Land at 80 Marsh Lane, Shepley, Huddersfield

PRELIMINARY ECOLOGICAL APPRAISAL

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EXECUTIVE SUMMARY

Knight Sky Ecology was commissioned to undertake a Preliminary Ecological Appraisal (PEA) of land at 80 Marsh Lane, Shepley. The appraisal included a desk-based study, an ecological walkover, and a preliminary bat roost assessment. The key findings, conclusions, and recommendations are summarised below:

Ecological Feature	Results	Conclusions and Recommendations
International / national sites	No designated sites within 2km. The development does not trigger assessment requirements for sites in the wider area.	No further consultation or mitigation is required.
Locally designated sites & Kirklees Wildlife Habitat Network	The nearest Local Wildlife Site (LWS) is Upper and Lower Stones Wood located 540m north-west. The site is not within the Wildlife Habitat Network.	Stand-off distances and intervening land considered sufficient to avoid any potential impacts. No further consultation or mitigation is required.
Priority Habitats	Deciduous woodland (including ancient woodland) located over 500m north-west.	Stand-off distance and intervening land considered sufficient to avoid any potential impacts. No further consultation or mitigation is required.
Site habitats	Residential curtilage comprising gardens, hardstanding, and trees.	Standard recommendations made for tree protection. Loss of habitats of low ecological value. Landscape planting recommendations have been made.
Birds	Trees and hedgerows on the site boundaries provide nesting opportunities and some foraging value.	Avoid vegetation clearance during nesting season unless preceded by a nesting bird check. Install bird boxes within the development.
Bats	Buildings and trees within the site were subject to a preliminary bat roost assessment. Both buildings were classified as negligible roost suitability and no trees with suitability to support roosting bats were identified. The site is not expected to support significant concentrations of bats.	Retain foraging features (trees) where possible. Apply lighting mitigation. Install bat boxes within the development.
Other protected / notable species	No other protected / notable species likely to be encountered or impacted by the proposed development.	N/A

1 INTRODUCTION

1.1 Instruction & Background

Knight Sky Ecology Ltd was commissioned to undertake a preliminary ecological appraisal (PEA) of land located at 80 Marsh Lane, Shepley, Huddersfield, HD8 8AP ("the site"). The PEA included a desk-based study, an ecology walkover and a preliminary bat roost assessment of the buildings within the site.

The PEA was undertaken to provide supporting information for the development plans for the site which include the demolition of the existing buildings and the construction of three dwellings.

1.2 Site Description

The site is located on the north side of Marsh Road and centred on grid reference SE 18784 09572 (What3Words: curly.nursery.mascots). It is within a row of similar detached and semi-detached dwellings. The rear boundary is bordered by farmland with Shepley Cricket Club further beyond. The wider area is a mix of housing and farmland. The extent of the site is shown in Figure 1.1.

Figure 1.1. Approximate development boundary



1.3 Legislation and Policy

Many UK wildlife species and habitats are protected by law and these important ecological features form a key consideration for defining the scope of assessment within a preliminary ecological appraisal. The key legislation of potential relevance to the site includes:

- Environment Act 2021
- The Conservation of Habitats and Species Regulations 2017 (as amended)
- Wildlife and Countryside Act 1981 (as amended)
- Countryside and Rights of Way (CRoW) Act 2000
- Natural Environment and Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992

A summary of the legislation pertinent to the findings within this report is also provided in Appendix A.

1.4 Report Aims

The framework of this report and its main objectives are to:

- Establish a baseline of ecological information for the site;
- Identify the likely ecological constraints associated with the proposal;
- Identify any mitigation measures likely to be required, following the 'Mitigation Hierarchy';
- Identify any additional surveys that may be required to inform an Ecological Impact Assessment (if required); and,
- Identify opportunities for ecological enhancement.

2 METHODS

2.1 Scope of this Report

The methodology of the PEA and the information contained within this report has been based on standard guidance (CIEEM, 2017). The level of detail within this report is considered proportionate to the scale of the project, the location and history of the site (i.e., within an existing residential curtilage) and the complexity of potential impacts that may arise as a result of the construction of the development. The refined approach to the PEA is in adherence with the guidelines.

2.2 Desk Study

Data Search Request

West Yorkshire Bat Group (WYBG) was requested to carry out a data search for bat records within a 2km radius of the property.

On-Line Resources

The Multi-Agency Geographic Information for the Countryside (MAGIC) mapping tool (available from: https://magic.defra.gov.uk/) was used to search for ecological information contained within the following datasets:

- Statutory designated sites for nature conservation within a 2km radius (e.g., Sites of Special Scientific Interest (SSSI)).
- SSSI Impact Risk Zones - to determine whether the proposal poses a risk to the notified features of any SSSI located within the wider area.
- Habitats of principal importance (as listed within Section 41 of the NERC Act 2006) within a 250m radius. Such habitats are referred to as 'priority habitats' within this report.
- Granted European Protected Species (EPS) mitigation licenses for bats and great crested newts[1] within a 1km radius.
- Survey licence returns for great crested newts within a 1km radius.

Basic initial information about the site and surrounding area was also obtained from aerial imagery (Google Earth) and Ordnance Survey maps in order to provide further contextualised information to the site survey findings.

2.3 Field Survey

General Site Walkover

A site walkover was undertaken on 8th July 2025 by Ryan Knight MCIEEM. Ryan has extensive experience in survey and site assessment for habitats and protected species and holds a Level 2 Natural England Class Licence for bats (ref. 2015-12611-CLS-CLS) and a Level 1 licence for great crested newts (ref. 2015-16727-CLS-CLS). The aim of the site visit was to gather sufficient baseline information of the habitats within the site and to identify any habitats or features of potential ecological significance.

[1] English common names for species of fauna are used throughout this report unless otherwise stated.

All habitats within the site were described using UK Habitat Classification (UKHab) definitions (UKHab Ltd, 2023) unless otherwise stated. Dominant and notable plant species were recorded, and relative abundance was expressed using the DAFOR scale: dominant, abundant, frequent, occasional and rare. Botanical taxonomic nomenclature follows the New Flora of the British Isles, Fourth Edition (Stace, 2019).

In addition, the site visit included a search for incidental evidence of protected / notable species and an assessment of the sites potential to support protected / notable species such as badger.

Preliminary Bat Roost Assessment

A preliminary bat roost assessment of the property was undertaken. The assessment involved a visual inspection of the property to search for bats and evidence of bats (e.g., droppings) and an appraisal of the extent and suitability of any potential bat roost features present. The assessment included the use of a torch and ladders. A digital endoscope was available for use but not required. The interior and exterior of the house and detached annexe (including lofts and roofs) were comprehensively inspected.

Following the assessment, each building was assigned a bat roost suitability category of none, negligible, low, moderate, high or confirmed roost based on the collated information.

The preliminary bat roost assessment was primarily based on the methods described in '*Bat Surveys for Professional Ecologists: Good Practice Guidelines (4th edition). Bat Conservation Trust, London.' (Collins, J., (ed.) (2023).* Any deviation from standard practice is justified where required.

Ground Level Tree Assessment (Bats)

The site visit included a ground level assessment of all trees within and immediately adjacent to the site. This included a search for potential roost features (PRFs) within trees such as knot holes, woodpecker holes, pruning cuts, frost cracks and tear outs. Each PRF was assigned a suitability category as defined from the following two categories and as based on good practice guidelines (Collins, J., (ed.) 2023):

- PRFI - I: PRF is only suitable for individual bats or very small numbers of bats either due to size or lack of suitable surrounding habitats.
- PRF - M: PRF is suitable for multiple bats and may therefore be used by a maternity colony.

2.4 Survey and Report Comments

The site survey was undertaken during the standard habitat survey season (April/May to September).

The preliminary roost assessment was undertaken during the main active season for bats (April to October) when signs of a bat roost are most evident. The buildings on the site were comprehensively inspected with no constraints to the assessment encountered.

This report will remain valid for a period of 24 months from the date of issue. An ecologist should be contacted for advice on the revalidation requirements of the report if works do not commence within this time period.

3 RESULTS

3.1 Desk Study

3.1.1 Internationally / Nationally Designated Sites

No designated sites are located within a 2km radius. The Impact Risk Zones for SSSI indicate that the proposed development type is unlikely to have a harmful effect on any SSSI located in the wider area.

3.1.2 Locally Designated Sites

The nearest Local Wildlife Site (LWS) is Upper and Lower Stones Wood located 540m north-west. This woodland is also referred to as Mathewman's Wood and Shepley Mill Wood within the Ancient Woodland directory. There are no other LWS within 1km of the site.

3.1.3 Kirklees Wildlife Habitat Network

The site is not located within the network.

3.1.4 Priority Habitats (including Irreplaceable Habitats)

As confirmed via the MAGIC mapping facility, the nearest priority habitat to the site comprises a deciduous woodland 540m north-west (this is also classified as Ancient & Semi-Natural Woodland as described above). There is also an area of Ancient Replanted Woodland (Wood End Wood) located 750m west.

All Ancient Woodlands are classified as 'Irreplaceable Habitats'.

3.1.5 Waterbodies & Great Crested Newt (GCN) EPS licenses

No waterbodies of potential suitability to support amphibians including GCN were identified within a 250m radius of the site during the desk study. No EPS licenses or licence returns for GCN were identified within a 1km radius.

3.2 Field Survey

Site photos are provided in Appendix B to provide a general overview and supporting information for the PEA.

3.2.1 Habitats

u1b5 Buildings / u1b6 Other developed land / 828 Vegetated garden

The site comprises the existing residential curtilage of 80 Marsh Lane. Buildings on the site include the dwelling and a detached annexe to the immediate north-west. There was also a timber shed in the north-west corner. Hardstanding areas included the driveway, parking area and patios. The property has extensive vegetated gardens to the front, sides and rear. The majority of the garden had been tidied and cleared before the site visit (see photos). Based on aerial imagery and the site visit, the garden contained lawns, shrubs and small coniferous trees, several of which were still present. There was also a former vegetable patch to the rear of the garden.

32 Scattered trees / H2b Non-native and ornamental hedgerows

The site is bound by a mix of outgrown conifer hedges (*mainly Lawson's cypress)* with occasional trees and ornamental shrubs including cherry laurel, holly (including garden varieties), cherry, sycamore, horse-chestnut, ash, fir and a Eucalyptus tree.

Adjacent Land & Surrounding Area

The site is located on the western outskirts of Shepley and bound by dwellings to the south-west and by a small lane to the north-east with dwellings further beyond. The rear boundary is bordered by farmland with Shepley Cricket Club further beyond. To the south-east across Marsh Lane are further dwellings. The wider area is a mix of housing and farmland.

Non-native Invasive Species

A cover of variegated yellow archangel (*Lamiastrum galeobdolon* subsp*. argentatum*) was identified on the front boundary (Plate 1.1). This species is listed on Schedule 9, Part II of the Wildlife and Countryside Act 1981 making it an offence Under Section 14 of the Act to plant or otherwise cause this species to grow in the wild.

Plate 1.1. Variegated yellow archangel



3.2.2 Preliminary Bat Roost Assessment

WYBG Records

WYBG provided only 10 records of bats within the 2km search radius. The relatively low number and type of records is not likely to be an accurate representation of general bat activity in the area but they do provide useful context. The records included common pipistrelle, pipistrelle species and bats unidentified to species level. All were roost records (including maternity roosts). The records were scattered across Shepley, Lane Head and Shelley. No records were located under a 450m distance from the site. Table 3.1 provides the details of each record.

Table 3.1. WYBG Records

Grid Ref	Location Name	Date	Common Name	Abundance	Record Type
SE197109	441-443 Penistone Rd, Shelley, HD8 8HY	25/06/1995	Pipistrellus	51-100 Count of Adult	Roost (maternity)
SE19230997	Jos Way Huddersfield, HD8 8DP	15/08/2011	Pipistrellus		None
SE19370887	Huddersfield, HD8 8BN	14/10/2014	Pipistrellus		Roost
SE201101	Jason Thornton	25/10/1998	Common Pipistrelle	1 Count of Adult	Roost (possible)
SE193095	127 Lane Head Road	26/06/2010	Common Pipistrelle	45 Count of Adult	Roost (maternity)
SE2005909962	54 The Knowle, Shepley, Huddersfield	19/10/1998	Vesper Bat species	1 Count of Adult	Roost (possible)
SE1989310967	6 Cleveland Way, Shelly, Kirklees	12/06/2003	Vesper Bat species	180 Count of Adult	Roost
SE1968710162	28 Stonebridge Walk, Shepley, Huddersfield, Kirklees	28/06/2005	Vesper Bat species	1 Count of Juvenile	Roost (possible)
SE1993208121	7 Park Head, Birdsedge, Huddersfield	20/07/2006	Vesper Bat species	50 Count of Adult	Roost
SE190089	22 Highfield Court, Shepley	01/02/2011	Vesper Bat species	1 Count of Droppings	Roost (possible)

Building Description and Potential Bat Roost Features

House

The dwelling is a detached, brick-built structure with a steeply pitched gable roof clad in interlocking concrete tiles. Architectural features include an intersecting gable on the south-west elevation, a substantial flat-roofed extension to the north-west, and a flat-roofed bay at the frontage. The roof was observed to be in very good condition, with ridge and gable tiles securely mortared. Soffits and fascia boards were tightly sealed to the external walls, and no gaps or defects were noted.

A chimney is built into the south-east gable. The lead flashing surrounding the chimney was fully inspected and found to be intact, with no visible gaps or crevices suitable for roosting bats.

Internally, the upper floor comprised vaulted ceilings with two crawl spaces located on either side of the rooms. A small, narrow roof void was present at the apex of the house; however, the ceiling of this loft space had collapsed or been removed, allowing full visibility. The roof structure was lined with traditional bitumen-based felt, which was in good condition throughout. No daylight ingress was observed, and all internal floor spaces were clear.

Detached Annexe

The annexe is of similar construction and condition to the main dwelling, comprising a brick-built structure with a steeply pitched gable roof clad in interlocking concrete tiles. The upper floor had been converted, with two small crawl spaces located on either side of the loft room.

One potential bat roost feature was identified externally: a slightly lifted ridge tile on the north-west gable (Plate 3.2). This feature was fully inspected and found to be filled with cobwebs and detritus, offering no suitable voids or crevices for roosting bats.

Plate 3.2. Slightly lifted ridge tile.



Evidence of Bats and Bat Roost Suitability

No bats or evidence of bats was recorded. A comprehensive, close visual inspection was completed both externally and internally of both buildings.

Both buildings were well sealed throughout. Only one potential roost features was observed on the annex and this was found to be suboptimal for use by bats. In relation to the findings of the preliminary bat roost assessment, both buildings were categorised as **negligible roost suitability.**

Ground Level Tree Assessment

No trees with the potential to support bats roosts were identified within the site.

3.2.3 Other Protected / Notable Species of Fauna

Table 3.2 provides an overview of the most relevant protected and notable species considerations for the site.

Table 3.2. Protected / notable species - field survey findings

Ecological Feature	Overview and Evaluation of Presence / Absence
Amphibians	No ponds with suitability to support amphibians including great crested newts were identified within a 250m radius. There were no great crested newt mitigation licenses or survey licence returns on the MAGIC database. **No further site survey or assessment is required.**
Reptiles	The garden habitats within the site are of low quality for reptiles. Overall reptiles are considered to be absent from the site. **No further site survey or assessment is required.**
Birds	The site visit was undertaken outside the nesting bird season (generally regarded as March to September). The trees and hedgerows on the site boundaries provide suitable nesting habitats for a variety of common and declining garden birds. **Further assessment in relation to breeding birds is provided in Section 4.**
Badger	No evidence of badger activity was observed and the site presents unsuitable conditions to support badger setts. **No further site survey or assessment is required.**
Other notable species	Given the size and location of the site along with the existing conditions, there is considered to be very limited potential for any other protected and notable species to occur on the site.

4 EVALUATION & CONSTRAINTS ASSESSMENT

4.1 Designated Sites

There are no pathways (hydrological or terrestrial) between the proposed development site and any statutory or non-statutory designated site. No significant adverse effects on any designated sites are anticipated during the construction and operation of the proposal.

4.2 Ancient Woodland / Priority Habitat

There are no direct linkages between the construction area and the woodlands located over 500m to the north-west. The distance and intervening land is considered to offer a sufficient barrier to any potential construction impacts occurring on any woodland.

4.3 Habitats

The large majority of the site comprised vegetated gardens which have a low ecological value. The boundary trees (particularly the native trees) do have some value and it is recommended to retain such trees where possible.

The site habitats are considered to be of a very low ecological significance overall (of no greater than site value) and the loss of such habitats is not considered to represent a constraint to the development. It is understood that the site will be exempt from the Biodiversity Net Gain condition (self-build exemption). Recommendations regarding landscaping are provided in Section 5.

4.4 INNS

A small covering of variegated yellow archangel was observed on the front boundary. The species is listed on Schedule 9, Part II of the Wildlife and Countryside Act 1981 making it an offence Under Section 14 of the Act to plant or otherwise cause these species to grow in the wild. Any soil or plant material contaminated with these invasive plants are regarded as controlled waste. The Environmental Protection Act 1990 contains a number of legal provisions concerning such controlled waste. These create offences to do with the deposit, treating, keeping or disposing of controlled waste without a permit. The plants must be disposed of safely at a licensed landfill site, in accordance with the Environmental Protection Act (Duty of Care) Regulations 1991.

It is considered highly unlikely that the works will result in the spread of the species into the wild or removal off-site. Precautionary mitigation recommendations are provided in Section 5.

4.5 Nesting Birds

Suitable habitats for nesting birds were confined to the trees on the site boundary. The proposal should therefore consider the following:

- Under the Wildlife and Countryside Act 1981, it is illegal to intentionally take, damage or destroy a wild bird's nest while it is being used or built and it is illegal to intentionally take or destroy eggs.

With regards to this, further mitigation measures are recommended in Section 5.

4.6 Bats

No evidence of a bat roost was recorded during the survey. Both the dwelling and annexe were assessed as offering negligible suitability for roosting bats. As such, bats are not considered to present a constraint to the proposed development.

The works will remain legally compliant with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended). On this basis, no further bat surveys or mitigation measures are recommended.

No trees with the potential to support bats roosts were identified and the site is not expected to support significant concentrations of bats (i.e., populations of greater than site level value). The features of foraging value to bats (i.e., trees) are recommended to be retained. Given the location and scale of the site, it is unlikely that the development would have a significant adverse effect on bat activity.

4.7 Other

No other potential constraints to the proposals were identified.

4.8 Ecological Impact Assessment – Statement

A preliminary ecological appraisal is not usually sufficient to support a planning application as a standalone document and the majority of planning applications should be supported by an Ecological Impact Assessment (EcIA) following standard guidance (CIEEM, 2018). However, potential impacts to designated sites have been sufficiently screened out and it is confirmed that no further detailed surveys are recommended to inform the development plans. Standard, good practice mitigation measures to avoid impacts to ecological features (i.e., nesting birds) are detailed within this report. Therefore, an EcIA is not considered to be required for the project.

5 RECOMMENDATIONS

5.1 Trees

Measures should be implemented to protect trees in line with any recommendations put forward within an Arboricultural Report undertaken to British Standard BS5837 (Trees in relation to design, demolition and construction).

5.2 Habitats

It is recommended that the development incorporates a suitable planting scheme which utilises UK native species or species of proven benefit to local wildlife (e.g., pollinators).

5.3 INNS

Variegated yellow archangel was identified on the front boundary. If removal is required:

- Use mechanical methods (e.g., hand-pulling or digging), ensuring all root material is extracted. Treat bagged material as controlled waste under the Environmental Protection Act 1990.
- Herbicide application is most effective when the plant is in full leaf.
- Avoid off-site movement of contaminated soil or plant material unless disposed of at a licensed landfill site

5.4 Nesting Birds

It is advised to complete any vegetation clearance (if required) outside of the nesting bird season of March to August (inclusive). If it is necessary to undertake vegetation clearance within the nesting bird season, any such works should be preceded by a nesting bird check conducted by a suitably qualified ecologist. Where active nests are encountered, the nest must be left in-situ and all works in the immediate area must cease until the chicks have fledged.

Bird boxes can be installed at the site to provide nesting opportunities. Four boxes are recommended. The locations of the boxes along with siting advice and box models is provided below.

Table 5.1. Bird box models and siting advice

Bird Boxes	
Numbers and Models	The following models are recommended: • 2no. WoodStone Starling Nest Box • 2no. Eco Sparrow Tower All boxes can be sourced from https://www.nhbs.com/ . In the event that a certain bird box model is unavailable for purchase, a suitable like for like replacement should be sourced.
Positioning	Each box should be faced between north and east, thereby avoiding the strongest sunlight and the wettest winds.

	The boxes should be sited to ensure birds will have a clear flight path to the nest entrance. Boxes to be placed on the main stem of a tree or on the wall of the new build at over 2m height.
Maintenance	Cleaning of the boxes should be undertaken from October to January, outside of the nesting bird season (March to August inclusive). Rubber gloves must be worn. The old nesting material which accumulates after every breeding season and the droppings from earlier in the season should be removed along with any egg shells or unhatched eggs.
Examples	 WoodStone Starling Nest Box  Eco Sparrow Tower

5.5 Bats

Lighting

Lighting for the proposed development should follow current best practice guidelines (*Bats and artificial lighting in the UK*, (BCT / ILP, 2023) and *Guidance Note 01/21 – The Reduction of Obtrusive Light* (ILP, 2021)). The following mitigation measures are advised in respect of the use of external lighting within the site:

- Avoid light spill on the adjacent treelines.
- Keep site lighting to minimum requirements.
- Use PIR lights set on short timers - avoid excessively strong security lighting.
- Using luminaires with an upward light ratio of 0% and with good optical control.

Bat Boxes

The development presents a good opportunity to increase roosting provision for bats via the fixing of bat boxes within the site. Four bat boxes are recommended which can be integrated into the buildings. Siting advice and box models are outlined in Table 5.2.

Table 5.2. Bat box models and siting advice

BAT BOXES		
Numbers and Models	Bat box numbers and models along with the locations for purchasing are provided below. There are many box designs which will match the brick, stone or render of the new builds. • 4no. Vivara Pro UK Build-in WoodStone Bat Box (https://www.nhbs.com/); or • 4no. Vivara Pro Build-in Woodstone Bat Tube (https://www.nhbs.com/).	
Positioning	Any aspect is fine although south / south-east aspects are preferred. Boxes can be placed within the walls, close to the roof ridge or directly under the roof verge (away from any windows) so as to achieve a height in excess of 3m from the ground.	
Maintenance	The models chosen do not require cleaning as bat droppings do not typically accumulate within these types of boxes to a level likely to cause problems for future habitation.	
Examples		
	Vivara Pro UK Build-in Woodstone Bat Box	Vivara Pro Build-in Woodstone Bat Tube

6 REFERENCES

CIEEM (2017). *Guidelines for Preliminary Ecological Appraisal.* Chartered Institute of Ecology and Environmental Management, Winchester.

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APPENDIX A. LEGISLATION

Natural Environment and Rural Communities (NERC) Act 2006

Section 41 of the NERC Act 2006 requires the Secretary of State to publish a list of the living organisms and types of habitats which in the Secretary of State's opinion are of principal importance for the purpose of conserving or enhancing biodiversity. Without prejudice to section 40 of the Act, the Secretary of State must take such steps as appear to the Secretary of State to be reasonably practicable to further the conservation of the living organisms and types of habitats included in any list published under this section, or promote the taking by others of such steps.

Under Section 40, public authority has a duty to further the general biodiversity objective often referred to a biodiversity duty. This biodiversity duty includes:

a) conserving, restoring or otherwise enhancing a population of a particular species, and
b) conserving, restoring or otherwise enhancing a particular type of habitat.

In England, there are 56 habitats and 943 species of principal importance, often referred to as priority habitats and priority species respectively.

Legislation relating to European Protected Species (e.g. bats, otter, great crested newt)

Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to:

- Intentionally or recklessly damage or destroy any structure or place which any wild animal specified in Schedule 5 uses for shelter or protection;
- Intentionally or recklessly disturb any such animal while it is occupying a structure or place which it uses for shelter or protection; or
- Intentionally or recklessly obstruct access to any structure or place which any such animal uses for shelter or protection.

In addition, under this legislation there are offences relating to sale, possession and control of wild animals listed in Schedule 5.

Under the Conservation of Habitats and Species Regulations 2017 (as amended) it is an offence to:

- Deliberately capture, injure or kill any wild animal listed as a European Protected Species;
- Deliberately disturb wild animals of any such species in such a way as to be likely:
  - to impair their ability:
    i) to survive, to breed or reproduce, or to rear or nurture their young, or;
    ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or;
  - to affect significantly the local distribution or abundance of the species to which they belong.
- Deliberately take or destroy the eggs of such an animal; or,
- Damage or destroy a breeding site or resting place of such an animal.

In addition, under this legislation there are offences relating to possession, control sale and exchange of an EPS. Great crested newt, otter and several species of bat are listed as a priority species under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

Legislation for amphibians (other than great crested newt)

Common toad is listed as a priority species under Section 41 of the NERC Act 2006.

Under the Wildlife and Countryside Act 1981 (as amended) the four widespread amphibian species, smooth newt palmate newt, common toad and common frog receive limited protection through section 9(5) only which makes selling, offering for sale, possessing or transporting for the purpose of sale (live or dead animal, part or derivative) an offence.

Legislation relating to breeding birds

The Wildlife and Countryside Act (WCA) 1981 (as amended) is the principal mechanism for the legislative protection of wildlife in Great Britain. All bird species are protected under elements of Section 1 of the Act and it is an offence, with certain exceptions, to:

- Intentionally kill, injure or take any wild bird;
- Intentionally takes, damages or destroys the nest of any wild bird included in Schedule ZA1 (for specific birds that reuse their nests)
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built;
- Intentionally take or destroy the egg of any wild bird.

Schedule 1 of the Wildlife and Countryside Act 1981 provides further protection for selected species (e.g. peregrine falcon, barn owl, little ringed plover, kingfisher and red kite during the breeding season). If any person intentionally or recklessly disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or disturb dependent young of such a bird, that person shall be guilty of an offence.

A number of birds are listed as priority species under Section 41 of the NERC Act 2006.

Legislation relating to invasive plant species

Several non-native invasive plant species such as Himalayan balsam (*Impatiens glandulifera*), giant hogweed (*Heracleum mantegazzianum*), Japanese rose (*Rosa rugosa*), variegated yellow archangel (*Lamiastrum galeobdolon*), rhododendron (*Rhododendron ponticum*) and Japanese knotweed (*Reynoutria japonica*) are listed under Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended), which makes it an offence to '…plant or otherwise cause the species to grow in the wild'. This includes spreading or transferring contaminated soil from one area to another.

The Environmental Protection Act 1990 contains a number of legal provisions concerning such controlled waste. These create offences to do with the deposit, treating, keeping or disposing of controlled waste without a permit. The plants must be disposed of safely at a licensed landfill site according to the Environmental Protection Act (Duty of Care) Regulations 1991.

APPENDIX B. SITE PHOTOS

Photo 1. View from entrance on Marsh Lane.	
Photo 2a. View towards house and annexe from rear boundary	

Photos 3a to 3f Various views of house.	 









Photos 4a to 4d.

Various views of annexe.









Photo 5. Variegated yellow archangel.	