

Station Road, Darton
Preliminary Ecological Appraisal
2nd October 2019



Prepared by:

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Site Name Station Road	Location Darton, Barnsley
Local Authority Barnsley Metropolitan Borough Council	Grid Reference SE 3141 1002
Surveyor Peter Middleton MCIEEM	Date of Survey 24/09/2019
Geology/soil type Coal Measures	Designation of Site None

Phase 1 Habitat Types on Site A3.1 Scattered trees, A2.1 Dense scrub, B2.2 Semi improved neutral grassland, J1.3 Ephemeral, J3.6 Buildings, J5 Other: hard standing
NVC Communities on Site Affinity with MG1
Protected/Notable Species, Constraints on Site Nesting birds, potential for roosting bats
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 at Station Road, Darton was commissioned by planning consultant James Roberts on behalf of the client Andrew Birkinshaw on 18th August 2019. The survey was commissioned to inform a planning application for a residential development, indicatively for between 10 and 20 dwellings.
- 1.1.2 Site habitats are considered to be of importance to nature conservation at the site level. The site's importance to roosting bats has not yet been fully established however it is not considered to be of importance to other species or species groups at greater than the site level.
- 1.1.3 The following ecological constraints and associated recommendations to avoid/mitigate/compensate for potential impacts have been identified.
- Potential to impact roosting bats within existing buildings. Further nocturnal bat surveys are required to confirm presence/absence of roosting bats in site buildings.
 - Potential damage to the roots of trees to be retained. Root protection measures detailed in British Standard 5837 (2012): Trees in relation to design, demolition and construction, should be followed.
 - Nesting birds - vegetation clearance should take place at a time when it will not affect nesting birds (outside March to August). If works are to be undertaken during this time, then they should be preceded by a nesting bird check, to be undertaken by an ecologist.
- 1.1.4 In addition to the further survey detailed above, enhancement recommendations include:
- A soft landscaping scheme that will include the planting of native trees and shrubs.
 - Schwegler house sparrow terraces integral to the fabric of the buildings or under soffits on 50% of dwellings.
 - Wall integrated cavity bat boxes or tubes to be installed in at least two of the new dwellings on site.
- 1.1.5 The findings of this survey are considered to be valid for up to 24 months of the survey date. After this time re-survey of the site may be necessary.

2. Introduction

- 2.1.1 The Preliminary Ecological Appraisal of land at Station Road, Darton was commissioned by planning consultant James Roberts on behalf of the client Andrew Birkinshaw on 18th August 2019. The survey was commissioned to inform a planning application for a residential development, indicatively for between 10 and 20 dwellings.
- 2.1.2 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.

- 2.1.3 Ecological impacts associated with the scheme have been assessed with the focus on identifying significant impacts. Mitigation, compensation and enhancement measures are detailed.
- 2.1.4 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 site consists of 0.31ha of land adjacent to Station Road, Darton. Habitats on site include unmanaged semi-improved grassland, bare ground, scattered trees, dense scrub and buildings. Land adjacent to the site consists predominantly of residential properties, minor roads and a railway line (see Figure 1).
- 3.1.2 The site falls within Natural Area 24 Coal Measures which is characterised by dense populations centred on a number of towns and cities that developed largely as a result of the underlying coal fields. The topography of the Natural Area is gently undulating, and the network of towns and cities is characterised by a matrix of acidic ancient and secondary woodlands, valley wetlands, neutral and acid grasslands, and mixed agriculture. Canals, mill ponds and natural rivers are also important features.

Figure 1. The site location



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 24th September 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 Aerial 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 provided within 'Guidelines on Ecological Impact Assessment in the UK and Ireland' (CIEEM, 2018). 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 There was no access to the roof voids of B1a, B1b and B5. Considering the site's location within the built environment and the light pollution, it is extremely unlikely that bats such as brown long-eared bats (that utilise roof-voids) will be present in the area. The lack of access in this circumstance is therefore not considered to be a significant constraint.

5. Ecological Baseline

5.1 Data Consultation

- 5.1.1 There are no designated sites present within 1.5km of the site. Records of protected and notable species obtained are discussed in the species sections of the results.

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 The site is considered to be of no more than site level importance to nature conservation for the habitats supported. With the exception of roosting bats, for which presence/absence is not confirmed, the site is not considered to be of importance to other species or species groups at greater than the site level.
- 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

A3.1 Scattered trees

- 5.2.4 There is a single wild cherry *Prunus avium* adjacent to the southern boundary. The tree is fairly mature with a width at its base of approximately 40cm. With the exception of the cherry, all the trees shown on the right of Plate 1 (southern boundary) are outside the red-line boundary.

Plate 1. View from northwest end of site



A2.2 Scattered scrub

- 5.2.5 In a section of the southwest boundary, adjacent to a structure surrounding a flour hopper (for former bakery), there is a relatively small area of mostly dense scrub comprising frequent ash *Fraxinus excelsior* and bramble *Rubus fruticosus* together with occasional elder *Sambucus nigra* and rarely occurring goat willow *Salix caprea* and sycamore *Acer psuedoplatanus* (see Plate 2)

Plate 2. Scrub



B2.2 Semi improved neutral grassland

- 5.2.6 This habitat constitutes almost half of the site. The grassland is presently unmaintained and relatively species poor. Cocksfoot *Dactylis glomerata* and false oat-grass *Arrhenatherum elatius* are abundant largely conforming to the National Vegetation Classification (NVC) MG1. Black knapweed *Centaurea nigra*, dandelion *Taraxicum officinale* agg. and nettle *Urtica dioica* are frequent together with occasional hogweed *Heracleum sphondilium*, red clover *Trifolium dubium*, cow parsley *Anthriscus Sylvestris*, creeping thistle *Cirsium arvense*, creeping buttercup *Ranunculus repens*, ribwort plantain *Plantago lanceolata*, corn sow-thistle *Sonchus arvensis* and red fescue *Festuca rubra*. A narrow section adjacent to the highway shows signs of nutrient enrichment, as broad-leaved dock *Rumex obtusifolius* is abundant (see Plate 3).

Plate 3. Semi improved neutral grassland



J1.3 Ephemeral

- 5.2.7 The interface between bare ground/hard-surface and the scrub together with a small area at the northwest end of the site comprises this habitat. Species present include frequent great plantain *Plantago major* and dandelion together with occasional groundsel *Senecio vulgare*, catsear *Hypochaeris radicata*, perennial ryegrass *Lolium*

perenne and Yorkshire fog *Holcus lanatus*. Rarely occurring species include rough hawksbeard *Crepis capillaris*, garlic mustard *Alliaria petiolata*, smooth sow-thistle *Sonchus oleraceus* and common field speedwell *Veronica persica*.

J3.6 Buildings

- 5.2.8 At the southeast end of the site is a complex of buildings which are all joined together around a yard. The buildings and their potential to support roosting bats is discussed in the species section of the report.

Plate 4. Bare ground (hard surface)



J4 Bare ground (hard surface)

- 5.2.9 At both sides of the complex of buildings are areas of hard surface (tarmac), see Plate 4. The yard which is surround by buildings has a concrete surface.

Species and species groups

Amphibians

- 5.2.10 Five Great Crested Newt (GCN) *Triturus cristatus* records were provided by BBRC for locations within a 2km radius of the site. The nearest record of adult GCN was collected from a location 1.27km south-southeast of the site in 2012. In addition, one GCN EPS mitigation licence has been issued for a location 1.4km south-southeast of the site in 2016.
- 5.2.11 The nearest pond to the site is in excess of 790m to the west of the M1 motorway. Given the lack of records, the proximity of local ponds and major barriers to movement, GCN are not considered to be a receptor to the proposed scheme. Other common amphibian species may be present but are unlikely to be numerous as a result of apparent lack of local ponds.

Badger

- 5.2.12 Badger *Meles meles* record were provided by BBRC for locations within 2km radius of the site. No known setts are located within the search area.

- 5.2.13 No signs of badger were recorded on site and the site is unlikely to be used as a wider foraging area by this species, considering its location.

Bats

Historical records

- 5.2.14 Ten bat records of three species were provided by BBRC. Species included in the records comprised common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus* and noctule *Nyctalus noctula*, with other records ascribed to either an unidentified pipistrelle species or an unidentified bat species. The closest record to site comprised an unidentified bat, recorded in 1999, from a location 430m west of the site.
- 5.2.15 No historic EPS mitigation licences have been obtained for locations within 2km of the application site.
- 5.2.16 A complex of buildings is present on site. No signs of bat presence were recorded from the buildings. The buildings and their potential to accommodate bats is detailed below.

Figure 2. Complex of Buildings (plan)



Description of buildings

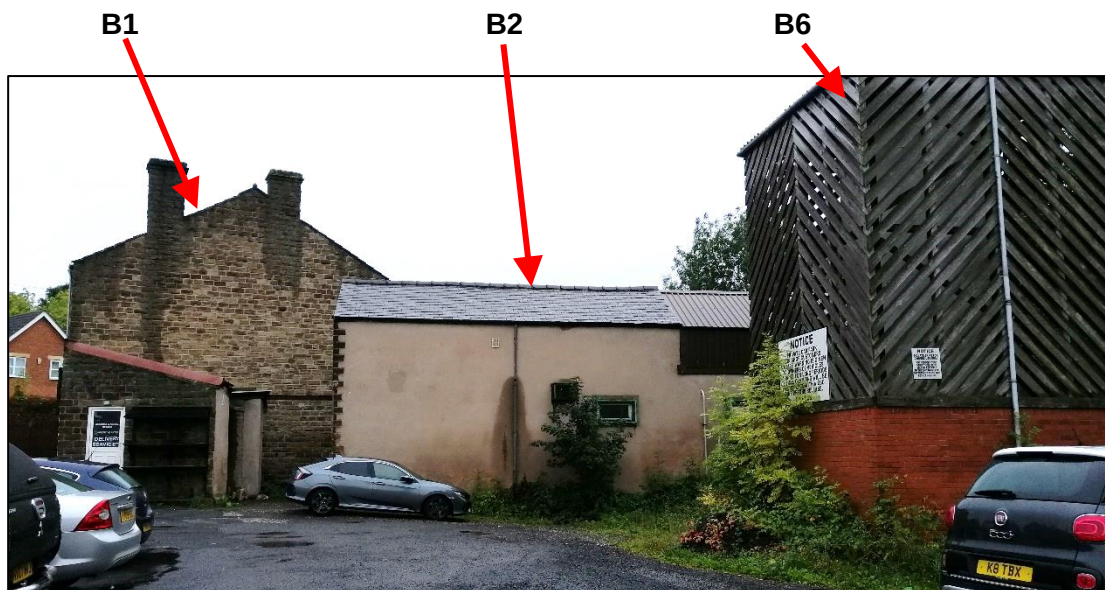
- 5.2.17 For ease of reference, the buildings have been numbered (see Figure 2). All the buildings and their extensions are arranged around a yard. Building 1 (B1) is a stone built two storey building with a pitched concrete tile roof which has annexes at both ends, one of which is single storey with a mono pitched sheet metal roof (B1b). B1a also has a mono pitched roof with concrete tiles. This building was formally used for retail (4 units) (see Plate 5).

Plate 5. B1, B1a and B1b



5.2.18 Building 2 is two-storey and built of stone with a pitched concrete tile roof, the south west end of the buildings upper section has sheet metal walls and a pitched sheet metal roof (see Plates 6 & 7).

Plate 6. Northwest elevation of B2



5.2.19 Building 3 (B3) is a largely brick built building, with a mono-pitched sheet metal roof. Within the yard and adjoining B3 is a covered area supported by steel joists with a mono-pitched sheet metal roof (see Plates 7 & 8).

5.2.20 Building 4 (B4) is two-storey and brick built beneath a pitched Welsh slate roof. Adjoining the northwest elevation (yard side) is a brick-built extension with a mono-pitched concrete tile roof. Building 5 is single storey and adjoins B4, it has a pitched Welsh slate roof with central apex and hips (see Plate 9). Adjoining the northwest elevation (yard side) of B5 is a brick-built extension with a mono-pitched asbestos cement sheet roof (see Plate 8).

Plate 7. B2 from yard



Plate 8. B4 from yard also showing rear extensions to B4 & B5



Plate 9. South east elevation (front) of B4 and B5



- 5.2.21 Building 6 is a hexagonal tall structure built around a flour hopper in order to conceal it. The structure is built of brick and timber with diagonal slatted cladding (see Plate 6)

Internal inspection of buildings

- 5.2.22 The roof of B1 is supported by king-post roof trusses which has a height to the ridge of approximately 3m, there is Type 1F felt beneath the tiles but no insulation at ceiling height (see Plate 10). No signs of bats were found. There was no internal access to the roof-voids of either B1a or B1b.
- 5.2.23 The upper floor of B2 and B4 is open to the underside of the roof. The former has been underdrawn with hardboard whilst B4 has a partial vaulted ceiling and a roof void with a height of approximately 0.7m. There is no membrane beneath the slates and no insulation at ceiling height. No sign of bats was found (see Plate 12).
- 5.2.24 The roof void of B3 is approximately 1.9m, there is Type 1F felt beneath the metal roof sheeting but no insulation at ceiling height. No signs of bats were found (see Plate 11).

Plate 10. Roof-space of B1



Plate 11. Roof-space of B3

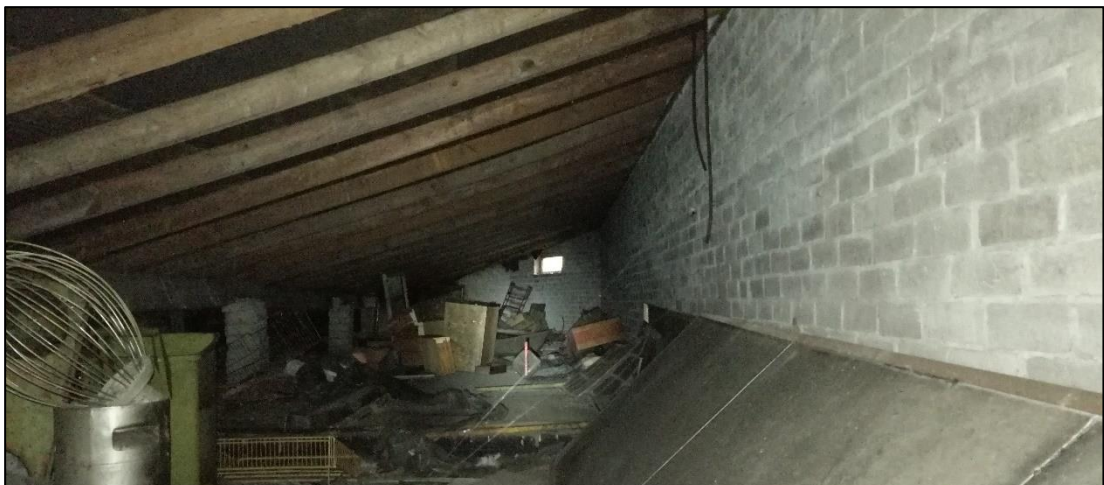


Plate 12. Upper floor of B4



External inspection of buildings

- 5.2.25 With the exception of the northeast elevation, all elevations of B1 display potential roost features within the masonry, whilst a fascia on B1a also offers some potential for use by roosting bats. The masonry of the northwest elevation of B2 has been cement rendered, however, the southeast elevation displays masonry and fascia board features. Both B4 and B5 offer potential access to the wall top and there are several defective roof slates. However, no signs of bats were found.

Trees and bat foraging habitat

- 5.2.26 Only one tree is present on site adjacent to the boundary. The tree lacks features with potential to support roosting bats. However, the railway embankment which is tree covered is likely to be used for foraging by pipistrelle species.

Assessments (bats)

- 5.2.27 Building 1 (B1) and B2, including B1a, display a moderate number and diversity of potential roost features and were therefore assessed as offering a moderate level of bat roost potential. Buildings B4 and B5 display a low number and diversity of potential roost features and were assessed as offering a low level of bat roost potential. Building 3, B6 and the extensions to B4 and B5 lack significant features with potential to accommodate roosting bats and were assessed as offer negligible bat roost potential.

Birds

- 5.2.28 No red listed species within the Birds of Conservation Concern (Eaton *et al.*, 2015) was recorded on site. Adjacent habitats (railway embankment) has the potential to support song thrush *Turdus philomelos*.
- 5.2.29 No bird species were recorded on site during the walkover survey. However, the site has potential to support several common resident bird species.
- 5.2.30 On site scrub is likely to be used by several common species of bird for nesting.

Invasive species

- 5.2.31 No species listed as an invasive species on Schedule 9 of the Wildlife & Countryside Act 1981 (as amended) were recorded on site.

Invertebrates

- 5.2.32 The ubiquitous habitats present on site are likely to support a low assemblage of common invertebrates. Consequently, rarely occurring invertebrate species are unlikely to be present.

Plants

- 5.2.33 The soils on site which have become nutrient enriched and are unlikely to support notable or rarely occurring species of vascular plants. No notable plant species were recorded on site.

Reptiles

- 5.2.34 Two common lizard records were provided by BBRC for locations within 2km of the site centroid. Both records collected in 2019 are from a location 1.4km north of the application site.
- 5.2.35 Considering the site itself displays little suitability for use by reptiles and that there is little connectivity with suitable habitats elsewhere, reptiles are not considered to be a receptor to the proposed scheme.

6. Assessment

6.1 Proposals

- 6.1.1 The proposed development comprises the demolition of a complex of buildings to make way for a small residential development.
- 6.1.2 At the time of writing this report, there was no indicative site plan. The assessment of impacts is based on the loss of all existing habitats with the exception of one site tree on the southwest boundary.

6.2 Assessment of Impacts

- 6.2.1 No impacts are anticipated upon designated sites due to the nature of the development and the distance of designated sites from the application area.
- 6.2.2 The potential impacts of the development are considered to comprise:
- Potential to impact roosting bats potentially using existing buildings. Roosting bats are subject to strong legal protection as detailed in Appendix 3.
 - Potential destruction of bird nests. Nesting birds receive strong legal protection as detailed in Appendix 3.
 - Land-take of ephemeral vegetation, grassland and scrub resulting from the proposed development.
 - Damage to the root systems or stems of existing trees, to be retained, as a result of construction works.

- Temporary increase in vehicle movements during the period of demolition and construction into and out of the site.
- Temporary increase in noise, dust and vibration caused by construction work.
- Permanent increase in human presence, vehicles and associated noise and emissions during occupation of new dwellings.
- Increase in domestic pets which can negatively affect local wildlife.

6.2.3 With the exception of bats, for which nocturnal surveys are required to determine their presence or absence. No other significant ecological impacts are envisaged as a result of the proposed scheme.

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

6.3 Further Survey and Mitigation

6.3.1 A programme of nocturnal surveys is required to determine the presence/absence of roosting bats in site buildings. In compliance with Good Practice Guidelines (Collins 2016), two nocturnal surveys are required on B1 and B2, whilst one survey is required on B4 and B5. The surveys should be undertaken during the summer months (peak time May to August).

6.3.2 Where possible, especially at the site boundaries, existing trees should be retained taking a best practice approach to nature conservation issues, British Standard 5837 (2012): Trees in relation to design, demolition and construction, should be followed. Root Protection Zones (RPZ's) should be calculated and implemented to prevent harm to trees. This should also apply to any trees out-with the site, up to 5 m from the boundary.

6.3.3 Vegetation clearance should take place at a time when it will not affect nesting birds (outside March to August). If works are to be undertaken during this time, then they should be preceded by a nesting bird check to be undertaken by an ecologist.

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. Please note that the enhancements have been informed by the results and findings of the field survey.

- A soft landscaping scheme to include the use of native trees and shrubs.
- House sparrow terraces to be installed on 50% of dwellings, integral to the fabric of the building or fitted directly under soffits.
- The new development should include two wall integrated cavity bat boxes or tubes, within two new buildings. These boxes should be situated high on south or west facing gables, away from artificial light spill. Boxes should not be located directly above windows or doors.

6.5 Conclusion and Residual Effects

- 6.5.1 With the exception of roosting bats, no significant impacts on nature conservation are envisaged, however, in order to avoid breaches of wildlife protection legislation and to maximise the ecological potential of the scheme it is advised that mitigation and enhancement recommendations are adopted.
- 6.5.2 In order to determine the presence / absence of bats and their true status at the site, nocturnal surveys are required.

7. References

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

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.

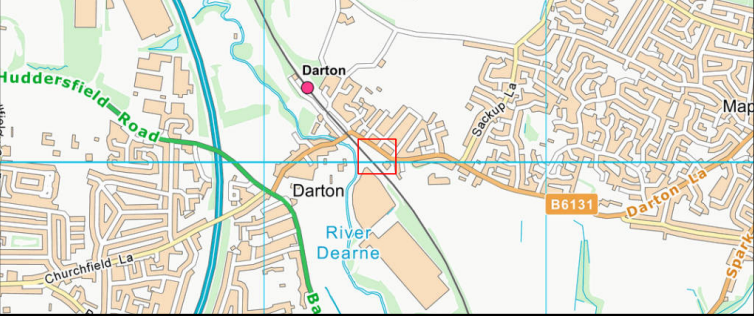
CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester.

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	Semi-improved neutral grassland
< x x x x	Ephemeral short perennial
	Hardstanding
	Building
	Scattered tree

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

PROJECT TITLE
STATION ROAD, DARTON

DRAWING TITLE
Figure 1. Phase 1 Habitat Plan

VER	DATE	REMARKS	Drawn	Checked
1.3	02/10/19	Phase 1	MP	PM

DRAWING NUMBER:
MIDDLETONBELLECOLOGY/StationRoad/Phase1

SCALE	1:445	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
Scattered trees		
Wild cherry	<i>Prunus avium</i>	R
B2.2 Semi-improved neutral grassland		
Red fescue	<i>Festuca rubra</i>	A
Cocksfoot	<i>Dactylis glomerata</i>	A
Hogweed	<i>Herachleum sphondilium</i>	O
Yorkshire fog	<i>Holcus lanatus</i>	R
False oat-grass	<i>Arrhenatherum elatius</i>	A
Great plantain	<i>Plantag major</i>	R
Dandelion	<i>Tarraxicum officinale agg</i>	F
Perennial ryegrass	<i>Lolium perenne</i>	O
Broad leaved dock	<i>Rumex obtusifolius</i>	Loc A
Ragwort	<i>Senecio jacobea</i>	O
Red clover	<i>Trifolium dubium</i>	O
Creeping buttercup	<i>Ranunculus repens</i>	O
Creeping thistle	<i>Cirsium arvense</i>	O
Creeping buttercup	<i>Ranunculus repens</i>	F
Black knapweed	<i>Centaurea nigra</i>	Loc A
Cow parsley	<i>Anthriscus sylvestris</i>	O
Nettle	<i>Urtica dioica</i>	Loc A
Corn sow-thistle	<i>Sonchus arvensis</i>	R
Ribwort plantain	<i>Plantago lanceolata</i>	O
Willowherb spp	<i>Epilobium spp</i>	R
A2.1/2 Dense/Scattered scrub		
Goat willow	<i>Salix caprea</i>	R
Elder	<i>Sambucus nigra</i>	O
Ash	<i>Fraxinus excelsior</i>	F
Bramble	<i>Rubus fruticosus</i>	F
Hawthorn	<i>Crataegus monogyna</i>	R
Sycamore	<i>Acer psuedoplatanus</i>	R
Hazel	<i>Corylus avellana</i>	R
Nettle	<i>Urtica dioica</i>	O
Broad leaved dock	<i>Rumex obtusifolius</i>	F
Ragwort	<i>Senecio jacobea</i>	R
Creeping thistle	<i>Cirsium arvense</i>	R
Dandelion	<i>Tarraxicum officinale agg</i>	O
Mugwort	<i>Artemisia vulgaris</i>	O
False oat-grass	<i>Arrhenatherum elatius</i>	R
Ground ivy	<i>Glechoma hederacea</i>	R
Rosebay	<i>Chamerion angustifolium</i>	O
J1.3 Ephemeral		
Dandelion	<i>Tarraxicum officinale agg</i>	F
Groundsel	<i>Senecio vulgaris</i>	O
Great plantain	<i>Plantago major</i>	F
Catsear	<i>Hypochaeris radicata</i>	O
Creeping buttercup	<i>Ranunculus repens</i>	O
Perennial ryegrass	<i>Lolium perenne</i>	O

Yorkshire fog	<i>Holcus lanatus</i>	O
Smooth sow-thistle	<i>Sonchus oleraceus</i>	R
Rough hawksbeard	<i>Crepis capillaris</i>	R
Common field speedwell	<i>Veronica persica</i>	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
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 (Amendment) Regulations 2012, 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; • 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.

Species	Legal 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 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 2019. The NPPF's policy on biodiversity has been summarised by the Government as: "The Framework underlines that the planning system should seek not just to protect, but, where possible to enhance biodiversity – making sure we don't just have isolated pockets of wildlife, but rich and

connected green spaces for all kinds of species to thrive. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland.”

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

