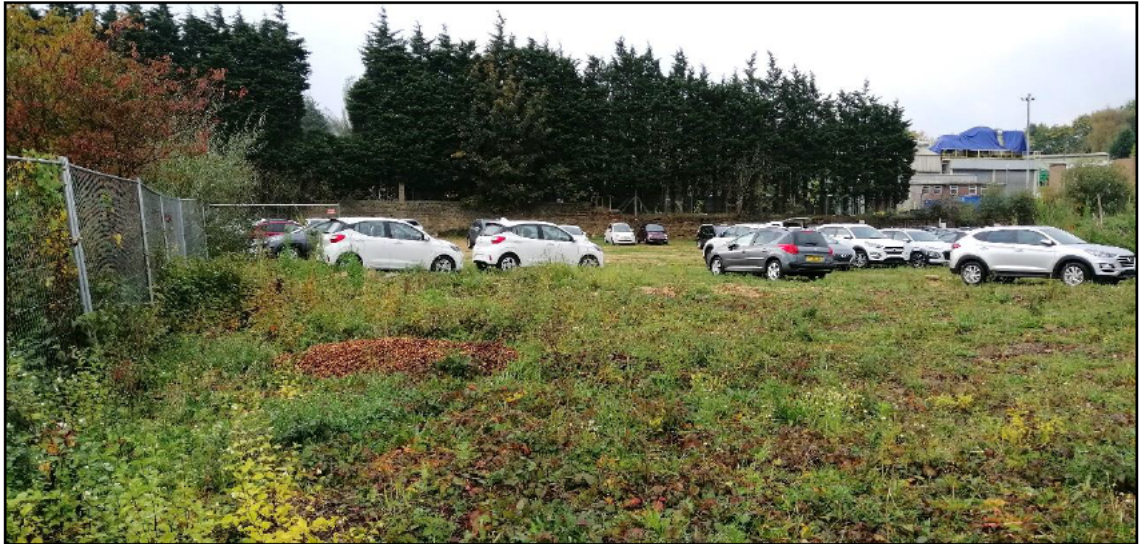


Pontefract Road, Barnsley
Preliminary Ecological Appraisal
2nd November 2020



Prepared by:

Middleton Bell Ecology, 33 Wilthorpe Road, Barnsley S75 1JA

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Purpose and Description	Originated	Checked	Reviewed	Date
For Planning	P Middleton [REDACTED]	R Bell MCIEEM [REDACTED]	P Middleton MCIEEM [REDACTED]	02.11.20

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Site Name Land at Pontefract Road	Site Address Hoyle Mill, Barnsley S71 1AB
Local Authority Barnsley Metropolitan Borough Council	Grid Reference SE 35941 06338
Surveyor Peter Middleton MCIEEM	Date of Survey 20/10/2020
National Character Area (NCA) The Nottinghamshire, Derbyshire and Yorkshire Coalfield (NCA 38)	Designation of Site None
Phase 1 Habitat Types on Site A2.1 Dense scrub, A2.2 Scattered scrub, A3.1 Scattered trees, B6 Poor semi improved grassland, J1.3 Ephemeral/short perennial, J1.4 Introduced shrub.	
NVC Communities on Site MG1	
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 off Pontefract Road, Hoyle Mill was commissioned by Cars2 Group Property Manager Jeremy Smith on 6th October 2020. An Extended Phase 1 Habitat Survey was undertaken on 20th October 2020.
- 1.1.2 The survey was commissioned to inform a planning application for a car dealership including showrooms and workshops. The proposed development will result in the loss of approximately 80% of existing habitats on site.
- 1.1.3 No impacts upon designated sites are anticipated because of the nature and scale of the development, distance from designated sites and because the site is surrounded on almost all sides by the built environment and roads.
- 1.1.4 Site habitats are considered to be of importance to nature conservation at no more than the site level. The site is not considered to be of importance at greater than the site level to any faunal species group.
- 1.1.5 The landscaping for the proposed development should look to include some areas of higher quality semi-natural habitat within its design. Created habitats could potentially include new tree and shrub planting comprising native species or species which provide a benefit to wildlife. It is recommended that such measures are formalised within an Ecological Design Strategy (EDS) to be secured by a planning condition.
- 1.1.6 The following ecological constraints and associated recommendations to avoid/mitigate/compensate for potential impacts have been identified.
- 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.
 - Potential damage to boundary trees – Measures detailed in British Standard 5837 (2012): Trees in relation to design, demolition and construction, should be followed.
- 1.1.7 In addition to mitigation recommendations outlined above, enhancement recommendations include:
- An externally mounted woodcrete bat box to be installed high on the rear south elevation (east end) of the proposed workshop building with this location not impacted by lighting.
- 1.1.8 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 off Pontefract Road, Hoyle Mill was commissioned by Cars2 Group Property Manager Jeremy Smith on 6th October 2020. An Extended Phase 1 Habitat Survey was undertaken on 20th October 2020.
- 2.1.2 The survey was commissioned to inform a planning application for a car dealership including showrooms and workshops. The proposed development will result in the loss of approximately 80% of existing habitats on site.
- 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.
- 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 in the small village of Hoyle Mill approximately 1.3km east of Barnsley town centre. The site consists of approximately 0.44ha of land which has recently largely been cleared of vegetation. The majority of the site is covered in hardcore and is used for storage of vehicles, with habitats largely comprising ephemeral/short perennial. The north and eastern boundaries slope steeply and support a few scattered trees, both introduced and scattered scrub, and a little grassland (see Appendix 1 and Plates 1 to 4).
- 3.1.2 The site is largely landlocked by the built environment with a row of residential properties adjacent to the western boundary, the A828 Pontefract road adjacent to the northern boundary and commercial or light industrial uses to the west and north of Pontefract Road. There is a large area of more biodiverse habitat (a restored spoil heap) immediately east of the southeast corner of the site and the Dearne Valley Country Park is only a short distance north.
- 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.

- 3.1.4 The naturally occurring soils in the area comprise freely draining slightly acid loamy soils.

Figure 1. The site location, as shown by indicative red line



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 20th October 2020 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).

4.3 Methods of Assessment

- 4.3.1 The value and sensitivity of ecological features present on site were determined based on the guidance given in ‘Guidelines on Ecological Impact Assessment’ (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.

4.4 Survey Limitations

- 4.4.1 The survey was undertaken outside of the season for undertaking detailed botanical surveys. However, given the habitats on site and its current use, it is not considered a significant constraint.

5. Ecological Baseline

5.1 Data Consultation

- 5.1.1 Designated sites present within 1.5km of the site are detailed in Table 1.

Table 1. Designated sites

Designation	Name	Interest	Distance and direction to site
Local Nature Reserve (LNR)	Dearne Valley Park	Mixed site including ponds, wet woodland, woodland and some grassland	130m north
Local Wildlife Site (LWS)	Cliffe Wood	Broadleaved Woodland	300m north
	Old Mill Lane	Daubentons bats/ River Dearne	1.2km northwest
	Stairfoot Disused Railway	Various habitats	1.3km east

- 5.1.2 A consideration of the scheme's potential to impact designated sites is presented in Section 6 of the report.
- 5.1.3 Records of protected and notable species obtained are discussed in the species accounts within the results section.

5.2 Field Survey

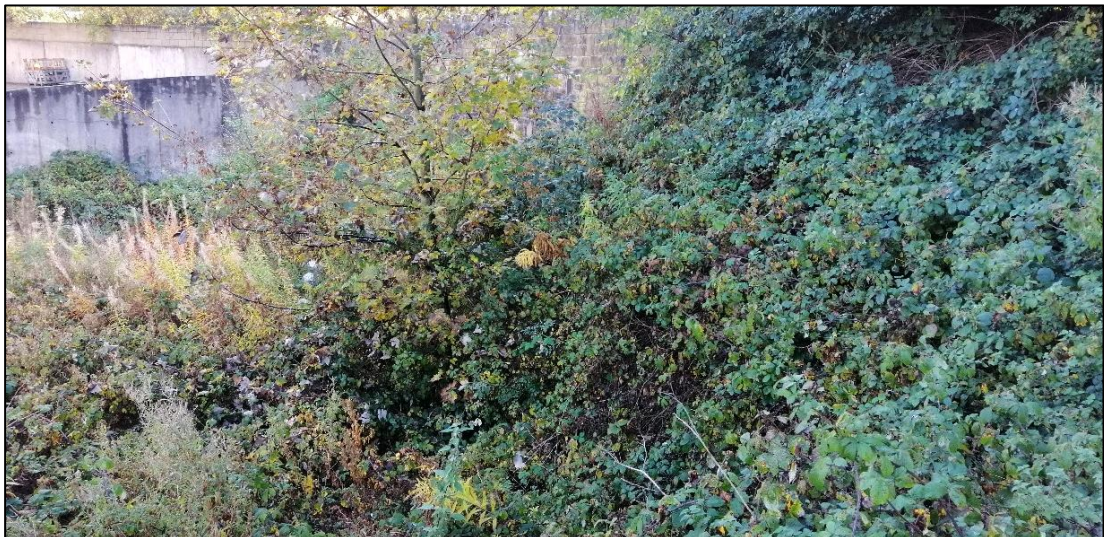
- 5.2.1 The arrangement of site habitats is shown on the Phase 1 plan in Appendix 1, whilst a field survey botanical species list is provided in Appendix 2.
- 5.2.2 Site habitats are no more than site level importance to nature conservation. The site is unlikely to be of greater than site level importance to any faunal species group.
- 5.2.3 A detailed description of site habitats and the site's potential to support protected and notable species is provided below.

Habitats

A2.1 & A2.2 Dense and scattered scrub

- 5.2.4 There is an area of dense bramble *Rubus fruticosus* agg. scrub in the far southeast corner of the site, together with occasional scattered scrub around the northern periphery comprising rarely occurring pendunculate oak *Quercus robur*, rowan *Sorbus aucuparia* and ash *Fraxinus excelsior*. Also, in this area is frequent suckering red osier dogwood *Cornus sericea* adjacent to the introduced shrub on the boundary (see 5.2.8)

Plate 1. Dense bramble scrub in far southeast corner of the site



A3.1 Scattered trees

- 5.2.5 Scattered trees are present at the site's eastern boundary. Species present, include two sycamore *Acer psuedoplatanus*, two Norway maple *Acer platanoides* and single goat willow *Salix caprea*, cherry *Prunus* spp. and silver birch *Betula pendula*. None are of a notable age.

B6 Poor semi improved grassland

- 5.2.6 On the steep bank of the northern and eastern boundaries there are small areas of poor semi-improved grassland which has an affinity with the National Vegetation Classification MG1 (see Plate 3). False oat grass *Arrhenatherum elatius* is abundant together with frequent cocksfoot *Dactylis glomerata*. Species present in smaller quantities include dandelion *Taraxicum officinale* agg., ribwort plantain *Plantago lanceolata*, tufted vetch *Vicia cracca* and creeping thistle *Cirsium arvense*.

Plate 2. Scattered trees with introduced shrub and dominant bindweed



Plate 3. Poor semi improved grassland adjacent to Pontefract Road



J1.3 Ephemeral/short perennial

- 5.2.7 This habitat constitutes the majority of the site where vegetation has been cleared and hardcore applied to the surface (limestone). The species composition is largely the same throughout but differs slightly due to the present land use which comprises the storage of motor vehicles. At the entrance to the site and where the vehicles are parked, there is much bare ground and herbs and grasses are sparse (see Plate 4),

whilst in the area nearer the northern boundary (Plate 5) the vegetation is longer and abundant. Grasses are only occasionally present throughout and restricted to creeping bent *Agrostis stolonifera*, red fescue *Festuca rubra* and occasional small clumps of false oat grass, which suggest the land has only recently started to recolonise. The most abundant species is weld *Reseda luteola* which is a typical bare ground coloniser, especially on lime together with a relatively long list of vascular plants species (see Appendix 2). Frequent species include ribbed melilot *Melilotus officinalis*, Oxford ragwort *Senecio squalidus*, hop trefoil *Trifolium campestre*, ribwort plantain, scentless mayweed *Tripleurospermum inodorum*, tufted vetch, dovesfoot cranesbill *Geranium molle* and creeping thistle. Species present in smaller quantities include mugwort *Artemisia vulgaris*, common poppy *Papaver rhoeas*, hedge mustard *Sisymbrium officinale*, wall rocket *Diplotaxis muralis*, hairy tare *Viccia hirsuta*, coltsfoot *Tussilago farfara* and bristly oxtongue *Picris echioides*. There is a mound of earth and debris resulting from site clearance (TN1) which supports the same species with the addition of common couch *Elytrigia repens* and willowherb *Epilobium* spp.

Plate 4. Bare ground and ephemeral/short perennial



Plate 5. Area supporting abundant ephemeral/short perennial



J1.4 Introduced shrub

- 5.2.8 Introduced shrub at the periphery on the steep ground of the north and eastern boundaries comprises locally abundant red osier dogwood together with occasional snowberry *Symphoricarpos albus*. Species present in smaller quantities include Stag's horn sumach *Rhus typhina*, cherry plumb *Prunus cerasifera*, yew *Taxus baccata* and butterfly bush *Buddleia davidii* together with occasional self-set scrub including crack willow *Salix fragilis* and dog rose *Rosa canina*. Some shrubs and adjacent ground are covered in hedge bindweed *Calystegia sylvatica* (TN3).

Species and species groups

Amphibians

- 5.2.9 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 4km of the application site.
- 5.2.10 Four amphibian records were provided by BBRC for locations within a radius of 1.5km of the site centroid. Records included two common toad *Bufo bufo* and two common frog *Rana temporaria* records. The closest record to site comprises a common frog record collected in 2016 from Dearne Valley Country Park 380m north of the site centroid.
- 5.2.11 The pond search revealed there are three ponds within a 500m radius of the site, all of which are north (nearest 280m) of the A628 Pontefract Road. This busy road and the built environment are considered a major barrier to GCN movement and therefore GCN are not considered a receptor to the proposed scheme. Also, site habitats and its current use are not conducive to it being valuable to common amphibians.

Badger

- 5.2.12 No badger *Meles meles* records were provided by BBRC for locations within a 1.5km radius of the site centroid. No signs of badgers were recorded on site. Given the site's location and local knowledge, the site is unlikely to be used as a wider foraging habitat by this species.

Bats

- 5.2.13 Eighty-three bat records of at least four species were provided by BBRC. Positively identified species in the records comprised common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, noctule *Nyctalus noctula* and Daubenton's bat *Myotis daubentonii*. The nearest record (foraging Daubenton's bat) was collected in 2001 from the River Dearne in a location 300m north of the site.
- 5.2.14 One historic bat EPS mitigation licence has been issued for a location within 2km of the site. This licence was issued in 2013 to permit destruction of a common pipistrelle resting place located 1.8km northwest of the site.
- 5.2.15 There are no trees either on, or adjacent to the site, that display features with potential to accommodate roosting bats and the site provides sub-optimal habitat for foraging bats.

5.2.16 The site is unlikely to be of more than site level importance to foraging and commuting bats due to its location and the sub-optimal foraging habitat present.

Birds

5.2.17 Of all the records provided by BBRC, the most significant are house sparrow *Passer domesticus* and starling *Sturnus vulgaris* records collected as recently as 2015. Both species are red listed species within the Birds of Conservation Concern (Eaton *et al.*, 2015).

5.2.18 The only species recorded on site during the walkover survey was dunnock *Prunella modularis*. However, the site's boundaries have the potential to support a greater assemblage of common garden birds.

Invasive species

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

Hedgehog

5.2.20 Seven hedgehog *Erinaceus europaeus* records were provided by BBRC for locations within a 1.5km radius of the site. No records were received for the site itself. The nearest record to site was collected in 2018 from a location 500m west of the site. The site is therefore at least likely to comprise part of a wider foraging habitat used by this species.

Invertebrates

5.2.21 Given the relatively small size of the site and its recent history, rarely occurring and/or notable species of invertebrates are not likely to be present.

Plants

5.2.22 Given the sparse vegetation (in most part), the site does have potential to support rare or notable species of vascular plants. However, no such species were recorded on site during the walkover survey.

Reptiles

5.2.23 One reptile record was provided by BBRC for a location within 1.5km of the site. Grass snake *Natrix helvetica* was recorded in 2018 from the Barnsley Main Colliery site in a location approximately 670m east of the site.

5.2.24 Given the site's location, lack of suitable habitat and its current use, reptiles are not considered a likely receptor to the proposed scheme.

6. Assessment

6.1 Proposals

- 6.1.1 The assessment of impacts is based on the Proposed Site Layout entitled 'Pure Cars, Pontefract Road, Barnsley, Drawing no 1320-04, Revision 05. Proman Consultancy, March 2020'.
- 6.1.2 The proposed development will result in the loss of approximately 80% of existing habitats on site including introduced shrub on the northern boundary. Habitats on the eastern boundary will be retained.

6.2 Assessment of Impacts

- 6.2.1 No impacts upon designated sites are anticipated because of the nature and scale of the development, distance from designated sites and because the site is surrounded on almost all sides by the built environment and/or roads.
- 6.2.2 Site habitats are considered to be of importance to nature conservation at the site level only. The site is not considered to be of importance at greater than the site level to any faunal 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.
 - Damage to the root systems of existing trees as a result of construction works.
 - 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 on completion of the development.
- 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 The landscaping for the proposed development should look to include some areas of higher quality semi-natural habitat within its design. Created habitats could potentially include new tree and shrub planting comprising either native species (i.e. rowan, whitebeam *Sorbus aria* etc.) or non-native species which provide a benefit to wildlife (i.e. Californian lilac *Ceanothus*, lavender *Lavandula* etc.). It is recommended that such measures are formalised within an Ecological Design Strategy (EDS) to be secured by a planning condition.
- 6.3.2 In order to avoid or mitigate ecological impacts of the scheme, it is advised that the following recommendations are adopted:
- 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.

- Boundary 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 outwith the site, up to 5 m from the boundary.

6.4 Enhancements

6.4.1 In accordance with the environmental aims of the National Planning Policy Framework, it is suggested that the developer follows the recommendations detailed below. These measures could be detailed in an EDS, to be secured by planning condition. Please note that the enhancements have been informed by the results and findings of the data consultation and the field survey.

- Given the close proximity to prime bat foraging habitat. It is advised that an externally mounted woodcrete bat box is installed high on the rear south elevation (east end) of the proposed workshop building with this location not impacted by lighting.

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.

CIEEM (2018) 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.

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

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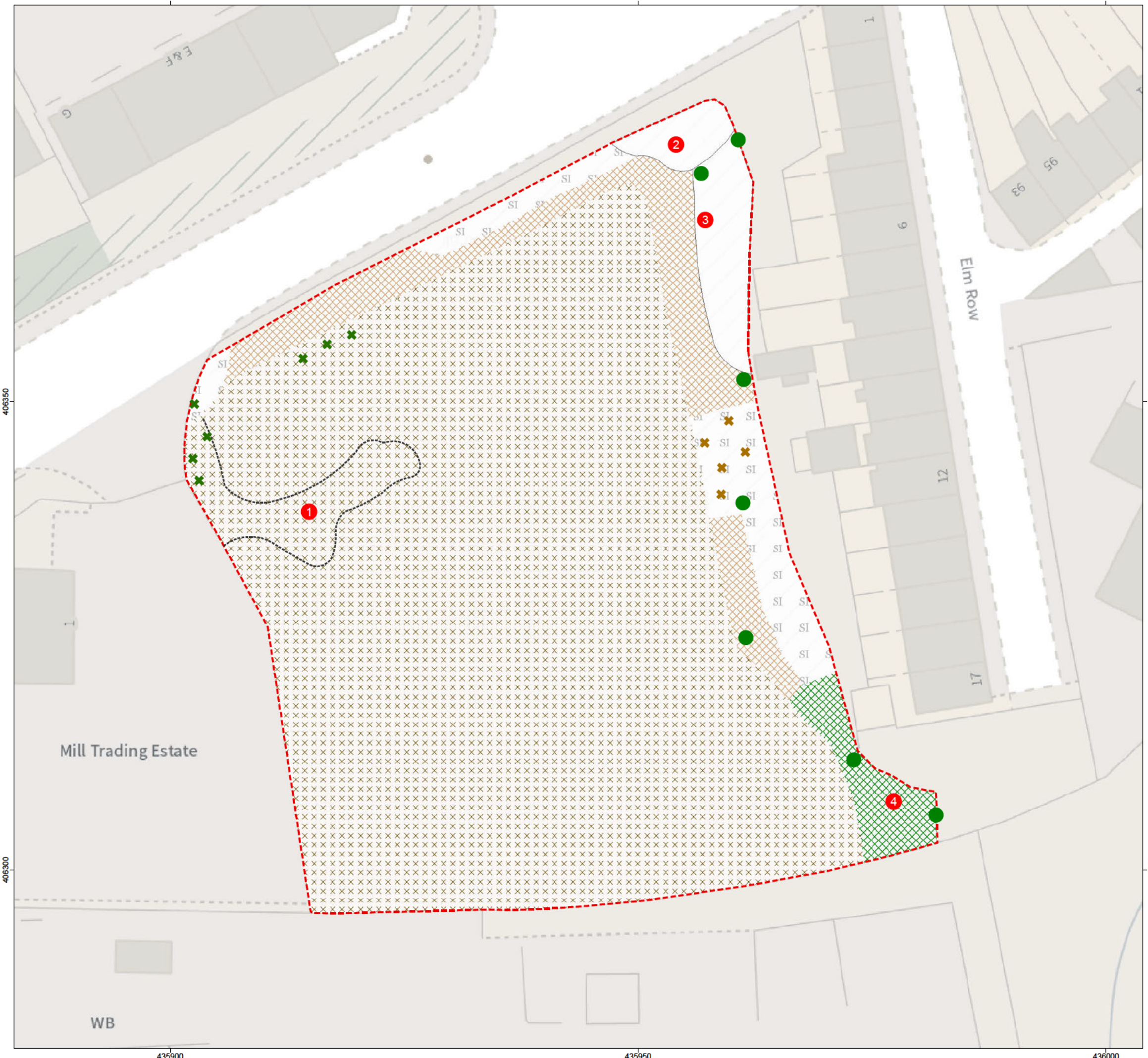
Rodwell, J.S, (2006), NVC Users' Handbook. JNCC

Appendix 1. Phase 1 Plan

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Survey Information

	Site boundary (4,431.9m ²)
Phase 1 Habitat Survey	
	Dense scrub (108.9m ²)
	Ephemeral vegetation (3,559.7m ²)
SI	Poor semi-improved grassland (242.1m ²)
	Introduced shrub (346.6m ²)
	Other habitat (see target notes for area)
	Scattered tree
	Scattered scrub
	Scattered introduced shrub
	Target note

Target Notes:

- [1] Mound of earth and debris
- [2] Cleared area (54.9m²)
- [3] Dominated by bindweed (119.7m²)
- [4] Bramble scrub

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PROJECT TITLE
PONTEFRACT ROAD

DRAWING TITLE
Figure 1. Phase 1 Habitat Plan

VER	DATE	REMARKS	Drawn	Checked
1.2	22/10/20	Phase 1	MP	PM

DRAWING NUMBER:
MIDDLETONBELLECOLOGY/PontefractRd/Phase 1

SCALE	1:400	PLOT SIZE	A3	DATUM	OSGB	PROJECTION	BNG
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Middleton Bell Ecology Middleton Bell ECOLOGY
 33 Wilthorpe Road, Barnsley, South Yorkshire, S75 1JA
 www.middletonbellecology.co.uk
 T: 01226 285282

Appendix 2. Plant Species Recorded on Site

Species	Common name	DAFOR Rating
Ephemeral/short perennial		
<i>Oenothera</i>	Evening Primrose	R
<i>Plantago major</i>	Greater Plantain	R
<i>Taraxacum officinale agg.</i>	Dandelion	R
<i>Arrhenatherum elatius</i>	False Oatgrass	O
<i>Sisymbrium officinale</i>	Hedge Mustard	O
<i>Cirsium vulgare</i>	Spear Thistle	F
<i>Euphorbia peplus</i>	Petty Spurge	O
<i>Cornus sericea</i>	Red-osier Dogwood	Locally A
<i>Vicia hirsuta</i>	Hairy Tare	O
<i>Vicia cracca</i>	Tufted Vetch	F
<i>Trifolium campestre</i>	Hop Trefoil	F
<i>Rubus fruticosus agg.</i>	Bramble	O
<i>Cirsium arvense</i>	Creeping Thistle	F
<i>Matricaria chamomilla</i>	Scented Mayweed	O
<i>Tripleurospermum inodorum</i>	Scentless Mayweed	F
<i>Senecio squalidus</i>	Oxford Ragwort	F
<i>Geranium molle</i>	Dove's-foot Crane's-bill	O
<i>Sonchus oleraceus</i>	Smooth Sow-thistle	O
<i>Sonchus asper</i>	Prickly sow-thistle	
<i>Agrostis stolonifera</i>	Creeping Bent	O
<i>Artemisia vulgaris</i>	Mugwort	O
<i>Papaver rhoeas</i>	Common Poppy	O
<i>Melilotus officinalis</i>	Ribbed Melilot	F
<i>Reseda luteola</i>	Weld	A
<i>Avena fatua</i>	Wild oat	R
<i>Conyza canadensis</i>	Canadian Fleabane	O
<i>Urtica dioica</i>	Common Nettle	R
<i>Tussilago farfara</i>	Coltsfoot	O
<i>Chamerion angustifolium</i>	Rosebay Willowherb	R
<i>Capsella bursa-pastoris</i>	Shepherd's-purse	R
<i>Plantago lanceolata</i>	Ribwort Plantain	R
<i>Calystegia sepium</i>	Hedge Bindweed	R
<i>Diplotaxis muralis</i>	Annual Wall-rocket	R
<i>Helianthus annuus</i>	Common sunflower	R
<i>Epilobium</i>	Willowherb	R
<i>Crepis capillaris</i>	Smooth Hawk's-beard	R
<i>Festuca rubra</i>	Red Fescue	R
<i>Elytrigia repens</i>	Couch grass	R
<i>Hieracium fulvocaesium</i>	Orange-flowered Hawkweed	Locally F

<i>Picris echioides</i>	Bristly Oxtongue	R
Introduced shrub and natural scrub		
<i>Rosa canina</i>	Dog rose	R
<i>Taxus baccata</i>	Yew	R
<i>Symphoricarpos albus</i>	Snowberry	Locally F
<i>Buddleja davidii</i>	Butterfly-bush	R
<i>Salix fragilis</i>	Crack-willow	R
<i>Rhus typhina</i>	Stag's-horn Sumach	R
<i>Prunus cerasifera</i>	Cherry Plum	R
<i>Betula pendula</i>	Silver birch	R
<i>Sorbus aucuparia</i>	Rowan	R
<i>Quercus robur</i>	Pendunculate oak	R
<i>Fraxinus excelsior</i>	Ash	R
<i>Cornus sericea</i>	Red osier dogwood	F
<i>Calystegia sepium</i>	Hedge bindweed	Locally A
Scattered trees		
<i>Prunus</i>	Cherry	R
<i>Acer platanoides</i>	Norway Maple	O (2)
<i>Salix caprea</i>	Goat Willow	R
<i>Acer pseudoplatanus</i>	Sycamore	O (2)
<i>Betula pendula</i>	Silver Birch	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 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)	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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:</p> <ul style="list-style-type: none"> • The development is for reasons of overriding public interest. • There is no satisfactory alternative; and • The favourable conservation status of the species concerned will be maintained and/or enhanced. <p>Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a 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</p>

Species	Legal Status
	<p>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.</p> <p>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.</p>
National protection	
European Protected Species and other species including water vole and white clawed crayfish	<p>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:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any such animal. • Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal; and • Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.
Common amphibians and reptile species	<p>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.</p>
Badger	<p>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.</p>
Schedule 1 birds	<p>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.</p>
All bird species	<p>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:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any wild bird. • Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.
Invasive species	<p>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.</p>

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. Non-Statutory Designated Sites Map

