Land at Chestnut Street, Grimethorpe

Preliminary Ecological Appraisal

28th November 2019



Prepared by:

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Site Name Land between 26 & 28 Chestnut Street	Location Chestnut Street, Grimethorpe, S72 7JZ
Local Authority Barnsley Metropolitan Borough Council	**Grid Reference** SE 41852 08312
Surveyor Peter Middleton MCIEEM	**Date of Survey** 26/11/2019
National Character Area (NCA) NCA 38 The Nottinghamshire, Derbyshire and Yorkshire Coalfield	**Designation of Site** None
Phase 1 Habitat Types on Site A2.1 Dense scrub, B6 Poor semi improved grassland, C1.1 Continuous bracken, C3.1 Tall ruderal, J1.4 Introduced shrub, J4 Bare ground (hard surface),	
NVC Communities on Site None	
Protected/Notable Species, Constraints on Site Nesting birds	
HPIs and SPIs under NERC Act 2006 None	
Barnsley BAP None	

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1. Summary

1.1.1 The Preliminary Ecological Appraisal of land between 26 and 28 Chestnut Street, Grimethorpe was commissioned by the owner and client Jason Etherington on 22nd November 2019.

1.1.2 The survey was commissioned to inform a planning application for a residential development comprising four dwellings. The proposed development will result in the land-take of approximately 0.08ha of land (mostly bramble scrub and tall ruderal).

1.1.3 The proposed development will not result in any foreseeable impacts upon designated sites. The site is of no more than site level importance to any habitat or species group.

1.1.4 The following ecological constraints and associated recommendations to avoid/mitigate/compensate for potential impacts have been identified.

- Nesting birds – Site clearance to be undertaken when will not affect nesting birds or be proceeded by a nesting bird check.
- Nearby designated site - A fence should be installed along the south western boundary to the development, in order to separate the gardens from offsite habitats that have linkages with the LWS.

1.1.5 In addition to mitigation recommendations outlined above, enhancement recommendations include:

- In-situ cavity bat boxes, house sparrow and swift boxes integral to the fabric of the buildings
- Soft landscaping scheme making use of native species of trees and shrubs.
- Boundaries and fences that will not impede the free movement of hedgehogs throughout the site.

1.1.6 In order to further reduce scheme impacts and to ensure the scheme maximises potential benefits to nature conservation, it is recommended that mitigation and enhancement measures detailed in Sections 6.3 and 6.4 are adopted.

2. Introduction

2.1.1 The Preliminary Ecological Appraisal of land between 26 and 28 Chestnut Street, Grimethorpe was commissioned by the owner and client Jason Etherington on 22nd November 2019.

2.1.2 The survey was commissioned to inform a planning application for a residential development comprising four dwellings. The proposed development will result in the land-take of approximately 0.08ha of land (mostly bramble scrub and tall ruderal).

2.1.3 The purpose of this report is to present the results of an extended Phase 1 habitat survey which includes determining the potential for, or presence of, protected and notable species, plus an appended map of the site showing the Phase 1 habitats present. Where impacts can be confidently determined, recommendations in relation to avoiding, mitigating and compensating for these impacts are included in this report, together with biodiversity enhancement recommendations.

2.1.4 Ecological impacts associated with the scheme have been assessed with the focus on identifying significant impacts. Mitigation, compensation and enhancement measures are detailed.

2.1.5 Key legislation relating to designated sites and protected species and habitats is presented in Appendix 3. The implications of legislation are detailed in the body of the report where necessary.

3. Site Description

3.1.1 The application site is located off Chestnut Street in a somewhat rural location on the outskirts of the village of Grimethorpe approximately 7.5 kilometres east of Barnsley town centre. The site consists of approximately 0.10ha of land, with semi-natural habitats present on site comprising bramble scrub, bracken, tall ruderal vegetation and very small areas of poor semi improved grassland and introduced shrub. The remainder consists of hard surface (tarmac) associated with a prefabricated building, formally present on the site (see Appendix 1, Figure 1 and Plates 1, 2, & 3).

3.1.2 To the north and east of the application site is an estate of residential properties which borders West Haigh Wood (a Local Nature Reserve), whilst to the south of Chestnut Street there is a former area of remnant lowland heath which has been lost to a combination of natural succession and recreational activities (motorcycles). This area now consists largely of woodland and bare ground, whilst to the west of the site is an arable field which borders a cemetery.

3.1.3 The site falls within National Character Area 38: The Nottinghamshire, Derbyshire and Yorkshire Coalfield. This National Character Area (NCA) comprises a generally low-lying area, with hills and escarpments above wide valleys, the landscape embraces major industrial towns and cities as well as villages and countryside. Over half of the NCA is currently designated as greenbelt land; this maintains some distinction between settlements and represents areas that are often under pressure for development and changes in land use. Very little of the NCA is designated for geology or nature conservation, but instead the landscape is dotted with many pockets and patches of habitat where species find refuge. This is often on land that was once worked for minerals or occupied by major industry.

Figure 1. The site location, as indicated by red circle



4. Methodology

4.1 Data Consultation

4.1.1 Barnsley Biological Records Centre (BBRC) were contacted to request the following information for locations within a 1.5km radius of the site:

- Protected and notable species records
- The boundaries of non-statutory designated sites of nature conservation interest

4.1.2 A search of the Multi-Agency Geographical Information for the Countryside (MAGIC) website was undertaken to determine the following:

- The boundaries of statutory designated sites of nature conservation interest
- The locations of historic European Protected Species (EPS) licences granted by Natural England

4.2 Field Survey

4.2.1 The site was surveyed on 26th November 2019 using extended Phase 1 habitat survey methodology (JNCC, 2010) by the following personnel:

- Peter Middleton (MCIEEM)

4.2.2 Notable, rare or scarce plant species were highlighted if present. Evidence of protected species or species of nature conservation importance was recorded where present at the time of survey. Species recorded are included within the report as appropriate. Information is presented on the Phase 1 plan, using Target Notes (TN) to

identify particular features of interest, where appropriate. Additionally, and where possible, habitats were classified using the National Vegetation Classification (NVC), as described in the JNCC National Vegetation Classification – Users Handbook (Rodwell, 2006).

4.2.3 Ariel photographs (Google Earth) 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 is particularly useful for identifying wildlife corridors and ponds but because the latter are often not apparent on aerial photographs, OS 1:25 000 scale maps are also used.

4.2.4 Habitats of Principal Importance (HPIs) and Species of Principal Importance (SPIs) are included on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 were noted together with priority species and habitats as included on the Local Biodiversity Action Plan (LBAP).

Methods of assessment

4.2.5 The value and sensitivity of ecological features present on site were determined based on the guidance given in 'Guidelines on Ecological Impact Assessment' (CIEEM, 2016). Individual ecological receptors (habitats and species that could be affected by the development) for the scheme were assigned levels of importance for nature conservation. The highest level is international, then decreasing in order of importance through national, regional, county, local and lastly site.

4.3 Survey Limitations

4.3.1 The phase 1 habitat survey was undertaken in November, which is outside of the survey period for undertaking detailed botanical surveys. However, considering the habitats present on site, this is not considered a significant constraint. It must be noted that the walkover survey at any time of year is only a snapshot in time and consequently some fauna and flora are likely to remain unrecorded.

5. Ecological Baseline

5.1 Data Consultation

5.1.1 Designated sites present within 2km of the site are detailed in Table 1.

Table 1. Designated sites

Designation	Name	Interest	Distance and direction to site
Sit of Special Scientific Interest (SSSI)	Carlton Main Brickworks	Geological	500m west
Local Nature Reserve (LNR)	West Haigh Wood	Ancient semi natural woodland	250m east
Local Wildlife Site (LWS)	West Haigh Wood	Remnant heath and oak/birch woodland	50m south
	Edderthorpe Ings	Wetland	1.25km southwest

5.1.2 The Rakes Wood area, included in the citation for West Haigh Wood LWS, is 50m south of the application site and an area of naturally regenerated oak/birch woodland which is not included in the citation is present immediately behind 30 to 42 Chestnut Street and only 12m from the application site.

5.1.3 A consideration of the scheme's potential to impact designated sites is presented in Section 6 of the report.

5.1.4 Records of protected and notable species obtained are discussed in the species accounts within the results section.

5.2 Field Survey

5.2.1 The arrangement of site habitats is shown on the Phase 1 plan in Appendix 1, whilst a field survey botanical species list is provided in Appendix 2.

5.2.2 Site habitats are considered to be of site level importance to nature conservation, whilst the site is unlikely to be of greater than site level importance to any faunal species group.

5.2.3 A detailed description of the site habitats and the site's potential to support protected and notable species is provided below.

Habitats

A2.1 Dense scrub

5.2.4 Several small areas of bramble *Rubus fruticosus* scrub are present on site, some of which includes a component of tall ruderal vegetation (see Plate 1 and Appendix 1).

Plate 1. Bramble scrub (left) and tall ruderal vegetation



B6 Poor semi improved grassland

5.2.5 This habitat would have formally constituted the main site habitat, but now only very small areas remain. The grassland is species poor and dominated by false oat-grass *Arrhenatherum elatius* and cocksfoot *Dactylis glomerata*. Broad leaved dock *Rumex obtusifolius*, dandelion *Taraxicum officinale* agg. and creeping thistle are also frequently present.

C1.1 Continuous bracken

5.2.6 This habitat constitutes approximately 35% of the site in the south and west areas of the redline boundary. This habitat continues offsite to the south where it is also present within the oak/birch woodland and the Rakes Wood section of the LWS.

Plate 2. Bracken (looking towards Chestnut St from west boundary)



C3 Tall ruderal

5.2.7 This habitat runs from north to south through the site and comprises locally dominant nettle *Urtica dioica* and mugwort *Artemisia vulgaris* together with frequently occuring teasel *Dipsacus fullonum* and creeping thistle *Cirsium arvense*.

Plate 3. Nettle in foreground (looking west)



J1.4 Introduced shrub

5.2.8 A linear area of laurel *Aucuba japonica* is present in the northeast corner of the site on the boundary with an adjacent property (see Plate 4 and Appendix 1).

Plate 4. Aucuba japonica on eastern boundary



J4 Bare ground (hard surface)

5.2.9 There are two areas of hard surface (tarmac) associated with a building which was formally on site (see Plates 1 & 4).

Off-site habitats

5.2.10 The land between the application site and the Rakes Wood section of West Haigh Wood LWS comprises oak/birch semi natural woodland, bracken and semi improved grassland. The oak/birch woodland is immediately south of 30 to 42 Chestnut Street and only 12m from the application site; the ground flora largely comprises bramble and bracken, which extends somewhat patchily to the application site's boundary. This undesignated area of woodland is not included in the Ancient semi natural woodland inventory as this area was formally lowland heath (see Plate 5). Nevertheless, it's ecological value is no less than the Rakes Wood section of the LWS.

Plate 5. Semi natural oak/birch woodland immediately behind Chestnut Street



Plate 6. Former area of dwarf shrub heath



Species and species groups

Amphibians

5.2.11 No Great Crested Newt (GCN) *Triturus cristatus* records were provided by BBRC for locations within a 1.5km radius of the site. No historic GCN EPS mitigation licences have been issued for locations within 2km of the site.

5.2.12 No ponds were recorded within 500m of the site during the pond search. However, three ponds do exist between 500m and 1000m from the site boundary.

5.2.13 The nearest known pond within which GCN are known to be present is in excess of 2km west of the site (Middleton, pers. com.). Given the paucity of records and barriers to movement, GCN are not considered to be a receptor to the proposed scheme.

5.2.14 Other amphibian records provided by BBRC for locations within 1.5km of the site include smooth newt *Triturus vulgaris*, common frog *Rana temporaria* and common toad *Bufo bufo*. The nearest record to site (common frog) was collected in 2001 from a location 650m northeast of the site, all other common amphibian records are for locations in excess of 1km. Given the lack of ponds in the local area, usage of the site by common amphibians is likely to be low.

Badger

5.2.15 A single badger *Meles meles* record was provided by BBRC for a location within a 1.5km radius of the site. No setts are known to be present with 1.3km of the site.

5.2.16 No badger setts were found on site; however, the site may be used as part of a wider foraging habitat for this species.

Bats

5.2.17 Fifteen bat records of four species were provided by BBRC. Species in the records comprised common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, noctule *Nyctalus noctule* and an unidentified *Myotis* species. No records

were received for the site itself and the nearest record to site (noctule) was collected in 1994 from a location 350m south of the site.

5.2.18 One historic EPS mitigation licence has been obtained for a location within 2km of the application site. The licence was issued in 2013 to allow the destruction of a common pipistrelle resting place located approximately 2km west of the application site.

5.2.19 There are no trees or buildings on site which can potentially accommodate roosting bats and the site provides sub-optimal habitat for foraging bats. The site is considered to be of no more than site level importance to foraging and commuting bats.

Birds

5.2.20 No red listed species within the Birds of Conservation Concern (Eaton *et al.,* 2015) were recorded during the survey.

5.2.21 Other bird species recorded on site during the survey included dunnock *Prunella modularis*, goldfinch *Carduelis carduelis* and wren *Troglodytes troglodytes*. This list is not exhaustive, and the site does have the potential to support a larger assemblage of common resident birds.

5.2.22 Scrub on site has potential to be used by a range of common bird species for nesting.

Invasive species

5.2.23 No invasive species on Schedule 9 of the Wildlife & Countryside Act 1981 (as amended) were recorded on site

Invertebrates

5.2.24 Given the ubiquitous habitats on site, its location and its size, significant populations of rarely occurring and/or notable species are not likely to be present.

Plants

5.2.25 Given the habitats on site and the soils somewhat nutrient enrichment, it is unlikely to support rare or notable species of flowering plants

Reptiles

5.2.26 Thirty-nine reptile records were provided by BBRC for locations within 1.5km of the site. Grass snake *Natrix natrix* records totalled 28, with remaining records assigned to common lizard *Zootoca vivipara*. The nearest record to site (common lizard) was collected in 2016 from a location 1.1km southwest of the application site.

5.2.27 Whilst no common lizard records were received from BBRC for the LWS 50m south of the application site, they are known to have been present in this location at least until the 1970s (Middleton, pers. com.). However, the habitat for this species has deteriorated considerably since that time and their presence in this area is now considered unlikely.

5.2.28 Further reptile surveys are not considered necessary give the lack of recent common lizard records near the site, the deterioration of nearby reptile habitat and the lack of potential refugia on site.

6. Assessment

6.1 Proposals

6.1.1 The proposed development will result in the land-take of approximately 0.08ha of land comprising mostly bramble scrub and tall ruderal vegetation. 0.02ha of bracken within the red line boundary will not be impacted by the scheme.

6.1.2 The assessment of scheme impacts is based upon the layout entitled 'Proposed Site Layout, Proposed Development at Land Between 26 & 28 Chestnut Street, Grimethorpe, Drawing No. CS-61, May 2019, Kudos Architecture and Design'.

6.2 Assessment of Impacts

6.2.1 No impacts upon designated sites are anticipated because of the nature of the development. The development will have a positive outcome for the protection of the nearby LWS, as off-road vehicles presently use the development site as an access route to enter the designated site. The presence of four more dwellings will not result in any significant increase in recreational use of the designated sites, given the large volume of residential housing already present locally.

6.2.2 The site is not considered to be of more than site level importance to any habitat or species group.

6.2.3 Potential impacts of the development are considered to comprise:

- Long-term loss of semi-natural habitats present within the interior of the site.
- Potential to damage or destroy active bird nests. Bird nests are subject to strong legal protections as detailed in Appendix 3.
- Temporary increase in vehicle movements onto and out of the site during the period of construction.
- Temporary increase in noise, dust and vibration caused by construction work.
- Long term increase in human presence on site following the construction of new dwellings.
- Increase in domestic pets which potentially negatively impact wild birds and mammals.

6.2.4 Methods to avoid or mitigate for the impacts detailed above are discussed in Section 6.3

6.3 Further Survey and Mitigation

6.3.1 In order to avoid or mitigate ecological impacts of the scheme, it is advised that the following recommendations are adopted:

- Site clearance should take place at a time when it will not affect nesting birds (March to August), or be proceeded by a nesting bird check.
- A fence should be installed along the south western boundary to the development, in order to separate the gardens from offsite habitats that have linkages with the LWS.

6.4 Enhancements

6.4.1 In accordance with the aims of planning policy NPPF: 15, it is suggested that the developer follows the recommendations detailed below. These measures could be secured by a suitably worded planning condition. Please note that the enhancements have been informed by the results and findings of the field survey.

- Two of the properties (50%) should have in-situ cavity bat boxes or bat tubes integral to the fabric of the buildings situated high on the south and west facing gables but not over windows or doors. The remaining dwellings should have house sparrow or swift boxes fitted under eaves either integral to the fabric of the building or fastened to the wall surface.
- New tree and shrub plantings should be an integral component of the soft landscaping proposals for the site. Plantings within the site should be generous and include locally native species of trees and shrubs.
- Dwelling boundaries and fences should not impede the free movement of hedgehogs *Erinaceus europaeus* throughout the site.

6.5 Conclusion and Residual Effects

6.5.1 The site is not considered to be of greater than site level importance to any habitat or species group.

6.5.2 In order to further reduce scheme impacts and to ensure the scheme maximises potential benefits to nature conservation, it is recommended that mitigation and enhancement measures detailed in Sections 6.3 and 6.4 are adopted.

7. References

Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines. The Bat Conservation Trust.

Connolly, S and Charles, P. (2005) Environmental Good Practice Pocket Book. CIRIA, London.

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

Harris S, Cresswell P and Jefferies D (1989). Surveying Badgers. Mammal Society.

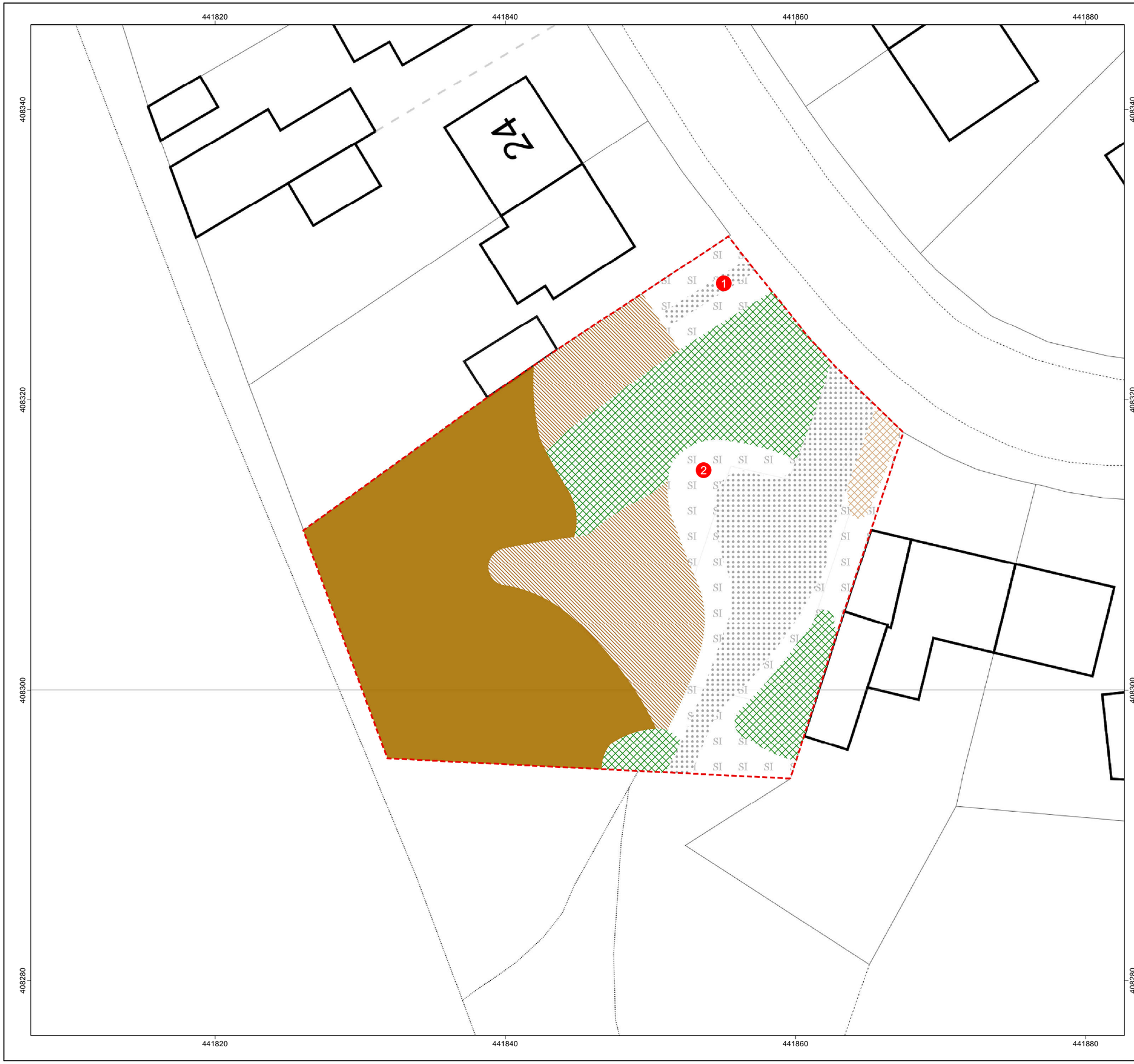
CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

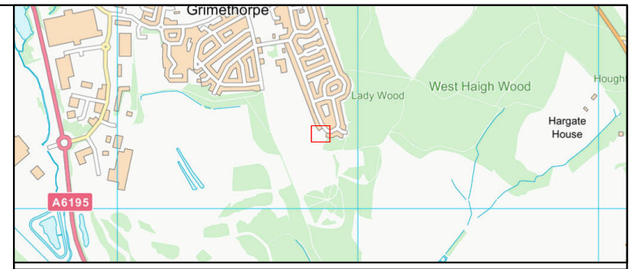
CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

Joint Nature Conservation Committee (2010). Handbook for Phase 1 Habitat Survey - a Technique for Environmental Audit. Reprinted by JNCC, Peterborough.

Rodwell, J.S, (2006), NVC Users' Handbook. JNCC

Appendix 1. Phase 1 Plan





Survey Information	
	Site boundary
Phase 1 Habitat Survey	
	Dense scrub
SI	Poor semi-improved grassland
	Tall ruderal
	Continuous racken
	Bare ground (hard surface)
	Introduced shrub
X	Target note

Target Notes:
[1] Cut area for storage of caravan
[2] Soil mound

Source:
Ordnance Survey © Crown copyright 2019, All rights reserved. License Number 100049837.

N 0 2.5 5 10 Metres

PROJECT TITLE

LAND BETWEEN 26 AND 28 CHESTNUT STREET, GRIMESTHORPE

DRAWING TITLE

Figure 1. Phase 1 Habitat Plan

VER	DATE	REMARKS	Drawn	Checked
1.0	28/11/19	Phase 1	MP	PM

DRAWING NUMBER:

MIDDLETONBELLECOLOGY/ChestnutSt/Phase 1

SCALE	1:250	PLOT SIZE	A3	DATUM	OSGB	PROJECTION	BNG

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Appendix 2. Plant Species Recorded on Site

Full Species List		
English Name	**Scientific Name**	**DAFOR Rating**
A2.1 Dense scrub		
Bramble	*Rubus fruticosus* agg.	Loc D
B Poor semi mproved grassland		
False oat-grass	*Arrhenatherum elatius*	A
Cocksfoot	*Dactylis glomerata*	F
Yorkshire fog	*Holcus lanatus*	O
Dandelion	*Taraxicum officinale*	O
Broad leaved dock	*Runex obtusifolius*	O
Creeping thistle	*Cirsium arvense*	O
Spear thistle	*Cirsium vulgare*	O
Chickweed	*Stellaria media*	R
Curled dock	*Rumex crispus*	R
Nettle	*Urtica dioica*	R
Pineappleweed	*Matricaria discoidea*	Loc F
Cow parsley	*Anthriscus sylvestris*	O
C3 Tall ruderal		
Nettle	*Urtica dioica*	Loc D
Great willowherb	*Epilobium hirsutum*	R
Creeping thistle	*Cirsium arvense*	F
Spear thistle	*Cirsium vulgare*	O
Teasel	*Dipsacus fullonum*	Loc A
Mugwort	*Artemisia vulgaris*	Loc A
C1.1 Continuous bracken		
Bracken		D
False oat-grass	*Arrhenatherum elatius*	O
J1.4 Introduced shrub		
Laurel	*Aucuba japonica*	R

Appendix 3. Relevant Legislation and Policy

Wildlife legislation relating to statutory designated sites and species is summarised in Table A1 and A2 below. This legal information is intended for summary only, and the original legal documents should be consulted if a detailed understanding is required.

Table A1. Legislation relating to designated sites and habitats

Designated Site	Legal Status
Site of Special Scientific Interest (SSSI)	SSSIs are the national suite of sites providing statutory protection for 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 have been re-notified under the Wildlife and Countryside Act 1981 (as amended). Improved provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000. SSSIs are of at least national importance to nature conservation
Local Nature Reserves (LNR)	LNRs are of local, but not necessarily national, importance. An LNR can also be an SSSI (Site of Special Scientific Interest), but often is not, or may have other designations. Except where the site is an SSSI, there is no legal necessity to manage an LNR to any set standard and there is no national legal protection specifically for LNRs. An LWS has certain protection against development on and around it. This protection is usually given via the local plan, (produced by the Local Planning Authority (LPA), and often supplemented by local by-laws.
Local Wildlife Site (LWS)	While they have no direct legal status, Local Wildlife Sites are considered important enough to receive recognition within the planning system. National planning policy requires local authorities to identify Local Wildlife Sites and provide for their protection through local policy.

Table A2. Legislation relating to species

Species	Legal Status
European protection	
European Protected Species (EPS) (including bats, Great Crested Newt (GCN), otter and hazel dormouse)	These animal species and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2017, which makes it illegal to: • Intentionally or deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs; • Deliberately disturb such an animal; • Damage or destroy a breeding site or resting place of such an animal. European Protected Species (EPS) licences 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: • The development is for reasons of overriding public interest;

Species	Legal Status
	• There is no satisfactory alternative; and • The favourable conservation status of the species concerned will be maintained and/or enhanced. Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a legal duty to 'have regard to the requirements of the EC Habitats Directive in the exercise of their functions'. This means that they 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. As a consequence, Planning Applications for such developments must demonstrate that the 3 tests will be passed. Natural England also allow sites to be registered on the Bat Low Impact Class Licence to permit activities that would otherwise be unlawful under the Conservation Regulations where the 3 tests can be passed and the bat roosts to be impacted are of low conservation status.
National protection	
European Protected Species and other species including water vole and white clawed crayfish	These animals receive full protection under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to: • 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.
Common amphibians and reptile species	These animals receive limited protection under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal to intentionally kill or injure any such animal.
Badger	The Protection of Badgers Act 1992 makes it illegal to wilfully kill or injure a Badger or attempt to do so and also make it illegal to intentionally or recklessly interfere with a Badger sett. This includes damaging or destroying a sett, obstructing access to a sett and disturbing a Badger while it is occupying a sett. Licences can be granted by Natural England to permit sett closure and/or disturbance between July and November inclusive.
Schedule 1 birds	Special penalties relate to offences concerning birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). In addition to the offences detailed above relating to all wild birds, it is illegal to intentionally or recklessly disturb any Schedule 1 bird or their dependent young while nesting.
All bird species	All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to: • 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.
Invasive species	The Wildlife and Countryside Act 1981 (as amended) contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of

Species	Legal Status
	animals and planting of plants listed in Schedule 9 of the Act. In relation to Schedule 9 plants it is an offence to plant or otherwise cause these plant species to grow in the wild.

Species and Habitats of Principal Importance

Planning authorities have a duty under Section 40 of the NERC Act 2006 to have regard to priority species and habitats in exercising their functions including development control and planning. In compliance with Section 41 of the NERC Act, the Secretary of State has published a list of species and habitats considered to be of principal importance for conserving biodiversity in England under the UK Post-2010 Biodiversity Framework. This is known as the list of Habitats and Species of Principal Importance (HPI/SPI). The HPI/SPI list is used to guide planning authorities in implementing their duty under the NERC Act.

National Planning Policy Framework

The National Planning Policy Framework for England was revised in 2018. This document states that plans should 'promote the conservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'. It also puts an emphasis on refusing development which would result in the 'loss or deterioration of irreplaceable habitats (such as ancient woodland)' unless there are 'wholly exceptional reasons and a suitable mitigation strategy exists'.

Local Biodiversity Action Plans

The HPI/SPI list included on Section 41 of the NERC Act 2006 is supported by a series of Local Biodiversity Action Plans (LBAPs), usually set up on a local authority local authority administrative boundary basis. Each LBAP identifies those habitats and species considered to be most important in that area (usually referred to as priority habitats and species). Commonly, an LBAP will identify a number of habitats and species for which "action plans" have been prepared.

Appendix 4. Designated Sites Map

