Marsden Fire Station

Ecological Appraisal

11th November 2017, updated 11th May 2018

Prepared by:

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Purpose and Description	Originated	Checked	Reviewed	Date
For Planning	P Middleton MCIEEM	R Bell MCIEEM	P Middleton MCIEEM	11/05/18

Site Name Marsden Fire Station	**Location** Manchester Road, Marsden
Document ref: MBE/ECO/2017/30/02	
Local Authority Kirklees Council	**Grid Reference** SE 04947 11452
Surveyor Peter Middleton MCIEEM	**Date of Surveys** 20/11/2017, 11/05/18
National Character Area (NCA) Yorkshire Southern Pennine Fringe NCA 37	**Designation of Site** None

Phase 1 Habitat Types on Site A1.3.1 Scattered trees, A2.2 Scattered scrub, C3.1 Tall ruderal, J1.3 Ephemeral, J4 Bare ground, J6 Buildings
NVC Communities on Site None
Protected/Notable Species, Constraints on Site Nesting birds
HPIs and SPIs under NERC Act 2006 None
Kirklees BAP Scrub & habitat mosaics on previously developed land (mostly recently cleared)

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1. Summary

1.1.1 The ecological appraisal of land at, and adjacent to, Marsden Fire Station was commissioned by architect Steve Mitchel on behalf of the client SB Developments on 16th November 2017. A subsequent bat nocturnal survey was commissioned by Steve Mitchell on 19th May 2018. The surveys were commissioned to inform a planning application for a residential development (indicatively for one house and 26 flats).

1.1.2 Habitats within the application area are considered to be of importance to nature conservation at no greater than the site level. The application site is of no more than site level importance to faunal species.

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

- **Nesting birds** (Nesting opportunities across site) – Clearance of remaining habitats outside nesting season (May-August) or pre-works checks to be undertaken by an Ecological Clerk of Works (ECoW).
- **Trees** (along boundaries of site) – Protection of adjacent trees (offsite) through tree protection measures in accordance with BS5837:2012.

1.1.4 In addition to mitigation recommendations outlined above, enhancement recommendations provided include:

- Boundary fences should not impede the free movement of hedgehogs.
- Inclusion of two in-situ cavity bat boxes and five house sparrow boxes integral to the fabric of new buildings.
- Development of a soft landscaping scheme that makes use of native species of trees and shrubs, where possible.

1.1.5 The scheme will not result in impacts of greater than site level importance to nature conservation, with the possible exception of the impact on roosting bats (if present). 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 ecological appraisal of land at, and adjacent to, Marsden Fire Station was commissioned by architect Steve Mitchel on behalf of the client SB Developments on 16th November 2017. A subsequent bat nocturnal survey was commissioned by Steve Mitchell on 19th May 2018. The surveys were commissioned to inform a planning application for a residential development (indicatively for one house and 26 flats).

2.1.2 The purpose of this report is to present the results of an extended Phase 1 habitat survey which includes determining the potential for, or presence of, protected and notable species, plus an appended map of the site showing the Phase 1 habitats present. Some sites require subsequent targeted species surveys but in many cases the preliminary ecological appraisal is sufficient to accompany the planning application. Therefore, recommendations in relation to avoiding, mitigating and compensating for ecological impacts are included in this report together with biodiversity enhancement recommendations.

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

3. Site Description

3.1.1 The site is accessed off Manchester Road, Marsden. It consists of a brown-field site of approximately 0.38ha and includes the fire station building and the site of a former gasometer and sub-station. The site has largely been cleared of scrub to enable a topographical survey; habitats on site include bare ground, broad leaved trees, tall ruderal vegetation and ephemeral/short perennial.

3.1.2 Land adjacent to the application site supports the following habitats.

- The built environment
- Trees
- Grassland

Figure 1. The application site and its environs

3.1.3 The surrounding area consist of a variety of habitats including the built environment (residential), small woodlands and grassland (see Figure 1). The site is within the Yorkshire Southern Pennine Fringe National Character Area (NCA) which is a transitional landscape from the upland areas of the Southern Pennines NCA in the west through to the low-lying land of the Nottinghamshire, Derbyshire and Yorkshire Coalfield NCA to the east. The most striking aspect of the landscape is the mingling of predominantly 'gritstone' industrial towns and villages with the strong valley forms and pastoral agriculture of the Pennine foothills. The gritstone industrial buildings and settlements bring a sense of visual unity to the landscape. The landscape is dominated by industrial buildings and structures such as factories, chimneys, railways and canals. Travellers crossing the NCA from west to east experience a change from pastoral treeless hill tops, where drystone walls are the predominant field boundary, to wooded valleys, where large urban settlements such as Bradford, Huddersfield and Sheffield are focused in the valleys and were built up around the former industries such as coal mining, steelmaking and the woollen industry.

4. Methodology

4.1 Data Consultation

4.1.1 West Yorkshire Ecological Records (WYER) were contacted to request the following information for locations within a 2km 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 November 2017 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).

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

Bat Survey

Dusk emergence survey

4.2.6 One nocturnal dusk emergence survey was undertaken to determine the presence or absence of roosting bats in the building on site.

4.2.7 The following personnel conducted the nocturnal surveys.

- Peter Middleton (MCIEEM; Class license WML-A34-Level 4, 2016-25236-CLS-CLS), Carl Dixon.

4.2.8 The following activities were carried out in compliance with relevant Bat Survey Guidelines (Collins 2016):

- A dusk emergence survey was undertaken by two surveyors on 10th May 2018 continuing from 15 minutes before sunset until 90 minutes after sunset. All sections of the building were monitored for bat activity.

4.3 Survey Limitations

4.3.1 No limitations to an effective surveys were identified. Whilst the initial walkover survey was undertaken outside the appropriate period for detailed botanical survey, the habitats present are species poor and could be confidently characterised during the survey.

5. Results

5.1 Data Consultation

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

Table 1. Designated sites

Designation	Name	Interest	Distance and direction to site
Special Protection Area (SPA)	Peak District Moors	Birds (waders)	650m SSE
	South Pennine Moors	Birds (waders)	650m SSE
Special Area of Conservation (SAC)	South Pennine Moors	Upland heath	650m SSE
Site of Special Scientific Interest (SSSI)	Dark Peak	Various	650m SSE
	South Pennine Moors	Various	650m SSE
Local Wildlife Site (LWS)	Drop Clough	Various	1.3km NNE
	Greenhill Clough	Acid woodland	1.1km NNE
	Holme Bank Wood	Acid woodland	1.75km SSE
	Huddersfield Narrow Canal	Wetland habitats	350m N
	Naze Top Wood	Acid woodland	1.4km SSE
Site of Scientific Interest (SSI)	Drop Clough	Acid woodland	1.3km NNE
	Huddersfield Narrow Canal	Wetland habitats	350m N

5.1.2 No impacts are anticipated upon designated sites because of their distance from the application area and the small scale and type of development activity proposed.

5.1.3 Records of protected and notable species obtained are discussed in the species sections of the results.

5.1.4 Two historic EPS mitigation licences have been obtained for locations within 2km of the application site. The nearest was a licence issued in 2015 to allow the destruction of a common pipistrelle *Pipistrellus pipistrellus* resting place; 1km northwest of the application site.

5.2 Field Surveys

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 A filtered species list provided by WYER to show amphibians, reptiles and terrestrial mammals are provided in Appendix 5.

5.2.3 All site habitats are considered to be of site level importance to nature conservation. Prior to clearance, the site largely consisted of scrub and habitat mosaics which is a Kirklees BAP habitat. Nevertheless, such habitats are common and widespread in the area.

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

Habitats

A.2.2 Scattered scrub

5.2.5 Prior to site clearance, both dense and scattered scrub was the most abundant habitat. Scrub is now restricted to a small area of bramble *Rubus fruticosus*, a single buddleia *Buddleja davidii* and several willows *Salix* spp. near the boundaries (see Appendix 1).

Plate 1. Bare ground following clearance of scrub

A3.1 Scattered trees

5.2.6 For want of a better characterisation, the trees that remain on site will be classed as Scattered trees and consist of frequent goat willow *Salix caprea* together with occasional grey willow *Salix cinerea* and their hybrids. These trees are not of a notable age and these species are common in the local area.

C3.1 Tall ruderal

5.2.7 There is only one small area of rosebay *Chamerion angustifolium* which has survived site clearance (see Plate 3).

J1.3 Ephemeral/short perennial

5.2.8 An area that is fenced adjacent to Manchester Road has a stony substrate with a resulting sparse ground flora of pioneer grasses including frequent Yorkshire fog *Holcus lanatus* and creeping bent *Agrostis stolonifera* together with frequent leafy hawkweed *Hieracium* spp., hop trefoil *Trifolium campestre* and perforated St. John's wort *Hypericum perforatum* (see Plate 4).

Plate 2. Scattered trees (Salix) near western boundary

J4 Bare ground

5.2.9 Bare ground now constitutes the majority of the site together with piles of cleared scrub (bramble and willow). Tiny areas of vegetation have survived around the site's boundaries that give an indication of the habitat prior to site clearance. The fenced compound of a gas sub-station also contains somewhat bare stony ground with sparse rosebay *Chamerion angustifolium* (see Plates 1 & 5).

Plate 3. Far northwest corner of site showing small area of bramble and rosebay

Plate 4. Ephemeral/short perennial

J6 Buildings

5.2.10 Three buildings occupy the site including a relatively large former fire station and two small sub-station buildings. These buildings are discussed in more detail in the species section of this report.

Plate 5. Sub-station buildings

Species

Amphibians

5.2.11 No Great Crested Newt (GCN) *Triturus cristatus* records were provided by WYER for locations within a 2km radius of the site. In addition, no GCN EPS mitigation licences have been issued for locations within 2km of the site. The nearest historic EPS mitigation licence is located approximately 15km east of the application site.

5.2.12 There are mill ponds within 500m, the nearest of which is 145m southwest of the site. However, the ponds are separated by roads and given the lack of records, GCN is considered highly unlikely. Consequently GCN are not considered to be a receptor to the proposed scheme. Common amphibian species may however be present on site.

Badger

5.2.13 Badger *Meles meles* records were provided by WYER but none are for a location closer than one kilometre from the application site.

5.2.14 The application site and its environs were searched for any signs of badgers but none were found. No setts are currently present on site however the site may be used as part of wider badger foraging areas.

Bats

Data consultation

5.2.15 A total of 48 bat records were provided by WYER for a 2km radius of the site. Seven species are therefore known to inhabit the area including common pipistrelle, soprano pipstrelle *Pipistrellus pygmaeus*, Daubenton's bat *Myotis daubentonii*, Natterer's bat *Myotis nattereri*, brown long-eared bat *Plecotus auritus*, noctule *Nyctalus noctula* and Leisler's bat *Nyctalus leislerii*. The nearest roost (common pipistrelle) is 178m from the application site (centroid).

5.2.16 No trees on site display features with potential for use by roosting bats.

5.2.17 Three buildings are present on the application site, a somewhat large former fire station building and two small sub-station buildings. A description of the buildings and their potential to support roosting bats is provided below.

Description of buildings

5.2.18 The fire station building is a fairly old (1909) single storey stone built structure with an ornate façade and large garage door openings. The pitched welsh slate roof has large skylights on both sides and the roof slates have been 'turnerised' (covered in a membrane) (see Plates 6 & 7). The building is on an east-west axis.

Plate 6. Fire Station building façade (north elevation)

Plate 7. Rear of Fire station building (south elevation)

External inspection of fire station building

5.2.19 The slates have been 'turnerised' and there are no gaps under slates at the roof verges. Consequently, there is no potential for bats to access the void beneath the slates from the exterior of the building. The external walls of the building have been well maintained and the masonry lacks features with potential to accommodate crevice dwelling bats, with the possible exception of six air vents on the gables (see Plate 8). There is therefore potential for bats to access the cavity of both gable walls via these vents.

Plate 8. Air vents (the only features displayed on the outside)

Internal inspection of fire station building

5.2.20 The inside of the building is open to the underside of the wood panelling of the vaulted ceiling and skylights. The glass of the skylight on the south side of the roof is broken (see Plate 9) providing easy access for bats to the interior, however, the inside lacks potential roost features and no signs of bats were found.

Plate 9. Inside of fire station building

5.2.21 The two sub-station buildings are built of stone with flat fibreglass coated roofs. The buildings lack features with potential to accommodate crevice dwelling bats and therefore were considered to display negligible bat roost potential.

5.2.22 The fire station building displays a low number and diversity of potential roost features and therefore it was assessed as having low bat roost potential.

Habitat assessment

5.2.23 The site is situation within the small town of Marsden adjacent to the busy Manchester Road. Nevertheless, the wider area consists of a variety of habitats. Considering the site's location, the range of bat species using the site is expected to be limited and the site is not considered to be of more than site level importance to foraging bats.

Dusk emergence survey (Fire Station Building)

5.2.24 No bats were recorded roosting within the fabric of the building during the dusk emergence survey. The survey is described in more detail below:

5.2.25 **11th May 2018 – Dusk emergence survey**. The temperature at the beginning of monitoring was 10ºC, calm with 20% cloud. The weather at the end of the survey was largely unchanged except the wind increased to a Force 1 level. The weather was dry throughout the survey. The first bat recorded was a foraging common pipistrelle at 21.26. Intermittent foraging by mostly one common pipistrelle was recorded thereafter.

Birds

5.2.26 No SPI bird species or birds on the red list of the Birds of Conservation Concern (Eaton *et al.,* 2015) were recorded from the site.

5.2.27 The only bird species recoded on site during the site visit was a jackdaw *Corvus monedula*. The site however has potential to support a range of common and widespread resident bird species.

5.2.28 Trees, scrub and buildings on site have potential to be used by several species for nesting.

Reptiles

5.2.29 No recent reptile records were provided by WYER. There is no suitable reptile habitat on site and little connectivity with suitable habitat elsewhere. Consequently the likelihood of reptiles being present on site is considered to be very low.

Invasive species

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

6. Assessment

6.1 Proposals

6.1.1 The proposed development comprises the construction of a residential development consisting of one house and 26 flats (indicative). All trees and remaining scrub on site will be lost as a consequence of the proposed development.

6.1.2 The assessment of impacts is based upon the proposed plan DWG No 2017/438/SK07 A, 27/06/17, William Best RIBA.

6.2 Assessment of Impacts

6.2.1 The potential ecological impacts of the development are considered to comprise:

- Temporary increase in vehicle movements during the period of construction into and out of the site.
- Temporary increase in noise, dust and vibration caused by construction work.
- Long term increase in human presence on site following the re-development of the site.

- An increase in potential predation of birds and mammals as a result of new domestic pets.
- Destruction of active bird nests during site clearance. It is an offence to damage or destroy active bird nests (see Appendix 3).
- Loss of bird, mammal and insect foraging habitats through removal of onsite trees.
- Damage to the root systems or stems of existing adjacent trees (off site) as a result of construction works.

6.2.2 Of the potential impacts detailed above, all are considered important at the site level only.

6.2.3 Methods to avoid or mitigate the impacts detailed above are discussed in Section 6.3.

6.3 Further Survey and Mitigation

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

- It is recommended that site clearance take place at a time when it will not affect nesting birds (outside March to August). If works are to be undertaken during the bird nesting period then they should be preceded by a nesting bird check.
- All boundaries and associated adjacent trees (offsite) should remain intact. Taking a best practice approach to nature conservation issues, where boundary hedgerows and trees are to be retained, 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 5m from the boundary.

6.4 Recommended Enhancements

6.4.1 In accordance with the aims of planning policy NPPF: 11, it is suggested that the developer follows the recommendations detailed below. Please note that the enhancements have been informed by the results and findings of the field survey.

- Boundary fences should not impede the free movement of hedgehogs *Erinaceus europaeus*.
- The building(s) should have two in-situ cavity boxes integral to the fabric of the buildings situated high on south or west facing gables, away from artificial light spill and not over windows or doors.
- Five house sparrow boxes should be installed at various locations under soffits, preferably integral to the fabric of the new buildings.
- New tree and shrub plantings should be an integral component of the soft landscaping proposals for the site. Plantings within the site should be generous and include locally native standard species of trees and shrubs.

6.5 Conclusion

6.5.1 Habitats within the application area are not considered to be of importance at greater than the site level. The application area is also considered to be of no more than site level importance to faunal species.

6.5.2 The scheme will not result in impacts of greater than site level importance to nature

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

7. References

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

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

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Gent T and Gibson S (2003) Herpetofauna Workers Manual. JNCC, Peterborough.

Gunnel K, *et al* (2013) Designing for Biodiversity: A technical guide for new and existing buildings, RIBA Publishing.

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

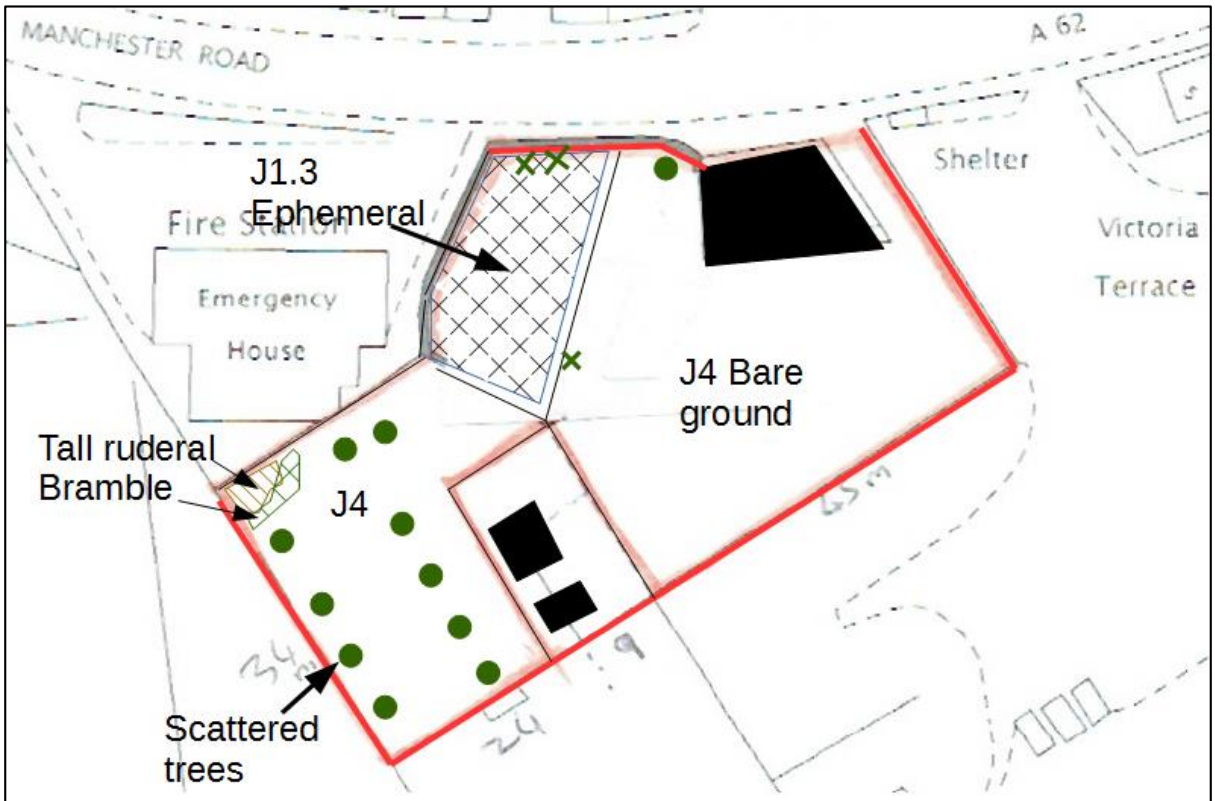
Institute of Environmental Management (2006) Guidelines for Ecological Impact Assessment in the United Kingdom.

Institute of Environmental Management (2013) Guidelines for Preliminary Ecological Appraisal.

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

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

Appendix 1. Phase 1 Plan and Aerial Image



The site has in most part been cleared of scrub and tall ruderal vegetation and now consists mostly of bare ground.

Appendix 2. Plant Species Recorded on Site

Full Species List		
English Name	**Scientific Name**	**DAFOR Rating**
Goat willow	*Salix caprea*	A
Grey willow	*Salix cinerea*	O
Hybrid willow	*S. caprea x cinerea*	R
Butterfly bush	*Buddleia davidii*	R
Sycamore	*Acer psuedoplatanus*	R
Red fescue	*Festuca rubra*	Loc A
Yorkshire fog	*Holcus lanatus*	Loc O
False oat-grass	*Arrhenatherum elatius*	Loc F
Perennial ryegrass	*Lolium perenne*	O
Creeping bent	*Agrostis stolonifera*	Loc F
Hop trefoil	*Trifolium campestre*	Loc O
Lesser trefoil	*Trifolium dubium*	Loc O
Cock's foot	*Dactylis glomerata*	F
Jointed rush	*Juncus articulatus*	R
Rosebay	*Chamerion angustifolium*	Loc D
Gorse	*Ulex europaeus*	R
Bramble	*Rubus fruticosus*	Loc A
Soft rush	*Juncus effuses*	R
Ribwort plantain	*Plantago lanceolata*	R
Leafy hawkweed	*Hieracium* spp.	Loc O
St John's wort	*Hypericum perforatum*	Loc F
Broad leaved dock	*Rumex obtusifolius*	O
Tufted hair-grass	*Deschampsia cespitosa*	O
Broad buckler fern	*Dtyopteris dilitata*	R

Appendix 3. Relevant Legislation

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
Special Area of Conservation (SAC)	SACs are strictly protected areas which have been identified as best representing the range and variety within the European Union of habitats and (non-bird) species listed in Annexes I and II of the EC Habitats Directive. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2012 (as amended) are the legal instrument for implementing the Habitats Directive in the UK. SACs are of at least European importance to nature conservation.
Special Protection Area (SPA)	SPAs are strictly protected sites classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC), also known as the Birds Directive. They are classified for rare and vulnerable birds, listed in Annex I of the Birds Directive, and for regularly occurring migratory species. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2012 (as amended) are the legal instrument for implementing the Birds Directive in the UK. SPAs are of at least European importance to nature conservation.
Site of Special Scientific Interest (SSSI)	SSSIs are the national suite of sites providing statutory protection for the best examples of the UK's flora, fauna, or geological or physiographical features. Originally notified under the National Parks and Access to the Countryside Act 1949, SSSIs have been re-notified under the Wildlife and Countryside Act 1981 (as amended). Improved provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000. SSSIs are of at least national importance to nature conservation
Local 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.
Hedgerows	Hedgerows that meet certain criteria are protected by The Hedgerows Regulations 1997, under which it is an offence to remove or destroy such hedgerows without permission from the Local Planning Authority.

Table A2. Legislation relating to species

Species	Legal Status
European protection	
European Protected Species (EPS) (including bats, Great Crested Newt (GCN),	These animal species and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species (Amendment) Regulations 2012, which makes it illegal to: • Intentionally or deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs;

Species	Legal Status
otter and hazel dormouse)	• Deliberately disturb such an animal; • Damage or destroy a breeding site or resting place of such an animal. European Protected Species (EPS) licences can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed: • The development is for reasons of overriding public interest; • There is no satisfactory alternative; and • The favourable conservation status of the species concerned will be maintained and/or enhanced. Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a legal duty to 'have regard to the requirements of the EC Habitats Directive in the exercise of their functions'. This means that they must consider the above 3 tests when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations. As a consequence, Planning Applications for such developments must demonstrate that the 3 tests will be passed. Natural England also allow sites to be registered on the Bat Low Impact Class Licence to permit activities that would otherwise be unlawful under the Conservation Regulations where the 3 tests can be passed and the bat roosts to be impacted are of low conservation status.
National protection	
European Protected Species and other species including: water vole and white clawed crayfish	These animals receive full protection under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to: • Intentionally kill, injure or take any such animal; • Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal; and • Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.
Common amphibians and reptile species	These animals receive limited protection under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal to intentionally kill or injure any such animal.
Badger	The Protection of Badgers Act 1992 makes it illegal to wilfully kill or injure a Badger, or attempt to do so and also make it illegal to intentionally or recklessly interfere with a Badger sett. This

Species	Legal Status
	includes damaging or destroying a sett, obstructing access to a sett and disturbing a Badger while it is occupying a sett. Licences can be granted by Natural England to permit sett closure and/or disturbance between July and November inclusive.
Schedule 1 birds	Special penalties relate to offences concerning birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). In addition to the offences detailed above relating to all wild birds, it is illegal to intentionally or recklessly disturb any Schedule 1 bird or their dependent young while nesting.
All bird species	All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to: • Intentionally kill, injure or take any wild bird; • Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.
Invasive species	The Wildlife and Countryside Act 1981 (as amended) contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9 of the Act. In relation to Schedule 9 plants it is an offence to plant or otherwise cause these plant species to grow in the wild.

Species and Habitats of Principal Importance

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

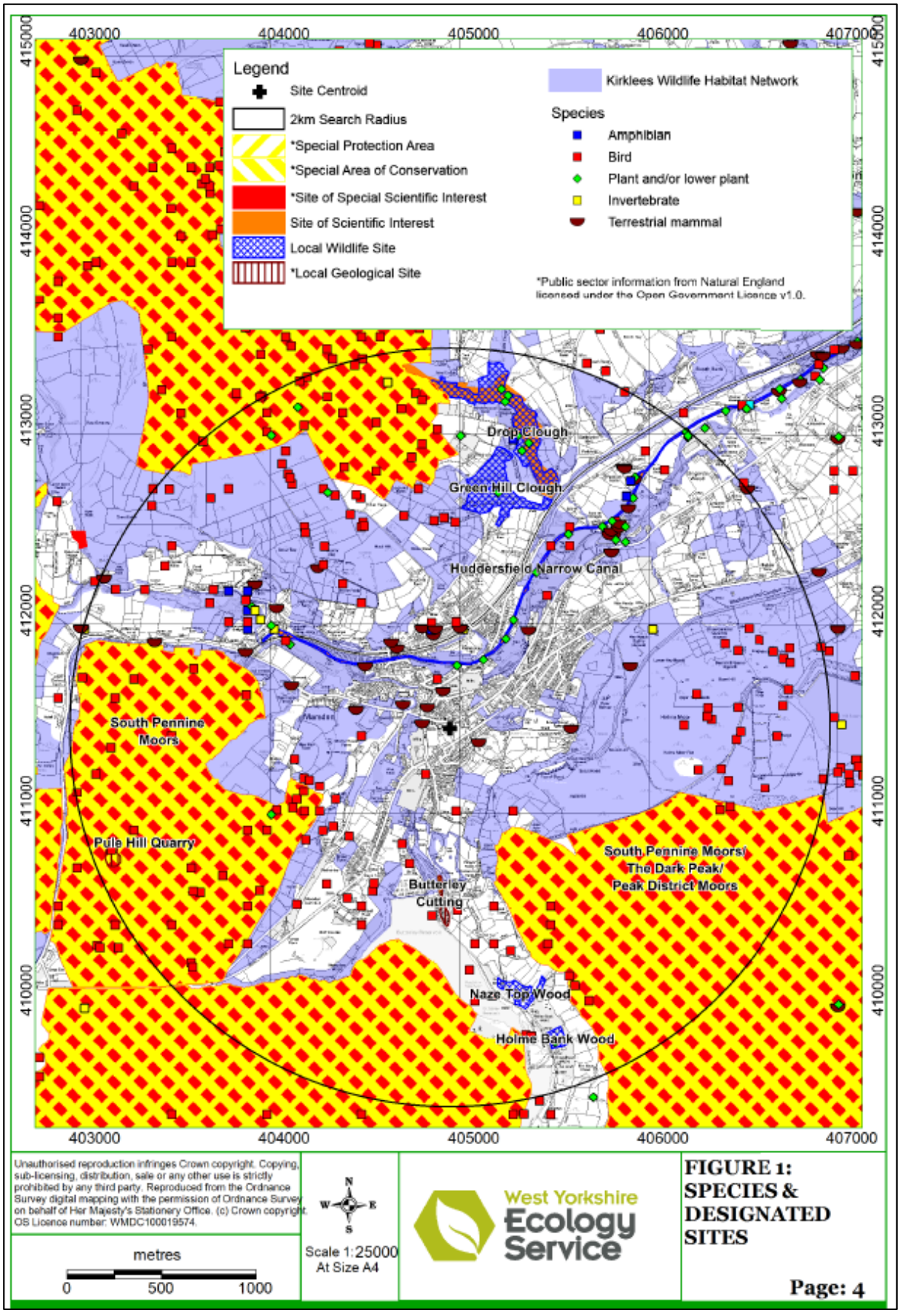
National Planning Policy Framework

The National Planning Policy Framework for England was introduced in March 2012. The NPPF's policy on biodiversity has been summarised by the Government as: "The Framework underlines that the planning system should seek not just to protect, but, where possible to enhance biodiversity – making sure we don't just have isolated pockets of wildlife, but rich and connected green spaces for all kinds of species to thrive. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland."

Local Biodiversity Action Plans

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

Appendix 4. Designates Sites Map



Appendix 5. Data Search Provided By WYER

Grid Reference	Common Name	Latin Name	Date	Record Type	Abundance	Distance from site centroid (m)
SE0487111995	Common Toad	*Bufo bufo*	17/07/2012	field record	1 Count	548
SE03801220	Common Frog	*Rana temporaria*	08/09/2005	field record		1,367
SE038122	Common Frog	*Rana temporaria*	08/09/2005	field record	10 Count of Juvenile	1,367
SE03901200	Common Frog	*Rana temporaria*	08/09/2005	field record		1,179
SE039121	Common Frog	*Rana temporaria*	10/09/1989	field record	1 Count	1,229
SE039122	Common Frog	*Rana temporaria*	08/09/2005	field record		1,284
SE053130	Common Frog	*Rana temporaria*	28/05/2015	field observation		1,587
SE059127	Smooth Newt	*Triturus vulgaris*	11/07/2005	field record	1 Count of Adult Male; 1 Count of Adult Female	1,568
SE05921278	Smooth Newt	*Triturus vulgaris*	11/07/2005	field record	1 Count of Adult Male; 1 Count of Adult Female	1,644
SE0588912633	European Water Vole	*Arvicola terrestris*	04/07/2017	None		1,509
SE04111170	Hedgehog	*Erinaceus europaeus*	16/07/2012	field record	1 Count	871
SE0486011963	Hedgehog	*Erinaceus europaeus*	07/10/2011	field record	1 Count	518
SE059118	Brown Hare	*Lepus europaeus*	08/10/1997	field record	1 Count of Adult	1,012
SE0425112318	Weasel	*Mustela nivalis*	30/12/2011	field record	1 Count	1,110
SE05921278	American Mink	*Mustela vison*	11/07/2005	field record		1,644
SE0512	Unidentified Bat	*Myotis*	01/11/2008	aural bat detector		550
SE045118	Daubenton's Bat	*Myotis daubentoni*	17/09/2013	field record	2 Count	565
SE0491111670	Daubenton's Bat	*Myotis daubentoni*	01/09/2013	field record		221
SE047116	Daubenton's Bat	*Myotis daubentonii*	21/07/2005	aural bat detector		287
SE0512	Daubenton's Bat	*Myotis daubentonii*	01/11/2008	aural bat detector		550
SE058124	Daubenton's Bat	*Myotis daubentonii*	16/07/2007	aural bat detector		1,273
SE0512	Natterer's Bat	*Myotis nattereri*	01/11/2008	aural bat detector		550
SE0512	Lesser Noctule Bat	*Nyctalus leisleri*	01/11/2008	aural bat detector		550
SE058124	Lesser Noctule Bat	*Nyctalus leisleri*	Jul-07	aural bat detector		1,273
SE058124	Noctule	*Nyctalus noctula*	16/07/2007	aural bat detector		1,273
SE0312312262	Pipistrelle	*Pipistrellus pipistrellus*	21/09/2010	Roost (maternity)	1 Count	1,991
SE0312312262	Pipistrelle	*Pipistrellus pipistrellus*	21/09/2010	field record	12 Count	1,991
SE0339011927	Pipistrelle	*Pipistrellus pipistrellus*	01/08/2013	field record	2 Count	1,624
SE0386911875	Common Pipistrelle	*Pipistrellus pipistrellus*	14/10/2007	Roost		1,155
SE0386911875	Pipistrelle	*Pipistrellus pipistrellus*	14/10/2007	Roost	1 Count	1,155
SE0391912230	Pipistrelle	*Pipistrellus pipistrellus*	19/07/2010	field record		1,287
SE0403312105	Pipistrelle	*Pipistrellus pipistrellus*	04/05/2015	Roost	8 Count	1,121

Grid Reference	Common Name	Latin Name	Date	Record Type	Abundance	Distance from site centroid (m)
SE0463911925	Pipistrelle	*Pipistrellus pipistrellus*	01/05/2013	field record		564
SE0466811893	Pipistrelle	*Pipistrellus pipistrellus*	08/06/2010	field record		521
SE048115	Pipistrelle	*Pipistrellus pipistrellus*	04/09/2009	aural bat detector		154
SE0482811585	Pipistrelle	*Pipistrellus pipistrellus*	29/08/2009	Roost		178
SE0487111995	Pipistrelle	*Pipistrellus pipistrellus*	17/07/2012	field record	2 Count	548
SE0491111670	Pipistrelle	*Pipistrellus pipistrellus*	01/09/2013	field record		221
SE051114	Common Pipistrelle	*Pipistrellus pipistrellus*	17/06/2008	aural bat detector		161
SE0512	Common Pipistrelle	*Pipistrellus pipistrellus*	01/11/2008	aural bat detector		550
SE0536311989	Pipistrelle	*Pipistrellus pipistrellus*	24/08/2015	Roost	4 Count	678
SE0558711473	Pipistrelle	*Pipistrellus pipistrellus*	16/03/2009	field record		639
SE05801251	Pipistrelle	*Pipistrellus pipistrellus*	Jul-07	field record		1,357
SE05811249	Pipistrelle	*Pipistrellus pipistrellus*	Unknown	dung/droppings/frass/pellet, etc.		1,348
SE05811249	Pipistrelle	*Pipistrellus pipistrellus*	Unknown	field record		1,348
SE0584012530	Common Pipistrelle	*Pipistrellus pipistrellus*	16/07/2007	Roost		1,398
SE05841253	Pipistrelle	*Pipistrellus pipistrellus*	Jul-07	dung/droppings/frass/pellet, etc.		1,398
SE05841253	Pipistrelle	*Pipistrellus pipistrellus*	Jul-07	field record		1,398
SE05841255	Pipistrelle	*Pipistrellus pipistrellus*	01/07/2007	field record		1,413
SE05841255	Pipistrelle	*Pipistrellus pipistrellus*	Jul-07	dung/droppings/frass/pellet, etc.		1,413
SE0586312847	Pipistrelle	*Pipistrellus pipistrellus*	14/07/2012	Roost (summer)	2 Count	1,667
SE0587012840	Pipistrelle	*Pipistrellus pipistrellus*	02/09/2012	Roost	1 Count	1,665
SE0512	Soprano Pipistrelle	*Pipistrellus pygmaeus*	01/11/2008	aural bat detector		550
SE058124	Soprano Pipistrelle	*Pipistrellus pygmaeus*	16/07/2007	aural bat detector		1,273
SE0391912230	Brown Long-Eared Bat	*Plecotus auritus*	19/07/2010	field record		1,287
SE05811249	Brown Long-Eared Bat	*Plecotus auritus*	Unknown	dung/droppings/frass/pellet, etc.		1,348
SE0584012530	Brown Long-eared Bat	*Plecotus auritus*	16/07/2007	Roost		1,398
SE05841253	Brown Long-Eared Bat	*Plecotus auritus*	Jul-07	dung/droppings/frass/pellet, etc.		1,398
SE05841255	Brown Long-Eared Bat	*Plecotus auritus*	Jul-07	dung/droppings/frass/pellet, etc.		1,413
SE0445111573	Bats	*Vespertilionidae*	22/07/1997	in building	1 Count of Juvenile	509
SE048120	Bats	*Vespertilionidae*	12/09/2011	field record	2 Count	567

Grid Reference	Common Name	Latin Name	Date	Record Type	Abundance	Distance from site centroid (m)
SE05791249	Bats	*Vespertilionidae*	Jul-07	dung/droppings/frass/pellet, etc.		1,335
SE05801251	Bats	*Vespertilionidae*	Jul-07	dung/droppings/frass/pellet, etc.		1,357