Habitat Management and Monitoring Plan

Premier Inn, Sheffield Barnsley (M1 J36), Maple Rd, Tankersley, Barnsley, S75 3DL

Whitbread Group PLC

Status	Issue	Name	Date
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Final	2	Abby Pidgen BSc (Hons) MSc, Consultant Ecologist	08/05/2025
Updated	3	Abby Pidgen BSc (Hons) MSc, Consultant Ecologist	23/10/2025

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Guidelines

This assessment has been designed to meet:

- British Standard 42020 (2013) 'Biodiversity – Code of Practice for Planning and Development'.

Proportionality

> The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.
>
> This approach is enshrined in Government planning guidance, for example, paragraph 174 of the National Planning Policy Framework for England.
>
> The desk studies and field surveys undertaken to provide a preliminary ecological appraisal (PEA) might in some cases be all that is necessary.
>
> (BS 42020, 2013)

In consequence of the scale and intensity of the proposed development, this plan-led report is considered adequate and proportionate. It communicates all relevant information necessary to determine a planning application or support the recommendations for further surveys.

Contents

1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited were commissioned by Whitbread Group PLC to produce a Habitat Management and Monitoring Plan (HMMP) for the proposed development at Premier Inn, Sheffield Barnsley (M1 J36), Maple Rd, Tankersley, Barnsley, S75 3DL (hereafter referred to as the site).

The site has been subject to previous ecological assessment by Arbtech Consulting Limited, comprising the following:

- Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd, May 2024)
- A Biodiversity Net Gain (BNG) Assessment (Arbtech Consulting Ltd, September 2024)

1.2 Project Description

The planning application pertaining to the site (Barnsley Metropolitan Borough Council ref: 2024/0483) describes the proposed development as: "*Extension to the existing hotel to provide additional bedrooms, together with alterations to the car park and other associated works)"* (hereafter referred to as "the proposed development"). A proposed development plan is provided in **Appendix 1.**

1.3 Site Context

The site is located at National Grid Reference SK 33548 99104 and has an area of approximately 1.1ha. The site consists of a Premier Inn hotel adjoined to a Brewers Fayre restaurant, with associated car parking, grassland, hedgerows, scattered trees and shrubs. The site is located with an industrial estate next to the roundabout for the A616 and the A61. The surrounding habitats predominantly include woodland and arable fields to the south and east of the site, and the industrial estate is located to the north of the site**.** A site location plan is provided in Appendix 2.

1.4 Scope of This Report

Following the submission of planning application 2024/0483, planning permission was conditionally granted. The decision notice details pre-commencement planning conditions that relate to ecology. Of relevance to this report:

"The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP) prepared in accordance with the approved Biodiversity Gain Plan has been submitted to and approved by the Local Planning Authority. The HMMP shall include:

a) a non-technical summary;

b) the roles and responsibilities of the people or organisation(s) delivering the [HMMP];

c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;

d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and

e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, and approved in writing by, the local planning authority.

f) A timetable for implementation and completion of creation and enhancement works.

g) Notice in writing shall be given to the Council within 10 working days of the implementation of the HMMP

h) Notice in writing shall be given within 10 working days of the completion of the habitat creation and enhancement works as set out in the HMMP and a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

i) Thereafter the created and/or enhanced habitat specified in the approved [HMMP] shall be managed and maintained in accordance with the approved [HMMP] for a period of 30 years following the completion of the development.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Local Plan Policy BIO1and Schedule 7A of the Town and Country Planning Act 1990"

2.0 Ecological Baseline Conditions Relevant to This Report

The baseline ecological conditions of relevance to this report were determined as a result of the previous ecological assessments undertaken at the site including the Preliminary Ecological Appraisal and Roost Assessment (Arbtech Consulting Ltd, May 2024) and Biodiversity Net Gain Assessment (Arbtech Consulting Ltd, September 2024).

2.1 Habitats recorded on Site

The site is characterised by a hotel with surrounding car parking, amenity grassland, hedgerows and scattered trees. Habitats recorded on and directly adjacent to the site comprise:

- Developed land; sealed surface (u1b)
- Buildings (u1b5)
- Modified grassland (g4)
- Urban scattered trees (32)
- Native hedgerow (h2a)

2.2 BNG and Proposed Habitat Creation

Proposals for the site comprise the removal of a small section of modified grassland and scattered trees to facilitate the creation of additional hotel buildings. It is proposed to compensate for habitat losses through new onsite landscaping. Proposed habitats can be seen on the plans at **Appendix 3**. Proposed compensatory habitat creation and target conditions to be achieved during the 30-year management term are detailed below:

Onsite

Retained

- **Developed land; sealed surface** – 0.1696ha (condition N/A)
- **Buildings** – 0.1196ha (condition N/A)
- **Modified Grassland** – 0.0936ha (poor condition)
- **Individual Trees x 23**– 0.3949ha (moderate condition)
- **Native hedgerow** – 0.1891km (good condition)

Created

- **Developed land; sealed surface** – 0.003ha (condition N/A)

- **Buildings** – 0.0284ha (condition N/A)
- **Introduced shrub** – 0.01ha (condition N/A)
- **Mixed scrub** – 0.0208ha (moderate condition)
- **Other neutral grassland** – 0.0226ha (moderate condition)
- **Individual Trees x 13** – 0.0529ha (moderate condition)
- **Native hedgerow** – 0.06km (good condition)

Enhanced

- **Modified grassland** – 0.0189ha (poor condition) enhanced to achieve**:**
    - **Other neutral grassland –** 0.0189ha (moderate condition)

2.3 Scope for Mitigation and Management

Through the proposed delivery of habitats detailed above, the development will generate 3.94 area-based habitat units, which will result in a 11.24% net gain for area-based habitat units and 1.34 hedgerows units resulting in a 17.70% net gain in linear habitats.

Section 3 of this report details specific creation / installation and management measures to ensure that the retained and proposed new landscaping is appropriately retained / created / maintained and species-specific enhancement measures are secured for the 30-year management term. Where conditions are applicable to proposed habitats, details on compliance with BNG condition criteria are provided.

3.0 Habitat Management and Monitoring Plan

3.1 Persons Responsible

Persons responsible, lines of communication, and remediation implementation detail is provided below in **Table 1**.

Table 1: Persons responsible, lines of communication, and remediation

Mitigation	Specification
Persons Responsible and Lines of Communication	A Development Biodiversity Champion will be selected for the construction phase of the development covering the site and offsite land. The Development Biodiversity Champion will be someone with significant influence during construction/habitat creation, such as the contract/project manager or landowner. The Development Biodiversity Champion will be responsible for ensuring all actions outlined in this document are implemented. Any queries with regards to the mitigation and enhancement prescriptions will be addressed to the project ecologist and communication will be retained between the Development Biodiversity Champion and project ecologist throughout the project. The project ecologist's contact details are located on the title page of this report. The Development Biodiversity Champion will inform the project ecologist of the commencement of enhancement installation works and provide updates where necessary. Once the ecological enhancements have been installed/created, a Post-Development Biodiversity Champion will be allocated who has influence on site once the development is complete, such as a long-term maintenance contractor or landowner. The Post-Development Biodiversity Champion will be responsible for ensuring all recommended management is undertaken within the site and offsite land and that any associated remedial measures are completed where necessary. Development Biodiversity Champion Details: Whitbread – Regional Maintenance Manager
Post-Development Site Visits	A post-development site visit by a Suitably Qualified Ecologist (SQE) will be undertaken to confirm the successful installation/creation of the biodiversity enhancements no more than one year following installation/creation. A report will be produced by the SQE detailing the results of the site visit and any remediation requirements. Where remediation is necessary, i.e. if the biodiversity enhancements have not been installed to a satisfactory standard, further evidence will need to be provided proving implementation. Depending on the scale of the remediation requirements, this will require an additional site visit by an SQE or photographic evidence to be provided by the Post-Development Biodiversity Champion. This requirement will be defined based on the results of the first site visit by the SQE.

	Ongoing assessment of the habitat creation and management measures will be undertaken, whereby the site and offsite will both be subject to an inspection by a SQE at years 2, 5, 10, 20 and 30. The inspections should be undertaken during the optimal botanical survey window (May - August) to provide the best assessment of habitat types and conditions. A report will be produced by the SQE after every inspection, detailing the results of the survey and any remediation requirements necessary. Each report will be submitted to Barnsley Metropolitan Borough Council for review, following each monitoring period for the full 30-year term. The Post-Development Biodiversity Champion will be responsible for ensuring that the site is inspected by a SQE at the appropriate timings set out above and will also be responsible for implementing any remediation measures identified by the SQE.
Legal Responsibility	It is expected that compliance with this HMMP will be legally enforced through a planning condition or Section (s) 106 agreement. As part of this legal agreement, habitat creation and management detailed within this HMMP will need to be retained and appropriately managed for the entire 30-year term to meet legislative objectives outlined in the Environment Act (2021). Should any future development at the site be proposed that will impact habitats that deliver the required gain as part of the planning condition/s106 agreement, this will need to be considered and suitably compensated for in accordance with any future plans.

3.2 Habitat Creation and Management

Best practice habitat creation and management within the site and offsite land over a 30-year term to ensure a BNG consistent with that reported within the BNG Assessment is provided in **Table 2** below.

Table 2: Habitat Creation and Management Prescriptions

Ecological receptor	Specification
Waste Disposal and Materials Storage	A secure area for waste storage should be proposed on site within areas of hardstanding. Storage of waste in such areas will not impact any retained or newly created habitats during the operational phase. All future materials storage will be contained within the designated waste facilities on the site. No materials will be stored over areas of soft landscaping at any time.

Tree Planting x 13 (moderate condition and Mixed scrub creation (moderate condition)	***Overview:*** A total of 13 trees will be planted across the site. An area of native mixed scrub will also be planted along the neutral grassland boundary located centrally on site. The tree and scrub planting locations are shown in **Appendix 3**. Proposed species are included within the Plant Schedule (Indigo Landscape Architects Ltd) ***Objectives:*** • To create trees of moderate condition, or above, in accordance with the BNG Assessment. • To create an area of mixed scrub of moderate condition, in accordance with the BNG Assessment. • To plant trees that will provide pollinating, foraging, and refuge opportunities for protected and/ or notable species groups including amphibians, bats, birds, hedgehogs, invertebrates, and reptiles. • Ensure that good horticultural practice is employed to encourage long-term health and vitality of all trees and scrub. • Ensure well-balanced crowns and/ or natural shape by preventing over competition. ***Creation Method:*** • **Ground preparation and planting** Each tree and shrub should be planted within a hole three times as wide of the supplied pot and of a similar depth. Root balls should be soaked thoroughly in water before planting and root balls should be loosened to expose restricted roots before planting. The planted trees and shrubs should then be backfilled ensuring there are no air pockets around roots or any roosts protruding out of the ground. • **Timing** It is best to prepare the land during the summer ready for planting between November and March. Planting trees and shrub before the new year helps ensure better rooting and subsequent establishment including faster growth during the first growing season.

Recommended management prescriptions over a minimum 30-year term:

Table 2.1: New tree and shrub planting management prescriptions.

Management	When	Rationale	BNG condition criteria compliance - Mixed scrub	BNG condition criteria compliance - Trees
Plant shrub species in dense clusters separated by open glades allowed to naturally colonise within the allocated scrub area. Open areas should comprise approximately 25% of the scrub coverage.	When planting only. Open glades to be checked and cleared annually.	To create and maintain structural diversity within the scrub and to allow young specimens to colonise at vegetation edge.	B, E	n/a
At the end of each growing season all plant failures are to be 100% replaced	When required; checked annually in Autumn.	To maintain amenity and wildlife value.	A	A
If required, provision of stakes and guards. Guards to be left on for a minimum of 5 years	During planting.	Protect from damage	A	C
Stakes should be checked and any broken or damaged stakes during this time	When required; checked annually in Autumn.	Maintain protection	A	C

	would be removed (as above) and replaced with ties re-fixed				
	Remove weeds	When required; checked twice annually in early spring and in Autumn.	Reduce competition for resources nutrients etc.by weeds	C	n/a
	Application of bark mulch at a depth of 50 mm	Immediately after planting and then when required; checked annually in Autumn.	Reduce competition for resources nutrients etc.by weeds	A, C	n/a
	Do not apply chemical fertilisers	At all times.	The use of chemical fertilisers will encourage vigorous grasses and weeds to grow	A	D
	Apply a light dressing of well-rotted manure	Annually in the winter	Note the overuse of manure fertilisers will encourage vigorous grasses and weeds to grow.	A	F
	Removal of spent flowers from perennial plants should be removed through 'deadheading'	Twice annually, late spring and in the Autumn.	Allows plants to place more energy into re-growth.	A	n/a
	Watering should be undertaken before and after planting out and as necessary for the continued	When required; provide more water during periods of draught and less water during times of prolonged	Ensures plants do not dry out and subsequently fail.	A	n/a

	thriving of all planting. rain.
Other Neutral Grassland (Moderate condition)	***Overview:*** Retained modified grassland (0.0189ha) will be enhanced to achieve moderate condition neutral grassland, additional areas of neutral grassland (0.0226ha) are proposed located centrally on the site. The proposed location of grassland enhancement is shown on the plan in **Appendix 3.** ***Objectives:*** • To create a successful and species rich neutral grassland that will provide habitat for pollinating invertebrate species, that will in turn, provide foraging opportunities for notable species groups including amphibians, bats, birds, badgers, hedgehogs, and reptiles. • Ensure a healthy species diverse sward is maintained; • Ensure that a natural appearance is retained by utilising a seed mix alongside allowing native species of local prevenance to recolonise from the seedbank; • Employ techniques that minimise the use of chemicals wherever possible. ***Creation Method:*** • **Ground preparation** • It is recommended that the existing grassland is ploughed and harrowed to provide a bare soil substrate for sowing a wildflower seed mix. • **Seeding** To be undertaken in spring or autumn. The following seed rates are recommended: 40kg/ha or 4g/m^2 of a wildflower and grass seed mix. Inclusion of yellow rattle in the seed mix will help suppress vigorous grass growth that may suppress the success of wildflowers within the sward. • **Bedding in of seed:** After sowing, seeds will be 'bedded' in by trampling or light rolling. • **Recommended seed mix:**

It is recommended that Emorsgate's EM4 Meadow Mixture for Clay Soils is used at the site. This seed mix includes 21no. wildflower species suitable for neutral soils. Notably, the species mix includes yellow rattle which is known to suppress dominant grass species which will allow existing grasses within the seed bank to colonise whilst preventing dominance and thus increasing species and structural diversity. For exact specifications, please refer to: https://wildseed.co.uk/about-us/.

Management prescriptions covering a 30-year term:

Table 2.1: Other neutral grassland management prescriptions.

Management	When	Rationale	BNG Condition Criteria Compliance (Low Distinctiveness Grassland)
Cut meadow once first year after sowing	First August after sowing	The seeds will germinate and left to grow freely over the year until late summer, when a cut will be undertaken once initial seeds have established.	A
Cut meadow twice annually to provide a heterogeneous habitat structure aiming to maintain at least 20% of grass <7cm and 20% >7cm. As such, each cutting phase must cut 20% of the area to ground level, 60% of the area to 15cm, and the remainder to 30cm. These areas must be	Annually (>1 year after sowing) Late March / early April and late August/ early Sept	This ensures the meadow does not grow excessively long and become rank but allows wildflowers to set seed and invertebrates to breed. This will also allow a diverse sward of varying lengths to naturally occur in accordance with growth characteristics of each species. Cutting twice annually will also prevent encroachment of scrub and	A, B, C, D, E, F

	rotated each year to maintain a diverse sward.		bracken. To retain a diverse sward whilst limiting impacts to protected species potentially present at ground level and ensuring the natural germination of seeds.	
	Arisings will be removed from the Site	Post cut	Removing the arisings is essential to prevent the grass decaying into the soil homogenising nutrient availability.	A
	Do not apply chemical fertilisers	At all times.	The use of chemical fertilisers will encourage vigorous grasses and weeds to grow or cause large areas of bare ground due to inhospitable growing conditions	A, D, E
Native Hedgerow Creation (good condition)	***Overview:*** A small section of native hedgerow will be planted surrounding the border of the neutral grassland area on site. A total of length of 60m will be created. The proposed location of this hedgerow is shown on the plan in **Appendix 3.** Best practice installation and management prescriptions are required to ensure the hedgerows are appropriately maintained post-development for the 30-year term. ***Objectives:*** • To undertake landscaping works in compliance with BS 4428:1989 – The Code of Practice for General Landscape Operation. • To create a single good condition hedgerow totalling 60m in accordance with the BNG Assessment. • To create a dense hedgerow that will provide foraging, commuting, and nesting opportunities for notable species groups including bats and birds.			

	Creation Method: • **Ground preparation** The location for hedgerow planting will be cleared and reduced to compacted permeable bare ground in preparation for planting. Planting substrate must comprise site won material with any deficiencies made up with imported topsoil compliant with BS 3883:2015. Prepare the ground by digging over a strip approximately 60-90cm (2-3ft) wide and one spit (or spade blade) deep. Soils that become waterlogged in winter may require a permanent drainage system. Alternatively, form the soil into a ridge about 15-20cm (6-8in) high and 50-70cm (20-28in) across to plant into. • **Planting** Plants will be positioned set back from hardscaped boundaries to allow space for the hedgerow to develop and mature prior to requiring any significant management/ cutting back. Plant density should focus on achieving a hedgerow width of privately 1m; as such, plants should be planted in a staggered double row approximately 45-60cm apart, where individual plants are planted 90cm apart within each row. • **Timing** It is best to prepare the land during the summer ready for planting between November and March. Planting before the new year helps ensure better rooting and subsequent establishment including faster growth. • **Species** All shrubs will be of "Standard" landscape specification and be sourced from a local supplier ensuring local provenance. It is proposed to plant a combination of native species with a ground flora composition that is shade tolerant including; Wild privet (*Ligustrum vulgare*), common holly (*Ilex aquifolium*) and common dogwood (*Cornus sanguinea*) for the woody species and tufted vetch (*Vicia cracca*), garlic mustard (*Alliaria petiolata*), wood avens (*Geum urbanum*), red campion (*Silene dioica*) and common sorrel (*Rumex acetosa*) for the shade tolerant ground flora. **Table 2.3:** Native hedgerow creation and management prescriptions.

Management	When	Rationale	BNG condition criteria compliance - Hedgerows
Prepare planting area in summer, in preparation for autumn/winter planting	June – August	To ensure the ground is dry and workable.	n/a
Plant shrubs within proposed areas in Autumn	September – November	Helps shrubs take roost and establish prior to the first growing phase the following spring.	n/a
Removal of spent flowers to be removed through 'deadheading'	Twice annually, late spring and in the Autumn	Allows plants to place more energy into re-growth.	n/a
At the end of each growing season all plant failures are to be 100% replaced	When required; checked annually in Autumn.	To maintain amenity and wildlife value.	A1, A2, B1, B2, C1, C2
Application of bark mulch at a depth of 50 mm	Immediately after planting and then when required; checked annually in Autumn.	Reduce competition for resources nutrients etc.by weeds	C2
Do not apply chemical fertilisers	At all times.	The use of chemical fertilisers will encourage vigorous grasses and weeds to grow	C2
Watering should be undertaken before and after planting and as	Annually for the 30-year term when	Ensures plants do not dry out and subsequently fail.	D1, D2

	necessary for the continued thriving of all planting	required following prolonged periods of draught.		
	Once the hedgerow reaches an average height of 1m along the hedgerow length, this height or above must be retained	Likely to represent a dense hedgerow 1m in height between years 3 and 5 – to be checked annually for the 30-year period.	To ensure the hedgerow is not maintained at a low level of worse value to biodiversity.	A1, B1, B2
	Once the hedgerow reaches an average width of 1m, this width must be retained	Likely to represent a dense hedgerow 1m in width between years 3 and 5 – to be checked annually for the 30-year period.	To ensure the hedgerow is not maintained at a thin density of worse value to biodiversity.	A2, B1, B2
	Undertake any pruning requirements outside of the nesting bird season, which is between March and September inclusive.	At all times.	Ensure no active bird nests are impacted by maintenance works.	n/a
Retained habitats	Habitats to be retained on site in accordance with the proposed development are as follows: • **Modified Grassland** – 0.0936ha (poor condition) • **Individual Trees x 23**– 0.3949ha (moderate condition) • **Native hedgerow** – 0.1891km (good condition)			

	Retained habitat coverage as detailed above and within the BNG assessment must be maintained in full for the required 30-year term. The baseline condition of the modified grassland is poor, and no improvements are expected as the grassland will be an amenity area. Therefore, as long as this habitat is not removed or altered it will remain its current condition. The baseline condition of the individual trees on site is moderate. This can be maintained by ensuring the surrounding grassland is not destroyed, no pruning regime is employed, and the trees do not become damaged. These trees may naturally mature and develop ecological niches over the 30-year timeframe which could result in natural enhancement. The hedgerows on site are currently in good condition, this can be maintained through management to remove undesired species, prevention of damage and over pruning and ensuring surrounding habitats either side of the hedgerows are not damaged or destroyed or altered. Habitats with a condition of N/A do not require long term management and monitoring.

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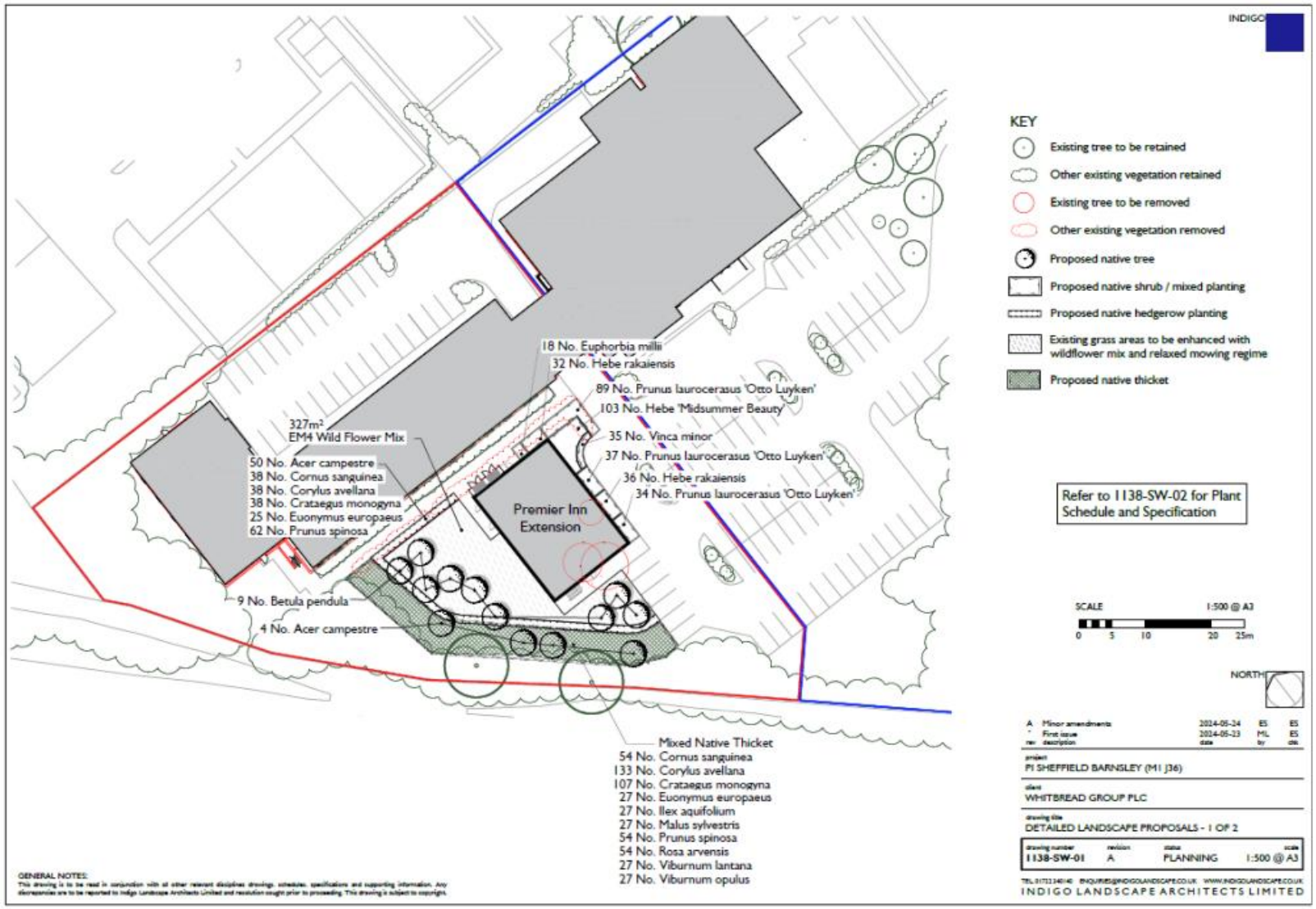
Appendix 1: Proposed Development Plan



Appendix 2: Site Location Plan

Appendix 3: Post Development Habitats Plan

Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive the, Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe in order to conserve the 189 habitats and 788 species (non- bird) identified in Annexes I and II of the Directive (as amended).

SPAs are classified under Article 2 of the EC Birds Directive both for rare bird species (as listed on Annex I) and for important migratory species.
SACs and SPAs up to 12 nautical miles (nm) from the coast are afforded protection in the UK under the Conservation of Habitats and Species Regulations 2010 which consolidate all amendments made to the Conservation (Natural Habitats, &c.) Regulations 1994. In Scotland, the requirements of Habitats Directive are implemented through a combination of the 1994 and the 2010 (reserved matters) Regulations. The Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended) provide a means for designating and protecting SACs in UK offshore waters (from 12-200 nm).

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres” however they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended) with further protection provided by the Countryside and Rights of Way (CRoW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs).

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally. Further provisions for the protection and management of SSSIs have been introduced by the Countryside and Rights of Way Act 2000 (in England and Wales) and the Nature Conservation (Scotland) Act 2004.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species

The Habitats Directive

The EC Habitats Directive aims to promote the maintenance of biodiversity by requiring Member States to take measures to maintain or restore wild species listed on the Annexes to the Directive at a favourable conservation status, introducing robust protection for those species of European importance. The Directive is transposed into UK law by The Conservation of Habitats and Species Regulations 2010 (the Conservation Regulations) and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (as amended). The following notes are relevant for all species protected under the EC Habitats Directive:

In the Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

The Habitats Regulations do not define the act of 'migration' and, therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered.

NATIONAL PLANNING POLICY (ENGLAND)

National Planning Policy Framework

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as UK Biodiversity Action Plan priority species) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act, 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act (Section 42 in Wales) requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity.' This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.