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CHINA TOWN DEVELOPMENT COMPANY LIMITED

NEW CHINATOWN, LIVERPOOL

Preliminary Ecological Appraisal

July 2015

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Wardell Armstrong

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DATE ISSUED: July 2015
JOB NUMBER: ST14813
REPORT NUMBER: 001

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DRAWINGS

DRAWING NO.	TITLE	SCALE
ST14813-003	Extended Phase 1 Habitat Survey	1:1,000@A3

1 INTRODUCTION

1.1 Terms of Reference

1.1.1 Wardell Armstrong LLP was instructed by China Town Development Company Limited to undertake a Preliminary Ecological Appraisal at an area of land on the west side of Great George Street, Liverpool (centred on NGR SJ 3514 8940).

1.1.2 The proposals entail the submission of a hybrid planning application of three phases:

- **Phase 1** is subject to a detailed application and promotes the erection of a 6 storey mixed use building comprising 6 townhouses (Class C3), 117 apartments (Class C3), private gardens/terraces, Class D2 public 'event lab' (157 sqm GEA), 259 sqm of mixed commercial space in 7 units within any combination of Use Class A1, A2, A3, A4, A5, B1, D1 or D2, 72 car parking spaces at lower ground level accessed via Hardy Street, cycle parking, plant and bin stores, means of enclosure, and hard and soft landscaping.
- **Phases 2 and 3** are subject to an outline application, with all matters reserved with the exceptions of landscaping and access. These two phases promote the erection of 9 buildings (siting, massing and height fixed) comprising 675 apartments, and 10,361 sqm (111,528 sqft) of mixed commercial space within any combination of Use Class A1, A2, A3, A4, A5, B1, C1 (132 bedroom hotel with ancillary restaurant and gymnasium), D1 or D2, alterations to railway ventilation shaft (involving reduction in walls and re-capping), private open space / public realm/gardens/terraces, 891 subterranean car parking spaces accessed via both St. James Street and Upper Pitt Street, cycle parking, plant and bin stores, means of enclosure, and hard and soft landscaping.

1.1.3 The purpose of the appraisal is to satisfy the requirements of the National Planning Policy Framework (NPPF), identifying the likely presence of ecological features within or near the application site that could pose a constraint to the proposed development. The following ecological features have been considered:

- Statutory and non-statutory designated conservation areas;
- UK and local Biodiversity Action Plan (BAP) habitats;
- Areas of Ancient Woodland;
- Legally protected species;

- UK and local BAP species; and
- Invasive species.

1.1.4 This report also seeks to identify any requirement for further specialist survey where the initial assessment cannot be relied upon to adequately determine presence or reliably infer absence of protected species/taxa. Mitigation and enhancement opportunities are also discussed.

1.2 Site Context

- 1.2.1 The area of detailed ecological study referred to as the site comprises of a small unused parcels of disturbed land, a number of derelict buildings to be demolished, scattered semi mature trees and a small road.
- 1.2.2 It is bordered to the east by Great George Street and to the south west by St James Street. To the north, north-west and south are a series of residential properties and minor roads.
- 1.2.3 In the wider landscape, Liverpool city centre is around 1.1km to the north west of the site and the Liverpool Anglican cathedral lies around 200m to the east. The River Mersey is situated 1km west and to the south lies Toxteth and the south Liverpool suburbs.

2 METHODOLOGY

2.1 Desk Study

2.1.1 The desktop study was informed by review of existing available information provided by Merseyside Biobank (the biological records centre for Merseyside) for a 2km search radius from the sites central grid reference. Ordnance Survey (OS) and satellite mapping was also used to gain contextual habitat information.

2.1.2 Specific information was sought for:

- Statutory designated sites;
- Locally designated sites;
- Ancient woodland;
- Protected and priority species; and
- Local BAP priority species.

2.2 Extended Phase 1 Habitat Survey

2.2.1 Wardell Armstrong LLP carried out an Extended Phase 1 Habitat Survey of the site on 22 July 2015. The survey was carried out by Ecologists from Wardell Armstrong LLP.

2.2.2 The survey followed the 'Extended Phase 1' methodology (Institute of Environmental Assessment (IEA), 1995 and JNCC 2010). Each of the main habitats were classified according to the relevant criteria.

2.2.3 In addition to the mapping and description of habitats, incidental observations of protected and/or BAP priority species and the potential for such species to occur on site (and in the surrounding landscape where relevant) were also noted.

2.2.4 Specific habitat features are mapped on Drawing ST14813-003 with appropriate reference numbers identifying features of interest.

2.3 Nomenclature

- 2.3.1 Vascular plant names follow '*New Flora of the British Isles*' (Stace 1997) with vernacular names as provided in the Botanical Society of the British Isles website (BSBI, 2013). All other flora and fauna names following the National Biodiversity Network (NBN) Gateway (NBN, 2013). The common and scientific name of species/taxa is provided (if available) when first mentioned in the text, with only the vernacular name referred to thereafter.

2.4 Assessment Limitations

- 2.4.1 Ecological surveys are limited by factors that affect the presence of plants and animals such as time of year, weather, migration patterns and behaviour. The survey was undertaken in July and therefore the survey data may not be representative of other times of year.
- 2.4.2 The absence of desk study records cannot be relied-upon to reliably infer absence of a species/habitat. Often, the absence of records is a result of under-recording within the given search area.
- 2.4.3 A full inspection of the derelict buildings was not possible due to health and safety reasons and access was not possible into most of the buildings.

2.5 Quality Assurance & Environmental Management

- 2.5.1 All Ecologists employed by WA are members of CIEEM, and are bound by its code of professional conduct.

3 RESULTS AND EVALUATION

3.1 Statutory and Non- Statutory Designated Sites


- 3.1.1 No statutory designated sites were identified within the 2km search radius.
- 3.1.2 Princes Park, a potential LWS site, was identified 1.5km south-east and is noted for its flora and fauna interest.
- 3.1.3 The proposed development will have no direct or indirect impacts on the species of interest at Princes Park LWS.
- 3.1.4 Sites for which potential adverse effects are not anticipated are excluded from further assessment.



3.2 Habitats


- 3.2.1 All habitats within the survey area are described in Table 2, below, together with an indication of their BAP status, according to the definitions given in *UK BAP Priority Habitat Descriptions* (Anon 2008 updated 2010) and within the North Merseyside Local BAP¹. The table also provides an evaluation of their potential to constrain development, indicated with bold text.
- 3.2.2 Habitats for which potential adverse effects are not anticipated are excluded from further assessment.
- 3.2.3 The location and extent of habitats is shown on ST14813-003, Extended Phase 1 Habitat Survey.


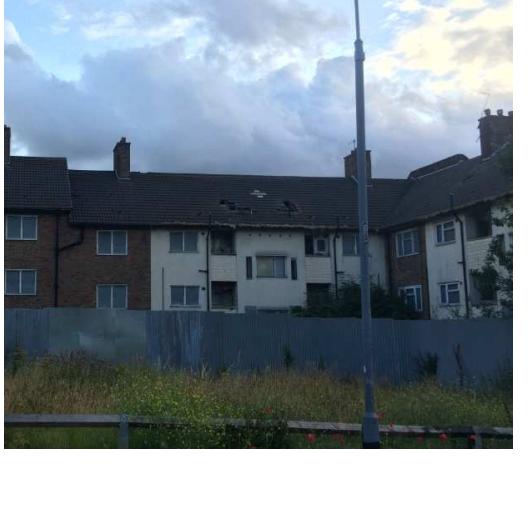
¹ <http://www.merseysidebiodiversity.org.uk/>

Table 1: Habitat Description and Evaluation



Phase 1 Habitats		UK BAP	LBAP	Potential Constraint?
<p>Annual/Perennial Wild Flower Mix</p> <p>A small unmanaged verge located off Hardy Street towards the northern part of the site. It comprises a mix of annual wild flower species.</p> <p>Target Note 1 (TN1): Species include poppy <i>Papaver rhoeas</i>, tufted vetch <i>Vicia cracca</i>, chamomile <i>Matricaria chamomilla</i>, shepherds purse <i>Capsella bursa-pastoris</i>, common fleabane <i>Pulicaria dysenterica</i>, cornflower <i>Centaurea cyanus</i>, black mustard <i>Brassica nigra</i>, mugwort <i>Artemisia vulgaris</i> and garden rocket <i>Eruca sativa</i>.</p>		x	x	No – habitat not rare or threatened and easily re-created under any proposals.

Phase 1 Habitats		UK BAP	LBAP	Potential Constraint?
<p>Bare ground</p> <p>A second small verge located off Cookson street has been stripped of vegetation and left as bare ground. Patchy, fresh growth of early successional plant species is present. Scentless mayweed <i>Tripleurospermum inodorum</i>, ribwort plantain <i>Plantago lanceolata</i>, ribbed melilot <i>Melilotus officinalis</i>, white clover <i>Trifolium repens</i> and common dock <i>Rumex obtusifolius</i> are present. Online imagery shows that current areas of bare ground previously supported ephemeral/short perennial species listed under TN1 (above).</p>		x	x	No – habitat not rare or threatened and easily re-created under any proposals.
<p>Neutral semi-improved grassland</p> <p>Sections of the site comprise neutral semi-improved grassland.</p> <p>TN2: Species include ribwort plantain, Yorkshire fog <i>Holcus lanatus</i>, meadow foxtail <i>alopercus pratensis</i>, perennial ryegrass <i>Lolium perenne</i>, red fescue <i>Festuca rubra</i>, bramble <i>Rubus fruticosus</i>, common nettle <i>Urtica dioica</i>, ragwort <i>Jacobaea vulgaris</i>, white clover, creeping thistle <i>Cirsium arvense</i> and black mustard.</p>		x	✓	No – Although this habitat qualifies under the North Merseyside Habitat Action Plan for 'urban grasses', it is not suitable for supporting declining species of invertebrates or birds, which is a key reason for the creation of the HAP.

Phase 1 Habitats		UK BAP	LBAP	Potential Constraint?
Dense Scrub A small section of dense scrub exists towards the south of the site where plant species have colonised a section of hard standing. The dominant species is <i>buddleia davidii</i> .	No photo available.	x	x	No- The predominant plant species in this habitat is not native.
Hardstanding Sections of residential roads and pavements make up the areas of hardstanding onsite.		x	x	No – habitat not rare or threatened and easily re-created under any proposals.

Phase 1 Habitats	UK BAP	LBAP	Potential Constraint?
<p>Individual trees</p> <p>There are a small number of planted trees within the site, comprising ash <i>Fraxinus excelsior</i>, wild cherry <i>Prunus avium</i>, sycamore <i>Acer pseudoplatanus</i> and Norway maple <i>Acer platanoides</i>. Planted trees on site were not overly mature and did not provide suitable roosting habitat for bats and provide limited nesting potential for certain birds.</p>		<p>×</p> <p>✓</p>	<p>No – Although this habitat qualifies under the North Merseyside Habitat Action Plan for ‘urban trees’, the trees on site are not overly mature and are not suitable for supporting declining species of invertebrates, birds or bats, which is a key reason for the creation of the HAP</p>
<p>Building 1 (B1)</p> <p>Building 1 comprises a row of terraced houses located off Upper Pitt Street. A number of the houses are now derelict and boarded up. A number of roof tiles are missing in places and there are access points suitable for bats to enter both the roof void and the tile/liner void.</p> <p>In accordance with the <i>Bat Conservation Trust - Bat Surveys Good Practise Guidelines 2nd Edition (BCT Guidelines 2nd ED)</i>, B1 has low-moderate bat roost potential. There are numerous entry points for bats to enter the roof voids of the buildings. There is a small amount of good foraging habitat surrounding the building. However, the building as a whole is isolated from expansive areas of foraging habitat and is subject to typical urban disturbance levels.</p> <p>Feral pigeons are nesting in the rood voids of a number of the houses.</p>		<p>×</p> <p>×</p>	<p>Yes – although the buildings themselves are not an ecological constraint, the species that they might support i.e. roosting bats, are a constraint. If bats are roosting in the building then a European protected species licence will be required prior to demolition. A general licence from Natural England will</p>

Phase 1 Habitats		UK BAP	LBAP	Potential Constraint?
				be required to permit removal of the nesting feral pigeons from the building prior to works commencing.
B2 B2 is a small, flat roofed concrete building. B2 offers negligible bat roost potential.		x	x	No – B2 offers no bat roost potential or nesting bird potential.

Phase 1 Habitats		UK BAP	LBAP	Potential Constraint?
B3 B3 is a small, flat roofed, brick built commercial building. It is relatively well sealed and offers negligible bat roost potential.		x	x	No – B3 offers no bat roost potential or nesting bird potential.
B4 B4 is a small, flat roofed, brick built commercial building and is relatively well sealed. However, a chimney structure to the rear of the property may be suitable for use by roosting bats. B4 is judged to provide low bat roost potential.		x	x	Yes – although the building itself is not an ecological constraint, the species that it might support i.e. roosting bats, are a constraint. If bats are roosting in the building then a European protected species licence will be required prior to demolition.

3.3 Species

- 3.3.1 Recorded protected and/or invasive species from the field survey or evidence of the presence of protected or BAP priority species are described below.

Bats

- 3.3.2 Suitable roosting and foraging habitat exists within the site boundary. On the evening of 22nd July 2015 two surveyors from WA carried out a bat activity/roost emergence survey. Survey methodology was based on an amalgamation of bat activity/emergence survey methods described in the BCT Guidelines 2nd Ed. Surveyors walked between features considered likely to support roosting bats to identify any significant levels of bat activity and to assess the likelihood of presence/absence of roosting bats. Surveyors were positioned outside B1 at the peak time for emerging pipistrelle. Shortly after sunset a number of common pipistrelle were recorded foraging over the grassland adjacent to B1 and were recorded arriving in the area from the direction of Liverpool Cathedral. The level of activity was higher around the peak time for emergence, and died down as the survey continued as bats dispersed into the surrounding habitat. Conversely, bat activity was much lower surrounding B4. No bats were observed emerging from buildings.

Birds

- 3.3.3 All birds recorded during the survey are summarised in Table 2 below together with a preliminary assessment of their likelihood to pose a constraint to the development. All nesting birds are discussed in the final section given the general legislative provisions relating to destruction of active nests. In addition, potential effects to species identified as potential constraints due to the presence extent and viability of supporting habitat, ecological connectivity and perceived nature and extent of effects also discussed in more detail in the discussion section. Where no effect is anticipated, species are excluded from further assessment.

Table 2: Bird Species Recorded

Common name	Latin name	Status ²	Supporting Habitat	Potential Constraint?
Blackbird	<i>Turdus merula</i>		Trees and scrub for foraging and nesting and open areas for foraging.	No – species is common and widespread. Site is unlikely to support significant local populations.
Goldfinch	<i>Carduelis carduelis</i>		Trees and scrub for foraging and nesting and open areas for foraging.	No – species is common and widespread. Site is unlikely to support significant local populations.
House Martin	<i>Delichon urbica</i>	AL, UKBAP	Buildings for nesting and open areas for foraging.	Yes – buildings may support breeding pairs.
Woodpigeon	<i>Columba palumbus</i>		Trees and scrub for foraging and nesting and open areas for foraging.	No – species is common and widespread and adaptable to different environments.
Lesser Black-backed Gull	<i>Larus fuscus</i>	AL	Buildings for nesting and open areas for foraging.	No - site is unlikely to support significant local populations. Main habitat likely to be retained under proposals.
Feral Pigeon	<i>Columba livia domestica</i>		Observed breeding within B1. Suitable foraging habitat throughout the site.	Yes – buildings may support several breeding pairs.

² S1 – Schedule 1 Wildlife and Countryside Act, A1 – Annex 1 EU Birds Directive, RL - Birds of Conservation Concern 'red list', AL - Birds of Conservation Concern 'amber list', UKBAP – UK Biodiversity Action Plan Priority Species, LBAP Local Biodiversity Action Plan Priority Species.

Invasive Plants

- 3.3.4 No invasive species were recorded within the site during the field survey.

3.4 Ecological Evaluation

- 3.4.1 Protected, UK & Local Biodiversity Action Plan species are evaluated in order to identify potential ecological constraints in Table 3 below, based on the desk study records, presence extent and viability of supporting habitat, ecological connectivity and perceived nature and extent of effects.
- 3.4.2 Species/taxa for which potential adverse effects are not anticipated are excluded from further assessment.

Table 3: Protected Species Evaluation

Species/taxa	Desk Study record?	Status ³	Supporting Habitat	Potential Constraint?
Bats <i>Chiroptera</i> Common Pipistrelle <i>pipistrellus</i> Brown Long-eared Bat <i>Plecotus auritus</i>		EPS, WCA, UKBAP,	Yes – foraging habitat on site (grassland, trees). Buildings with bat roost potential present on site.	Yes – If bats are roosting in buildings in the site boundary then a European protected species licence will be required prior to demolition.
Badger <i>Meles meles</i>	No	BA	No	No - no suitable habitat within the site. Heavy anthropogenic disturbance
Brown Hare <i>Lepus europaeus</i>	No	UKBAP	No	No - no suitable habitat within the site. Heavy anthropogenic disturbance
European Hedgehog <i>Erinaceus europaeus</i>	✓	UKBAP	Yes – former gardens, derelict buildings.	No- Development will not impact conservation status of this species.
Dormouse <i>Muscardinus avellanarius</i>	No	EPS, WCA, UKBAP	No	No – species not present in the area.
Otter <i>Lutra lutra</i>	No	EPS, WCA, UKBAP	No	No – no supporting habitat within the site.
Polecat <i>Mustela putorius</i>	No	WCA, UKBAP	Yes – all habitats within the site.	No- Development will not impact conservation status of this species

³ EPS – European Protected Species, WCA – Wildlife and Countryside Act, A1 – Annex 1 (Birds Directive), BA – Protection of Badgers Act, BAP – Biodiversity Action Plan Priority Species

Species/taxa	Desk Study record?	Status ³	Supporting Habitat	Potential Constraint?
Red Squirrel <i>Sciurus vulgaris</i>	✓	WCA, UKBAP	No	No - no supporting habitat within the site.
Water Vole <i>Arvicola amphibius</i>	✓	WCA, UKBAP	No	No – no supporting habitat within the site.
Reptiles	Common Lizard <i>Zootoca vivipara</i>	WCA, UKBAP	Yes – Grassland and wildflower habitats provide suitable foraging habitat.	No – Habitats on site are very isolated and are subject to regular anthropogenic disturbance.
Great Crested Newt <i>Triturus cristatus</i>	No	EPS, WCA, UKBAP	No	No – no ponds within 500m or records within 2km identified.
Common Toad <i>Bufo bufo</i>	No	UKBAP	No	No – no ponds within 500m or records within 2km identified.
White-clawed Crayfish <i>Austropotamobius pallipes</i>	No	EPS, WCA, UKBAP	No	No – no supporting habitat within the site.
Birds	A wide range of BoCC and Red List species and WCA Schedule listed species including: Grey Partridge House Martin House Sparrow Lapwing Skylark Song Thrush Starling Swift	UKBAP, WCA BoCC	Yes – Foraging and breeding habitat for some species is present within the site boundary.	Yes – (nesting birds only) Potential for a number of nesting birds to be present on site including house sparrow, house martin and small scrub nesting passerines. Feral pigeon confirmed nesting on site.

Species/taxa	Desk Study record?	Status ³	Supporting Habitat	Potential Constraint?
Protected Plant Species	Several notable species	WCA, UKBAP	No	No - None present

4 DISCUSSION AND RECOMMENDATIONS

4.1 Potential Constraints

4.1.1 The following species have been evaluated as being potential ecological constraints:

- Bats;
- Nesting birds.

Bats

4.1.2 B1 provides low-moderate bat roost potential. B4 provides low bat roost potential. An initial bat activity/emergence survey has been undertaken which identified usage of the site by a small number of common pipistrelle. No bats were observed emerging from the buildings during the initial bat survey. It is therefore considered that if any bats are utilising B1 or B4 as a roost, it will only be single individuals and not multiple bats. Male pipistrelle in particular are known to move from roost to roost and a single survey may not be adequate to assess presence of such a roost. Given the relative suitability of the buildings on site to support roosting bats, in combination with the suitable foraging habitat present on site, it is recommended that an additional dawn re-entry survey is undertaken at B1 and B4.

4.1.3 Four surveyors from WA are due to undertake a dawn re-entry survey at B1 and B4 on 5 August 2015. Two surveyors will be positioned at B1 and two surveyors will be positioned at B2. Surveys will follow methods set out in BCT Guidelines 2nd ED and a detailed bat survey report will be produced following completion of the survey.

4.1.4 This additional dawn survey is judged to be sufficient to accurately confirm presence or absence of roosting bats in B1 and B4. Recommendations will be provided in a detailed bat survey report.

Nesting Birds

4.1.5 It is recommended that initial development works are undertaken outside of the usual bird breeding season (normally taken to be March – August inclusive). If such timescales cannot be accommodated, it is recommended that a check for the presence of active nests, and nesting birds should be undertaken by a suitably qualified ecologist prior to the commencement of works. Any active nests should be identified

and protected subject to the relevant legal provisions until the nesting attempt is complete.

- 4.1.6 Feral pigeon were confirmed breeding in B1. A general licence from Natural England will be required to permit removal of the birds from the building prior to demolition.

Table 4: Potential constraints summary.

Species/ Feature	Location	Potential impact/ mitigation required	Recommended survey	Survey timing
Bats	B1 and B2 potential roost habitats.	Disturbance of EPS. European protected species licence required. Construction of new roosts and closure of current roost.	Dawn re-entry surveys of B1 and B4.	Commissioned to be undertaken on 5/08/15 August.
Nesting birds	Buildings, trees, scrub	Disturbance of nesting birds.	Check for active nests prior to clearance if in nesting season	March to August inclusive.

5 ECOLOGICAL ENHANCEMENTS

5.1 Introduction

- 5.1.1 In accordance with the requirements of the NPPF and BSI 42020:2013 ecological enhancements should be proposed which will result in a net gain in biodiversity. Recommendations have not been made in this report and will be detailed in any required separate protected species reports.

6 REFERENCES

- 6.1.1 Botanical Society of the British Isles (2013) *Online atlas of the British and Irish Flora*
http://www.brc.ac.uk/plantatlas/index.php?q=title_page
- 6.1.2 British Standards Institute (2013) Biodiversity – Code of Practice for Planning and Development.
- 6.1.3 Institute of Environmental Assessment, (1995) *Guidelines for Baseline Ecological Assessment*.
- 6.1.4 Chartered Institute of Ecological and Environmental Management. (2012). *Guidelines for Preliminary Ecological Appraisal*.
- 6.1.5 Joint Nature Conservation Committee, *Handbook for Phase 1 habitat survey: A technique for environmental audit* (2007), English Field Unit, Nature Conservancy Council.
- 6.1.6 National Biodiversity Network (2013) NBN Gateway
<http://data.nbn.org.uk/>
- 6.1.7 Stace. C. A, '*New Flora of the British Isles*' (1997), Cambridge University Press.

Appendix 1
Legislation and Policy Summary

Appendix 1 – Legislation and Policy Summary

Legislation for Habitats/Sites

Designated Site/Habitat	Status
Ramsar Sites	Ramsar Sites are wetlands of international importance designated following The Ramsar Convention. RAMSAR sites have the same level of protection as SSSIs under the Wildlife and Countryside Act 1981 (as amended).
SPA (Special Protection Areas)	SPAs are classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC), the Birds Directive. They are they seek to protect the habitats of rare and vulnerable birds, listed in Annex I of the Birds Directive, and for regularly occurring migratory species. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 implement the Birds Directive in the UK.
SAC (Special Areas for Conservation)	SACs are strictly protected areas which represent typical European Union of habitats and (non-bird) species listed in Annexes I and II of the EC Habitats Directive. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 implement the Habitats Directive in the UK.
SSSI (Sites of Special Scientific Interest)	SSSIs protect the best examples of the UK's flora, fauna, or geological or physiographical features. Originally notified under the National Parks and Access to the Countryside Act 1949, SSSIs were renotified under the Wildlife and Countryside Act 1981 (as amended). Modified provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000.
NNR (National Nature Reserves)	NNRs are examples of some of the most important natural and semi-natural terrestrial and coastal ecosystems in Great Britain. NNRs are declared by the statutory nature conservation agencies under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981 (as amended). Legal protection of NNRs is provided under The Wildlife and Countryside Act 1981 (as amended).
Hedgerows	All hedgerows are protected by the Hedgerows Regulations 1997, under which it is an offence to remove or destroy certain hedgerows without planning consent or permission from the Local Planning Authority. These regulations do not apply to any hedgerow within the curtilage of, or marking the boundary of the curtilage of, a dwelling house.
LNR (Local Nature Reserves)	Designated by the National Parks and Access to the Countryside Act 1949, LNRs may be declared for nature conservation by local authorities after consultation with the relevant statutory nature conservation agency. Legal protection of LNRs is provided under The Wildlife and Countryside Act 1981 (as amended).

Legislation for Species

Species	Legal Status
<i>European Legislation</i>	
Creeping Marwort, Early Gentian, Fen Orchid, Floating-leaved Water Plantain, Killarney Fern, Lady's Slipper, Shore Dock, Slender Naiad, Yellow Marsh Saxifrage	Under the Conservation of Habitats and Species Regulations 2010 (and as amended), it is illegal to deliberately pick, collect, uproot or destroy any such species.
Bats, Dormouse, Otter, Wild Cat, Great Crested Newt, Natterjack Toad, Sand Lizard, Smooth Snake, Large Blue Butterfly	<p>These animals and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2010 (and as amended), which makes it illegal to:</p> <ul style="list-style-type: none"> • Deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs; • Deliberately disturb⁴ such an animal; and • Damage or destroy a breeding site or resting place of such an animal. <p>European Protected Species (EPS) licenses can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed, namely:</p> <ul style="list-style-type: none"> • The development is for reasons of overriding public interest; • There is no satisfactory alternative; and • The favourable conservation status of the species concerned will be maintained and/or enhanced. <p>Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a duty to 'have regard to the requirements of the EC Habitats Directive' i.e. LPA's must consider the above 3 'tests' when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations.</p>

⁴ Under the Conservation Regulations, disturbance of protected animals includes in particular any disturbance which is likely to: (i) impair their ability to survive, breed or reproduce, or to rear or nurture their young or to hibernate or migrate; (ii) significantly affect the local distribution or abundance of the species in question.

Species	Legal Status
<i>Domestic (UK) Legislations</i>	
Bats, Dormouse, Great Crested Newt, Heath Fritillary, High Brown Fritillary, Large Blue, Marsh Fritillary, Natterjack Toad, Pine Martin, Otter, Red Squirrel, Sand Lizard, Smooth Snake, Swallowtail, Water Vole, Wildcat	<p>These animals receive full protection under the Wildlife and Countryside Act 1981 (and as amended), which makes it illegal (subject to certain exceptions) to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any such animal; • Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal; and • Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.
Adder, Common Lizard, Grass Snake, Slow Worm, White-clawed Crayfish	<p>These animals receive partial protection under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which provide protection against intentional killing or injury of any such animal.</p>
Nesting Birds	<p>All wild birds (as defined by the act) are protected under the Wildlife and Countryside Act 1981 (and as amended), which makes it illegal (subject to exceptions) to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any wild bird; • Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.
WCA Schedule 1 listed Birds	<p>Additional protection is provided to birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (and as amended). In addition to the offences detailed above relating to all wild birds, it is illegal to:</p> <ul style="list-style-type: none"> • Intentionally or recklessly disturb any bird listed on Schedule 1, or their dependent young while nesting.
Badgers	<p>The Protection of Badgers Act 1992 makes it illegal to wilfully kill or injure a Badger, or attempt to do so and to intentionally or recklessly interfere with a Badger sett. This includes:</p> <ul style="list-style-type: none"> • damaging or destroying an active sett; • obstructing access to a sett; and • disturbing a Badger while it is occupying a sett. <p>Licences can be granted to permit sett closure and/or disturbance between July and November inclusive (i.e. outside the sow pregnancy/birth period).</p>
Wild Mammals	<p>The Wild Mammals (Protection) Act 1996 provides legal protection to all wild mammals (as defined by the act) against the following actions: mutilate, kick, beat, nail, or otherwise impale, stab, burn, stone, drown, crush, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.</p>

Species	Legal Status
<i>Invasive Species</i>	
WCA Schedule 9 listed animals (Part 1) and plants (part 2)	<p>Certain species of plants and animals that do not naturally occur in Great Britain have become established in the wild and represent a threat to the natural fauna and flora. Section 14 of the Wildlife & Countryside Act prohibits the release of any animal species that are:</p> <p><i>“not ordinarily resident in and is not a regular visitor to Great Britain in a wild state”</i></p>

Policy Summary

Section 40 of the Natural Environment and Rural Communities (NERC) Act imposes a legal duty on Planning Authorities to ‘have regard’ to the conservation of biodiversity when considering planning applications.

Section 41 of the NERC Act requires the Secretary of State to publish a list of species and habitats of principal importance for conserving biodiversity in the UK. Such Biodiversity Action Plan (BAP) Habitats and Species (2007) do not offer the species any specific protection but help to highlight the species importance at a national level. This list is used by Local Planning Authorities to identify the species and habitats that should be afforded priority when applying the requirements of the National Planning Policy Framework (NPPF).

The NPPF underpins the Government’s planning policies for England and how these are to be applied. The central theme of the NPPF is a presumption in favour of sustainable development. This presumption does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered, planned or determined.

The NPPF states:

‘When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

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

- *proposed development on land within or outside a Site of Special Scientific Interest (SSSI) likely to have an adverse effect on a SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs;*
- *development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged;*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*
- *the following wildlife sites should be given the same protection as European sites: potential Special Protection Areas (SPA) and possible Special Areas of Conservation (SAC); listed or proposed Ramsar sites; and sites identified, or required, as compensatory measures for adverse effects on European sites, potential SPAs, possible SACs, and listed or proposed Ramsar sites.'*

The NPPF requires the Planning Authority to have a responsibility to promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan. In addition, the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

The National Planning Policy Guidelines (NPPG) provides information on the implementation of the policies set out within the NPPF and how these policies are associated with supporting legislation, policies and supplementary guidelines.

With regard to Schedule 1 and 2 projects, the NPPG explains the requirements of Town and Country Planning (EIA) Regulations 2011, including the legislation, stages and implementation of the act.

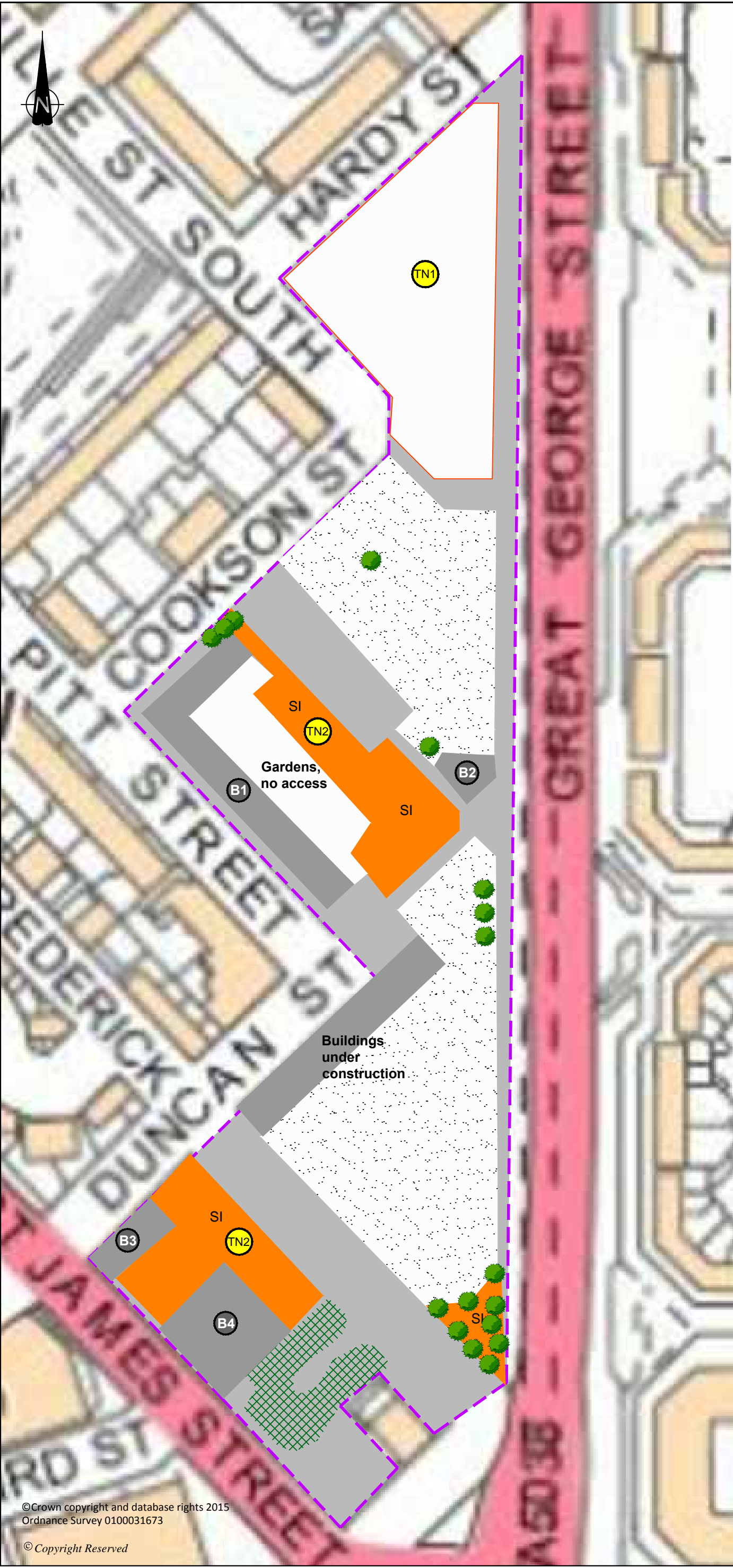
In terms of planning applications which fall outwith the EIA regulations the NPPG provides the following broad guidelines (extracts below):

Section 40 of the Natural Environment and Rural Communities Act 2006, places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by Government in its Biodiversity 2020 strategy.

Guidance on statutory obligations concerning designated sites and protected species is published separately Local planning authorities should take a pragmatic approach – the aim should be to fulfil statutory obligations in a way that minimises delays and burdens.

The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.

DRAWINGS



KEY

Survey area

Individual trees

Dense scrub

SI

Semi-improved neutral grassland

Buildings

Hardstanding

Bare ground

Annual/perennial wildflower mix

B6

Building

TN9

Target note

A	First Issue	30/07/15	SW	SW	SW
REVISION	DETAILS	DATE	DRAWN	CHK'D	APP'D
CLIENT China Town Development Company Ltd					
PROJECT New China Town Liverpool					
DRAWING TITLE Extended Phase 1 Habitat Survey					
DRG No. ST14813-003		SCALE 1:1,000@A3		DATE 29/07/15	
DRAWN BY JR		CHECKED BY SW		APPROVED BY SW	
<input checked="" type="checkbox"/> STOKES-ON-TRENT (HEAD OFFICE)		TEL 0845 111 7777		<input type="checkbox"/> CARDIFF TEL 029 2072 9191	
<input type="checkbox"/> NEWCASTLE UPON TYNE		TEL 0191 232 0943		<input type="checkbox"/> LEIGH TEL 01942 260101	
<input type="checkbox"/> WEST BROMWICH		TEL 0121 580 0909		<input type="checkbox"/> SHEFFIELD TEL 0114 245 6244	
<input type="checkbox"/> LONDON		TEL 020 7287 2872		<input type="checkbox"/> EDINBURGH TEL 0131 555 3311	
				<input type="checkbox"/> TAUNTON TEL 01823 703100	
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