

Preliminary Ecological Appraisal Report

Land off Cote Lane, Thurgoland

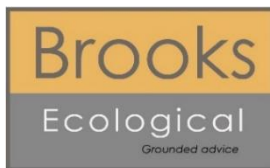


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July 2019

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Report Reference:	R-4099-01
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Summary

This report is produced to inform Berkeley DeVeer of potential ecological constraints associated with the proposed development site.

Methodology

The report is based on a desk study of designated wildlife sites and records of protected or notable species, and an extended Phase 1 Habitat Survey and Bat Roost Suitability Assessment carried out in June 2019.

Findings - Key Points

The Site is almost entirely composed of species poor semi-improved grassland which does not comprise a constraint to development.

Previous dedicated species surveys undertaken by Brooks Ecological have shown that protected species which may be found on site are absent or unlikely to be impacted upon by development.

Introduction

1. Brooks Ecological Ltd was commissioned by Berkeley DeVeer to carry out a Preliminary Ecological Appraisal (PEA) of land off Cote Lane, Thurgoland (grid reference: SE 291 006).
2. This is an updating report as the site has previously been subject to a suite of surveys by Brooks Ecological including a preliminary ecological appraisal in 2016 (report reference: R-2524-01), bat activity surveys concluding in May 2019 (R-2524-02), badger survey in October 2018 (R-2524-03) and has also had a biodiversity management plan produced (R-2524-04). Where appropriate these have been referenced in this report.
3. This report is produced with reference to British Standard BS:42020 'Biodiversity Code of Practice for Planning and Development' and the CIEEM (2017) Guidelines for Preliminary Ecological Appraisal.

Scope

4. 'The Site' comprises a grassland field, likely cut for silage, as defined in Figure 1 overleaf.
5. The assessment uses a 2km area of search around the Site for records of protected and notable species and locally or nationally designated wildlife sites.

Purpose of a PEA

6. A PEA is an *initial assessment* of the baseline for a proposed development site and establishes whether the Site is likely to be constrained by ecology, and whether more information is needed to identify the ecological baseline.
7. The subsequent Preliminary Ecological Appraisal Report (PEAR) is intended to give early guidance to a developer and assist with the early stages of project planning and design. Where a site is not complex or constrained, and no additional ecological input is necessary the PEAR may be sufficient and suitable to support a planning application.

Figure 1 The Site (red line boundary).



Proposals

8. Proposals for the site detail a 28 plot residential development with associated infrastructure.

Figure 2 Proposals for the site, taken from drawing JG-03.



Desk Study

9. The site is located on the southern periphery of Thurgoland, a small village set amongst mixed use farmland. There are several large woodlands in the area, including a small band off the eastern boundary of the site.

Water Bodies

10. Two ponds are found within 500m, the first 'Pond 1' being a small garden pond just off the northern boundary which appears recently created. The second 'Pond 2' is another large ornamental garden pond with ducks, c.180m north west of the site, separated from the site by Cote Lane and residential development.

11. Several large fishery ponds are found just over 500m away to the south.

Figure 3 Water Bodies within 500m of the Site.



Wildlife Corridors

12. The River Don meanders through the area c. 550m south of the site at its nearest, it is flanked by riparian woodland, forming the most obvious habitat corridor through the area.
13. A disused railway track flanked by woodland will also function as a wildlife corridor, running roughly north east to south east, c. 225m south of the site. This is loosely connected to the woodland east of the site.
14. Several smaller woodland bands also form a loose network of steppingstones for wildlife in the area.

Figure 4 Analysis of wildlife corridors (white dashed line) and higher value habitats (orange shade) in relation to the Site.



Designated Sites

Statutory Designations

15. A search has been made to identify any nationally designated sites within a 2km radius of the Site, and for internationally designated sites within a 10km radius. The results are shown in the below table.
16. There are no nationally designated sites within 2km of the site.

Table 1 Statutory Designated Sites.

Site Name	Distance from Site	Designation	Summary Interest
South Pennine Moors	6.2km	SAC	Annex 1 habitats as a reason for primary selection; European Dry Heath, Blanket Bogs and Old Sessile Oak Woodland. Annex 1 habitats, as a qualifying feature: Northern Atlantic and Transition Mires.
Peak District Moors (South Pennine Moors Phase 1)	6.2km	SPA	Supports Annex 1 species; Golden Plover, Merlin, Peregrine, Short-eared Owl and Dunlin.

17. Given the distance from the application site and the scale, development impacts upon the above areas would not be expected.

SSSI Impact Risk Zones (IRZs)

18. The Site lies within the IRZ for Wharnccliffe Craggs SSSI, but does not fall into one of the highlighted categories which requires consultation between the Local Planning Authority (LPA) and Natural England (NE). The development is of a scale and nature which is unlikely to impact on this SSSI.

Non-Statutory Designations

19. There are five locally designated sites 'Local Wildlife Sites' and candidate site within 2km of the Site.
 - Mag Wood Meadows LWS c. 750m north east
 - Forge Rocher and Tin Mill Rocher LWS, c.800m to the south
 - Black Moor Common LWS c.1.5km west
 - Wharnccliffe Chase and Wood LWS c.1.7km to the south
 - Romticle Viaduct & Thurgoland Tunnels LWS c.400m south west.
20. Impacts associated with development on these sites would not be expected, due to the nature of development and distances from the plot.

Survey

Method

21. The survey was carried out during June 2019¹ and followed Phase 1 habitat survey methodology (JNCC, 2010).

Limitations

22. Whilst the majority of the site was accessible at least 5% was occupied by dense impenetrable vegetation which could not be closely inspected.

Results

23. The vast majority of the site is occupied by grassland, likely managed for silage, typical of the surrounding countryside.



Figure 5

Overview of the site looking east from the western boundary.

24. The following habitats were identified within the Site and on its immediate boundaries:

- Semi – improved neutral grassland
- Hedgerow
- Trees

¹ This Report has been prepared during June 2019 following a visit to the site in June 2019 and our findings are based on the conditions of the site that were reasonably visible and accessible at that date. We accept no liability for any areas that were not reasonably visible or accessible, nor for any subsequent alteration, variation or deviation from the site conditions which affect the conclusions set out in this report.

- Scrub

Semi-improved neutral grassland

25. This habitat covers over 95% of the site and is dominated by an array of common grasses but with limited forb cover. It appears to be subject to ongoing agricultural improvement.
26. The most abundant grasses form a dense sward and include cocksfoot (*Dactylis glomerata*), perennial ryegrass (*Lolium perenne*), Yorkshire fog (*Holcus lanatus*) and meadow foxtail (*Alopecurus pratensis*). Additionally, occurring frequently are red fescue (*Festuca rubra*), soft brome (*Bromus hordeaceus*) and crested dog's tail (*Cynosurus cristatus*) whilst meadow grass (*Poa* sp.) is also noted though rarely.
27. Forbs are limited consisting of occasional buttercup (*Ranunculus repens* & *R. acris*), ribwort plantain (*Plantago lanceolata*), hogweed (*Heracleum sphondylium*), broad leaved doc (*Rumex obtusifolius*), bush vetch (*Vicia sepium*), dandelion (*Taraxacum* agg.) and cow parsley (*Anthriscus sylvestris*).



Figure 6

Grassland looking east from the centre of the site.

Hedgerow

28. Hedgerow is present along much of the northern boundary with occasional gaps and possibly within the curtilage of neighbouring gardens. It is dominated by hawthorn (*Crataegus monogyna*) with occasional ash (*Fraxinus excelsior*), elder (*Sambucus nigra*) and dog rose (*Rosa canina*). Garden plants such as *Leylandii* and *Geraniums* have been introduced into the hedge and field layer in some areas.
29. Along the southern boundary the hedgerow is more intermittent and consists primarily of snowberry (*Symphoricarpos alba*) and *Leylandii*.

30. The field layer in both areas is predominantly made up of the aforementioned grassland with the addition of more competitive plants such as nettle (*Urtica dioica*), cow parsley (*Anthriscus sylvestris*), goosegrass (*Galium aparine*) and creeping thistle (*Cirsium arvense*).



Figure 7

Hedge at northern boundary.

Trees

31. Trees are scattered around the boundaries, with the only mature trees being two large ash (*Fraxinus excelsior*), on or just outside the southern boundary. A multi stemmed holly (*Ilex aquifolium*) is also found adjacent to one of the ash trees.
32. At the western boundary several young – early mature, multi stemmed ash (*Fraxinus excelsior*) and sycamore (*Acer pseudoplatanus*) are found.



Figure 8

Trees at the western boundary.

Scrub

33. Several small patches of scrub are present around the periphery and corners of the site, likely where cutting by machinery is more limited. Scrub is dominated by bramble (*Rubus fruticosus*) with raspberry (*Rubus idaeus*) in parts and other competitive species such as nettle (*Urtica dioica*), cow parsley (*Anthriscus sylvestris*) and goosegrass (*Galium aparine*).

Off-site Habitats

Broad Leaved Woodland and Watercourse

34. The eastern boundary is immediately adjacent to a woodland through which runs a small stream. The canopy species in the woodland comprise mainly early mature to mature oak (*Quercus* sp.), ash (*Fraxinus excelsior*) and sycamore (*Acer pseudoplanatus*) with an understory of saplings of the same species, goat willow (*Salix caprea*), hazel (*Corylus avellana*), hawthorn (*Crataegus monogyna*), occasional holly (*Ilex aquifolium*) and dog rose (*Rosa canina*).
35. The field layer comprises a similar mix of competitive species as described earlier along with more closely associated woodland flora including bluebell (*Hyacinthoides non-scripta*), wood anemone (*Anemone nemorosa*), dogs mercury (*Mercurialis perennis*), wood melick (*Melica uniflora*) and opposite leaved golden saxifrage (*Chrysosplenium oppositifolium*).
36. The watercourse is located c. 10m from the site boundary at its nearest, surrounding vegetation was the same as described above.



Figure 9

General view into woodland.

Semi-natural Habitats Summary Evaluation

37. The site is almost entirely comprised of species poor semi – improved neutral grassland, which is not considered a constraint to development.
38. Adjacent woodland is of higher value but provided some standard precautions are employed impacts can be minimised.

Fauna

Amphibians

39. Records are limited to a single common toad and twelve of common frog, the nearest record being of common frog c.600m south of the site. No records of great crested newt were returned.
40. No ponds are present on site though there is a small garden pond 'Pond 1', immediately adjacent to the north eastern corner of the site. The pond could be seen from site but was not accessible despite several attempts to contact the owner. It appears to have been recently built in a formal manner with raised, stone flanked sides and a small drop (c. 10cm) into the pond. The pond appears to be devoid of vegetation and protective netting suggests fish are present. The pond appears of a nature unsuited to supporting notable amphibian populations.
41. Pond 2 is located 180m north of the site and separated by Cote Lane and residential development. The pond appears to be a formal duck pond, lacking any vegetation with large and steep stone wall sides, and also appears unsuited to supporting significant amphibian populations.

Figure 10a Pond 1, built up sides evident as viewed from the site.



Figure 10b General view of Pond 2.



42. The site supports terrestrial habitat of some value to this group for foraging but is of limited value compared to adjacent woodland. The likelihood of low numbers of common amphibians such as common toad and frog being occasionally present cannot be ruled out. However, it is considered highly unlikely that great crested newt would be present on site or have established in the recently built pond in the intervening period between the initial assessment in 2016. Impacts upon great crested newt and amphibians are considered highly unlikely.

Bats

Records

43. A total of 52 records have been returned of pipistrelle species, daubenton's, leisler's, noctule, brown long eared and unidentified bat species, with the vast majority being of common pipistrelle. Thirty-one of these relate to roosts, the nearest of these is c.450m south of the site, whilst several roosts of a mix of daubenton's and pipistrelle have been recorded at Romticle Viaduct over multiple years – the largest count of which is of 123 bats.

Roost Suitability Assessment

44. None of the trees on site had anymore than *Negligible* bat roost potential, with a general lack of features noted and many being of a maturity where potential roost features would not be expected.

Activity

45. Seasonal bat activity surveys of the site have been undertaken by Brooks Ecological and concluded in May 2019. These revealed low levels of activity by common and widespread species such as; common pipistrelle, brown long eared, noctule, soprano pipistrelle and Myotis (whiskered). This was predominantly focused on the eastern boundary.
46. Bat activity surveys concluded development is unlikely to lead to negative impacts, but precautions should be put in place to further reduce the risk of any impacts. A lighting plan should be designed to show how the eastern boundary will remain unlit following development.

Birds

47. Habitats on site are of minimal value to birds though boundaries likely support a typical assemblage of common garden birds in low numbers during the main nesting season. Given the Site's small size, current land use and simple habitats present, full Breeding Bird Surveys are not considered necessary. Instead, standard precaution should be undertaken in relation to any vegetation clearance works.

Badger

48. Updated badger records have been returned from the south Yorkshire badger group, comprising six records, the nearest of which is over 900m from the site. Dedicated badger survey was undertaken of the site in October 2018 and no evidence of activity was found.
49. Though badgers appear to be active in the area the risk of development impacting upon them following their continued absence from the site is low. Despite this, some

precautions are recommended to reduce the risk of impacting upon badgers during construction.

Water Vole

50. Though historically recorded in the area, there is no suitable habitat for this species on site or within adjacent areas likely to be impacted upon by works. The presence of this species on site would not be expected and impacts are considered highly unlikely.

Reptiles

51. Four records of grass snake were returned c. 740m south of the site from as recent as 2008, with an additional record from 2015 located c. 1km west. Though these areas are linked to the site by woodland, the application site provides habitat of marginal suitability to this group.
52. The presence of reptiles within survey boundaries is considered highly unlikely and detrimental impacts would not be expected. However, to avoid killing or injuring should individuals be present, the site should be cleared systematically from east to west. This would allow any individuals to escape and given the low likelihood of their presence, this reflects a proportionate resolution.

Hedgehogs

53. Hedgehogs are listed under Section 41 of the NERC Act and are declining in our countryside. The Site provides suitable habitat for this species and as such, likely presence is assumed. Suitable precautions should be put in place to ensure this species is not impacted by the proposals.

Invasive Non-Native Species (INNS)

54. INNS are species listed on Schedule 9 of the Wildlife and Countryside Act (1981), for which it is an offence to cause or allow it to grow in the wild. The following species were found by the surveyor during this survey²:
- None
55. This site presents a medium risk of supporting undetected INNS based on the following factors:
- Areas of site inaccessible to survey
 - Proximity to nearby potential sources of infection
 - Potential for tipping of material.
56. Should further assurances be needed in relation to INNS you should commission a dedicated Invasive Weed Survey.

Ecological Constraints and Opportunities Plans (ECOP)

57. Opportunities for ecological enhancement are covered in detail in Brooks Ecological's Biodiversity Management Plan (report reference: R-2524-04) and are not repeated here.

² Whilst our ecologists are trained in the identification of INNS, this report is not a dedicated invasive species survey. Detectability of invasive plant species is seasonally variable and can be affected by several other factors which may not be apparent to the surveyor, so whilst every effort is made, a conclusive determination of status or extent is not possible through preliminary survey. As the presence of invasive species can generate significant costs to development the client may wish to instruct a dedicated invasive species survey prior to entering into contracts.

Conclusions and Recommendations

58. This Site appears largely unconstrained by ecology and biodiversity issues with recent additional bat activity (Brooks Ecological's report reference: R-2534-02) and badger survey (report reference: R-2524-03) highlighting the low risk of impacting upon these protected species.
59. The woodland and watercourse adjacent to the eastern boundary should be protected during development. This should involve tree protective fencing being installed prior to works commencing which encompasses the root protection areas. Likewise, mature ash trees on the southern boundary should be protected as above.
60. A drainage plan should be produced to ensure surface water during and post construction does not affect the watercourse.
61. Efforts should be made to minimise additional light spill onto the woodland adjacent to the eastern boundary during and post development. This should include a sympathetic lighting plan designed to avoid/ minimise light spill.
 - a. Avoid excessive lighting to boundary of the site, such as security lights.
 - b. If possible, incorporate native tree species buffer planting along the boundary to absorb excessive light spill.
 - c. Where lighting is required here or elsewhere around the site, then follow the below:
 - Use an LED light with a reduced spectrum in preference to lights featuring UV and blue light.
 - Use low level columns or bollards and direct lighting downwards.
 - Set external security lighting on a motion sensor with a short timer (one minute).
 - Reduce light spill using baffles, hoods or louvres.
 - Within buildings, set lights back into rooms to reduce spill, and use glazing treatments to obscure light.
62. To minimise the risk of impacting upon badger during construction, any excavations deep enough to trap badger should be covered at night or left with a means of escape. A pre-commencement badger check may be recommended if construction does not start within 6 months of issuing this report. This is detailed in Table 2.
63. To avoid impacts upon hedgehog, appropriate access to gardens around the site should be retained as described in Brooks Ecological's Biodiversity Management Plan R-2524-04.

64. Further surveys in support of a planning application are not considered necessary.

Table 2 Other recommendations.

Issue	Why	When calculated on the date of this report.
Nesting bird management	As with most sites the standard precaution in relation to birds would apply: To prevent the proposed works impacting on nesting birds, any clearance of vegetation will need to be undertaken outside of the breeding bird season which is 1st March – 31st August inclusive. Any clearance that is required during the breeding bird season should be preceded by a nesting bird survey to ensure that the Wildlife and Countryside Act (1981) is not contravened through the destruction of nests and that any active nests are identified and adequately protected during the construction phase of the development.	Pre- and during - clearance
Badgers	Should more than 6 months elapse since the time of issuing this report then another pre-clearance badger survey should be undertaken to confirm the ongoing absence of this species.	Pre-clearance (this should be undertaken with sufficient time to close a sett if required)

Appendices

1. Extended Phase 1 Habitat Plan
2. Explanatory Notes and Resources
3. Bat Activity Survey Rationale
4. Information on Legislation/Protection

References

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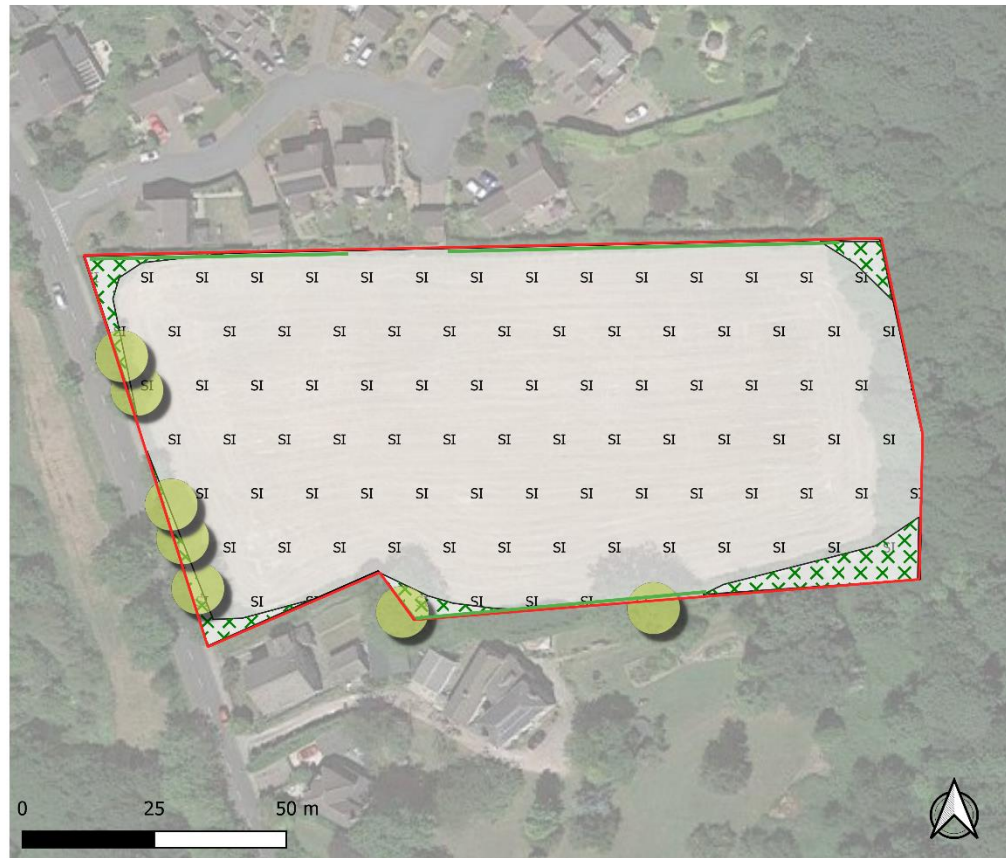
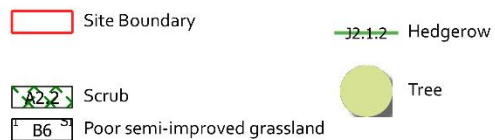
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Appendix 1 Extended Phase 1 Habitat Plan



Site Location:
Land off Cote Lane, Thurgoland

Surveyed on:
03/06/19

Appendix 2 Explanatory Notes and Resources Used

Site Context

Aerial photographs published on commonly used websites were studied to place the site in its wider context and to look for ecological features that would not be evident on the ground during the walkover survey. This approach can be very useful in determining if a site is potentially a key part of a wider wildlife corridor or an important node of habitat in an otherwise ecologically poor landscape. It can also identify potentially important faunal habitat (in particular ponds) which could have a bearing on the ecology of the application site. Ponds may sometimes not be apparent on aerial photographs so we also refer to close detailed maps that identify all ponds issues and drains.

Designated Sites

A search of the MAGIC (Multi-Agency Geographic Information for the Countryside) website was undertaken. The MAGIC site is a Geographical Information System that contains all statutory (e.g. Sites of Special Scientific Interest [SSSI's]) as well as many non-statutory listed habitats (e.g. ancient woodlands and grassland inventory sites). It is a valuable tool when considering the relationship of a potential development site with nearby important habitats. In addition, information from the local record holders was referred to on locally designated sites.

Functional linkage with off-Site habitats

When assessing these we consider whether the Site could be functionally linked to them, considering links such as;

- Hydrological links - is the Site upstream downstream, or could ground water issues affect it?
- Physical links - is the site in close proximity and could it be directly or indirectly affected by construction and operational effects? Conversely it may be that despite proximity major barriers separate the two.
- Recreational links - do footpaths and roads make it likely that increased recreational pressure could be felt?
- Habitat links - is the site part of a network of similar habitat types in the wider area? These could be joined by linear corridors or could simply be 'stepping stones' of habitat of similar form or function.

Method

Phase 1 habitat survey methodology (JNCC, 2010). This involves walking the site, mapping and describing different habitats (for example: woodland, grassland, scrub). The survey method was "Extended" in that evidence of fauna and faunal habitat was also recorded (for example droppings, tracks or specialist habitat such as ponds for breeding amphibians). This modified approach to the Phase 1 survey is in accordance with the approach recommended by the Guidelines for Baseline Ecological Assessment (IEA, 1995) and Guidelines for Preliminary Ecological Appraisal (CIEEM 2017).

Faunal Appraisal

This section first looks at the types of habitat found on Site or within the sphere of influence of potential development, then considers whether these could support protected, scarce or NERC Act 2006 Section 41 species (referred to collectively as 'notable species').

Records of notable species supplied from a 2km area of search are used to inform this appraisal.

We discuss further only notable species or groups which could be a potential constraint due to the presence of suitable habitat and their presence (or potential presence) in the wider area. We screen

out and do not present accounts of notable species or groups which do not meet these criteria – in some cases it may be necessary to explain this reasoning.

Bat roosting potential is classified according to the following criteria set out below, taken from the Bat Conservation Trust Good Practice Guidelines (2016).

Bat Roosting Suitability of Buildings and Trees

Suitability	Criteria
<i>Negligible</i>	Negligible habitat features on site likely to be used by roosting bats.
<i>Low</i>	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions, and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential.
<i>Moderate</i>	A structure or tree with one or more potential roost sites that could be used due to their size, shelter, protection, conditions, and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only - the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
<i>High</i>	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protections, conditions and surrounding habitats.

Evaluation

In evaluating the Site, the ecologist will take into account a number of factors in combination, such as;

- the baseline presented above,
- the site's position in the local landscape,
- its current management and
- its size, rarity or threats to its integrity.

There are a number of tools available to aid this consideration, including established frameworks such as Ratcliffe Criteria or concepts such as Favourable Conservation Status. Also of help is reference to Biodiversity Action Plans in the form of the Local BAP and Section 41 of the NERC Act (2006) to determine if the site supports any Priority habitats or presents any opportunities in this respect.

The assessment of impacts considers the generic development proposals from which potential effects include:

- Vegetation and habitat removal
- Direct effects on significant faunal groups or protected species
- Effects on adjacent habitats or species such as disturbance, pollution and severance
- Operation effects on wildlife such as noise and light disturbance

Consideration is given to the Local Biodiversity Action Plan (LBAP), which for this site is the 'Barnsley Local BAP'.

Priority Species	Priority Habitats
Hedgehog	Upland Oakwood
Bats	Lowland Mixed Deciduous Woodland
Water Vole	Wet Woodland
Otter	Wood Pasture and Parkland
Grey Partridge	Hedgerows
Bittern	Arable Field Margins
Kestrel	Floodplain Grazing Marsh
Little Ringed Plover	Lowland Meadows
Lapwing	Lowland Dry Acidic Grassland
Barn Owl	Lowland Heathland
Skylark	Upland Heathland
Tree Sparrow	Blanket Bog
Twite	Purple Moor Grass and Rush Pasture
Great Crested Newt	Reedbeds
Salmon	Ponds
Bullhead	Rivers
White-clawed Crayfish	Open Mosaic Habitats on Previously Developed Land
Glow Worm	
Dingy Skipper	
Bluebell	
Hedgehog	

Appendix 3 – Bat Activity Survey Rationale

The Bat Conservation Trust Guidelines (BCTG) (Collins 2016) is now widely accepted as providing a basis and rationale for scoping and conducting bat surveys. It is acknowledged that the guidelines provide a wealth of background and are a very useful tool in standardising approaches to survey, it is also felt that an over reliance on some of the guidelines within this document can result in the provision of complicated surveys where they have significant consequences for the cost, or timescale of a large project, but could never deliver positives for bat conservation.

Taking the BCTG document as a whole, Chapter 2 helps the reader understand whether or not surveys are required, and that in the context of planning and development survey is required in relation to ensure;

- the avoidance of legal offences, and;
- the provision of a sufficient level of information - such that will allow the Local Planning Authority to make an informed decision on the proposals and their potential impacts on the Favourable Conservation Status (FCS) of bats.

Attendance at seminars presented by, and discussions with, those involved in production of the BCTG document has emphasised the point that it is within the remit of the consultant ecologist to make a decision on the necessity and scope of surveys - they will use the guidelines in doing so but are not in any way bound by them: this is reflected in Section 1.1 of the guidelines -

'The Guidelines do not aim to either override or replace knowledge and experience. It is accepted that departures from the guidelines (e.g. either decreasing or increasing the number of surveys carried out or using alternative methods) are often appropriate. However, in this scenario an ecologist should provide documentary evidence of (a) their expertise in making this judgement and (b) the ecological rationale behind the judgement.'

Such decisions require a consideration of the potential of the project to impact on bat habitat, alongside analysis of the value of habitat on and around the site and of local records and the likelihood that bats might occur in significant numbers. Our reports aim to present information on how we have arrived at our decision on the Site, what assumptions we have based this on, and where further survey is recommended we indicate what the objective of this survey should be and how best this would be achieved.

At this Site, seasonal bat activity transects have already been carried out and revealed low levels of bat activity. Further survey in light of these results is not considered necessary.

Appendix 4 Wildlife Legislation, Policy and Guidance

This is not an exhaustive list but sets out briefly the relevance of Legislation, Policy and Guidance in terms of planning applications and this assessment.

Legislation

Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (EC Habitats Directive).

Provides framework at an international (EU) level for the consideration / protection of European Protected Species (EPS), and habitats through the designation of sites.

Council Directive 79/409/EEC on the Conservation of wild birds (EC Birds Directive) and The Ramsar Convention on Wetlands of International Importance (1971)

Provides framework at an international (EU) level for the consideration / protection of important bird populations and the sites on which they are dependant.

The Conservation of Habitats and Species Regulations (2010)

This transposes 1) into UK law and provides the basis on which all EPS are protected and impacts on them can be licensed in the UK.

The Wildlife and Countryside Act (1981) as amended

This provides the basis on which UK species are legally protected or restricted and confers protection on Sites of Special Scientific Interest SSSIs. It contains annexes of plants and animals which are legally protected as well as those which are considered to be invasive or harmful. It provides the basis on which impacts on such species can be licensed in the UK and provides controls on work on or near SSSIs.

The Countryside and Rights of Way Act 2000 (CRoW)

Provides a statutory basis for nature conservation, strengthens the protection of SSSIs and UK protected species and requires the consideration of habitats and species listed on the UK and Local Biodiversity Action Plans (UKBAP / LBAP).

Natural Environment and Rural Communities Act 2006 (NERC)

Sets out the responsibilities of Local Authorities in conserving biodiversity. Section 41 of the Act requires the publishing of lists of habitats and species which are "of principal importance for the purpose of conserving biodiversity". At present these largely reflect those making up the UKBAP lists.

Hedgerows Regulations (1997)

Define and provide protection for Important Hedgerows.

Protection of Badgers Act (1992)

Protects badgers from persecution, this includes excavation / development in the proximity of setts.

Protected Sites

Statutory EU / International Protected Sites

Special Areas of Conservation (SACs); and Special Protection Areas (SPAs) and Ramsar Sites contain examples of some of the most important natural ecosystems in Europe. Work on or near these sites is strictly protected and Local Authorities will be expected to carry out 'Appropriate Assessment' of development in proximity of them. In this case there is often an increased burden on the developer in relation to provision of information and assessment.

Statutory UK Protected Sites

Local Nature Reserves (LNRs); National Nature Reserves (NNRs); Sites of Special Scientific Interest (SSSIs) all receive strict protection under UK legislation. Work in or in proximity to these sites would be restricted with any needing to be agreed with Natural England. Natural England now provide guidance on the nature of development which could impact on SSSIs through Impact Risk Zones.

Locally Protected Sites

Local Authorities have a variety of protected wildlife sites designated at a local or regional level. These are gradually being brought under the banner of Local Wildlife Sites (LWS) but at present a plethora of different designations exist - all subject to local policy.

Protected Species

European Protected Species

A number of species (most relevantly bats, great crested newts [GCN], and otters) receive strict protection from killing, injury and disturbance under The Conservation of Habitats and Species Regulations (2010). Protection is also conferred on the habitats on which they rely such as roost space in the case of bats and ponds and fields etc. in the case of GCN.

UK Protected Species

A number of species (including bats, GCN, water vole and white clawed crayfish) are strictly protected under The Wildlife and Countryside Act (1981) as amended, from killing, injury, disturbance and damage or destruction of their resting places etc. Certain species (such as reptiles) and some birds (such as barn owl) receive partial protection e.g. at certain times of the year or from certain activities only. All nesting bird species are protected from damage or destruction of their nests - whilst active.

Invasive species

Schedule 9 of the Wildlife and Countryside Act (1981) as amended, lists these species and makes it an offence to cause or allow their spread in the wild. This often has impacts on development and planning in relation to the presence of invasive plant species such as: himalayan balsam (*Impatiens glandulifera*), japanese knotweed (*Fallopia japonica*) and giant hogweed (*Heracleum mantegazzianum*).

Planning Policy / Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework was updated in July 2018. The most relevant paragraphs from the NPPF are set out below.

The approach to assessing the natural environment is now embedded within the definition of what 'sustainable development' is and this falls under one of three objectives of the planning system – the 'environmental objective' applying in this case. Paragraph 8c (P8c) of the NPPF states that sustainable development should “*contribute to protecting and enhancing our natural environment*” and “*help to improve biodiversity*”. P10 sets out the Framework's presumption in favour of sustainable development.

Section 11 of the NPPF details making effective use of land. The Framework states that planning policies and decisions should “*take opportunities to achieve net environmental gains – such as developments that would enable new habitat creation*” and should “*recognise that some undeveloped land can perform functions for wildlife*” (P118).

Section 15 details conserving and enhancing the natural environment; policies and decisions should be “*protecting and enhancing sites of biodiversity value*”, “*recognise the intrinsic character and beauty of the countryside*” and contribute to conserving and enhancing the natural environment and reducing

pollution (P170). Allocations of land for development should, *"prefer land of lesser environmental value, where consistent with other policies in this Framework and take a strategic approach to maintaining and enhancing networks of habitats"* (P171).

The Framework sets out ways to minimise the impacts on biodiversity through *"identifying, mapping and safeguarding components of local wildlife rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity"* and the *"conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and (the need to) identify and pursue opportunities for securing measurable net gains for biodiversity"* (P174).

It is made clear in P175 that local planning authorities should apply principles when determining planning applications. Planning permission should be refused *"if significant harm to biodiversity resulting in development cannot be avoided, adequately mitigated, or, as a last resort, compensated for"*. Development should not normally be permitted where an adverse effect on a SSSI is likely and *"opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity"*.

Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services.

This strategy builds on the Natural Environment White Paper (June 2011) - Setting out the current UK Government's approach to nature conservation. It promotes a more coherent and inclusive approach to conservation and the valuing in economic and social terms of economic resources.

The strategy promotes initiatives such as Biodiversity Offsetting, Nature Improvement Areas and a focus on well-connected natural networks and introduces the concept of securing a 'no net loss' situation with regard to UKBAP / Section 41 habitats and species.

ODPM circular 06/05 (2005) Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System

Provides guidance to Local Authorities on their obligations to biodiversity – particularly in relation to assessing planning applications and ensuring the adequacy of information.

BSI (2013) British Standards Institute BS 42020:2013 Biodiversity — Code of Practice for Planning and Development.

Provides a standard for the biodiversity assessment and development industries and decision makers such as Local Planning Authorities to work to.