

86-87a, Broad Street, Reading

Ecological Appraisal

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Contents

Text:

Executive Summary 1

1 Introduction..... 2

2 Methodology 3

3 Ecological Designations..... 8

4 Habitats and Ecological Features..... 10

5 Faunal Use of the Site 12

6 Mitigation Measures and Biodiversity Net Gains 17

7 Conclusions..... 19

Plans:

Plan 6089/ECO1	Site Location
Plan 6089/ECO2	Ecological Designations
Plan 6089/ECO3	Habitats and Ecological Features
Plan 6089/ECO4	Approximate Roost Locations

Photographs:

Photographs A-H	External and Internal aspects of Buildings 87 and 87A
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Appendices:

Appendix 6089/1	Evaluation Methodology
Appendix 6089/2	Legislation Summary

Executive Summary

- i) **Introduction.** Aspect Ecology was commissioned by Bankfoot APAM in October 2020 to undertake an ecological survey and assessment of a site located at Broad Street, Reading in respect of redevelopment of buildings on site.
- ii) **Proposals.** The proposals are for the demolition of existing buildings and redevelopment to provide new retail and residential units.
- iii) **Survey.** A Phase 1 Habitat survey of the site was carried out in November 2020 to ascertain the general ecological value of the land contained within the boundaries of the site. In addition, a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect of bats. In particular, the buildings were subject to an external and internal inspection survey to evaluate suitability to support roosting bats. Bat emergence and re-entry surveys were also undertaken between May and September 2021.
- iv) **Ecological Designations.** There are no statutory or non-statutory designations within or adjacent to the site. All such designations in the local area are well separated from the site and are unlikely to be significantly affected, given the nature and scale of the proposals.
- v) **Habitats.** The site comprises a series of buildings with associated hardstanding. The site is bound to the north by Broad Street and its associated retail space, and further hardstanding to the south. To the east and west of the site lie further retail buildings. The on-site and adjacent habitats do not form important ecological features and the loss would not be of ecological significance.
- vi) **Protected Species.** No evidence of roosting bats was detected during the preliminary survey work undertaken. However, the buildings were considered to provide 'low' suitability for roosting bats. Accordingly, further survey work was undertaken and confirmed at least one Common Pipistrelle roosting in the roof of the properties. Based on the overall 'low' suitability of the building, plus the fact that only a single bat of a common species was recorded roosting in the properties, a suitable mitigation strategy can be devised that will minimize impacts on the bats(s) present and ensure no adverse impacts on the local bat population. Furthermore, compensation and enhancement measures for bats can be incorporated into the final scheme, such that there is no obvious reason why Natural England would not grant a license for the required works. Measures to safeguard nesting birds will also be implemented during the proposed works.
- vii) **Summary.** Subject to the implementation of appropriate avoidance and mitigation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity.

1 Introduction

1.1 Background and Proposals

- 1.1.1 Aspect Ecology was commissioned by Bankfoot APAM in October 2020 to undertake an ecological survey and assessment in respect of redevelopment of 86-87a Broad Street, Reading, centred at grid reference SU 7138 7343 (see Plan 6089/ECO1), hereafter referred to as 'the site'. The proposals are for the demolition of existing buildings and redevelopment to provide new retail space and residential units.

1.2 Site Overview

- 1.2.1 The site is located within Reading Town Centre, abutting Broad Street to the north. Retail units border the site to the east and west, whilst an area of hardstanding is present to the south of the site. St. Mary's Church, with associated graveyard and trees, is located beyond a road and parking area south of the site. The site itself comprises a series of buildings, with associated hardstanding.

1.3 Purpose of the Report

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

2 Methodology

2.1 Desktop Study

- 2.1.1 In order to compile background information on the site and its immediate surroundings Thames Valley Environmental Records Centre (TVERC) was contacted in November 2020, with data requested on the basis of a search radius of 2km. Where information has been received, this is reproduced on Plan 6089/ECO2, where appropriate.
- 2.1.2 Information on statutory designations was obtained from the online Multi-Agency Geographic Information for the Countryside (MAGIC) database, which utilises data provided by Natural England, with an extended search radius (25km). In addition, the MAGIC database was searched to identify the known presence of any Priority Habitats within or adjacent the site. Relevant information is reproduced on Plan 6089/ECO2, where appropriate.
- 2.1.3 In addition, the Woodland Trust database was searched for any records of ancient, veteran or notable trees within or adjacent to the site.

2.2 Habitat Survey

- 2.2.1 The site was surveyed in November 2020 in order to ascertain the general ecological value of the land contained within the boundaries of the site and to identify the main habitats and ecological features present.
- 2.2.2 The site was surveyed based on standard Phase 1 Habitat Survey methodology¹, whereby the habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential which require further survey. Any such areas identified can then be examined in more detail through Phase 2 surveys. This method was extended, in line with the Guidelines for Preliminary Ecological Appraisal² to record details on the actual or potential presence of any notable or protected species or habitats.
- 2.2.3 Using the above method, the site was classified into areas of similar botanical community types, with a representative species list compiled for each habitat identified. The nomenclature used for plant species is based on the Botanical Society for the British Isles (BSBI) Checklist.

2.3 Faunal Surveys

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

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

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

Bats³

Visual Inspection Surveys

- 2.3.2 The buildings on site were subject to specific internal and external inspection surveys using ladders, torches and binoculars where necessary on 17th and 30th November 2020.
- 2.3.3 During the external inspections, particular attention was given to any potential roost features or access points, such as broken or lifted roof tiles, lifted lead flashing, soffit boxes, weatherboarding, hanging tiles, etc. and for any external signs of use by bats such as accumulations of bat droppings or staining. Binoculars were used to inspect any inaccessible areas more closely where appropriate.
- 2.3.4 During the internal inspections, evidence for the presence of bats was searched for with particular attention paid to any loft voids and relevant potential roost features and locations, such as ridge boards, rafters, purlins, gable walls, and mortise joints. Specific searches were made for bat droppings that can indicate present or past use and extent of use, whilst other signs that can indicate the possible presence of bats were also searched for, e.g. presence of stained areas, feeding remains, corpses, etc.

Dusk Emergence Surveys

- 2.3.5 Two dusk emergence surveys were undertaken at the site. These comprised six surveyors, two inside the properties looking out and four at ground-level outside the properties (where access permitted, see Section 2.4). The surveys were undertaken on 17th May 2021 and 14th July 2021 in suitable weather conditions. Surveys were undertaken following Bat Conservation Trust guidance and began 15 mins before sunset and continued for two hours post-sunset, with all surveyors looking for bats and listening for activity using bat detectors.

Dawn Re-entry Surveys

- 2.3.6 Two dawn re-entry surveys were undertaken at the site. These comprised six surveyors, two inside the properties looking out and four at ground-level outside the properties (where access permitted, see Section 2.4). The surveys were undertaken on 11th August 2021 and 8th September 2021 in suitable weather conditions. Surveys were undertaken following Bat Conservation Trust guidance and began 1.5 hours before sunset and continued for 15 minutes post-sunset, with all surveyors looking for bats and listening for activity using bat detectors.

2.4 Survey Constraints and Limitations

- 2.4.1 All of the species that occur in each habitat would not necessarily be detectable during survey work carried out at any given time of the year, since different species are apparent during different seasons. The Phase 1 habitat survey was undertaken outside the optimal season, albeit the nature of the habitats within the site does not require detailed botanical work, and an adequate assessment of the intrinsic ecological interest of the site was made.
- 2.4.2 Attention was paid to the presence of any invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). However, the detectability of such species varies due to a number of factors, e.g. time of year, site management, etc., and hence the

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

absence of invasive species should not be assumed even if no such species were detected during the Phase 1 survey.

2.4.3 Internal access to one of the buildings (building 86) was not possible due to constraints imposed by a Covid-19 'lockdown'. In addition, the only loft space which could be accessed belonged to building 87A, with this being only partly-accessible. This is discussed further in Chapter 5 below.

2.4.4 Bat emergence and re-entry surveys were undertaken within the correct seasonal window (May-September). Normally, when bats are recorded, surveys comprise three visits; a dusk emergence, a dawn re-entry and another one of either. In the case of this site, four visits were undertaken as access to internal parts of the buildings were constrained on one of the dusk surveys and one of the dawn surveys (limiting views of certain elevated portions of the properties). However, surveys were still undertaken from ground-level (externally), with general levels of background bat activity noted and any further constraints to interpretation noted (where present).

2.5 Ecological Evaluation Methodology

2.5.1 The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018)⁴, which involves identifying 'important ecological features' within a defined geographical context (i.e. international, national, regional, county, district, local or site importance). For full details refer to Appendix 6089/1.

2.6 National Policy Approach to Biodiversity in the Planning System

2.6.1 The National Planning Policy Framework (NPPF)⁵ describes the Government's national policies on 'conserving and enhancing the natural environment' (Chapter 15). NPPF is accompanied by Planning Practice Guidance on 'Biodiversity, ecosystems and green infrastructure' and ODPM Circular 06/2005⁶.

2.6.2 NPPF takes forward the Government's strategic objective to halt overall biodiversity loss⁷, as set out at Paragraph 170, which states that planning policies and decisions should contribute to and enhance the natural and local environment by:

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

2.6.3 The approach to dealing with biodiversity in the context of planning applications is set out at Paragraph 175:

'When determining planning applications, local planning authorities should apply the following principles:

- a) *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts),*

⁴ CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine', ver. 1.1, Chartered Institute of Ecology and Environmental Management, Winchester

⁵ Ministry of Housing, Communities & Local Government (2019) 'National Planning Policy Framework'

⁶ ODPM (2006) 'Circular 06/2005: Planning for Biodiversity and Geological Conservation – A Guide to Good Practice'

⁷ DEFRA (2011) 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services'

adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

2.6.4 The above approach encapsulates the 'mitigation hierarchy' described in British Standard BS 42020:2019⁸, which involves the following step-wise process:

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

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

2.7 Local Policy

2.7.1 Planning policy at the local level is set out within the Reading Borough Local Plan (adopted November 2019). Policies relevant to ecology and nature conservation are set out below.

2.7.2 **Policy EN12: Biodiversity and the Green Network** part b states that:

'a) The identified Green Network, the key elements of which are shown on the Proposals Map, shall be maintained, protected, consolidated, extended and enhanced. Permission will not be granted for development that negatively affects the sites with identified interest or fragments the overall network. The Green Network comprises:

- *Sites with identified biodiversity interest - Local Wildlife Sites, Local Nature Reserves, Biodiversity Opportunity Areas, protected and priority species and their habitats,*

⁸ British Standards Institution (2013) 'Biodiversity – Code of practice for planning and development', BS 42020:2019

Priority and Biodiversity Action Plan habitats, and the River Thames and all its tributaries (including the River Kennet and the Kennet & Avon Canal); and

- *Areas with potential for biodiversity value and which stitch the Green Network together – designated Local Green Space and open green spaces, and existing and potential Green Links.*

New development shall demonstrate how the location and type of green space, landscaping and water features provided within a scheme have been arranged such that they maintain or link into the existing Green Network and contribute to its consolidation. Such features should be designed to maximise the opportunities for enhancing this network. All new development should maximise opportunities to create new assets and links into areas where opportunities are as yet unidentified on the Proposals Map.

- b) *On all sites, development should not result in a net loss of biodiversity and geodiversity, and should provide a net gain for biodiversity wherever possible.*

Development should:

- *Protect and wherever possible enhance features of biodiversity interest on and adjacent to the application site, incorporating and integrating them into development proposals wherever practicable; and*
- *Provide new tree planting, wildlife friendly landscaping and ecological enhancements (such as wildlife ponds, bird and bat boxes) wherever practicable.*

In exceptional circumstances where the need for development clearly outweighs the need to protect the value of the site, and it is demonstrated that the impacts cannot be: 1) avoided; 2) mitigated or; 3) compensated for on-site; then new development will provide off-site compensation to ensure that there is “no net loss” of biodiversity. Provision of off-site compensation shall be calculated in accordance with nationally or locally recognised guidance and metrics. It should not replace existing alternative habitats, and should be provided prior to development.

2.7.3 **Policy EN14: Trees, Hedges and Woodlands** states that:

‘Individual trees, groups of trees, hedges and woodlands will be protected from damage or removal where they are of importance, and Reading’s vegetation cover will be extended. The quality of waterside vegetation will be maintained or enhanced.

New development shall make provision for tree retention and planting within the application site, particularly on the street frontage, or off-site in appropriate situations, to improve the level of tree coverage within the Borough, to maintain and enhance the character and appearance of the area in which a site is located, to provide for biodiversity and to contribute to measures to reduce carbon and adapt to climate change. Measures must be in place to ensure that these trees are adequately maintained.’

3 Ecological Designations

3.1 Statutory Designations

Description

- 3.1.1 The statutory designations of ecological importance that occur within the local area are shown on Plan 6089/ECO2. The nearest statutory designation is Lousehill Copse Local Nature Reserve (LNR) located approximately 2.8km to the west of the site. The LNR is designated for its semi-ancient woodland and open meadow. The next nearest statutory designation is Highwood LNR located approximately 3.3km to the east of the site. The LNR is designated as a former arboretum, comprising a mixed lowland woodland with an area of heathland, supporting a rich assemblage of avian fauna.
- 3.1.2 Natural England has developed Impact Risk Zones (IRZs) as an initial tool to help assess the risk of developments adversely affecting SSSIs, taking into account the type and scale of developments. The site is not located within any IRZs according to the MAGIC database.

Evaluation

- 3.1.3 The site itself is not subject to any statutory ecological designations. All statutory ecological designations in the surrounding area are well separated from the site by existing development and given the nature and scale of the proposals, no such designations are expected to be affected.

3.2 Non-statutory Designations

Description

- 3.2.1 The non-statutory designations of nature conservation interest that occur within the local area are shown on Plan 6089/ECO2. The nearest non-statutory designation is Holy Brook Local Wildlife Site (LWS) located approximately 0.6km to the south of the site at its nearest point. The LWS is designated as a stream connected to the chalk river, River Kennet. The next nearest non-statutory designation is the River Kennet / Kennet and Avon Canal LWS located approximately 0.8km to the south of the site at its nearest point. The LWS is designated as a chalk river which is a Habitat of Principle Importance.

Evaluation

- 3.2.2 The site itself is not subject to any non-statutory nature conservation designations. All non-statutory designations in the surrounding area are well separated from the site by existing development and given the nature and scale of the proposals, none are expected to be adversely affected by redevelopment of the site.

3.3 Priority Habitats, Ancient Woodland and Notable Trees

Description and Evaluation

- 3.3.1 There are no records of any notable or veteran trees or Priority Habitat within or adjacent to the site. The nearest area of ancient woodland is located approximately 2.4km north-east of the site. Given the separation of the site from the ancient woodland, and the scale of the proposals, adverse effects on ancient woodland are not anticipated.

3.4 **Summary**

- 3.4.1 In summary, the site itself is not subject to any statutory or non-statutory ecological designations and, given the nature and scale of the proposals, no adverse effects on designations in the surrounding area are anticipated as a result of the redevelopment.

4 Habitats and Ecological Features

4.1 Background Records

- 4.1.1 No specific records of any protected, rare or notable plant species from within or immediately adjacent to the site are included within the information returned from the Records Centre. No evidence for the presence of any protected, rare or notable species within the site was recorded during the survey work undertaken.

4.2 Overview

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

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

- Buildings; and
- Hardstanding.

- 4.2.3 The locations of these habitat types and features are illustrated on Plan 6089/ECO3 and described in detail below.

4.3 Priority Habitats

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

- 4.3.2 Given the site comprises entirely of hardstanding and buildings, no Priority Habitats are present within the site.

4.4 Buildings and Hardstanding

Description

- 4.4.1 Four buildings are present within the site boundary (see Plan 6089/ECO3).
- 4.4.2 Building **86** was occupied at the time of the survey and comprises a three-storey front façade which abuts Broad Street, which is linked to a single-storey building to the rear.
- 4.4.3 Building **87** comprises a three-storey front façade, linked to a second three-storey building, **BA**, through a single storey section.

- 4.4.4 Building **87a** comprises a three storey shop front and a single storey multiple pitched section to the rear. The suitability of these buildings for protected species, in particular birds and bats, is discussed further in Chapter 5 below.
- 4.4.5 A small area of hardstanding is located at the south of the site between the buildings, associated with access to the rear of building BA. Occasional common and widespread species have colonised cracks at the edge of the hardstanding.
- 4.4.6 The site is bound by Broad Street retail area to the north and hardstanding to the south, with St Mary's Church directly beyond this. The adjacent habitats are considered to be of negligible ecological significance.

Evaluation

- 4.4.7 The site itself comprises entirely of a series of buildings and hardstanding of inherently negligible ecological value. As such they do not form important ecological features and the loss as a result of the proposals is of negligible ecological significance.

5 Faunal Use of the Site

5.1 Overview

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

5.2 Bats

- 5.2.1 **Legislation.** All British bats are classed as European Protected Species under the Conservation of Habitats and Species Regulations 2017 (as amended) and are also listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). As such, both bats and their roosts (breeding sites and resting places) receive full protection under the legislation (see Appendix 6089/2 for detailed provisions). If proposed development work is likely to result in an offence a licence may need to be obtained from Natural England which would be subject to appropriate measures to safeguard bats. Given all bats are protected species, they are considered to represent important ecological features. A number of bat species are also considered S41 Priority Species.

- 5.2.2 **Background Records.** No specific records of bats from within the site were returned from TVERC. A number of records of bats were returned within the wider search radius, with the closest of these records including Common Pipistrelle *Pipistrellus pipistrellus*, Noctule *Nyctalus noctula*, Serotine *Eptesicus serotinus* and Soprano Pipistrelle *Pipistrellus pygmaeus* recorded 110m south-west of the site in 2018. A number of bat roosts have also been recorded within the search area including roosts of Common and Soprano Pipistrelle, and Brown Long-eared Bat *Plecotus auritus*, with the nearest roost recording a single Pipistrelle recorded 130m south-east of the site, to the south of St Mary's Church, dated 2009.

5.2.3 Survey Results and Evaluation

Roosting Bats – Preliminary Roost Assessment

- 5.2.4 Buildings 86, 87 and 87a are part of a terrace of buildings along the south of Broad Street (see Photograph 1 on Plan 6089/ECO3). The northern parts of these buildings are three-storey red brick buildings with a pitched slate roof, ridge tiles and red brick chimneys with lead flashing surrounds. A soffit box is present on the northern elevation and appears in good condition; none is present on the southern elevation. Wooden framed windows are present throughout.
- 5.2.5 **Building 86** is currently in active use on the ground floor as a retail unit. To the rear of the three-storey section is a single-storey brick-built part with a flat roof clad in bitumen felt (see Photograph 2 on Plan 6089/ECO3). No internal access was gained to building 86 due to limitations associated with a Covid-19 lockdown. Externally, the building appears in generally good condition, albeit it was not possible to determine whether there is a gap at the eaves on the southern elevation where no soffit box is present. It is unknown whether an enclosed loft void is present in building 86, however, a single skylight is present on the southern elevation of the pitched roof. A very small number of roof slates are missing or slipped on the southern elevation of the pitched roof. The flat roofed section appeared to be in good condition.
- 5.2.6 **Building 87** is vacant, with a former retail space present on the ground floor of the three storey northern section (see Photograph A). The building is linked to a second three-storey

brick building, building BA (see below), via a single-storey extension. Building 87 has a large basement accessed via a fixed metal rung ladder and with lights on at the time of survey (see Photograph B). Part of the basement has ceiling tiles and another section a plasterboard ceiling. However both of these are in poor condition with many broken or missing sections, exposing the timber beams and a gap below the ground floor. The southern end of the basement has older timber beams with no ceiling cladding. There was no notable temperature change between the ground floor and the basement. A ventilation shaft is present, but otherwise the basement appears well sealed.

- 5.2.7 No access to the second or third storey of building 87 was possible, with the only stairway entering building BA. As such, no access to any loft space was encountered. From the loft space above building 87A it was possible to partially view the adjacent void through a gap in the wall, from where wooden sarking was evident beneath the tiles.
- 5.2.8 No evidence of roosting bats was recorded in building 87. However, a small number of missing and slipped roof tiles are evident on the southern elevation of building 87 and it is not possible to determine if there is any gap at the eaves allowing potential access to any loft space which could not be accessed.
- 5.2.9 **Building BA** is an L-shaped three-storey red brick building with a pitched, slate roof (see Photograph C). No soffit boxes are present. There are wooden framed windows throughout and a fire door on the third storey, providing access to walkways between sections of roof. To the south is a small single-storey extension with a sloped roof clad in bitumen felt and a rear fire exit.
- 5.2.10 Internally, the rooms appear to be well-sealed and no evidence of roosting bats was recorded in building BA. However, no access to the roof void was available above false ceiling tiles. Some missing mortar was present on the southern elevation of building BA above the single storey extension, which could not be examined fully to discover if a cavity is present. In addition, a single window is slightly ajar on this southern elevation. There are a number of missing and slipped roof tiles, providing potential access to crevice space, and/or any loft void.
- 5.2.11 **Building 87A** comprises the three-storey section at the north, with a single-storey section to the rear. The main three-storey section is a vacant retail unit connecting to building number 88 to the east with no dividing wall present (see Photograph D), therefore the entire unit was surveyed. The building has damp problems throughout with much of the building material in poor condition. Two basements are present, accessed by staircases from the shop space. The western basement is assumed to be part of building 87A and has a timber framework with ceiling tiles, many of which are missing (see Photograph E). The basement is in poor condition with damp throughout. The basement is slightly warmer than the main building and appears well sealed.
- 5.2.12 A loft space is present above the three-storey section of building 87A/88, approximately 10m wide, 10m long and 3m high at the apex (see Photograph F). The roof has a timber framework, including ridge beam, rafters, batons and occasional supports. No liner is present beneath the roof slates and no insulation is present within the loft, such that the space is cold. The void is empty, providing a large uncluttered space. Damp problems are evident throughout the roof and a full inspection was not completed due to safety concerns.
- 5.2.13 A single-storey section at the south of building 87A has a multiple pitched roof, clad with slates (see Photograph G). Below these roofs are ceiling tiles, a small number of which were missing, allowing a view of the roof space (see Photograph H). Each section of roof has a timber framework, including a ridge beam. The material present beneath the slates

however varies, with membrane liner, wooden sarking boards and MDF panelling variously present. These voids could not be accessed to inspect fully, however no evidence of roosting bats was visible and no droppings were present in the rooms beneath.

5.2.14 No evidence of roosting bats was recorded in building 87A. The main roof of building 87A has a small number of missing and slipped slates. Furthermore, within the loft void, light was visible at the northern eaves and at the eastern end of the ridge, indicating potential access points for bats. The single-storey section with multiple pitched roof is largely in good condition, although some gaps are present under the ridge tiles on the most southerly pitch. The brickwork on the eastern gable end of the central pitch is crumbling and may provide crevice roosting opportunities.

5.2.15 **Preliminary Roost Assessment Summary.** No evidence of roosting bats was recorded in any of the buildings during the Preliminary Roost Assessment. However, access to the loft voids of buildings 86, 87 and BA was not possible to conduct a full internal inspection and the loft space of building 87A was only partly accessed, with potential access points for bats noted. In addition, minor crevice roosting opportunities are present associated with the roofing materials of all the buildings.

5.2.16 The suitability of the buildings for roosting bats is reduced by virtue of their location within central Reading, such that they are subject to high external light levels and are surrounded by buildings and hardstanding with no green space immediately adjacent. Overall, considering the location of the buildings and the roosting opportunities provided, they are each considered to be of 'low' suitability for roosting bats. As such, further survey work during the active bat season was undertaken to determine presence or likely absence of roosting bats and to inform appropriate mitigation measures if necessary.

Roosting Bats

The results of the dusk emergence and dawn re-entry surveys are provided in Table 1 below.

Date	Survey Type	Bats Emerging or Re-entering	Contextual Information
17 th May 2021	Dusk	1 x Common Pipistrelle confirmed emergence. 1 x possible Common Pipistrelle emergence nearby	Low levels of Common Pipistrelle activity throughout survey
14 th July 2021	Dusk (internal access constrained)	-	Low levels of Common Pipistrelle activity throughout survey. Possible emergence of single bat from same location as survey on 17 th May.
11 th August 2021	Dawn (internal access constrained)	-	Low levels of Common Pipistrelle activity throughout survey
8 th September 2021	Dawn	-	Low levels of Common Pipistrelle activity throughout survey

Table 1: bat survey results

- 5.2.17 The dusk emergence survey on 17th May 2021 confirmed a single Common Pipistrelle *Pipistrellus pipistrellus* emerging from under the tiles at the rear of Building 87A. Another Common Pipistrelle was also recorded close by, although it was not confirmed if this bat actually emerged from the property. No other bats were recorded emerging from, or entering, the building on any of the other surveys.
- 5.2.18 Surveys have confirmed that at least one bat, of a common species, uses building 87A for roosting. As such, a licensable mitigation strategy has been devised to ensure that there are no adverse effects on the local bat population. This is detailed in Section 6 and will ensure that the bat(s) using the property are not harmed during the works, that the Favourable Conservation Status of the bat(s) involved is not compromised and that adequate roosting opportunities are incorporated into the final scheme.

Foraging and Commuting Bats

- 5.2.19 The site provides negligible opportunities for foraging bats, being comprised entirely of buildings and hardstanding. The immediately adjacent habitats are unlikely to provide significant foraging and commuting opportunities for bats. However, beyond a road and parking area, the trees associated with St Mary's Church provide some limited opportunities for foraging and a number of background records for bats have been returned within close proximity of the site. The proposals do not change the development footprint of the site and are therefore highly unlikely to impact off-site foraging and commuting opportunities. As such, it is considered that the conservation status of local bat populations will be fully safeguarded under the scheme.

5.3 Birds

- 5.3.1 **Legislation.** All wild birds and their nests receive protection under Section 1 of the Wildlife and Countryside Act 1981 (as amended) in respect of killing and injury, and their nests, whilst being built or in use, cannot be taken, damaged or destroyed. Species included on Schedule 1 of the Act receive greater protection and are subject to special penalties (see Appendix 6089/2 for detailed provisions).
- 5.3.2 **Conservation Status.** The conservation importance of British bird species is categorised based on a number of criteria including the level of threat to a species' population status⁹. Species are listed as Green, Amber or Red. Red Listed species are considered to be of the highest conservation concern being either globally threatened and/or experiencing a high/rapid level of population decline (>50% over the past 25 years). A number of birds are also S41 Priority Species. Red and Amber listed species and priority species should be assessed as important ecological features.
- 5.3.3 **Background Records.** No specific records for bird species within the site were returned from the data search, however a number of records were noted within the 1km grid square which encompasses the site. These records included the following S41 Priority Species: Bullfinch *Pyrrhula pyrrhula* subsp. *pileata*, Herring Gull *Larus argentatus* subsp. *argenteus*, Northern Lapwing *Vanellus vanellus*, Song Thrush *Turdus philomelos* subsp. *clarkei*, Common Starling *Sturnus vulgaris* subsp. *vulgaris*, and Yellow Wagtail *Motacilla flava* subsp. *flavissima*.
- 5.3.4 **Survey Results and Evaluation.** No notable birds were observed during the survey. Feathers were noted near to a fire exit at the rear of building 87A, albeit no current potential access points were recorded in this area. Potential access points for nesting birds are also available

⁹ Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015) 'Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and the Isle of Man' British Birds 108, pp.708-746

within the loft void of building 87A. It is therefore possible that bird species typical of urban environments, such as Pigeon *Columbia livia domestica* or House Sparrow *Passer domesticus* may nest on site in the future.

- 5.3.5 Overall, the site is not considered to be of elevated value for birds however the demolition of buildings **B86-B87a** could affect nesting birds should they be present. As such, a number of safeguards are recommended to protect nesting birds, as detailed in Chapter 6. In the long-term, new nesting opportunities could be made available for birds in the form of new nest boxes on the buildings.

5.4 Other Fauna

- 5.4.1 No records of any other protected or notable species were returned from within or adjacent to the site. Given the habitats present on site and its immediate surroundings, it is considered that potential opportunities for faunal species are severely limited. The site is situated within an urban context, with few areas of semi-natural habitat in the immediate surrounds, such that no opportunities for species including reptiles, amphibian or Badger *Meles meles* are available, and no other species are considered to pose a constraint to the proposals.

6 Mitigation Measures and Biodiversity Net Gains

6.1 Mitigation

- 6.1.1 Based on the habitats, ecological features and associated fauna identified within / adjacent to the site, it is proposed that the following mitigation measures (**MM1 – 3**) are implemented under the proposals. Further, detailed mitigation strategies or method statements can be secured via suitably-worded planning conditions, as recommended by relevant best practice guidance (BS 42020:2019).

Bats

- 6.1.2 **MM1 – Commencement of Works.** A detailed mitigation strategy will be devised to accompany a Natural England mitigation licence application, in accordance with best practice guidance¹⁰. In summary, this will likely involve the provision of replacement roosting opportunities in the new structures, a pre-works check for roosting bats and a soft-strip of potential roost features under ecological supervision.
- 6.1.3 Given the presence of only a small number of bats, of a common species, using the property as an occasional roost, it is considered likely that an acceptable mitigation strategy can be presented to Natural England. As such, it is likely that it would be licensed. Furthermore, it is considered possible to provide replacement roosting opportunities, plus additional roosting opportunities, in the final scheme. As such, the bat(s) will be able to continue using the property/properties in the future, with enhanced roosting opportunities.
- 6.1.4 **MM2 – Bat Roosts in the Roof.** As part of the licensable mitigation strategy, a number (to be agreed with Natural England but no less than three) of roosting opportunities will be directly incorporated into the roof/walls of the new development (as appropriate and as materials permit). It is considered possible to accommodate similar features to those already being used by the bat(s), such as lifted tiles or similar alternatives (such as integrated bat boxes).

Nesting Birds

- 6.1.5 **MM3 – Timing of Works.** To avoid a potential offence under the relevant legislation, no removal of building structures suitable for nesting should be undertaken during the bird-nesting season (1st March to 31st August inclusive). If this is not practicable, any potential nesting opportunities to be impacted should first be checked by a competent ecologist in order to determine the location of any active nests. Any active nests identified would then need to be cordoned off (minimum 5m buffer) and protected until the end of the nesting season or until the birds have fledged. These checking surveys would need to be carried out no more than three days in advance of work commencement.

6.2 Ecological Enhancements

- 6.2.1 The National Planning Policy Framework (NPPF) encourages new developments to maximise the opportunities for biodiversity through incorporation of enhancement measures. The proposals present the opportunity to deliver ecological enhancements at the site for the benefit of local biodiversity, thereby making a positive contribution towards the broad objectives of national conservation priorities and the local Biodiversity Action Plan (BAP). The recommendations and enhancements (**EE1 – EE3**) summarised below are

¹⁰ English Nature (2004) 'Bat Mitigation Guidelines'

considered appropriate given the context of the site and the scale and nature of the proposals.

Habitat Creation

- 6.2.2 **EE1 – New Planting.** It is recommended that new planting be incorporated into the proposals where possible on terraces/roof space to provide net gains for biodiversity on site compared to the existing buildings and hardstanding. Where non-native species are proposed, these should include species of value to wildlife, such as varieties listed on the RHS' 'Plants for Pollinators' database, providing a nectar source for bees and other pollinating insects.

Bats

- 6.2.3 **EE2 - Bat Boxes.** A number of external bat boxes and integrated roosting opportunities will be incorporated within the proposed development as part of the licensable mitigation strategy. These will provide new roosting opportunities for bats in the area, such as Soprano Pipistrelle, a national Priority Species. The precise number and locations of boxes / roost features should be determined by a competent ecologist, post-planning once the relevant final development design details have been approved.

Birds

- 6.2.4 **EE3 - Bird Boxes.** A number of bird nesting boxes could be installed on the buildings, thereby increasing nesting opportunities for birds at the site. Again, the precise number and locations of boxes should be determined by a competent ecologist, post-planning once the relevant final development design details have been approved.

7 Conclusions

- 7.1 Aspect Ecology was commissioned by Bankfoot APAM in October 2020 to undertake a Preliminary Ecological Appraisal of land at 86-87A Broad Street, Reading.
- 7.2 The available information confirms that no statutory or non-statutory nature conservation designations are present within or adjacent to the site, and none of the designations within the surrounding area are likely to be adversely affected by the proposals.
- 7.3 The Phase 1 habitat survey has established that no habitats of ecological importance are present on site or adjacent to the site.
- 7.4 The buildings on site offer some low potential for roosting bats. However, Building 87A is known to support at least one roosting Common Pipistrelle. As such, a mitigation strategy will be devised and implemented under licence from Natural England (which will include the incorporation of increased roosting opportunities for bats on site). Measures to safeguard nesting birds should also be implemented during the removal of building structures suitable for nesting.
- 7.5 In conclusion, subject to the implementation of appropriate avoidance and mitigation measures, it is considered unlikely that the proposals will result in significant harm to biodiversity. There are opportunities to provide biodiversity gains at the site through an appropriate planting scheme.

Plan 6089/ECO1:

Site Location



Key:



Site Location

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86-87a, Broad Street,
Reading
Site Location

6089/ECO1

December 2020

PROJECT

TITLE

DRAWING NO.

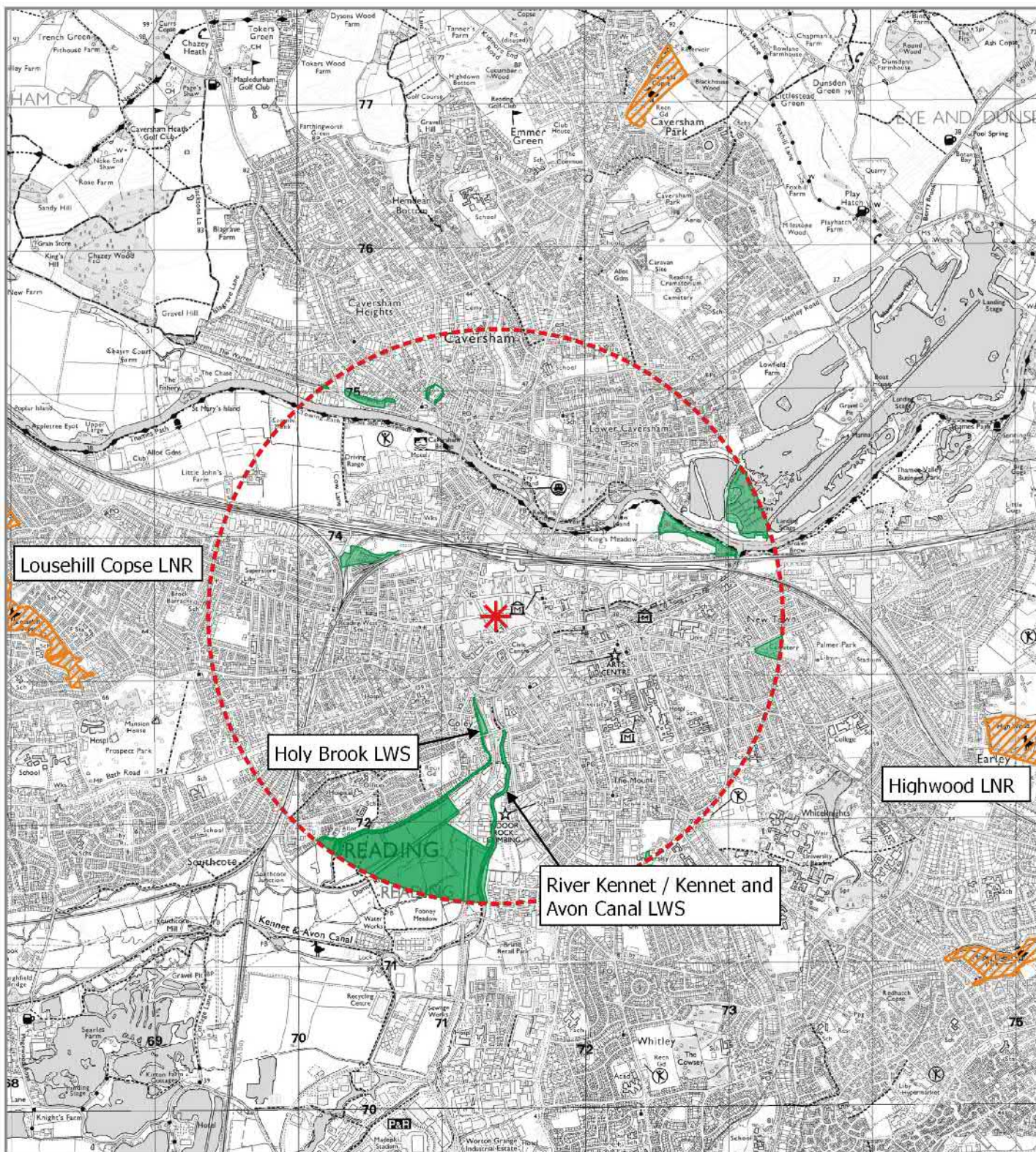
REV.

DATE



Plan 6089/ECO2:

Ecological Designations



Key:

-  Site Location
-  2km Buffer
-  Local Nature Reserve (LNR)
-  Local Wildlife Site (LWS)

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86-87a Broad Street,
Reading
Ecological Designations

6089/ECO2

December 2020

PROJECT

TITLE

DRAWING NO.

REV.

DATE



Plan 6089/ECO3:

Habitats & Ecological Features



1

2

3

BROAD STREET

87

87A

86

BA

2

3

Key:

-  Site Boundary
-  Buildings
-  Hardstanding
-  Photo Locations

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Habitats and Ecological Features

6089/ECO3

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Plan 6089/ECO4:

Approximate Roost Locations



- Key:
-  Site Boundary
 -  Buildings
 -  Hardstanding
- 6089 C Pip Emergence**
-  Confirmed
 -  Possible

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86-87A Broad Street,
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Approximate Roost Locations

PROJECT

TITLE

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DATE



6089/ECO4

September 2021

Photographs

Photograph A : Ground floor of building 87



Photograph B : Basement of building 87



Photograph C : Building A



Photograph D : Ground floor of building B87A



Photograph E : Basement of building 87A



Photograph F : Loft space of building 87A/88



Photograph G : Single storey section at south of building 87A



Photograph H : Internal view of multiple pitch roof at south of building 87A



Appendix 6089/1:

Evaluation Methodology

Evaluation Methodology

1. The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM) 'Guidelines for Ecological Impact Assessment in the UK and Ireland' (2018)¹.

Importance of Ecological Features

2. Ecological features within the site/study area have been evaluated in terms of whether they qualify as 'important ecological features'. In this regard, CIEEM guidance states that *"it is not necessary to carry out detailed assessment of features that are sufficiently widespread, unthreatened and resilient to project impacts and will remain viable and sustainable"*.
3. Various characteristics contribute to the importance of ecological features, including:
 - Naturalness;
 - Animal or plant species, sub-species or varieties that are rare or uncommon, either internationally, nationally or more locally, including those that may be seasonally transient;
 - Ecosystems and their component parts, which provide the habitats required by important species, populations and/or assemblages;
 - Endemic species or locally distinct sub-populations of a species;
 - Habitat diversity;
 - Habitat connectivity and/or synergistic associations;
 - Habitats and species in decline;
 - Rich assemblages of plants and animals;
 - Large populations of species or concentrations of species considered uncommon or threatened in a wider context;
 - Plant communities (and their associated animals) that are considered to be typical of valued natural/semi-natural vegetation types, including examples of naturally species-poor communities; and
 - Species on the edge of their range, particularly where their distribution is changing as a result of global trends and climate change.
4. As an objective starting point for identifying important ecological features, European, national and local governments have identified sites, habitats and species which form a key focus for biodiversity conservation in the UK, supported by policy and legislation. These are summarised by CIEEM guidance as follows:

Designated Sites

- Statutory sites designated or classified under international conventions or European legislation, for example World Heritage Sites, Biosphere Reserves, Wetlands of International Importance (Ramsar sites), Special Areas of Conservation (SAC), Special Protection Areas (SPA);

¹ CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine', Chartered Institute of Ecology and Environmental Management, Winchester

- Statutory sites designated under national legislation, for example Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR) and Local Nature Reserves (LNR);
- Locally designated wildlife sites, e.g. Local Wildlife Sites (LWS).

Biodiversity Lists

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

Red Listed, Rare, Legally Protected Species

- Species of conservation concern, Red Data Book (RDB) species;
- Birds of Conservation Concern;
- Nationally rare and nationally scarce species;
- Legally protected species.

5. In addition to this list, other features may be considered to be of importance on the basis of local rarity, where they enable effective conservation of other important features, or play a key functional role in the landscape.

Assigning Level of Importance

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

Designated Sites

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

Habitats

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

Species

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

Appendix 6089/2:

Legislation Summary

LEGISLATION SUMMARY

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

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

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

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

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

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

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

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

ecology • landscape planning • arboriculture

The logo for Aspect Ecology Ltd features the word "aspect" in a white, lowercase, sans-serif font. A thin, white, diagonal line is positioned above the letter "p", extending from the top of the letter "t" towards the right.

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