

Midway House, Meltham
Preliminary Ecological Appraisal

29th July 2021



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Site Name Land behind 53-55 Huddersfield Road	Location Meltham, Holmfirth HD9 4NJ
Local Authority Kirklees Council	Grid Reference SE 10026 10690
Surveyor Peter Middleton MCIEEM	Date of Survey 07/07/2021
National Character Area Yorkshire Southern Pennine Fringe	Designation of Site None

UK Primary Habitats g3c Other neutral grassland, w1g7 Other broadleaved woodland types, w1g6 Line of trees, u1b5 Buildings, u1b Developed land; sealed surface u1c Artificial unvegetated; unsealed surface.
Secondary (habitat) Codes 10 Scattered scrub, 11 Scattered tree, 16 Tall herb, 17 Ruderal/Ephemeral, 67 Dry stone wall, 77 Neglected, 88 Barn.
Protected/Notable Species, Constraints on Site None
HPIs and SPIs under NERC Act 2006 None
Kirklees BAP None

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1. Summary

- 1.1.1 The Preliminary Ecological Appraisal of land behind Midway House at Meltham was commissioned by the architect Paul Briggs of Northern Design Partnership on behalf of the client on 3rd June 2021. The UK Habitat Classification survey was undertaken on 6th July 2021 with further nocturnal bat surveys on 14th and 27th July 2021.
- 1.1.2 The survey was commissioned to inform a planning application for a proposed residential development, comprising four dwellings plus a barn conversion.
- 1.1.3 Site habitats are considered to be of importance to nature conservation at the site level only. In addition, the site is not considered to be of importance to any species or species group at greater than the site level.
- 1.1.4 The following additional ecological constraints and associated recommendations to avoid/mitigate/compensate for potential impacts have been identified.
- Potential damage to the roots of trees retained at the northern boundary. Root protection measures detailed in British Standard 5837 (2012): Trees in relation to design, demolition and construction, should be followed.
 - Site clearance to be undertaken when it will not affect nesting birds (March to August) or to be preceded by a nesting bird check undertaken by an ecologist.
- 1.1.5 In addition to the mitigation and compensation detailed above, enhancement recommendations include:
- The new development should include two wall-integrated cavity bat boxes or tubes situated high on south or west-facing gables.
 - The new development should include two integrated swift boxes under soffits or high on gables.
- 1.1.6 The findings of this survey are considered to be valid for up to 24 months of the survey date. After this time re-survey of the site may be necessary.

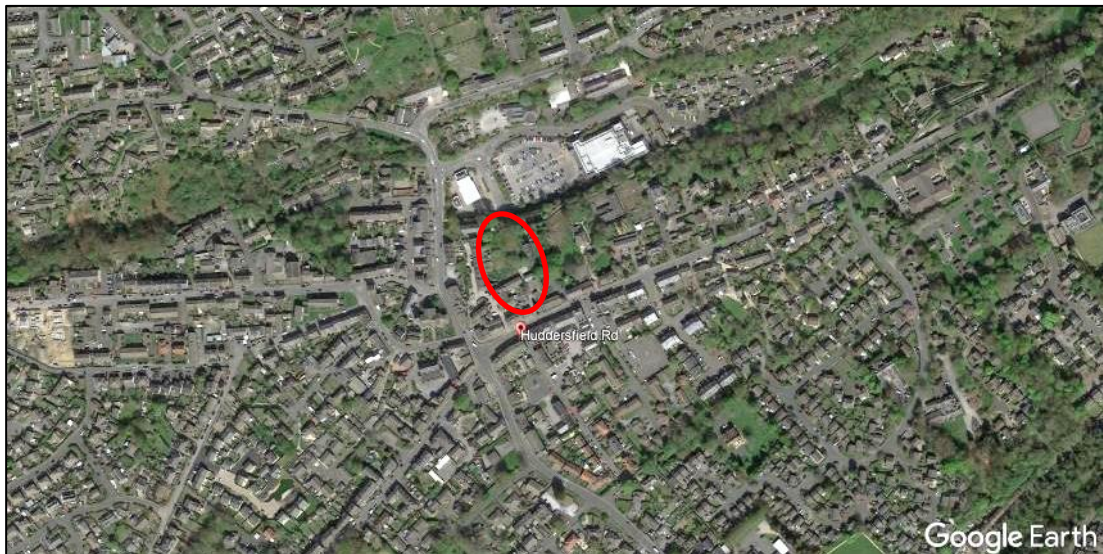
2. Introduction

- 2.1.1 The Preliminary Ecological Appraisal of land behind Midway House at Meltham was commissioned by the architect Paul Briggs of Northern Design Partnership on behalf of the client on 3rd June 2021. The survey was undertaken on 6th July 2021.
- 2.1.2 The survey was commissioned to inform a planning application for a proposed residential development, comprising four dwellings plus a barn conversion.
- 2.1.3 The site consists of 0.21ha of land, associated with and to the rear of 53-55 Huddersfield Road (Midway House). The site is in the centre of Meltham, approximately 7km southwest of Huddersfield town centre.
- 2.1.4 The purpose of this report is to present the findings of a UK Habitat Classification survey together with determining the potential for, or presence of, protected and notable species. An appended map of the site shows the habitats present. Where impacts can be confidently determined, recommendations in relation to avoiding, mitigating and compensating for these impacts are included in this report, together with biodiversity enhancement recommendations.
- 2.1.5 Key legislation relating to designated sites and protected species and habitats is presented in Appendix 3. The implications of legislation are detailed in the body of the report where necessary.

3. Site Description

- 3.1.1 The site consists of 0.21ha of land in an urban location in the centre of Meltham, Holmfirth. Semi natural habitats on site comprise rank neutral grassland, tall herb and scattered scrub together with a line of trees along the northern boundary and two very small areas of woodland containing domestic apple *Malus*, self-set hybrid willow *Salix* and ash *Fraxinus excelsior*.
- 3.1.2 Land surrounding the site largely consists of commercial buildings together with a little residential (see Figure 1).
- 3.1.3 The site falls within National Character Area 37: The Yorkshire Southern Pennine Fringe National Character Area (NCA). The Yorkshire Southern Pennine Fringe 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.
- 3.1.4 Information from the Government resource 'Magic' describes the soils in the area to comprise freely draining slightly acidic loamy soils.

Figure 1. The site location, as indicated by red circle



4. Methodology

4.1 Data Consultation

4.1.1 West Yorkshire Ecology (WYE) 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

UK Habitat Classification Survey

4.2.1 The site was surveyed on 6^h July 2021 using UK Habitat Classification habitat survey methodology (Butcher *et al.*, 2020) version 1.1, by the following personnel:

- Peter Middleton (MCIEEM)

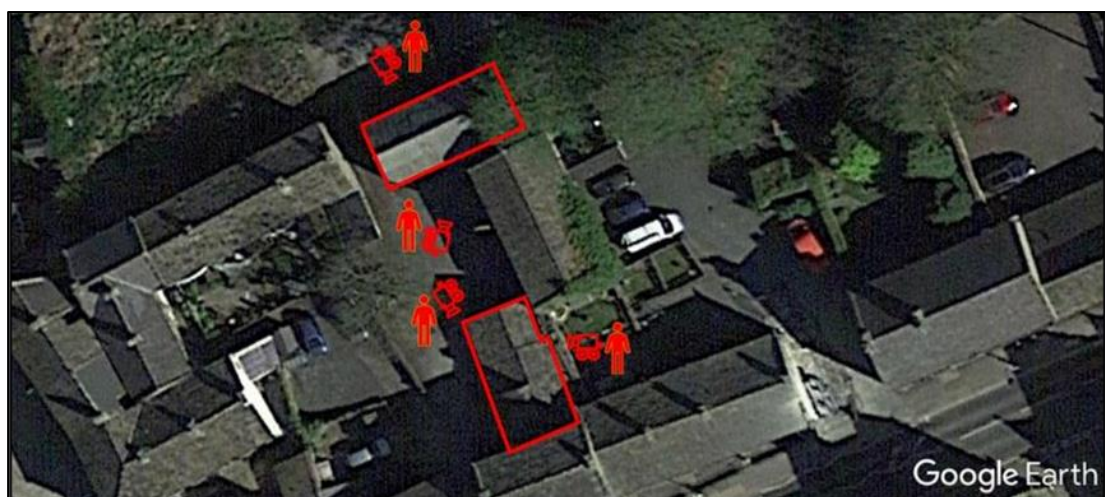
4.2.2 The surveyor is a competent botanist who was a major contributor to the South Yorkshire Plant Atlas (Wilmore *et al.*, 2011). He has more than 20 years' experience of undertaking botanical surveys including appraisals of Local Wildlife Sites (LWSs) in Barnsley, Doncaster and East Yorkshire, as well as National Vegetation Classification (NVC) survey in the Yorkshire Dales National Park.

- 4.2.3 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 UK Habitat Classification plan, using Secondary Codes and Target Notes where appropriate 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).
- 4.2.4 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.
- 4.2.5 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).

Nocturnal Surveys

- 4.2.6 The following personnel conducted the nocturnal surveys and were equipped with Wildlife Acoustics EM Touch bat detectors and iPad/iPod recorders and two Canon XA10 infra-red video cameras:
- Peter Middleton and Carl Dixon
- 4.2.7 The following activities were carried out in compliance with relevant Bat Survey Guidelines (Collins 2016).
- Dusk emergence survey of the barn (north building) – 14th July 2021
 - Dusk emergence survey of the extensions (south building) – 27th July 2021
- 4.2.8 The dusk emergence surveys continued from 15 minutes prior to sunset until 1.5 hours after this time. Surveyor positions are shown in Figure 2.

Figure 2. Surveyor and camera positions



4.3 Methods of Assessment

4.3.1 The value and sensitivity of ecological features present on site were determined based on the guidance provided within 'Guidelines on Ecological Impact Assessment in the UK and Ireland' (CIEEM, 2018). Individual ecological receptors (habitats and species that could be affected by the development) for the scheme were assigned levels of importance for nature conservation. The highest level is international, then decreasing in order of importance through national, regional, county, local and lastly site.

4.4 Survey Limitations

4.4.1 There was heavy rain throughout the initial site visit and consequently no birds were recorded on site. The site's location would however suggest that only common garden birds are likely to inhabit the site.

4.4.2 There was no access available to the interior of the extensions at the time of the surveys.

5. Ecological Baseline

5.1 Data Consultation

5.1.1 Designated sites present within 2km of the application area are detailed in Table 1. (Also, see Appendix 4). All three Local Wildlife Site (LWS) woodlands, shown in Table 1, also comprise Ancient Semi Natural Woodlands. The site does not lie within the Kirklees Wildlife Habitat Network (KWHN).

Table 1. Designated sites

Designation	Name	Interest	Distance from site
Special Protection Area (SPA)	Peak District Moors (South Pennine Moors Phase 1)	Short-eared owl, merlin and golden plover	1.8km south-southwest
Special Area of Conservation (SAC)	South Pennine Moors	Dry heaths, blanket bogs and old sessile oak woodlands	1.8km south-southwest
Site of Special Scientific Interest (SSSI)	Dark Peak	As above	1.8km south-southwest
Local Wildlife Site (LWS)	Honley Wood	Species rich acid woodland, Ancient semi natural woodland	1km east
	Hall Heys Wood	Species rich acid woodland, Ancient semi natural woodland	1.7km northeast
	Bank Wood	Species rich acid woodland, Ancient semi natural woodland	1.9km northeast

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

5.2 Field Survey

UK Habitat Classification Survey

- 5.2.1 The arrangement of site habitats is shown on the UK Habitat Classification plan in Appendix 1, whilst a field survey botanical species list is provided in Appendix 2.
- 5.2.2 The site is considered to be of no more than site level importance to nature conservation for the habitats supported. The site is not considered to be of importance to any species or species groups at greater than the site level.
- 5.2.3 A detailed description of the site habitats and the site's potential to support protected and notable species is provided below.

Habitats

g1c Other neutral grassland

- 5.2.4 The grassland on site has been neglected and consequently it has become rank and colonised by tall herbs in many places. The grassland has an affinity with the National Vegetation Classification (NVC) MG1 and the UK Habitat Classification habitat g3c5 but all of the main associates for these classifications are now absent. The grassland contains abundant false oatgrass *Arrhenatherum elatius*, together with frequent cocksfoot *Dactylis glomerata* and meadow foxtail *Alopecurus pratensis*, the latter only locally distributed. Herbs present are largely restricted to tall species reflecting its neglected condition and include locally dominant rosebay *Chamerion angustifolium* and locally abundant great willowherb *Epilobium hirsutum* (secondary code 16). Honeysuckle *Lonicera periclymenum* is also locally dominant, where it has spread from the western boundary. Occasional species include foxglove *Digitalis purpurea*, meadow vetchling *Lathyrus pratensis* and cleavers *Galium aperiene*. Bramble *Rubus fruticosus* agg. (Secondary code 10) is also present occasionally. The grassland is considered to be in poor condition as it meets only two of the criteria for grasslands in good condition (bare ground absent and invasive or undesirable species less than 5%) (Plates 1 & 2).

w1g6 Line of trees

- 5.2.5 Along the northern boundary is a line of mature sycamore *Acer pseudoplatanus* trees, together with a single mature ash. This habitat is considered to be in moderate condition as less than 70% of trees comprise native species, although the other four criteria were met.

w1g7 Other broadleaved woodland types

- 5.2.6 For want of a better classification two small areas comprising frequent apple *Malus* and self-set fairly large hybrid willow *Salix* have been classified as this habitat. Other species comprise a single immature ash and a very large garden privet *Ligustrum ovalifolium*. The ground flora in these two areas is restricted to frequent nettle *Urtica dioica*, cleavers and bramble. Rarely occurring species comprise wood cranesbill *Geranium sylvaticum* and herb robert *Geranium robertianum*, the latter two on the interface between the woodland and u1b6 (sealed surface) (Plate 5). This habitat is considered to be in poor condition as it scores 21 out of 39 in the condition assessment.

Plate 1. Neglected grassland (view south from northern boundary)



Plate 2. Northwest corner of site



u1b5 Buildings

- 5.2.7 There is one detached building and two extensions to Midway House on the site. A description of the barn (Plate 3) and the extensions (Plate 7) together with their potential to support roosting bats, is detailed in the species section of this report.

Plate 3. The barn (centre), sycamore on left of image



Plate 4. Access from Huddersfield Road, Midway house on right, large sycamore in centre



u1b Developed land, sealed surface

- 5.2.8 From the Huddersfield Road entrance, there is a sealed surface of either tarmac or concrete. At the periphery of this hard surface, where there has been a build-up of organic matter (humus), and within cracks in the surface, there is an assemblage of pioneer vascular plant species (secondary code 17) including sow thistles *Sonchus*, annual meadow-grass *Poa annua* and chickweed *Stellaria media*. In addition, there is a very large mature sycamore within a small walled area on the access road (TN 1, Plates 3 & 4).

Plate 5. u1c in foreground, w1g7 and g3c on left



u1c Artificial unvegetated, unsealed surface

- 5.2.9 At the end (north) of the access road adjacent to the barn there is a small square area of largely bare ground with vegetation at its periphery (secondary codes 10, 16 & 17). Species present, include dandelion *Taraxicum officinale agg.*, ragwort *Senecio jacobaea*, curled dock *Rumex crispus*, couch *Elytrigia repens*, butterfly bush *Buddleja davidii* and a sapling goat willow (see Appendix 2 for full species list).

Species and species groups

Amphibians

- 5.2.10 No Great Crested Newt (GCN) *Triturus cristatus* record were provided by WYE for a location within a 2km radius of the site.
- 5.2.11 No GCN EPS mitigation licences has been issued for any locations within a 10km radius of the site. No GCN have been confirmed as present in the GCN pond surveys 2017-2019 dataset, for locations within 10km of the site.
- 5.2.12 No ponds were identified during the pond search for locations within 500m of the application site. Taking into account the lack of records and ponds, GCN are considered highly unlikely to be a receptor to the proposed scheme.

Badger

- 5.2.13 No badger setts or other evidence of usage were found on site. Records of badger in the search area were provided and the site falls within the area of increased probability of badger activity. However, badger is not considered a receptor to the proposed scheme given the distance from known setts.

Bats

Historical records

- 5.2.14 Thirty-nine bat records were provided by WYE for a 2km radius of the site. Species included in the records which were positively identified comprise common pipistrelle *Pipistrellus pipistrellus*, Daubenton's bat *Myotis daubentonii*, Natterer's bat *Myotis nattereri*, brown long-eared bat *Plecotus auritus* and noctule *Nyctalus noctula*. The closest record to site comprises a common pipistrelle roost recorded in 2008 from a location 206m from the site centroid.
- 5.2.15 Two historic bat EPS mitigation licences have been obtained for locations within 2km of the application site. The nearest was issued in 2010 to permit the destruction of a common pipistrelle resting place at a location 800m south of the site.
- 5.2.16 Buildings are present on site. No signs of bat presence were recorded from the buildings. The buildings and their potential to accommodate bats are detailed below.

Description of buildings

- 5.2.17 The onsite detached building comprises a rectangular stone-built barn beneath a pitched corrugated asbestos cement sheet roof. The barn has a timber door on the north elevation and a boarded-up door, window and a large roller shutter door on the south elevation (see Plates 6 & 3).

Plate 6. The barn



5.2.18 At the rear of Midway House are two single storey stone-built extensions with a pitched stone slate roof with central ridge and gable. The extensions have single pane wood framed windows and doors and PVC gutters and downpipes (Plate 7).

Plate 7. Extensions to Midway House



External inspection of buildings

5.2.19 Features associated with the exterior of the extensions comprise potential access beneath stone slates, where these are of uneven widths and lifted.

5.2.20 Features with potential to accommodate roosting bats on the barn's exterior are restricted to a few holes in the joints of the masonry on three elevations (west, south and north).

Internal inspection of building

5.2.21 There was no access available to the interior of the extensions at the time of the survey.

5.2.22 The barn is open to the underside of the asbestos sheets, which are supported by a central king post roof truss, rafters and beams (see Plate 8). The internal faces of the masonry have been maintained and a section of the north wall has been rebuilt with concrete blocks on the inside. Consequently, there are no suitable holes on the interior walls with potential to accommodate crevice dwelling bats. The roof timbers and ridge area of the barn were found to be very 'cobwebby' and no signs of bats were found.

Plate 8. Inside of barn



Summary of building inspection

5.2.23 No bats were found roosting in the buildings during the preliminary daytime assessment and there were no signs of bat occupation. Both the surveyed barn and single storey extensions display a low number and diversity of roost features and are considered to offer low potential for use by roosting bats.

Nocturnal bat surveys

5.2.24 **Dusk survey (barn) 14th July 2021** – The weather at the beginning of the survey was 17°C with a Beaufort Scale Force 3 west-north westerly wind and a clear sky. The temperature fell a little to 16°C and the wind increased to a Force 4, the sky remained clear throughout. Sunset was at 21:31.

5.2.25 No bats emerged from the surveyed building. Only two common pipistrelle passes were recorded, and both were between the barn and extensions to Midway House, at 22:10 and 22:15. No activity was recorded on the north side of the building.

5.2.26 **Dusk survey (extensions) 27th July 2021** – The weather at the beginning of the survey was 16°C and calm with 100% cloud. The temperature decreased to 15°C by the end of the survey and there was a very light Beaufort Scale Force 1 westerly breeze, together with light rain from 21:47. Sunset was at 21:13.

5.2.27 No bats emerged from the surveyed building. The first bat to be recorded was a commuting common pipistrelle, which flew south and high over the survey area at 21:27. Intermittent common pipistrelle foraging activity was recorded in the yard adjacent to the entrance to the extensions thereafter.

Bat foraging and commuting habitat

5.2.28 The site provides suboptimal foraging habitat for bats as it is enclosed on all sides by the built environment.

Birds

5.2.29 No birds were recorded on site during the survey. On site habitats have the potential to support the nesting and foraging of a range of more common bird species.

Hedgehog

5.2.30 No hedgehog *Erinaceus europaeus* records was provided by WYE for any location within a 1km radius of the site. The site would appear to offer some appeal to this species but perhaps no more than is offered by surrounding habitats.

Invasive species

5.2.31 No species included on Schedule 9 of the Wildlife & Countryside Act 1981, were found on site.

Invertebrates

5.2.32 The ubiquitous habitats on site are unlikely to support notable assemblages of invertebrates.

Plants

5.2.33 The habitats present do not include long-established unimproved grasslands, ancient woodlands, species rich hedgerows or other diverse botanical communities. Therefore, protected or priority plants are unlikely to be present.

Reptiles

5.2.34 No reptile records were provided by WYE for locations within a 2km radius of the site. Considering there are no waterbodies and there is little connectivity with suitable habitats elsewhere, reptiles are not considered likely to be a receptor to the proposed scheme.

6. Assessment

6.1 Proposals

6.1.1 The assessment of impacts is based upon the site plan; Proposed site plan – Midway House, 51 & 53 Huddersfield Road, Meltham. Project no 2015, Drawing no 06. Northern Design Partnership. March 2020.

6.2 Assessment of Impacts

Designated sites

- 6.2.1 No impacts are anticipated upon designated sites due to the nature of the development, its location and the distance of designated sites from the application area.

Habitats

- 6.2.2 The line of trees at the northern boundary and the large sycamore surrounded by hard surface will be retained and therefore impacts upon semi natural habitats are likely to be restricted to the loss of neutral grassland and trees (mainly hybrid willow and apple). Impacts upon this habitat are considered to be no more than site level importance to nature conservation.

Species

Bats

- 6.2.3 The buildings offer low potential for use by roosting bats and the site provides sub optimal habitat for foraging bats. The nocturnal bat surveys demonstrated the likely absence of roosting bats. Negative impacts upon roosting bats are therefore considered unlikely and no more than at a site level.

Birds

- 6.2.4 Impacts upon foraging and nesting birds as a consequence of the loss of semi natural habitats are not considered to be more than at the site level.

6.3 Further Survey and Mitigation

Habitats

- 6.3.1 The line of trees and mature sycamore will 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 hedgerows at the site's boundaries.

Species

Birds

- 6.3.2 Site clearance should take place at a time when nesting birds are not likely to be impacted (outside March to August). If works are to be undertaken during the main bird nesting season, then they should be preceded by a nesting bird check to be undertaken by an ecologist.

6.4 Enhancements

- 6.4.1 In accordance with the aims of planning policy NPPF: 15, it is suggested that the developer follows the recommendations detailed below. Please note that the enhancements have been informed by the results and findings of the field survey.

- Two wall-integrated bat boxes should be included in the proposed scheme. These boxes should be situated high on south or west facing gables and away from artificial light spill. Boxes should not be located directly above windows or doors.
- Two integrated swift boxes should be installed at wall top height under soffits or high on the gables of the new dwellings, but not over windows and doors.

6.5 Conclusion and Residual Effects

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

7. References

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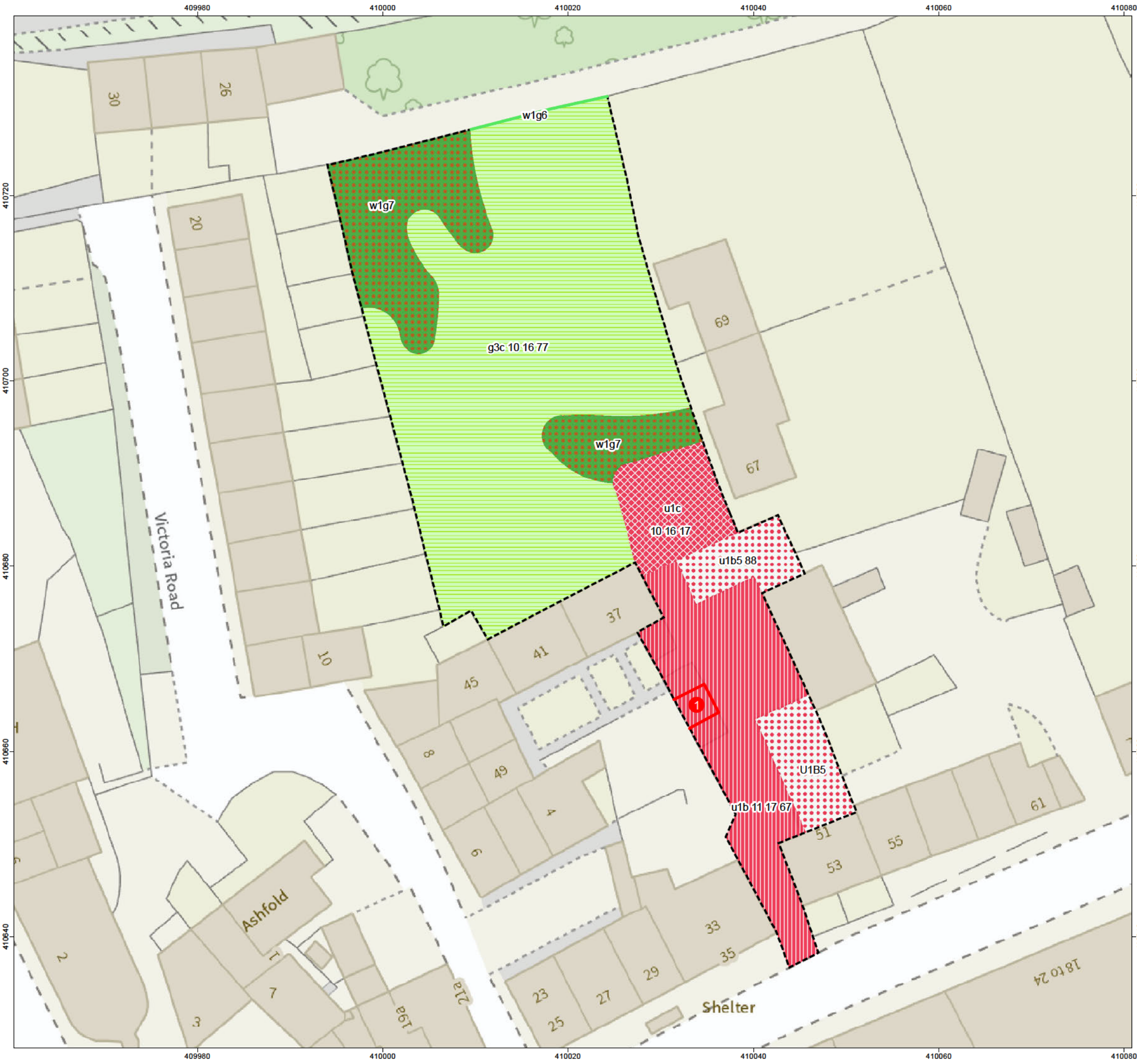
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Appendix 1. UK Habitat Classification Plan



Survey Information	
	Site boundary (2,117.3m ²)
UK Habitat Survey (Primary Habitats)	
	g3c - Other neutral grassland (1,171.8m ²)
	u1b - Developed land; sealed surface (351.6m ²)
	u1b5 - Buildings (152.7m ²)
	u1c - Artificial unvegetated, unsealed surface (123.8m ²)
	w1g7 - Other broadleaved woodland types (317.4m ²)
	w1g6 - Line of trees (15.2m)
	67 - Dry stone wall (10.6m)
	Target note

- Secondary codes:**
- 10 - Scattered scrub
 - 11 - Scattered trees
 - 16 - Tall herb
 - 17 - Ruderal/ ephemeral
 - 67 - Dry stone wall
 - 77 - Neglected
 - 88 - Barn

- Target notes:**
- 1 - Large sycamore

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PROJECT TITLE
MIDWAY HOUSE, MELTHAM

DRAWING TITLE
Figure 1. UK Habitat Survey Plan

VER	DATE	REMARKS	Drawn	Checked
1.2	29/07/21	UKHab	MP	PM

DRAWING NUMBER:
MIDDLETONBELLECOLOGY/MidwayHouse/UKHab

SCALE: 1:400 PLOT SIZE: A3 DATUM: OSGB PROJECTION: BNG

Appendix 2. Plant Species Recorded on Site

D = Dominant, A = Abundant, F = Frequent, O = Occasional, R = Rare

Species	Common name	DAFOR Rating	Habitat
<i>Stellaria media</i>	Common Chickweed	R	u1b
<i>Sonchus oleraceus</i>	Smooth Sow-thistle	O	u1b
<i>Geranium robertianum</i>	Herb-Robert	R	w3g7
<i>Rumex crispus</i>	Curled Dock	R	u1b
<i>Ranunculus repens</i>	Creeping Buttercup	R	u1c
<i>Agrostis stolonifera</i>	Creeping Bent	R	u1b, u1c
<i>Senecio jacobaea</i>	Ragwort	O	u1c
<i>Geranium sylvaticum</i>	Wood Crane's-bill	R	w3g7
<i>Epilobium tetragonum</i>	Square-stalked Willowherb	O	u1c
<i>Holcus lanatus</i>	Yorkshire-fog	O	u1c
<i>Elytrigia repens</i>	Couch	R	u1c
<i>Taraxacum officinale</i> agg.	Dandelion	O	u1c
<i>Agrostis capillaris</i>	Common Bent	R	u1c
<i>Lolium perenne</i>	Perennial Ryegrass	O	u1c
<i>Buddleja davidii</i>	Butterfly-bush	O	u1c
<i>Malus</i>	Apple	F	w3g7
<i>Urtica dioica</i>	Common Nettle	Loc F	w3g6 & w3g7
<i>Ligustrum ovalifolium</i>	Garden Privet	R	w3g7
<i>Acer pseudoplatanus</i>	Sycamore	F	w3g6
<i>Fraxinus excelsior</i>	Ash	O	w3g6 & w3g7
<i>Salix caprea x cinerea</i>	Hybrid Willow	F	w3g7
<i>Epilobium hirsutum</i>	Great Willowherb	Loc A	g3c
<i>Lonicera periclymenum</i>	Honeysuckle	Loc D	g3c
<i>Lathyrus pratensis</i>	Meadow Vetchling	O	g3c
<i>Alopecurus pratensis</i>	Meadow Foxtail	Loc F	g3c
<i>Rubus fruticosus</i> agg.	Bramble	O	g3c & w1g7
<i>Galium aparine</i>	Cleavers	O	g3c & w1c7
<i>Poa annua</i>	Annual meadow-grass	O	u1b & u1c
<i>Digitalis purpurea</i>	Foxglove	O	g3c
<i>Chamerion angustifolium</i>	Rosebay Willowherb	Loc D	g3c
<i>Dactylis glomerata</i>	Cock's-foot	F	g3c
<i>Arrhenatherum elatius</i>	False Oatgrass	A	g3c

Appendix 3. Relevant Legislation and Policy

Wildlife legislation relating to statutory designated sites and species is summarised in Table A1 and A2 below. This legal information is intended for summary only, and the original legal documents should be consulted if a detailed understanding is required.

Table A1. Legislation relating to designated sites and habitats.

Designated Site	Legal Status
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 2017 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 2017 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.
Designated Site	Legal Status
Local Wildlife Site (LWS)	While they have no direct legal status, Local Wildlife Sites are considered important enough to receive recognition within the planning system. National planning policy requires local authorities to identify Local Wildlife Sites and provide for their protection through local policy.

Table A2. Legislation relating to species.

Species	Legal Status
European protection	
<p>European Protected Species (EPS) (including bats, Great Crested Newt (GCN), otter and hazel dormouse)</p>	<p>These animal species and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which makes it illegal to:</p> <ul style="list-style-type: none"> • Intentionally or deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs. • Deliberately disturb such an animal. • Damage or destroy a breeding site or resting place of such an animal. <p>European Protected Species (EPS) licences can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed:</p> <ul style="list-style-type: none"> • The development is for reasons of overriding public interest. • There is no satisfactory alternative; and • The favourable conservation status of the species concerned will be maintained and/or enhanced. <p>Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a legal duty to 'have regard to the requirements of the EC Habitats Directive in the exercise of their functions'. This means that they must consider the above 3 tests when determining whether Planning Permission should be granted for developments likely to cause an offence under the Conservation Regulations. As a consequence, Planning Applications for such developments must demonstrate that the 3 tests will be passed.</p> <p>Natural England also allow sites to be registered on the Bat Low Impact Class Licence to permit activities that would otherwise be unlawful under the Conservation Regulations where the 3 tests can be passed and the bat roosts to be impacted are of low conservation status.</p>
National protection	
<p>European Protected Species and other species including water vole and white clawed crayfish</p>	<p>These animals receive full protection under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to:</p> <ul style="list-style-type: none"> • Intentionally kill, injure or take any such animal. • Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal; and • Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.
<p>Common amphibians and reptile species</p>	<p>These animals receive limited protection under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal to intentionally kill or injure any such animal.</p>
<p>Badger</p>	<p>The Protection of Badgers Act 1992 makes it illegal to wilfully kill or injure a Badger or attempt to do so and also make it illegal to</p>

Species	Legal Status
	intentionally or recklessly interfere with a Badger sett. This includes damaging or destroying a sett, obstructing access to a sett and disturbing a Badger while it is occupying a sett. Licences can be granted by Natural England to permit sett closure and/or disturbance between July and November inclusive.
Schedule 1 birds	Special penalties relate to offences concerning birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). In addition to the offences detailed above relating to all wild birds, it is illegal to intentionally or recklessly disturb any Schedule 1 bird or their dependent young while nesting.
All bird species	All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to: <ul style="list-style-type: none"> • Intentionally kill, injure or take any wild bird. • Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.
Invasive species	The Wildlife and Countryside Act 1981 (as amended) contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9 of the Act. In relation to Schedule 9 plants, it is an offence to plant or otherwise cause these plant species to grow in the wild.

Species and Habitats of Principal Importance

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

National Planning Policy Framework

The National Planning Policy Framework for England was revised in 2019. The NPPF's policy on biodiversity has been summarised by the Government as: "The Framework underlines that the planning system should seek not just to protect, but, where possible to enhance biodiversity – making sure we don't just have isolated pockets of wildlife, but rich and connected green spaces for all kinds of species to thrive. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland."

Local Biodiversity Action Plans

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

Appendix 4. Distribution of Designated Sites within the Search Area

