



Burtonwood Road/Clay Lane

Preliminary Ecological Assessment Report

30th May 2018

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Burtonwood Road/Clay Lane

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Executive summary

Mott MacDonald Limited were commissioned by Warrington Borough Council (WBC) to undertake a Preliminary Ecological Assessment Report (PEAR) of land adjacent to Clay Lane, Burtonwood. WBC are proposing a shared footway/cycleway along a section of Clay Lane, and the PEAR is to assess whether the scheme will have any impact on protected species or habitats, and whether further survey work or mitigation will be required.

The findings of this PEAR conclude that the provision of a shared use cycleway/footway will have no significant ecological effect on the land adjacent to Clay Lane, or any non-statutory designated sites within 2.0km of the proposed work. No further surveys are proposed, however recommendations are made regarding vegetation clearance prior to construction.

1 Introduction

1.1 Project Background

The Clay Lane site is located approximately 5.5km north west of the town of Warrington beginning at Ordnance Survey Grid Reference SJ 56192 92625 and ending at SJ 57085 91417, approximately 1.5km in length. The site lies within the county of Warrington and is surrounded by arable land, with a few scattered buildings located east and west of the lane. North west to the site lies a large housing estate, with the M62 motorway located to the south. The location of Clay lane is shown in the site location plan below and is hereafter referred to as 'the site'.

Figure 1: Location Plan



Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

1.2 Proposed Works

Warrington Borough Council (WBC) is proposing the provision of a cycleway/footway adjoining Clay Lane. Clay Lane is situated north of M62 junction 8 and adjoins to the civil parish of Burtonwood. These works should include uncontrolled crossings, updated traffic signs and new street lighting.

1.3 Scope of the Report

The purpose of this report is to provide an initial assessment of the ecological importance of the habitats present within the boundary of the site and their potential to support protected or notable species, and if present, potential ecological constraints to the proposed development.

The scope of this study is to:

- Carry out an extended Phase 1 habitat survey (Joint Nature Conservation Committee (JNCC), 2010) to provide a description of the existing broad habitat types on the site and to establish the presence or potential presence of any protected or notable species. These are provided in drawing form within Appendix A, supplemented by Target notes in Appendix B.
- Undertake a desk-top study to identify any existing information regarding protected or notable species and sites with a nature conservation designation within a 2km radius of the site (unless noted otherwise);
- Produce a report detailing any key ecological constraints to the proposed development in terms of designated sites, habitats and/or protected and notable species;
- Provide recommendations for further ecological survey work necessary to produce an ecological baseline for the site; and
- Identify any mitigation measures that may be required to offset potential development impacts.

A general legislation and policy overview relevant to this PEAR has been included in Appendix C and additional photographs are in Appendix D.

1.4 Zone of Influence

The current guidance on ecological assessments (Chartered Institute of Ecology and Environmental Management (CIEEM), 2016) recommends that all ecological features that occur within a 'zone of influence' (Zol) for a proposed development are investigated. The Zol includes:

- Areas directly within the land take for the proposed development and access;
- Areas which will be temporarily affected during construction;
- Areas likely to be impacted by hydrological disruption; and
- Areas where there is a risk of pollution and noise disturbance during construction and/or operation.

The Zol is variable depending on the ecological receptors affected. For this assessment the following zones have been defined:

Table 1: Zone of influence used for this assessment

Ecological Features	Zone of Influence
Designated sites	2km buffer area around site boundary
Badgers	50m from site boundary
Bats	2km buffer area around site boundary
Reptiles and amphibians	250m from site boundary
Water voles	50m from the site boundary

1.5 Legislative Context and Policy Framework

The key legislation relating to ecology and the environment is the Wildlife and Countryside Act 1981 (as amended) (WCA) which consolidated and amended existing national legislation to

implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/09/EEC on the Conservation of Wild Birds (Birds Directive) in Great Britain.

It is complemented by the Conservation of Habitats and Species Regulations 2017, which implements Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive). The regulations provide for the designation and protection of 'European sites', and the protection of 'European protected species'. The species and habitats listed by these measures are legally protected to varying degrees through the WCA.

The biodiversity policies which are most relevant are the National Planning Policy Framework (NPPF, 2012) and Biodiversity 2020. Under the Natural Environment and Rural Communities (NERC) Act 2006, all public bodies are required to have regard to biodiversity conservation when carrying out their function. Under this act a list of habitats and species that are of principal importance for the conservation of biodiversity in England are published under Section 41.

Developers must ensure that they comply with the above legislation by fully assessing the potential impacts on protected species and habitats from the proposed development. This assessment must be finalised prior to planning permission and must be submitted with the planning application. The Planning Authority can then ensure that the necessary protected species and habitat surveys have been completed.

2 Methodology

2.1 Desk Study

A desk study was undertaken, as recommended in CIEEM's 'Guidelines for Preliminary Ecological Appraisal' (2017), to determine the presence of any designated nature conservation sites and protected or notable species that have been recorded within a 2km radius of the site. Data older than 10 years is considered to be less important than more recent data due to the length of time that has elapsed since being collected (and the chance that they are no longer valid) and have therefore been excluded from the consultation review in the desk study. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Data was obtained from the rECOrd and Merseyside Biobank, as well as relevant publications, reports and online databases. These included the Multi-Agency Geographic Information for the Countryside (MAGIC), JNCC. Further detail is provided within this document in Section 3.

2.2 Preliminary Ecological Appraisal

2.2.1 Extended Phase 1 Habitat Survey

A field survey, in the form of an Extended Phase 1 Habitat Survey for Site A was undertaken by a Mott MacDonald Ecologist on 2nd May 2018. All habitats within the site were identified and mapped in compliance with the 'Handbook for Phase 1 habitat survey: a technique for environmental audit' (JNCC, 2010). Dominant plant species were noted, as were any protected, uncommon or invasive species listed on Schedule 9 of the Wildlife and Countryside Act.

An assessment was also undertaken of the likely presence or absence of protected and notable species within the Zol of the proposed works. This was based on the known distribution of species, habitat suitability and/or direct evidence such as field signs or observations. The methodologies and assessment criteria used were based on current published guidance where available.

Any protected or notable species present within the survey area were recorded either by direct observation or indirectly from the presence of their field signs. The survey methods for specific species are detailed below.

2.2.2 Badgers

The survey followed good practice guidelines as set out in Harris et al (1989). Evidence of badger *Meles meles* within the development area was searched for. This included: footprints; setts; latrines; paths; scratch posts at the base of tree trunks; snuffle holes; day nests and hair traces.

2.2.3 Bats

The survey followed good practice guidelines as set out in the Bat Surveys: Good Practice Guidelines 3rd Edition (Collins, 2016). Trees on site were surveyed for evidence of, or potential for, roosting bats.

2.2.4 Reptiles and Amphibians

Guidance from Natural England (2011) Reptile Mitigation guidelines and Froglife (1999) Froglife Advice Sheet 10 was adhered to in order to follow best practice procedures.

Surveying of the site for its potential suitability for reptiles and amphibians involved assessing any habitats and features appropriate for refuging, basking, hibernating and foraging. This included wooded areas, hedgerows, stone walls/rock, watercourses, hibernacula as well as holes and burrows.

2.2.5 Water Vole

The survey followed good practice guidelines as set out in The Water Vole Mitigation Handbook (The Mammal Society Mitigation Guidance Series), 3rd Edition. Evidence for water voles *Arvicola amphibius* within the development area was searched for. This included: footprints, burrows, latrines and runs.

2.2.6 Breeding Birds

Habitats and features both immediately surrounding the site and within the red line site boundary were assessed for their potential to support common breeding birds. If any rare species were believed to be present or any features likely to support rare species were recorded, further specialised ornithological advice would be sought.

2.3 Limitations and Exceptions

Biological records obtained from third parties and presented in the desk study do not represent a full and complete species list for the area. They are mostly given by individuals on an ad hoc basis, often meaning there are areas of deficiency in the data.

Ecological surveys are limited to factors which affect the presence of plants and animals, such as time of year, migration patterns and behaviour. With a single survey visit it is possible that certain species may have been overlooked or under-recorded during the assessment as optimal survey periods vary from species to species.

This PEAR therefore cannot be considered to provide a wholly comprehensive account of the ecological interest of the site. The site survey does, however, provide a “snapshot” of the ecological interest present on the day of the survey visit.

3 Results

3.1 Desk Study

The desk study involved consulting the following organisations, ecological reports and ecological databases:

- rECOrd; Biodiversity Information System for Cheshire, Halton, Warrington and Wirral;
- Merseyside BioBank (MBB); Local Environmental Records Centre (LERC) for North Merseyside, National Biodiversity Network (NBN);
- Multi Agency Geographical Information for the Countryside (MAGIC) website (<http://www.natureonthemap.naturalengland.org.uk/MagicMap>);
- Natural England (NE) (<http://www.gov.uk/government/organisations/natural-england>); and
- Joint Nature Conservation Committee (JNCC) (<http://jncc.defra.gov.uk/>).

3.2 Statutory Designated Sites

There are no statutory designated sites within 2.0km of the proposed scheme.

3.3 Non-Statutory Designated Sites

There is one non-statutory site within 2.0km of the site. The details for this site are given in Table 2 below.

Table 2: Non-Statutory Designated Sites within 2km of the site

Name	Status	Details	Distance
Burtonwood Nature Park	Local Wildlife Site	Under the authority of Warrington Local Wildlife Sites Partnership	1km East from site

Source: MAGIC.gov.uk, rECOrd Biological Records Centre and those cited.

3.4 Protected Species Records

Table 3: Protected species data as provided by local records centres

Species	Details
Birds	Several species have been recorded close to on or the site (not breeding). These include: black-headed gull <i>Chroicocephalus ridibundus</i> , dunnock <i>Prunella modularis</i> , green woodpecker <i>Picus viridis</i> , grey partridge <i>Perdix perdix</i> , snipe <i>Gallinago gallinago</i> , house sparrow <i>Passer domesticus</i> , kestrel <i>Falco tinnunculus</i> , lapwing <i>Vanellus vanellus</i> , mallard <i>Anas platyrhynchos</i> , meadow pipit <i>Anthus pratensis</i> , redshank <i>Tringa totanus</i> , reed bunting <i>Emberiza schoeniclus</i> , short-eared owl <i>Asio flammeus</i> , skylark <i>Alauda arvensis</i> , song thrush <i>Turdus philomelos</i> , starling <i>Sturnus vulgaris</i> , swallow <i>Hirundo rustica</i> , swift <i>Apus apus</i> , whitethroat <i>Sylvia communis</i> , yellow hammer <i>Emberiza citronella</i> , Willow Warbler <i>Phylloscopus trochilus</i> .
Mammals	Brown hare <i>Lepus europaeus</i> , observed at three locations to the east of the site over 1km away. Common pipistrelle <i>Pipistrellus pipistrellus</i> , found south of site, one instance adjacent to Joy Lane. Water vole <i>Arvicola amphibius</i> , two sightings east of site; one within 1km from site at the Local Wildlife site and a second sighting at the boundary of 2km distance. The trees on site were assessed as being unsuitable for roosting bats (following Collins et al. 2016)

Species	Details
Reptiles and amphibians	Common frog <i>Rana temporaria</i> and common toad <i>Bufo bufo</i> have been found at 2km and at 700m west of site in the last couple of years.
Crustacean	No protected or invasive crustaceans have been recorded within 2km of the site.
Invertebrates	No protected Invertebrates have been recorded within 2km of the site.
Invasive non-native species	<p>Occurrences of Japanese knotweed <i>Fallopia japonica</i> were recorded in the Biological Records Data (BRD) in the last 10 years. The Japanese knotweed was within the Omega south development site at Whittle Hall CP and Burtonwood and Winwick CP and also recorded in 2008 and 2013 by rECORD but the locations have no functional link to the site as they are separated by the M62 motorway. Grid references respectively SJ567909 1km and SJ563904 1.8km from site.</p> <p>Biobank had two records of Indian balsam <i>Impatiens glandulifera</i> in 2010 from iRecord combined surveys and one record from TBS General in 2016 of a locally abundant count. These records are at the far boundary of the 2km buffer to the west of the site and have no functional link to the proposed works. Indian Balsam <i>Impatiens glandulifera</i> has been recorded at Burtonwood, Winwick CP and Burtonwood Nature Park 0.5km to the east at grid reference SJ56989265. A further sighting of Indian Balsam <i>Impatiens glandulifera</i> has been recorded further east at grid reference SJ5812692257.</p> <p>Japanese rose <i>Rosa rugosa</i> has been recorded within Burtonwood Nature Park 0.5km to the east at grid reference SJ56989265.</p>

Source: rECORD Biological Records Centre and Ecology Practice

3.5 Site visit

A site visit and Extended Phase 1 Habitat Survey for Site A was carried out on 2nd May 2018 by Senior Ecologist Caroline Maghanga MCIEEM, and seasonal Ecologist Jordane Marsh BSci (Hons). The salient features recorded, a summary of which are provided below.

As part of the Extended Phase 1 Habitat Assessment, the following habitats were mapped and recorded. Photographs relating to the features are referenced below (and included in Appendix D) whilst target notes (TN) are contained in Appendix B.

3.5.1 Site habitats

Scattered trees A.3.1

Bordering sections of the road and adjoining arable fields were scattered trees, some of these provided screening and were purposefully planted to limit noise from the road. Species were predominantly; Common oak *Quercus robur*, sycamore *Acer pseudoplatanus*, hazel *Corylus avellana*, horse chestnut *Aesculus hippocastanum*, alder *Alnus glutinosa*, hawthorn *Crataegus monogyna*, goat willow *Salix caprea*, blackthorn *Prunus spinosa* and field maple *Acer campestre*. These were mostly immature and semi-mature and in good condition.

Scattered scrub A.2.2

Populations in the understory consisted of; Bramble *Rubus fruticosus*, common nettle *Urtica dioica*, cleavers *Galium aparine*, common hogweed *Heracleum sphondylium*, thistle *Asteraceae sp.*, rosebay willow herb *Chamaenerion angustifolium*, bracken *Pteridium sp.*, male fern *Dryopteris filix-mas*, Spanish bluebells *Hyacinthoides hispanica*, ground alder *Aegopodium podagraria* and broad leaved dock *Rumex obtusifolius*.

Ditches G.1

To the north of Target note 4, the ditch was shallow, stagnant and filled with urban debris. Others were overgrown and had reduced connectivity to other habitats and adjacent watercourses.

Grass verges B.2.2

There were grass verges bordering the majority of the road, there were also broader verges at the bends of the road. These verges had standard grass sp., dandelion *Taraxacum officinalis*, a rare instance of brisley ox tongue *Helminthotheca echioides*, common hogweed *Heracleum sphondylium*, false oat grass *Arrhenatherum elatius*, Yorkshire fog *Holcus lanatus*, rapeseed *Brassica napus*, cleavers *Galium aparine*, common nettle *Urtica dioica*, wild carrot *Daucus carota*, yarrow *Achillea millefolium* and cow parsley *Anthriscus sylvestris*.

Arable ploughed/grazing J.1.1

Adjacent to Clay Lane are a large number of arable fields. One of the observable crops being cultivated was rapeseed *Brassica napus*.

Hedges J.2.1.2

Hawthorn *Crataegus Monogyna* semi-mature, sycamore *Acer pseudoplatanus*, field maple *Acer campestre*, common oak *Quercus robur*, garlic mustard *Alliaria petiolata*, holly *Ilex aquifolium*, small-leaved lime *Tilia cordata*, Meadow buttercup *Ranunculus acris*, Creeping buttercup *Ranunculus ripens*.

Fences J.2.4

Wooden fences border some of the fields used for grazing horses adjacent to the road.

Bare ground J.4

Adjacent to the grazing fields were a few bare ground tracks and verges, one verge at the mouth of the track had urban debris fly-tipped at the entrance.

Hard standing J.3

Adjacent to the grazing fields were a few hard standing tracks. One was filled in with compost to limit access and likely to discourage illegal land use activity.

4 Interpretation

The interpretations of the desk study and site visit results are discussed under the appropriate headings below.

4.1 Designated Sites

There are no statutory designated sites within 2.0km of the site. The closest non-statutory Local Wildlife Site (LWS) Burtonwood Nature Park, is 0.5km east. There will be no significant negative impact on this LWS as a result of the works.

4.2 Protected and/or Notable species

4.2.1 Birds

A number of birds were observed calling and showing territorial behaviour. Birds and their nests are afforded legal protection (see Appendix C). Vegetation removal should be avoided during nesting season (Feb 28th – August 31st inclusive). Surrounding areas beyond the site boundary offers other suitable habitat in size and density of suitable habitat, green infrastructure and connectivity.

Breeding bird checks should be undertaken by an experienced ecologist prior to any vegetation clearance.

4.2.2 Badgers

There was no evidence of badgers on site and no records returned within the 2.0km search radius.

4.2.3 Bats

Bats have been recorded within the 2.0km search radius. However, the proposed works are not anticipated to have a significant negative effect on their current activity level. The buildings adjacent to site had no features associated with roosting bats, and the roadside trees were too immature to support bats.

4.2.4 Water voles

The watercourses on site only held shallow, non-moving water in a few places and were predominantly polluted with urban debris. Most of the watercourses were dry which is considered unsuitable habitat for water voles. No signs or evidence of either species was observed during the site visit. The BRD included two records of water vole in 2008 and 2009 grid references respectively SJ 568925 and SJ584919.

4.2.5 Reptiles and Amphibians

There was no evidence of reptiles and amphibians during the site visit and the records returned within the 2.0km search radius were at a sufficient distance not to be affected by the proposed works.

4.2.6 Invasive species

Invasive species have been recorded within the 2.0km search radius and were seen during the site visit.

The Japanese knotweed *Fallopia japonica* observed on site during the site visit in a fly-tipping location is not directly within the bounds of the works area.

The historical records of Japanese knotweed are at the far boundary of the 2km buffer, locations to the west of the site and have no functional link to the proposed works and locations to the south are separated by the M62 motorway.

Japanese rose *Rosa rugosa* and Indian Balsam *Impatiens glandulifera* have been recorded within 0.5km of the site but have no functional link to the proposed work area.

5 Implications and Recommendations

The following table summarises the implications and recommendations advised for the Clay Lane site.

Table 4: Implications and Recommendations

Species / Habitat	Feature(s)	Implications and Recommendations
Birds	Trees and vegetation on site	Avoid vegetation and tree clearance during nesting season (28th Feb – 31st Aug inclusive). If this is not possible a breeding bird check must be undertaken a maximum of 48 hours immediately prior to the start of works by a suitably qualified and experienced Ecologist.
Badger		None
Bats		The immature and semi-mature trees on Site can be categorised as low potential to support roosting bats, however bats have been recorded within the 2km radius. If any works are to include any of the buildings adjacent to site, further advice should be sought from a suitably qualified and experienced ecologist.
Reptiles and Amphibians		None
Water vole		None
Invertebrates		None
Invasive species		Japanese knotweed <i>Fallopia japonica</i> , was not within the bounds of the works area; care should be made to circumvent vehicles using the adjacent affected fly-tipping verge to avoid the spread of the invasive species.

6 Conclusion

A PEAR was undertaken to assess the potential impact on protected and notable species of a proposed cycleway/footway on land adjacent to Clay Lane, Burtonwood.

Desk study analysis and a field survey have identified that protected or notable species present minimal ecological constraints to the proposed works. No further ecological surveys are proposed. However, as recommended, contractors should follow best practice guidelines as outlined in Table 4 when undertaking vegetation clearance prior to construction.

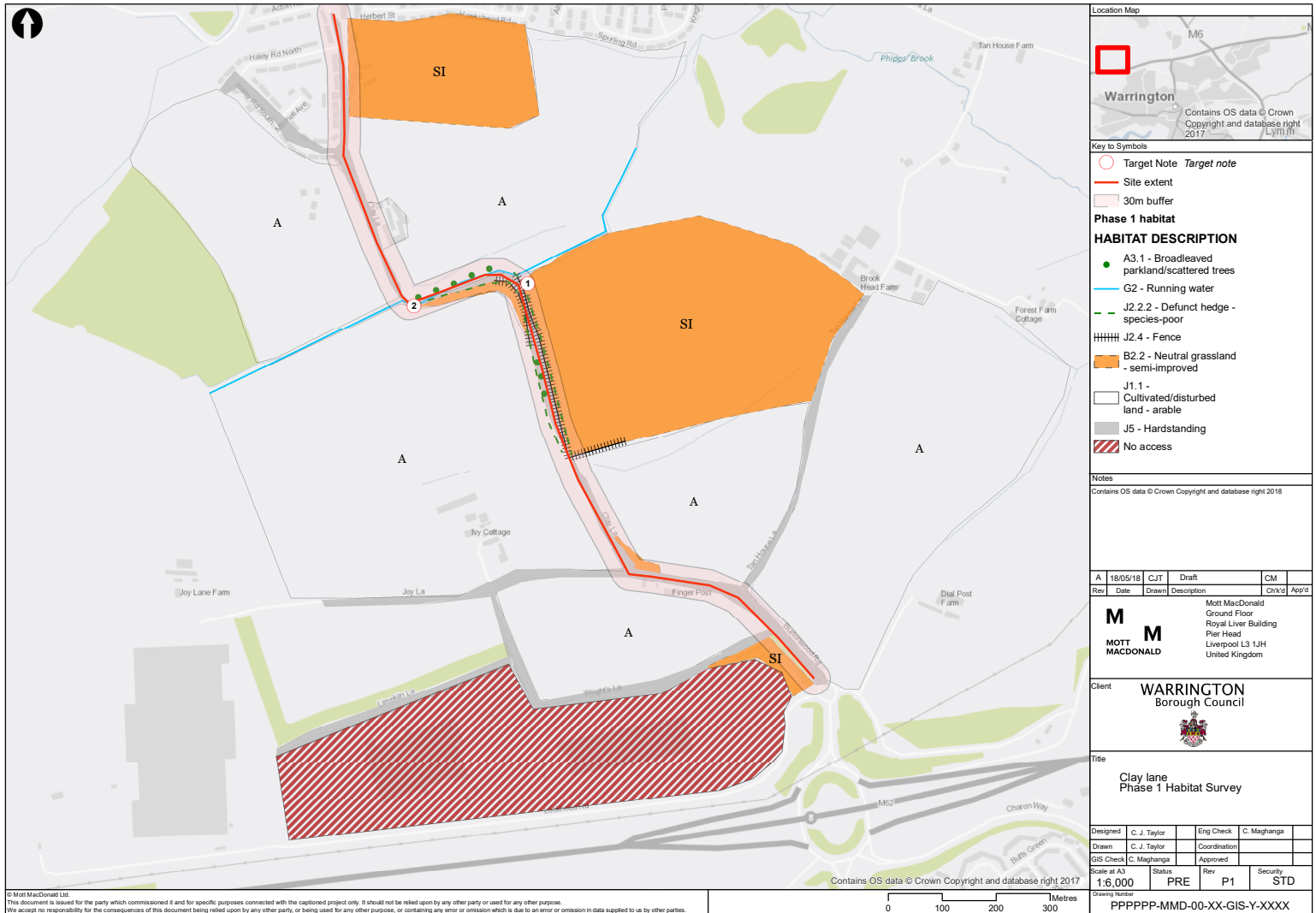
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Appendices

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A. Phase 1 Habitat Map



Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



B. Target Notes

Surveyors: Caroline Maghanga and Jordane Marsh

Weather: Overcast with spells of showers and bright sunshine

Site observations:

Table 2: Target notes

Target Note Number	Plate	Comments
1		Japanese knotweed as a result of fly-tipping.
2		Bottles discarded in watercourse.

Source: Caroline Maghanga and Jordane Marsh

C. Legislative Context and Policy Framework

The legislation relating to ecology and the environment is the Wildlife and Countryside Act 1981 (as amended) which consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive) in Great Britain. It is complemented by the Conservation (Natural Habitats, etc.) Regulations 1994 (as amended), which implements Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive). The Regulations provide for the designation and protection of 'European sites', and the protection of 'European protected species'.

The species and habitats listed by these measures are legally protected to varying degrees through the WCA. Together this Act and The Conservation of Habitats and Species Act 2017 they form the precedent for species and habitat protection in England and Wales.

The key policies which influence the ecology and nature conservation assessments are the:

- Planning Policy Statements and Supplementary Planning guidance: (PPS 2) Planning and Nature Conservation.

Developers must ensure that they comply with the above legislation by fully assessing the potential impacts on protected species and habitats from the proposed development. This assessment must be completed prior to the submission of the planning application and included in the application as a supporting document. The Planning Authority can then ensure that the necessary protected species and habitats surveys have been completed.

Species-specific legislation relevant to this assessment is outlined below:

C.1 Badgers

Badgers and their setts are protected under the Badgers Act 1992. This makes it an offence to:

- Directly or indirectly kill, injure or take badgers;
- Cruelly ill-treat a badger;
- Dig for badger;
- Intentionally or recklessly damage or destroy a badger sett, or obstruct access to it;
- Cause a dog to enter a badger sett; and
- Disturb a badger when it is occupying a sett.

C.2 Bats

All 17 species of UK bats and their roosts are fully protected under Section 9 of the WCA and the Conservation of Habitats and Species Regulations 2017 (as amended) and regulation 41 for European Protected Species plus all are UK BAP priority species. It is an offence to;

- Intentionally or recklessly kill, injure or take a bat;
- Intentionally or recklessly damage;
- Destroy or obstruct access to any structure or place used for shelter or protection by a bat; and

- To intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for that purpose.

C.3 Reptiles and Amphibians (Including Great Crested Newts)

Reptile and amphibian species are generally wide-spread species throughout the whole of UK. Reptiles and amphibians are listed in Schedule 5 and 9 of the WCA. It is an offence to:

- Trade and/or sell.

Reptiles are further protected and it is an offence to, also:

- Kill and injure.

C.3.1 Great Crested Newts

Further to the protection afforded to amphibians and reptiles under Schedule 5 and 9 of the WCA, great crested newts are also afforded protection as a European protected species. Therefore, it is an offence to:

- Kill, injure or capture a great crested newt;
- Disturb a great crested newt in its place of shelter or breeding;
- Obstruct, damage or destroy areas of habitation; and
- Possess, control transport, sell, exchange or offer for sale or exchange any dead or live great crested newts.

C.4 Breeding Birds

All wild birds are afforded protection under Part 1 of the WCA. It is an offence to:

- Intentional or reckless killing, injuring and taking; and
- Active nests are protected from intentional or reckless taking, damage and destruction.

Birds listed under Schedule 1 have further protection from disturbance during the breeding season.

D. Site Photographs



Photo 1: Over grown field boundary ditch with urban debris



Photo 2: Access limiting deposits along track



Photo 3: fly-tipping of urban debris



Photo 4: Japanese knotweed amongst urban debris



Photo 5: Dried ditch adjacent grazing fields

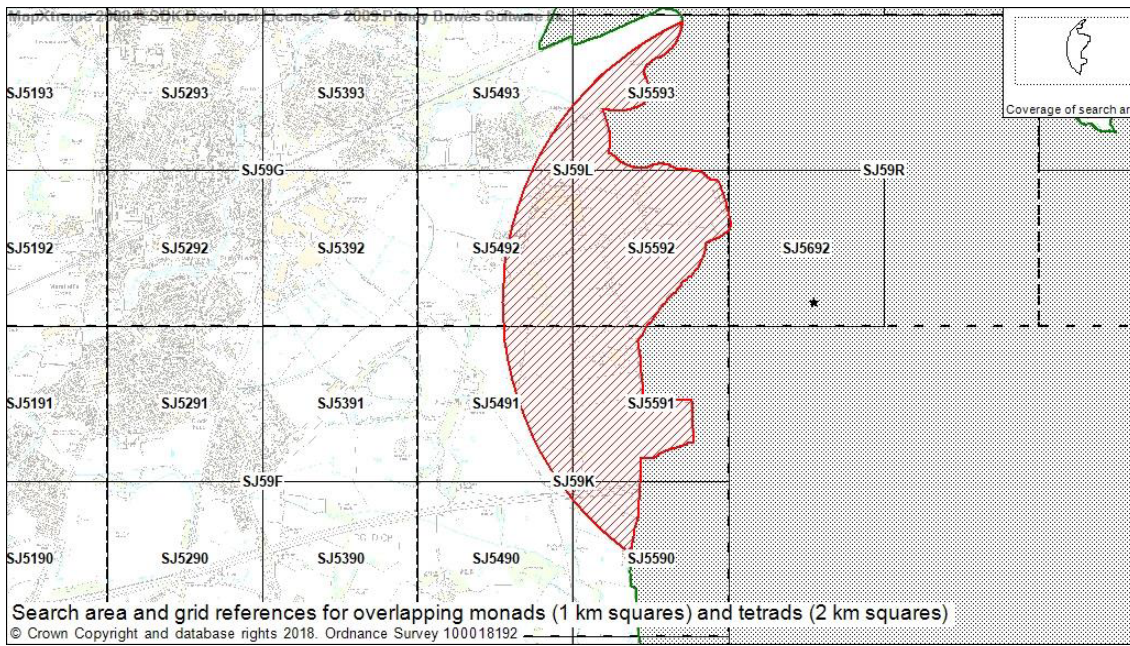


Photo 6: Dried ditch adjacent track to grazing fields

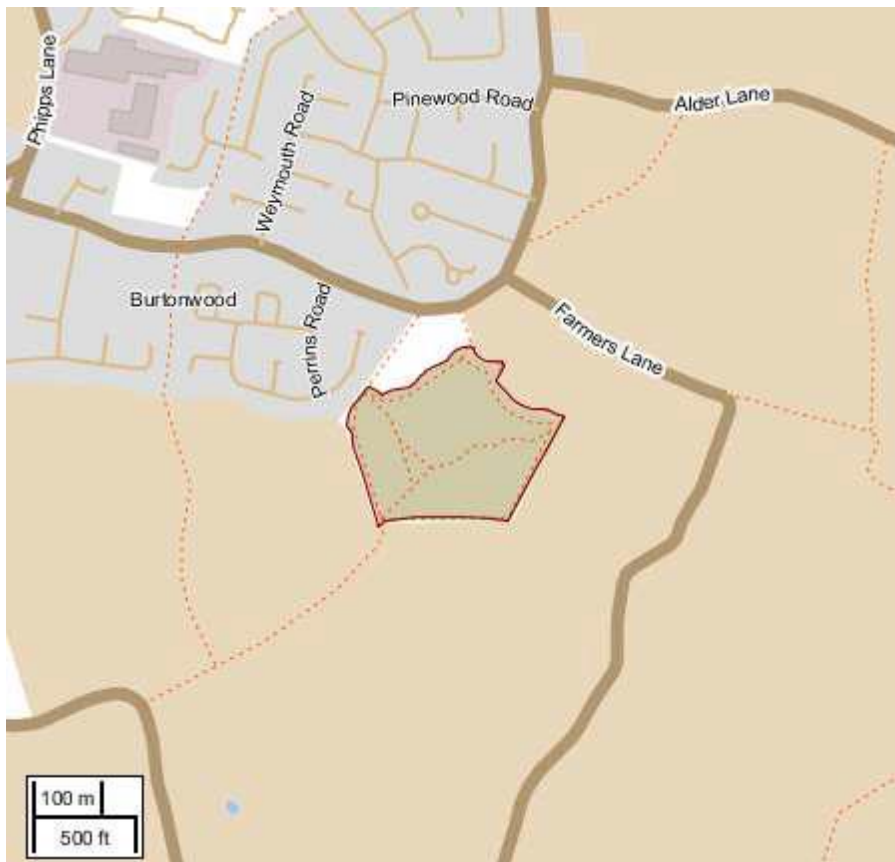
E. Maps to illustrate data search areas



Desk study search area. Source: rECORd Biological Records Centre, Clay Lane enquiry report.



Desk study search area. Source: BioBank, Clay Lane Data Request report.



Location of Local Wildlife Site. Source: rECOrd Biological Records Centre, Clay Lane enquiry report.

