12 states:

No development shall commence on site until an ecological management plan has been submitted to and approved in writing by the council. The ecological management plan is to run for a period of at least five years is to comprise as a minimum the following:

a) Detailed description and maps of habitats on and adjacent to the site, including the Holy Brook and its boundary vegetation.

b) Clear long and short term aims and objectives for the site, to include measures to restore and enhance the river corridor and to provide new and replacement tree (including details of tree pits), hedgerow planting and litter bins.

c) Prescriptions to achieve the aims and objectives of the plan to include details of the organisation[s] that will be responsible for implementing the prescriptions;

d) Details of how the aims, objectives and prescriptions will be monitored, and what processes will be put in place to ensure that the plan is iterative (ensuring its aims and objectives are met and that management is adjusted to ensure that this is the case).

Reason: To ensure that the development does not lead to deterioration in the ecological value of the adjacent Holy Brook which is a priority habitat and a Local Wildlife Site in accordance with Policies EN11 and EN12 of the Reading Borough Local Plan.

The ecology letter written by David Archer Associates on 30th September 2020 was used to inform this EMP. All construction phase avoidance and mitigation measures required are detailed in the Construction Environmental Management Plan (CEMP).

2.2 Site Description

The development site is predominantly comprised of hard standing with some boundary habitat comprised of tall ruderals, scrub and scattered trees. Small/low-lying ornamental hedgerows and one very small section of newly planted native hedgerow are also present on-site around the tarmacked parking bays, which are typical of car park landscaping.

Holy Brook Local Wildlife Site (LWS) is situated adjacent to the northern border of the development site. Holy Brook (LWS) is approximately 4.5km in length and is comprised of a number of different sites which have been combined into one designation. Holy Brook LWS stretches from just west of the Burghfield Road to the Reading Inner Distribution Road. The river within Holy Brook LWS transfers water to and from a stretch of chalk river, known as River Kennet. The section of the LWS that extends along the northern border of the site includes the eastern part of its course which runs through

housing and commercial and industrial areas. The LWS is a chalk river which is noted as a Section 41 habitat of principal importance (NERC Act, 2006), as discussed below.

The stretch of Holy Brook LWS adjacent to the site contains a section of river, with a gentle current that flows south-west to north-east. The river is approximately 11m in width. The water was murky at the time of the survey so an estimation of the depth of the water was not possible. Some of the river edge contains shallow sloping riverbanks and some areas are comprised of a concrete ledge. The vegetation along the bank contains a mixed of scattered trees, scrub, tall ruderals and small patches of amenity grassland. Some of the bank vegetation is dense and tall, creating a dense array of vegetation and some small areas along the bank have been worn through disturbance and contain sparse vegetation.

Species of tree along the river's edge include crack willow *Salix fragilis*, white willow *Salix alba*, weeping willow *Salix babylonica*, horse chestnut *Aesculus hippocastanum*, alder *Alnus glutinosa*, elm *Ulmus minor* 'Atinia' and Norway maple *Acer platanoides*. Species present within the scrub habitat includes mostly bramble *Rubus fruticosus* agg. with other species including *Viburnum* sp., hemlock water dropwort *Oenanthe crocata*, willow herb *Epilobium* sp., common nettle *Urtica dioica* and red dead-nettle *Lamium purpureum*. The areas of tall ruderal habitat include common nettle, ivy *Hedera helix*, cleavers *Galium aparine*, common mallow *Malva neglecta*, bramble, white dead-nettle *Lamium album*, hemlock water dropwort, garlic mustard *Alliaria petiolate* and dandelion *Taraxacum officinale* agg. The small areas of amenity grassland surrounding the LWS include species such as annual meadow grass *Poa annua*, barren brome *Bromus sterilis*, red dead-nettle, common chickweed *Stellaria media*, white deadnettle, Shepard's purse *Capsella bursa-pastoris*, cocksfoot grass *Dactylis glomerata*, broadleaf plantain *Plantago major* and dandelion.

2.3 Development Proposal

Sorbon Estates Ltd proposes to develop the site into a drive-thru coffee shop of 189m² with new access at Reading Link Retail Park, Rose Kiln Lane. The proposed coffee shop and revised access arrangements utilise a current area of car parking at the Reading Link Retail Park. The access point from Rose Kiln Lane will include a height barrier to restrict those vehicles that can use this access, and pedestrian crossing points will be created. There will be no egress into Rose Kiln Lane and provision for service vehicles to access the site from the existing entrance will be provided.

2.4 Objectives

The purpose of this EMP is to discharge Condition 12 of planning consent and address each ecological matter within requirements (a) – (d). However, not all parts of the condition wording apply to this site. For example, a full habitat plan has not been produced as this was not deemed necessary or proportionate. A Preliminary Ecological Appraisal report containing a Phase 1 Habitat map was not requested within the original reasons for refusal (Refusal Reason 7 within the Reading Borough Council decision notice dated 15th March 2019). Therefore, the information within the ecology letter and the proposed site plan has been utilised to address Condition 12(a) of planning permission.

The EMP includes recommendations in relation to the following aspects:

- Trees and hedgerows
- Bats

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- Artificial Lighting
 - Holy Brook Local Wildlife Site / Section 41 Priority Habitat – Chalk River
 - Monitoring and Review

The short-term and long-term objectives of this EMP, in accordance with Condition 12(b), are listed below:

Short-term Objectives

1. Ensure the current litter within the stretch of river adjacent to the site is removed, where safely accessible.
2. Ensure the successful planting of the hedgerows and trees on-site.
3. Ensure the correct installation of artificial lighting on-site is in accordance with the advised sensitive lighting strategy to ensure no detrimental impacts to the adjacent LWS and associated habitats, as well as the boundary habitat on site.

Long-term Objectives

1. Ensure appropriate management and maintenance of the newly planted trees and hedgerows to ensure they become established and survive long-term. These steps will maintain the net biodiversity and habitat connectivity within the site once the development is complete. Suitable foraging and commuting habitat for bats will therefore also be maintained.
2. Restore and enhance the section of river corridor immediately adjacent to the northern border of the site by enhancing the connectivity along the northern border of the site and preventing litter from the operational stage of the development from entering the river or the riparian habitat.
3. Reduce the current levels of disturbance (habitat degradation through trampling and littering) to the stretch of Holy Brook Local Wildlife Site (and associated Section 41 Priority Habitat – Chalk River) along the northern border of the site. Prevent any extra potential disturbance that could otherwise result due to the proposals. This will assist in restoring the river edge habitat and maintain the stretch of Holy Brook Local Wildlife Site north of the site to favourable condition.
4. Enhance the river corridor adjacent to the northern border of the site through hedgerow planting. This will aim to increase habitat diversity, structure and connectivity of the riparian habitat associated with Holy Brook Local Wildlife Site.
5. Provision of litter and dog waste disposal facilities and provision of signage in association with the stretch of river north of the site to help reduce littering and dog fouling.
6. Implement a litter picking schedule both on-site and along the stretch of river north of the site (where assessable), including both the river itself and the edge habitat, to assist in restoring the river habitat and maintain its favourable condition.

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7. Ensure the operational artificial lighting on-site remains in accordance with the advised sensitive lighting strategy to ensure no detrimental impacts to the adjacent LWS and associated habitats, as well as the boundary habitat on site.
 8. Complete the devised ecological management plan within this document for at least five years post-completion and make alterations where required. In addition, continue with suitable management in perpetuity, on an adaptive basis, with an annual review of the situation each year.

3 Mitigation and Enhancement Measures

This section discusses the mitigation and enhancement measures in accordance with relevant wildlife legislation and planning policy. Refer to **Section 4** for a timetable of works and **Appendix 1** for the relevant legislation. The Proposed Site Plan is provided in **Appendix 2**.

3.1 Trees

3.1.1 Mitigation

The Proposed Site Plan (**Appendix 2**) indicates that a small number of trees along the eastern boundary will be lost as a result of the development. The plan also shows new tree planting along the eastern boundary to replace the trees lost on-site.

Replacement Tree Planting

The trees lost to the development will be replaced with four extra-heavy standards (16-18cm) fastigate hornbeam *Carpinus betulus* of local provenance along the eastern border of the site. This will ensure no net loss in biodiversity generally and will be of particular importance to ensure no net loss of suitable bat foraging habitat or connectivity within the site.

Trees will be planted between October and March inclusive.

Trees will be planted into pits and supported by stakes and ornamental bark mulch. The holes will be backfilled and allowed to settle at existing ground level. Tree protection fencing shall be used to exclude construction activity from the new planting as specified above if these are planted prior to the end of construction.

Planting and care of the trees will be the responsibility of the site construction manager for the duration of the construction period and until the works are complete. The completed planting will be subject to a check by an ecologist or arboricultural consultant and remedial measures will be advised if necessary.

Manual weeding and watering will be carried out for the first two years at the base of the trees as required to ensure suitable establishment of the trees. Fertiliser can also be added if required.

The long-term management and care of the trees will be the responsibility of the land-owner and any failed specimens within the first five years will be replaced.

3.2 Bats

3.2.1 Mitigation

Suitable habitat for foraging and commuting bats is present within the north-east corner of the site, which includes scattered trees, tall ruderals and scrub habitat. The river adjacent to the site also includes suitable habitat for foraging and commuting bats in the form of large mature scattered trees, scrub and tall ruderal habitat within the bank vegetation. The river provides a habitat corridor connecting the site to areas of suitable foraging and commuting habitat within the wider area. A small number of trees and a small area of tall ruderal and scrub habitat with value to bats will be removed within the site.

Tree replacement planting

Tree replacement planting will be completed to replace the suitable bat foraging habitat on-site and retain connectivity within site, as stated above within **Section 3.1**.

Hedgerow planting

The loss of scrub and tall ruderal habitat within the north-eastern corner of the site, which has value for bats, will be replaced with a native mixed species hedgerow planted along the eastern border of the site. The inclusion of connecting habitat between the proposed hornbeam trees will replace the lost habitat within the site and help towards maintaining and also potentially increasing connectivity around the site. The hedgerow will add wildlife value to the eastern border of the site.

The hedgerow will be planted between October and March inclusive. Plants will be of local provenance and comprise container plants or whips. Rootballs will be thoroughly soaked prior to planting. These will be planted into a trench, backfilled with topsoil, and allowed to settle at existing ground level. It is recommended to plant five per meter, with three behind and two in front, to allow for appropriate spacing.

Planting and care of the hedgerow will be the responsibility of the site construction manager for the duration of the construction period and until the works are complete. The planting will be subject to a check by an ecologist or arboricultural consultant on completion of construction and remedial measures will be advised if necessary.

Manual weeding and watering will be carried out for the first two years at the base of the hedgerow as required to ensure suitable establishment. Fertiliser can also be added if required.

The long-term management and care of the hedgerow will be the responsibility of the landowner.

Protection measures for Holy Brook Local Wildlife Site / Section 41 Priority Habitat – Chalk River

The suitable foraging and commuting bat habitat along the riverbank will not be directly impacted by the proposals. The recommendations outlined within **Section 3.3** below discussing Holy Brook LWS and the Section 41 Priority Habitat – Chalk River will ensure that the habitat within the river and along the riverbanks is suitably protected from any impacts and thus remain suitable for use by foraging and commuting bats.

Artificial lighting

The artificial lighting on site will be installed and operated in accordance with the principals of the sensitive lighting strategy specified below within **Section 3.4**.

3.2.2 Enhancements

Two bat boxes, one hollow and one with crevice features, will be installed on retained trees along the Holy Brook stream. These will be long-lasting and durable in design and suitable to be mounted onto trees. Examples of two suitable models are the Greenwoods Two Crevice bat box and Greenwoods Small Hollow bat box. These will be positioned at least 3m, but ideally at least 5m high above ground level on a main stem, either south or east facing and clear of obstacles for bats to access the base of the box. Suitable trees where these will be installed are T13 (crack willow) and T16 (weeping willow). See **Appendix 2** for bat box locations.

3.3 Holy Brook Local Wildlife Site / Section 41 Priority Habitat – Chalk River

3.3.1 Mitigation and Enhancement

Permanent 1m-high bow top metal protective fencing will be installed along the edge of the 5m buffer zone from the water line to prevent operational phase access to the riverbank (as shown in **Appendix 2**). This new fencing will replace the palisade fencing, which currently borders some of the car parking within site, and will provide further protection across the entire northern border of the site (where no fencing is currently present). Small access points will be maintained either side of the footpath leading onto the bridge, to allow public access along the river to Fobney and Kennet Valley Meadows LWS and also permit access by the management team to clear any litter within the riparian habitat and (where accessible) the river's edge. This will limit the potential for habitat degradation through trampling and littering. Within areas of the site that already contain tarmac within the 5m buffer zone, the fencing and signage will start from the edge of the tarmac. This may help to reduce current levels of disturbance to the LWS, in addition to preventing any extra potential disturbance that could otherwise result due to the proposals. The permanent fencing is to be installed after the hedgerow planting (see below) but prior to the operational phase of the development.

Hedgerow planting

In order to enhance the river corridor adjacent to the northern border of the site, a new mixed native species hedgerow will be planted along the section of river adjacent to the site. The hedgerow (in addition to the permanent fencing) will assist in discouraging visitor pressure within the riparian habitat along the river and encourage pedestrians to keep to the footpath and tarmacked areas within the site. The hedgerow will provide additional habitat diversity on-site and support habitat connectivity along the river corridor. Similar to the adjacent fencing mentioned above, small access points will be maintained on either side of the footpath leading onto the bridge, to allow public access along the river to Fobney and Kennet Valley Meadows LWS and remove litter within the river edge habitat and within the river (where accessible).

Waste and dog waste bins and long-term signs for the river

Pedestrian and vehicle waste bins and a dog waste bin will be installed in suitable locations within and adjacent to the site, as per **Appendix 2**. These bins will encourage pedestrians and drive-through vehicles accessing the facilities on-site to dispose of their litter responsibly. The placement of the bins will also help to encourage pedestrians walking through the site and along the river to dispose of their dog waste and litter responsibly. As well as addressing waste from the operational phase of the development ending up within the adjacent river habitat, the disposal points will help prevent the current waste issue experienced within this stretch of the river and thus restore the habitat within the river. The dog and waste bin for pedestrians passing through and using the site have been placed in a central location to capture those walking through the site or walking to and from the second LWS further west along the river, as per **Appendix 2**.

Two signs will be installed at either access point to the river, off Rose Kiln Lane and also adjacent to the residential housing surrounding Admirals Close. These signs will be positioned at key locations at the river, where pedestrian access is possible, in order to provide the best visual coverage of the information within the signs. The two signs will provide the following information:

- Statement to request no littering or dog fouling and to use the bins provided.
- Information about the importance of the river and its designation.

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- Information on the species and habitats found along the river.

The construction site manager will be responsible for ensuring the bins and signs are appropriately installed and the landowner will be responsible for ensuring that prompt repair to damaged signs is carried out for at least the first five years of the operational phase.

The landowner will be responsible for the organisation and implementation of an appropriate waste disposal schedule to ensure the bins are emptied and the waste from the bins is appropriately disposed of during the operational phase of the development. The landowners will be responsible for regularly reviewing the waste disposal schedule to ensure the schedule is meeting the disposal needs of the site and adjacent stretch of the river. The success of the waste disposal schedule for the bins will be regularly reviewed and if the removal of waste from the bins is not meeting the demand, the schedule will be amended to resolve this. The landowners will be responsible for the long-term maintenance of the bins and the signs.

Litter checks/pick-ups

Regular litter checks will be made on-site and within riparian habitat and the river's edge (where accessible) along the stretch of the river adjacent to the site during all stages of the development. In addition, a litter picking schedule will be devised for the long-term operational stage of the development so that this issue is managed long-term, and the presence of the new coffee shop does not lead to any increase in litter within the river or its boundary habitats.

The landowner will be responsible for the organisation and implementation of an appropriate long-term litter picking rota for the operational stage of the development for the site and the stretch of river adjacent to the site. The landowners will be responsible for regularly reviewing the litter situation within the site and the stretch of river adjacent to the site. If the litter/dog waste problem continues within the river and the riparian habitat within the stretch of river adjacent to the site, even with the additional litter bins and signs, further action will be taken to resolve this. Additional measures include, but are not limited to, more signage more bins and/or increased litter picks.

The above measures will help to restore the river edge habitat, maintain the favourable condition and provide suitable enhancements to improve the condition of the riparian habitat within the stretch of river adjacent to the site.

Bird boxes

Two long-lasting, durable bird boxes will be installed onto retained trees along the bank as enhancement features. These will be of different designs to cater for birds of different sizes. Examples of suitable models are one each of the Schwegler 1B 32mm entrance hole and 26mm entrance hole bird boxes. These will be positioned 3m high above ground, facing north or west, and will be free of obstructions for the birds to reach the nest box entrance. Suitable trees that these will be installed on are T15 (weeping willow) and T16 (weeping willow). T16 will also support a bat box higher up the stem facing a different direction. See **Appendix 2** for bird box locations.

3.4 Artificial Lighting

3.4.1 Avoidance and Mitigation

A sensitive lighting strategy will be devised to ensure that the river corridor and boundary habitat on-site, both retained and new, is not subject to any additional artificial lighting, and thus prevent impacts to nocturnal wildlife using the habitat. The following measures will be implemented within the development to reduce impacts caused by artificial lighting on nocturnal wildlife such as foraging and commuting bats (BCT & ILP, 2018):

- Direct any task lighting used during construction away from boundary trees, hedgerows (retained and new) and the 5m buffer zone adjacent to the river (as shown in **Appendix 2**);
- Set any necessary security lighting on short timers with a sensitivity to large moving objects only;
- Install internal light fittings in a recess where installed in proximity to windows facing the boundary vegetation and the 5m buffer area along the river in order to reduce glare and light spill;
- Limit lighting times to provide dark periods; and
- LED light sources will be used wherever possible due to their sharp cut-off, lower intensity, good colour rendition and dimming capabilities. A warm spectrum light (ideally <2700 Kelvin) will be used to reduce the blue light component. Lights will feature peak wavelengths higher than 550nm to avoid the component of light most disturbing to bats (Stone, 2012). Luminaires will be mounted on the horizontal, i.e. with no upward tilt. The use of UV lights will be avoided and no metal halide, fluorescent light sources will be used.

The construction manager will be responsible for ensuring lighting designs taking the above into consideration are incorporated. The landowners will be responsible for operation of the lighting in a manner consistent with the above recommendations.

3.5 Monitoring and Review

A programme of ecological management will be implemented as prescribed above for at least five years post-completion (**Table 4.1**), and alterations made as required. Management will continue on an adaptive basis, with an annual review of the situation each year for at least five years. The responsibility for the management of the site will lie with the landowner and must be secured through an agreement.

An integral part of the management plan process will be a system of monitoring the success of the management regime. Subject to an appropriately worded condition, there will be a review by an ecologist and/or the LPA after five calendar years, to determine the progress of the activities undertaken. This will enable issues to be identified and resolved where required.

The monitoring and review process after five years will include the following elements:

- Assessment of effectiveness of works undertaken; and

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- Recommendations for adjustments to management prescriptions beyond the five years covered by this document, if required.

4 Timetable

A timetable for the mitigation and enhancement measures is provided below (**Table 4.1**).

Table 4.1 Timetable for avoidance and mitigation measures.

Ecological Consideration	End of Construction	Year 1	Year 2	Year 3	Year 4	Year 5
Trees (Section 3.1)	Check of trees by ecologist/arboricultural consultant and remedial measures will be advised if necessary.	Regular watering as needed. Fertiliser applied (spring). Manual weeding as needed.	Replace any dead trees. For any replacement planting - fertiliser applied (spring). Weeding as necessary.	Replace any dead trees. For any replacement planting - fertiliser applied (spring). Weeding as necessary.	Replace any dead trees. For any replacement planting - fertiliser applied (spring). Weeding as necessary.	Replace any dead trees. For any replacement planting - fertiliser applied (spring). Weeding as necessary.
Bats - (Section 3.2)	Check of hedgerows by ecologist/arboricultural consultant and remedial measures will be advised if necessary.	Regular watering as needed. Fertiliser applied (spring). Manual weeding as needed.	Replace any dead hedgerow specimens. For any replacement planting - fertiliser applied (spring). Weeding and watering as necessary.	Replace any dead hedgerow specimens. For any replacement planting - fertiliser applied (spring). Weeding and watering as necessary.	Replace any dead hedgerow specimens. For any replacement planting - fertiliser applied (spring). Weeding and watering as necessary.	Replace any dead hedgerow specimens. For any replacement planting - fertiliser applied (spring). Weeding and watering as necessary.

Ecological Consideration	End of Construction	Year 1	Year 2	Year 3	Year 4	Year 5
Holy Brook Local Wildlife Site / Section 41 Priority Habitat – Chalk River (Section 3.3)	Check of hedgerows by ecologist/arboricultural consultant and remedial measures will be advised if necessary.	Regular watering as needed. Fertiliser applied (spring). Manual weeding as needed.	Replace any dead hedgerow specimens. For any replacement planting - fertiliser applied (spring). Weeding and watering as necessary.	Replace any dead hedgerow specimens. For any replacement planting - fertiliser applied (spring). Weeding and watering as necessary.	Replace any dead hedgerow specimens. For any replacement planting - fertiliser applied (spring). Weeding and watering as necessary.	Replace any dead hedgerow specimens. For any replacement planting - fertiliser applied (spring). Weeding and watering as necessary.
	Organisation and implementation of an appropriate long-term waste disposal schedule designed for the operational stage of the development.	Regularly review the waste disposal schedule.	Regularly review the waste disposal schedule.	Regularly review the waste disposal schedule.	Regularly review the waste disposal schedule.	Regularly review the waste disposal schedule.
	Organisation and implementation of an appropriate long-term litter picking rota for the site and the stretch of river adjacent to the site.	Regularly review the litter picking schedule.	Regularly review the litter picking schedule.	Regularly review the litter picking schedule.	Regularly review the litter picking schedule.	Regularly review the litter picking schedule.
	Installation of bird and bat boxes	Remove old nesting material and debris from the bird boxes during November	Remove old nesting material and debris from the bird boxes during November	Remove old nesting material and debris from the bird boxes during November	Remove old nesting material and debris from the bird boxes during November	Remove old nesting material and debris from the bird boxes during November

Ecological Consideration	End of Construction	Year 1	Year 2	Year 3	Year 4	Year 5
		– January (inclusive). Due to legal protection of bat roosts, the bat boxes should not be opened or cleaned.	– January (inclusive). Due to legal protection of bat roosts, the bat boxes should not be opened or cleaned.	– January (inclusive). Due to legal protection of bat roosts, the bat boxes should not be opened or cleaned.	– January (inclusive). Due to legal protection of bat roosts, the bat boxes should not be opened or cleaned.	– January (inclusive). Due to legal protection of bat roosts, the bat boxes should not be opened or cleaned.
Artificial lighting (Section 3.4)	Ensure operational phase lighting conforms to the sensitive lighting strategy.	Ensure maintenance of appropriate sensitive lighting.	Ensure maintenance of appropriate sensitive lighting.	Ensure maintenance of appropriate sensitive lighting.	Ensure maintenance of appropriate sensitive lighting.	Ensure maintenance of appropriate sensitive lighting.
Monitoring and Review (Section 3.5)	-	Annual review of all above measures by landowner.	Annual review of all above measures by landowner.	Annual review of all above measures by landowner.	Annual review of all above measures by landowner.	Review by an ecologist and/or the LPA to determine progress. Any issues identified will be resolved where required.

5 References

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Appendix 1 Legislation & Planning Policy

Legislation

Conservation of Habitat and Species Regulations (CHSR)

The *CHSR 2017* transpose Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) into English law, making it an offence to deliberately capture, kill or disturb wild animals listed under Schedule 2 of the Regulations. It is also an offence to damage or destroy a breeding site or resting place of such an animal (even if the animal is not present at the time).

Wildlife & Countryside Act (WCA)

The *WCA 1981*, as amended by the *Countryside and Rights of Way Act (CROW) 2000* and the *Natural Environment and Rural Communities Act (NERC) 2006*, consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive), making it an offence to:

- Intentionally kill, injure or take any wild bird or their eggs or nests (with certain exceptions) and disturb any bird species listed under Schedule 1 to the Act, or its dependent young while it is nesting;
- Intentionally kill, injure or take any wild animal listed under Schedule 5 to the Act; intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any wild animal listed under Schedule 5 to the Act; intentionally or recklessly disturb certain Schedule 5 animal species while they occupy a place used for shelter or protection;
- Pick or uproot any wild plant listed under Schedule 8 of the Act.

Sites of Special Scientific Interest (SSSI) are designated under this Act.

Special Protection Areas (SPA) are strictly protected sites, designated under the Birds Directive, for rare and vulnerable birds and for regularly occurring migratory species.

Natural Environment & Rural Communities (NERC) Act

The *NERC Act 2006* amends the *CROW Act*, by further extending the requirement to have regard for biodiversity to all public authorities, which includes local authorities and local planning authorities and requires that the Secretary of State consults Natural England (NE) in the publication of the list of living organisms and habitat types deemed to be of principal importance in conserving biodiversity.

Relevant Protected Species Legislation

Species	Relevant Legislation	Level of Protection
Birds	Protection under the <i>Wildlife and Countryside Act, 1981 (as amended)</i> .	It is an offence to: - intentionally kill, injure or take any wild bird. - intentionally take, damage or destroy nests in use or being built (including ground nesting birds). - intentionally take, damage or destroy eggs. - Species listed on Schedule 1 of the WCA or their dependant young are afforded additional protection from disturbance whilst they are at their nests.
Bats	European protected species under the <i>Conservation of Habitats and Species Regulations 2017</i>. Full protection under <i>Schedule 5</i> of the <i>Wildlife and Countryside Act, 1981 (as amended)</i>. Protected by the <i>Wild Mammals (Protection) Act 1996</i>.	It is an offence to: - intentionally kill, injure, or take any species of bat. - intentionally or recklessly disturb bats. - intentionally or recklessly damage destroy or obstruct access to bat roosts.
Wild Mammals	The <i>Wild Mammals (Protection) Act 1996</i> .	This makes it an offence to: crush or asphyxiate any wild mammal with intent to inflict unnecessary suffering. This may apply during site clearance for development, particularly where burrowing animals such as foxes and rabbits are present, since such animals could be crushed or asphyxiated in their burrows by heavy machinery.

National Planning Policy

National Planning Policy Framework (NPPF)

The NPPF sets out current government policy on biodiversity and nature conservation and places a duty on planners to make material consideration to the effect of a development on legally protected species when considering planning application (MHCLG, 2019). The NPPF also promotes sustainable development by ensuring that developments take account of the role and value of biodiversity and that it is conserved and enhanced within a development, following the principles of the mitigation hierarchy. The goals set out within the NPPF are for developments to minimise impacts on and provide net gains for biodiversity, including at the catchment or landscape scale.

The NPPF works in conjunction with Government Circular *06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System.'*

Regional and Local Planning Policy and Guidance

Local Structure Plans

County, District and Local Councils have Structure Plans and other policy documents that include targets and policies which aim to maintain and enhance biodiversity. These are used by Planning Authorities to inform planning decisions.

Biodiversity Action Plans

The UK Biodiversity Action Plan (UKBAP) was organised to fulfil the Rio Convention on Biological Diversity in 1992, to which the UK is a signatory. A 'UK Post-2010 Biodiversity Framework' was published in July 2012, and succeeded the UKBAP. Much of the work for the UK BAP is now focussed at a country level due to devolution and the creation of country-level biodiversity strategies.

The UKBAP lists of priority species and habitats are still valuable reference sources. Notably, they have been used to help draw up statutory lists of priority species and habitats as required under Section 41 of the NERC Act (2006).

UK Post-2010 Biodiversity Framework

The UK Post-2010 Biodiversity Framework (2012) was produced in response to a change in strategic thinking following the publication of the Convention of Biological Diversity's Strategic Plan for Biodiversity 2011–2020. The Strategic Plan consists of 20 new biodiversity targets for 2020, termed the 'Aichi biodiversity targets' and the launch of the new EU Biodiversity Strategy in May 2011.

The framework sets a structure for action across the UK between now and 2020, including a shared vision and priorities for UK-scale activities to help deliver the Aichi targets and the EU Biodiversity Strategy. A major commitment by Parties to the Convention of Biological Diversity is to produce a National Biodiversity Strategy and/or Action Plan (NBSAP).

Natural England Standing Advice

Natural England has adopted national standing advice for protected species. It provides a consistent level of basic advice which can be applied to any planning application that could affect protected species. It replaces some of the individual comments that Natural England has provided in the past to local authorities.

