



Preliminary Ecological Appraisal

**Land off Yew Tree Road,
Huddersfield**

Report reference: R-2716-01

February 2017

Report Title:	Land off Yew Tree Lane, Huddersfield
Report Reference:	R-2716-01
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The information which we have prepared and provided is true and has been prepared and provided in accordance with the CIEEM's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions. This report does not constitute legal advice.



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Summary

Purpose of report

This report is produced to present an initial assessment of the potential ecological constraints and opportunities relating to a Site known as land off Yew Tree Road in Huddersfield; to inform the Site's potential for development.

The report has been prepared to advise the client of potential ecological constraints and opportunities, in preparing an application for planning permission.

The report provides a sufficient baseline for the Site, and is suitable in its current form for submission to planning.

Methodology

The report is based on a Desk Study of designated wildlife sites and records of protected or notable species, and an extended Phase 1 Habitat Survey carried out in December 2016.

Findings Key-Points

Much of the Site's area is occupied by habitats which are ubiquitous and of low diversity and ecological value. These are not considered to present any constraint to development.

No further surveys are considered necessary in establishing the Site's baseline for planning.

Introduction

1. Brooks Ecological Ltd was commissioned by Malcolm Sizer Planning Ltd. to carry out a Preliminary Ecological Appraisal of land of Yew Tree Road in Huddersfield, West Yorkshire, Grid Reference SE 119 190.
2. This report is produced with reference to British Standard BS42020 'Biodiversity Code of Practice for Planning and Development' and the CIEEM (2013) Guidelines for Preliminary Ecological Appraisal.

Scope

3. The application site 'the Site' encompasses a small parcel of land along the urban fringe of Huddersfield, which has been used variously as conifer plantation, as an allotment / garden and for the tipping of earth and rubble. It is defined in figure 1 below.
4. The assessment uses a 2km area of search around the Site for records of protected and notable species and locally or nationally designated wildlife sites.

Figure 1 The Site



Proposals

5. At this stage, no detailed proposals have been provided; as such, the Site is assessed against generic residential development.

Site context

6. The Site is located along the far northern edge of Huddersfield, along the urban fringe of Ainley Top and Prince Royds. The British Geological Survey (BGS) maps the Site as being underlain by a bedrock geology of Stanningley Rock, characterised by Sandstone – typically giving rise to neutral to slight acidic conditions.
7. The Site is bordered by a small tarmac road (Yew Tree Road) and single row of houses to the north, pasture land to the east and south and plantation woodland to the west; the latter of which extends on to the Site.
8. Beyond these immediate boundaries, the local area is characterised by a mosaic of residential development, woodland and mixed agricultural land, with development becoming denser to the southeast, as Huddersfield town centre is approached. A short distance north is the M62 (passing roughly northeast-southwest), a significant barrier to wildlife movement.

Figure 2 Analysis of higher value habitat (orange block) in relation to the Site.



Wildlife corridors

9. As can be seen in the above figure, few strong linear habitat features are noted in the local area; however, a good network of woodland blocks and tree lines are noted in the vicinity, which are likely to assist with the dispersal of wildlife. This network can be seen in the below figure, and is connected to the Site via the adjacent plantation woodland.

Water bodies

10. Mapping highlights the presence of 6 standing water bodies within a 500m radius of the Site; these are shown in figure 3 below. Ponds 1, 2, 3 and 5 are all large garden ponds, surrounded by hardstanding and most likely stocked with ornamental fish such as carp. Pond 4 is a small waterbody bordering a wooded stream. Pond 6 is shown as a small rectangular tank on ProMap software, but is not evident on aerial photography; it is therefore unclear whether this pond is still present.

Figure 3 Ponds present within a 500m radius of the Site.



Designated Sites

Statutory Designations

11. A search has been made to identify any nationally designated sites within a 2km radius of the Site, and for internally designated sites within a 10km radius. The results are shown in the below table.

Table 1 Statutory designations

Site name	Distance	Designation
Elland Bypass Cutting	1km north	SSSI
South Pennine Moors	8.7km southwest	SPA, SAC, SSSI

12. At these distances, a Site of this scale is considered very unlikely to have an impact on either of these statutory designated sites.

SSSI Impact Risk Zones (IRZs)

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

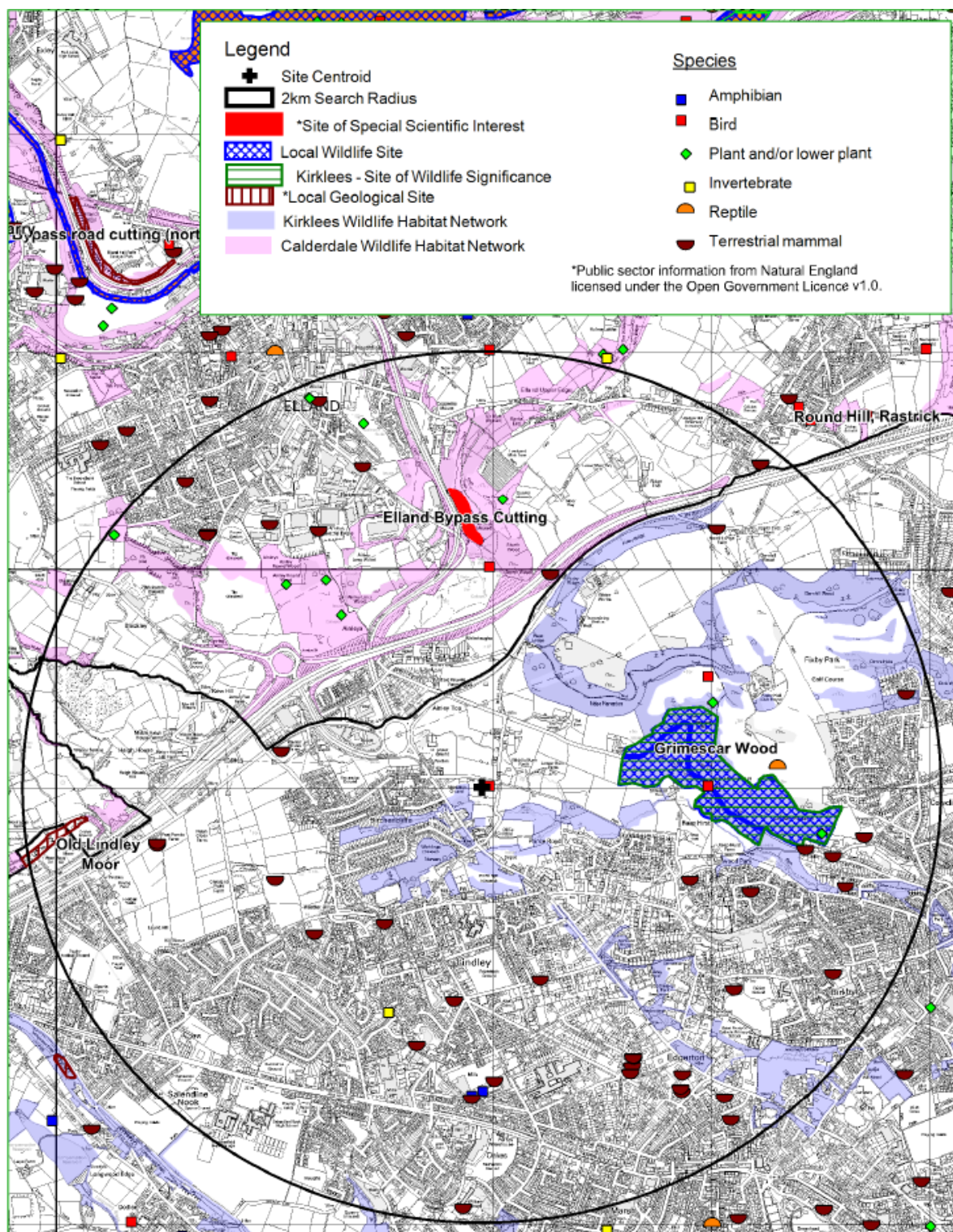
Non-Statutory Designations

14. Only a single locally designated site falls within a 2km radius of the Site. This being Grimescar Wood, Local Wildlife Site (LWS) and Kirklees Site of Wildlife Significance (SWS), situated c.600m east.
15. Based on the Site's scale and separation, impacts on this local site are not considered likely as a result of development.

Kirklees Wildlife Habitat Network

16. Sections of both the Kirklees and Calderdale WHN fall within a 2km radius of the Site, as shown in the figure below.
17. As can be seen, part of the Kirklees WHN borders the Site to the south and west, but does not extend into the Site itself. This provides the opportunity for develop to enhance this feature, such as through the planting of native trees and shrubs along these boundaries, as well as the installation of faunal boxes. This opportunity is discussed in greater detail in the Conclusions and Recommendations Section of this report.

Figure 4 Locally designated sites provided by West Yorkshire Ecology (WYE).



Habitats

Method

18. The survey was carried out during December 2016¹ and followed Phase 1 habitat survey methodology (JNCC, 2010).

Limitations

19. The survey was carried out in December when many plant species have died back however the habitat type and likelihood of supporting notable species or communities could still be assessed at this time by the experienced surveyor.
20. The vast majority of the Site was accessible with exceptions being the densest bramble scrub which accounts for no more than 5 % of the Site by area.
21. Sufficient time was afforded the surveyor to carry out the survey. The survey was not constrained by poor weather.

Results

22. The Site comprises a piece of land which has been used variously as conifer plantation, as an allotment / garden and for the tipping of earth and rubble. This has all taken place onto an area of damp heathy / marshy vegetation which is still apparent in places.



Figure 5

General view of the Site showing damp vegetation and rush pasture in the foreground, giving way to scrub and then planted conifers.

¹ This Report has been prepared during February 2017 following a visit to the site in December 2016 and our findings are based on the conditions of the site that were reasonably visible and accessible at that date. We accept no liability for any areas that were not reasonably visible or accessible, nor for any subsequent alteration, variation or deviation from the site conditions which affect the conclusions set out in this report.

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

- Tall ruderal vegetation and scrub
- Marshy grassland
- Plantation and young trees

Tall ruderal vegetation and scrub

24. This covers much of the Site, overlying all areas where bunds of material have been tipped in the past and colonising much of the drier low-lying areas. Some of this habitat has been recently cleared to aid Site investigations. Species comprise of rosebay willowherb (*Chamerion angustifolium*), raspberry (*Rubus idaeus*), bramble (*Rubus fruticosus* agg.), and ivy as well as large swathes of introduced species including *Spirea*, *Rhododendron* and tutsan (*Hypericum androsaemum*).



Figure 6

Areas of tall ruderal vegetation.

Marshy grassland

25. Primarily on the east of the Site, is retained more natural vegetation hinting at the past Site use, and reflecting the damp slightly acidic conditions prevailing on this part of the Site.
26. The prevailing habitat in the dampest areas is a species poor rush pasture with soft rush (*Juncus effusus*), compact rush (*Juncus conglomeratus*), marsh thistle (*Cirsium palustre*), broad buckler fern (*Dryopteris dilatata*), willowherbs (*Epilobium* spp.), cuckoo flower (*Cardamine pratensis*), common sorrel (*Rumex acetosa*) and the common moss *Kindbergia praelonga*. One depression in the far south east of the Site contains a small area of *Sphagnum* moss. In areas where conditions are drier, vegetation is more heathy in character with very occasional heather (*Calluna vulgaris*), tormentil (*Potentilla erecta*), sheep sorrel (*Rumex acetosella*), foxglove

(*Digitalis purpurea*), sheeps fescue (*Festuca ovina*), wavy hair grass (*Deschampsia flexuosa*) and areas dominated by the common mosses *Rhytidiadelphus squarrosus* and *Polytrichum commune* var. *commune*.



Figure 7

Looking to the eastern boundary of the Site, over the marshy grassland component

Plantation and young trees

28. The western side of the Site has been planted up with norway spruce (*Picea* sp.), unharvested this has resulted in a dense canopy shading out any ground flora. On the Site's boundaries are found a few young trees - sycamore (*Acer pseudoplatanus*), elder (*Sambucus nigra*), ash (*Fraxinus excelsior*), goat willow (*Salix caprea*), birches (*Betula* sp.) and cherry (*Prunus* spp.). These also appear as saplings and elements of the scrub vegetation within the Site.



Figure 8

Typical view within the plantation at the western boundary of the Site.

Buildings

30. The Site contains two small garage / shed buildings of single skin / panel construction. They do not present any suitable voids for roosting bats but could provide suitable nest sites for common garden bird species.



Figure 9

Buildings.

Fauna

Bats

32. West Yorkshire Ecology have returned 54 bat records for the search area, detailing at least 5 species including; whiskered, Leisler's, noctule, common pipistrelle, brown long eared, and indeterminate species of pipistrelle and vesper bats. Most of these are general field records, however 16 relate to roosts; all over a kilometre from the Site and detailed as small summer non-breeding day roosts/ transitional roosts.

Roosting

33. As previously described, the two, small garage / shed buildings situated towards the northwest corner have been assessed as providing negligible suitability for roosting bats. This is due primarily to these buildings simple single skin / panel construction.
34. Likewise, inspection of all onsite trees, from ground level, identified no potential roost features.

Foraging/ commuting

35. Given the Site's small size and the habitats present, the Site is considered unlikely to be of significant value to the local bat population. The small area of plantation wood towards the western boundary may attract low numbers of foraging bats, for short

periods of the night, but given the abundance of larger, higher value semi-natural woodland in the wider landscape, bats would not be expected to be reliant on the Site in any way as a foraging resource.

36. Likewise, the Site does not contribute to any potential linear habitat feature that may be of importance to commuting bats.

Amphibians

37. Only two amphibian records have been returned by WYE, both relate to low numbers of common frog, roughly 1.4km from the Site. No other amphibians have been recorded locally, including the protected great crested newt.
38. A single small wet area is present on Site; however, this appears ephemeral in nature and is considered unsuitable for supporting breeding amphibians.
39. The mix of marshy grassland, scrub and plantation woodland represents relatively good terrestrial habitat for amphibians, and several ponds are highlighted as being present within a 500m radius. However, these are all only loosely connected to the Site, being separated by either small watercourses or roads. In addition, all of the closest waterbodies represent small garden ponds, surrounded by hard-standing and likely stocked with coarse or ornamental fish, such as carp. These ponds are therefore considered very unlikely to provide suitable breeding habitat for great crested newt.
40. Based on the lack of suitable breeding habitat on Site, or within influencing distance, combined with the absence of records, the likely absence of great crested newt on Site can therefore be reasonably concluded, and no further survey is considered necessary.

Birds

41. During the main breeding season, the Site is likely to be of some value for a typical assemblage of common garden/ urban fringe birds. Standard precaution is therefore recommended with regards to Site clearance/ vegetation works during this period.

Badger

42. No evidence of current or historic badger activity was noted on Site, although precaution is recommended, as a sett is known to be present on adjacent land. Several small holes were noted on Site, however, these all appear to be linked to rabbit, although one looked recently occupied (or dug out) by fox.

Reptiles

43. A single old (c.1936) reptile record has been returned by WYE, relating to a field record of a grass snake some 1.35km away.
44. The Site provides only sub-optimal habitat for this group, and a large area of neighbouring land has previously been surveyed by Brooks Ecological and a likely absence of reptiles concluded. The risk of this group being present on Site is therefore considered to be very low, and no further survey recommended.

Invasive Species

45. A single Rhododendron specimen was found growing on Site, as indicated on drawing D-2716-01.1 in Appendix 1. Large areas of the Site had recently been cut prior to the walkover survey, as such, it is possible that further specimens are present on Site. Several species of Rhododendron are listed on Schedule 9 of the Wildlife and Countryside Act (1981), making it an offence to cause or allow it to grow in the wild.
46. Whilst listed on Schedule 9 of the Wildlife and Countryside Act (1981) (as amended), this species is not considered to present a significant risk in this location. Whilst we are not aware of specific guidelines relating to the disposal of this plant it would be a sensible precaution to dispose of it through burning on Site or disposal at approved landfill. The plant, its berries or seeds should not be buried, mulched or added to rot piles as this is likely to lead to its spread.

Horsetails

47. Horsetails are not listed on Schedule 9 of the Wildlife and Countryside Act (1981) but can cause damage to roads and paving post development.
48. None was found on Site during the walkover, however, the survey was carried out outside of the period when equisetum spp can be identified on site and it is recommended that a specific survey is carried out in the period of May-September if the developer needs to identify the presence or confirm likely absence of this group.

Conclusions and Recommendations

49. The majority of the Site's area is occupied by habitats which are ubiquitous and of low diversity and ecological value.
50. The marshy grassland habitat is of more interest; however, as the Site is surrounded by plantation woodland and improved pasture, this habitat is so fragmented, and of such limited scale, that its ecological value must also be considered to be low and not worthy of retention.
51. The habitats on the Site are not considered to present any constraint to development, however the damp acidic conditions should be a consideration of the landscaping and attempts to enhance the Site for wildlife.
52. No further surveys are considered necessary in establishing the Site's baseline for planning.

Ecological Enhancement

53. The requirement for development to make a positive contribution to biodiversity is clearly set out in guidance such as the NPPF and BS:42020 - beyond mitigating or compensating any potential impacts.
54. The following themes provide opportunities for the proposals to deliver such a contribution:
 - Given the Site's damp acidic conditions, landscaping within Public Open Space could include areas of species-rich marshy grassland, or a permanent water body with a wide belt of marginal vegetation.
 - Although a relatively large number of trees are present on Site, these are mostly non-native conifers of low wildlife value. Landscaping could aim to replace these with higher value native tree and shrub planting.
 - A range of faunal boxes, aimed at declining garden birds and crevice dwelling bat species could be incorporated into a number of the new builds.

Appendices

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

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Appendix 1 – Extended Phase 1 Habitat Plan



-  Marshy grassland
-  Tall ruderal vegetation & scrub
-  Plantation & young trees
-  Building

Target notes:

-  Small ephemeral pool
-  Rhododendron sp.



Project: Yew Tree Road, Hudds.

Title: Extended Phase 1 Habitat Plan

Drawing Number: D-2716-01

Scale: Do not scale Date: February 2017

Revision:

Appendix 2 – Explanatory Notes and Resources Used

Site context

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

Designated Sites

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

Functional linkage with off-Site habitats

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

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

Method

Phase 1 habitat survey methodology (JNCC, 2010). This involves walking the site, mapping and describing different habitats (for example: woodland, grassland, scrub). The survey method was "Extended" in that evidence of fauna and faunal habitat was also recorded (for example droppings, tracks or specialist habitat such as ponds for breeding amphibians). This modified approach to the Phase 1 survey is in accordance with the approach recommended by the Guidelines for Baseline Ecological Assessment (IEA, 1995) and Guidelines for Preliminary Ecological Appraisal (CIEEM 2012).

Faunal appraisal

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

Records of notable species supplied from a 2km area of search by West Yorkshire Ecology (WYE) are used to inform this appraisal.

We discuss further only notable species or groups which could be a potential constraint due to the presence of suitable habitat and their presence (or potential presence) in the wider area. We screen out and do not present accounts of notable species or groups which do not meet these criteria – in some cases it may be necessary to explain this reasoning.

Evaluation

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

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

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

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

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

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

Species/group	Habitat
Floating water plantain	Semi-natural pasture
Great-crested newt	Lowland and upland meadows
Marsh helleborine	Lowland dry acid grassland
Northern wood ant	Blanket bog
Twite	Upland heathland
Watervole	Upland flushes
White-clawed crayfish	Lowland heathland
	Upland oak woodland
	Lowland deciduous and other woodland
	Upland mixed ashwoods
	Wet woodland
	Arable field margins
	Hedgerows
	Rivers, riverine corridors and associated habitats
	Reedbeds
	Scrub and habitat mosaics on previously developed land

Appendix 3 – Bat Activity Survey Rationale

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

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

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

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

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

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

Given the Site's small size and the habitats present, the Site is considered unlikely to be of significant value to the local bat population. The small area of plantation wood towards the western boundary may attract low numbers of foraging bats, for short periods of the night, but given the abundance of larger, higher value semi-natural woodland in the wider landscape, bats would not be expected to be reliant on the Site in any way as a foraging resource. Likewise, the Site does not contribute to any potential linear habitat feature that may be of importance to commuting bats. As such, no further survey is considered necessary.

Assessment was directed by Christopher Shaw BSc (Hons) ACIEEM. Chris has over 6 years experience of carrying out bat surveys in a professional capacity and is registered to use the new Class Survey Licence WML CL18 (Bat Survey Level 2). He is an active member of the West Yorkshire Bat Group and West Yorkshire Bat Care Scheme.

Appendix 4 Wildlife Legislation, Policy and Guidance

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

Legislation

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

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

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

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

The Conservation of Habitats and Species Regulations (2010)

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

The Wildlife and Countryside Act (1981) as amended

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

The Countryside and Rights of Way Act 2000 (CRoW)

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

Natural Environment and Rural Communities Act 2006 (NERC)

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

Hedgerows Regulations (1997)

Define and provide protection for Important Hedgerows.

Protection of Badgers Act (1992)

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

Protected Sites

Statutory EU / International Protected Sites

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

Statutory UK Protected Sites

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

Locally Protected Sites

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

Protected Species

European Protected Species

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

UK Protected Species

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

Invasive species

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

Planning Policy / Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework was published on 27 March 2012 replacing the majority of previous Planning Policy Guidance notes (PPGs) and Planning Policy Statements (PPSs). The most relevant paragraphs from the NPPF are set out below.

The general approach to assessing the natural environment is now embedded within the definition of what 'sustainable development' is. Paragraph 7 (P7) of the NPPF states that sustainable development should "contribute to protecting and enhancing our natural environment" and "help to improve biodiversity". There is also a need for positive inclusion of the natural environment in development design and "moving from a net loss of bio-diversity to achieving net gains for nature" (P9). P14 sets out the Framework's presumption in favour of sustainable development.

The natural environment is stated within the NPPF core principles: development should "*recognise the intrinsic character and beauty of the countryside*" and contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should, "*prefer land of lesser environmental value, where consistent with other policies in this Framework*" (P17).

Section 11 of the NPPF details the approach to the natural environment. The Framework states that development should "*minimise impacts on biodiversity and provide net gains in biodiversity, where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*" (P109).

The Framework sets out ways to minimise the impacts on biodiversity through "*promoting the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets*" (P117).

The NPPF requires the consideration of the impacts of development on the natural environment. The Framework also encourages "*opportunities to incorporate biodiversity in and around developments*" (P118). Importantly this paragraph (P118) sets out the hierarchy of avoiding, mitigating and compensating harm from development - plans should ensure that they can demonstrate engagement with this hierarchy when required.

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

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

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

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

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

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

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