

The Priory, Wakefield Road, Pontefract

Ecological Appraisal

8th November 2018



Prepared by:

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Site Name The Priory	Location Wakefield Road, Pontefract
Document ref: MBE/ECO/2018/22/01	
Local Authority Wakefield Council	Grid Reference SE 45300 21484
Surveyor Peter Middleton MCIEEM	Date of Survey 24/10/2018
National Character Area (NCA) Nottinghamshire, Derbyshire and Yorkshire Coalfield (NCA 38)	Designation of Site None

Phase 1 Habitat Types on Site A1.1.1 Broad leaved woodland, A2.1 Dense scrub, C3.1 Tall ruderal, J3.6 Buildings, J4 Bare ground.
NVC Communities on Site None
Protected/Notable Species, Constraints on Site Nesting birds
HPIs and SPIs under NERC Act 2006 Lowland mixed deciduous woodland
Wakefield BAP Deciduous woodland

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1. Summary

- 1.1.1 The Ecological Appraisal of land and buildings at The Priory, Wakefield Road, Pontefract was commissioned by Jay Everett of Addison Planning Consultants on behalf of the client Frontline Estates on 24th October 2018.
- 1.1.2 The survey was commissioned to inform a planning application for a residential development on the site, to comprise the construction of 22 dwellings. Outline planning permission (Application Reference: 13/02705/OUT) approval was granted for the construction of 22 dwelling on the site in September 2013. Site habitats are considered to be of local level importance to nature conservation. The site is not considered to be of greater than site level importance to any faunal species group.
- 1.1.3 The proposed development will not result in any foreseeable impacts upon designated sites.
- 1.1.4 The following ecological constraints and associated recommendations to avoid/mitigate/compensate for potential impacts have been identified.
 - **Woodland** – Retain woodland along southern boundary and implement a woodland management plan to be detailed within an Ecological Design Strategy which can be secured by planning condition. This strategy should also detail the planting of new native tree and shrub plantings within the development area.
 - **Nesting birds** (Nesting opportunities across site) – Clearance of habitats outside nesting season or checks by an Ecological Clerk of Works (ECOW).
 - **Trees** (along boundaries of site) – Retention of trees and protection through tree protection measures in accordance with BS5837:2012.
 - **Bats** – Endoscope check of tree displaying bat roost potential prior to removal.
- 1.1.5 In addition to mitigation recommendations outlined above, enhancement recommendations include:
 - In-situ cavity bat boxes integral to the fabric of the buildings.
 - House sparrow boxes either integral to the fabric of the building or under soffits.
 - Boundaries and fences that will not impede the free movement of hedgehogs throughout the site.
- 1.1.6 It is considered that through the full adoption and implementation of mitigation and enhancement measures detailed in Section 6.3 and 6.4, the ecological impacts resulting from the scheme as proposed are not likely to be of significance to nature conservation at greater than the site level.

2. Introduction

- 2.1.1 The Ecological Appraisal of land and buildings at The Priory, Wakefield Road, Pontefract was commissioned by Jay Everett of Addison Planning Consultants on behalf of the client Frontline Estates on 24th October 2018.
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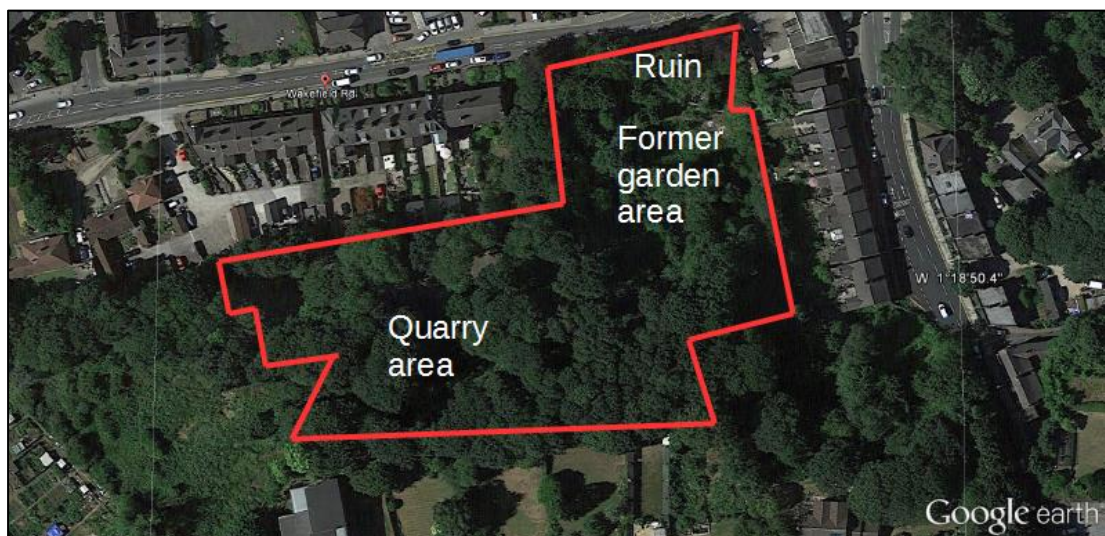
construction of 22 dwelling on the site in September 2013. The purpose of this report is to present the results of an extended Phase 1 habitat survey which includes determining the potential for, or presence of, protected and notable species, plus an appended map of the site showing the Phase 1 habitats present. 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.

- 2.1.3 Ecological impacts associated with the scheme have been assessed with the focus on identifying significant impacts. Mitigation, compensation and enhancement measures are detailed.
- 2.1.4 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 is accessed from Wakefield Road near to the junction with Mill Hill Road near to the centre of Pontefract. The site consists of an irregular shaped plot of approximately 1.2ha. The red line boundary encompasses a former quarry and a former dwelling (now a ruin) and associated former garden. Habitats on site include; Open canopy broad leaved woodland, dense scrub, tall ruderal vegetation, buildings and bare ground including periphery vegetation (see Figures 1 & 2 and Plates 1, 2, & 3).
- 3.1.2 Land adjacent to the application site supports the following habitats.
 - The built environment (mainly residential)
 - Hardstanding (Wakefield Road & Mill Hill Road)
 - Tall ruderal vegetation
 - Gardens of residential properties
 - Extended woodland (south east boundary)

Figure 1. The site



- 3.1.3 The site falls within National Character Area 38; The Nottinghamshire, Derbyshire and Yorkshire Coalfield is an area that has seen great change over the past few centuries. The impact of widespread industrialisation and development on the landscape and settlement pattern within the National Character Area (NCA) is clear, influencing the visual and ecological landscape. The geological deposits of coal and iron, along with the water supply, brought mass industrialisation to the area to exploit these resources. A generally low-lying area, with hills and escarpments above wide valleys, the landscape embraces major industrial towns and cities as well as villages and countryside.

Figure 2. The site location



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 24th October 2018 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 Aerial 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).

Methods of assessment

- 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.

4.3 Survey Limitations

- 4.3.1 No limitations to an effective survey were identified. Whilst the 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. Ecological Baseline

5.1 Data Consultation

- 5.1.1 The site does not lie within the Wakefield Wildlife Habitat Network (WWHN). 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
Local Nature Reserve	Pontefract Country Park	Various	1.8km northwest
Local Wildlife Site (LWS)	Harewood Park	Unimproved Magnesian Limestone Grassland,	420m east-northeast
	Cobblers lane	Unimproved Magnesian Limestone Grassland,	1.65km northeast

Designation	Name	Interest	Distance and direction to site
Local Geological Site	Mill Hill Road	Yellow sands formation	70m east

5.1.4 A consideration of the scheme's potential to impact designated sites is presented in Section 6 of the report.

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

5.2 Field Survey

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 The woodland on site is unmanaged with extensive growth of ivy *Hedera helix*, consequently, the understorey and ground flora is restricted and species poor. Nevertheless, given the woodland's urban location it is considered to be of local level importance to nature conservation.

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

Plate 1. Typical area of broad leaved woodland on site



A1.1.1 Woodland (broad leaved)

5.2.4 Relatively young self-set woodland covers the majority of the site. Relatively mature sycamores *Acer pseudoplatanus* dominate together with frequent ash *Fraxinus excelsior* and rarely occurring wych elm *Ulmus glabra* and sweet chestnut *Castanea sativa*. Only in a small area adjacent to the road plus an area along the southern

boundary, is the canopy closed. There is little understorey except for the occasional elder *Sambucus nigra* and holly *Ilex angustifolia* (see Appendix 1). The ground flora is suppressed by dense and abundant ivy *Hedera helix* together with frequent bramble *Rubus fruticosus* whilst both herb bennet *Geum urbanum* and herb robert *Geranium robertianum* are frequently present.

- 5.2.5 Many trees have dense ivy cover. In areas which would have been part of the former dwelling's garden, there are large specimens of introduced tree species which have become part of the woodland, including Leyland cypress *Cupressocyparis leylandii*, laurel *Aucuba japonica* and monkey puzzle tree *Araucaria araucana*.

Plate 2. Southern boundary of site, to be unaffected by the proposed development



Plate 3. View east from the west end of the site



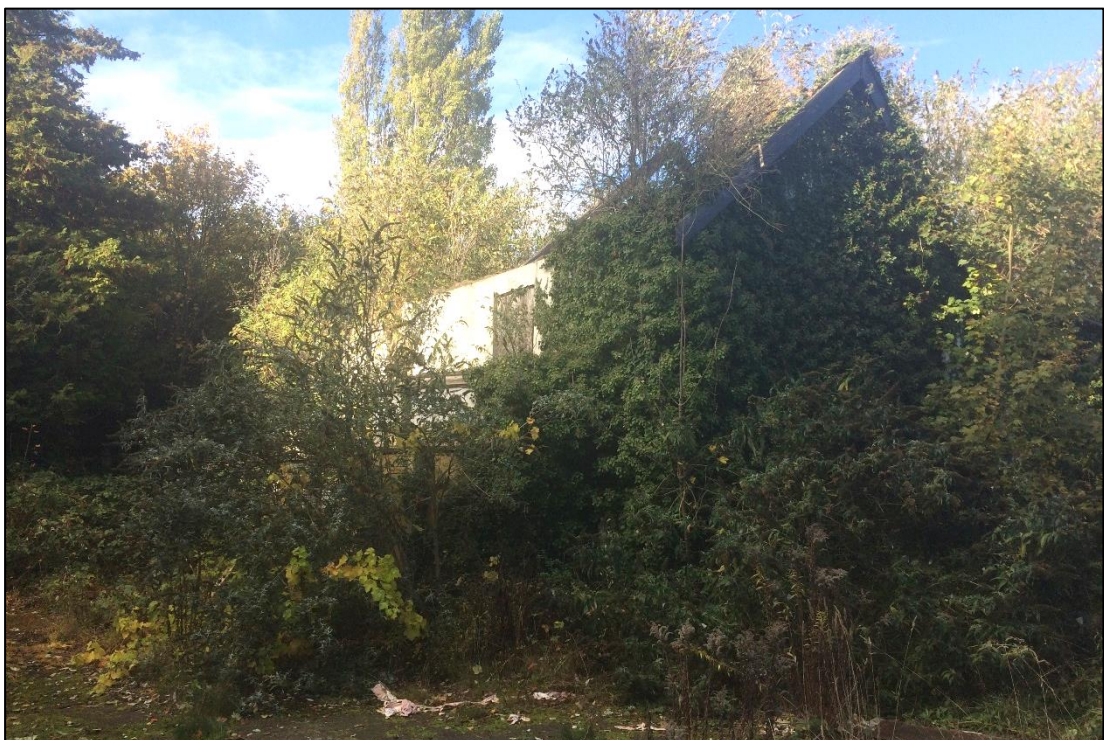
A2.1 Dense scrub

- 5.2.6 There is a relatively large area of bramble *Rubus fruticosus* scrub that has colonised an area which was formally a lawn near the dwelling (ruin) (see Plate 4). Additionally, there is somewhat dense mainly butterfly bush *Buddleja davidii* scrub both inside and surrounding the former dwelling (see Plate 5).

Plate 4. View west from garden of former dwelling, dense bramble scrub on left



Plate 5. Former dwelling now surrounded mainly by scrub



C3.1 Tall ruderal

- 5.2.7 In the bottom of the former quarry is an area dominated by nettle *Urtica dioica* together with frequent hedge bindweed *Calystegia sepium* (see Plate 6). Additionally, there is a scattering of broad leaved dock in the more open areas and a small patch (c.2m²) of rosebay *Chamerion angustifolium* within the bramble scrub near the former dwelling.

Plate 6. Large area of nettle and hedge bindweed



J3.6 Buildings

- 5.2.8 In addition to the former dwelling ruin, there is single storey brick built garage (see Plate 3 & 7) and the buildings and their potential to accommodate roosting bats are discussed in the species section of this report.

J4. Bare ground

- 5.2.9 There is a relatively large area of bare ground (compacted gravel) from the western boundary to the centre of the site. This access track has a number of ubiquitous plants (see Appendix 2) at the periphery (see Plate 2).

Species and species groups

Amphibians

- 5.2.10 Three Great Crested Newt (GCN) *Triturus cristatus* records were provided by WYER for locations within a 2km radius of the site. The nearest record of GCN (larvae) is for a location c.1200m from the application site centroid. No GCN EPS mitigation licences have been issued for locations within 2km of the site.
- 5.2.11 There are no ponds within a one kilometre radius of the site. Given the site's urban location, the lack of nearby ponds and the lack of records, GCN are not considered to be a receptor to the proposed scheme. Common amphibian species may however be present on site.

Badger

- 5.2.12 No badger *Meles meles* records were provided by WYER for locations within 2km radius of the site.
- 5.2.13 No signs of badger were recorded on site and given the isolated urban environment of the site, it is unlikely to be used as a wider foraging area.

Bats

- 5.2.14 Two buildings are present on site plus three metal containers. However, the original dwelling on site has no roof and has been colonised by scrub. Additionally, there is a man-made underground tunnel. No signs of bat presence were recorded from the buildings, a description of the buildings and the underground feature and their potential to accommodate bats is provided below.
- 5.2.15 Twenty three bat records of four species were provided by WYER. Species included in the records comprised soprano pipistrelle *Pipistrellus pygmaeus*, noctule *Nyctalus noctula*, brown long-eared bat *Plecotus auritus*, unidentified pipistrelle species and unidentified bat species. The nearest record comprises an individual of an unidentified bat species recorded grounded approximately 361m from the site centroid.
- 5.2.16 Three historic EPS mitigation licences have been obtained for locations within 2km of the application site. The nearest was issued in 2015 to allow the destruction of a common pipistrelle *Pipistrellus pipistrellus* resting place located approximately 400m east of the application site.

Description of buildings

- 5.2.17 The buildings on site comprise a single storey detached brick built garage beneath a pitched sheet metal roof and a former dwelling (The Priory) which caught fire many years ago and now has no roof. The garage has solid nine inch wall and a large up and over door on the west elevation. The ruin of the former dwelling has been colonised with scrub both inside and outside of the external walls (see Plates 4 & 5).

Plate 7. Garage



External inspection of building

- 5.2.18 All the external walls of the former dwelling are cluttered with scrub and the external walls are cement rendered. Whilst there may be some features in the masonry on the internal walls, all internal walls are cluttered with scrub and ivy. The garage lack features with potential to accommodate bats.

Internal inspection of buildings

- 5.2.19 For reasons of health and safety, the inside of the ruin was not accessed. The inside of the garage is open to the underside of the metal sheets that are supported by timber trusses. The interior of the garage lacks features with potential to accommodate bats and no signs of bat were found (see Plate 8).

Plate 8. Inside of garage



Internal inspection of underground tunnel

- 5.2.20 Near to the former dwelling is a man-made tunnel carved out of solid sandstone. Steps cut out of stone descend five metres before turning left to descend for a further five metres before turning right to a level section which opens out into a small chamber (see Plate 9-11). There are no crevices in the rock and no signs of bats were found.

Plate 9. Second steep descending section of tunnel



Plate 10. End chamber of tunnel



Plate 11. Entrance to tunnel



5.2.21 Many of the trees on site have extensive ivy cover and therefore offer a little potential for use by roosting bats (low potential). One fire damaged sycamore has a large woodpecker hole at 3m. Whilst the tree was assessed as offering high bat roost potential, an endoscopic inspection recorded no signs of usage by roosting bats (see Plate 12 and Appendix 1).

Plate 12. Woodpecker hole inspected with endoscope



- 5.2.22 The site provides relatively good foraging habitat for bats but the sites location in an urban environment suggests it is likely to be used by few species other than pipistrelle.

Summary and evaluation of findings

- 5.2.23 The buildings lack features with potential to accommodate roosting bats and consequently were assessed as offering a negligible level of bat roost potential. The assessment is considered to be an accurate determination of the buildings bat roost potential.
- 5.2.24 The trees on site with dense ivy cover were assessed as offering low bat potential. The woodpecker hole comprises a downward hole extending for 20cm which was easily inspected and showed no signs of usage by roosting bats.
- 5.2.25 The underground tunnel is unlikely to be used by hibernating bats for the following reasons. The entrance has historically been blocked, it now suffers major disturbance and is used for disposing of unwanted waste. Furthermore, its location would suggest that it has the potential for use by pipistrelle species only and the interior does not display crevices or other features likely to be used by this species.

Birds

- 5.2.26 No red listed species within the Birds of Conservation Concern (Eaton *et al.*, 2015) were recorded on site. However, the site does have the potential to support song thrush *Turdus philomelos*.
- 5.2.27 Species of birds recorded on site include wren *Troglodytes troglodytes*, robin *Erithacus rubecola*, wood pigeon *Columba palumbus*, great tit *Parus major*, blue tit *Cyanistes caeruleus* and coal tit *Periparus ater*. The list is not exhaustive, and the site has the potential to support a larger assemblage of resident species and summer migrants.
- 5.2.28 Trees and scrub on site have potential to be used by a range of common bird species for nesting.

Invasive species

- 5.2.29 No species listed as invasive species on Schedule 9 of the Wildlife & Countryside Act 1981 (as amended) were found on site.

Invertebrates

- 5.2.30 Given the ubiquitous habitats on site. Rare and notable species are unlikely to be present.

Plants

- 5.2.31 No rare or notable species were recorded on site. The location, geology and habitats on site are not particularly favourable for supporting rare and notable species of vascular plants.

Reptiles

- 5.2.32 No recent reptile records were provided by WYER. Given the lack of connectivity with suitable habitat elsewhere, Reptiles are not considered to be a receptor to the proposed scheme.

6. Assessment

6.1 Proposals

- 6.1.1 The proposed development comprises the construction of 22 residential properties (see Appendix 5). The footprint of the development is largely within the area of the original garden to a former dwelling (now scrub and trees), an area of tall ruderal in the quarry bottom and bare ground (access track). An area of open canopy woodland will be lost but the woodland area on the southern boundary will remain intact.

6.2 Assessment of Impacts

- 6.2.1 No impacts are anticipated upon designated sites because of the distance of designated sites from the application area.

- 6.2.2 The potential impacts of the development are considered to comprise:

- Land take of small areas of woodland and trees and a larger area of scrub to make way for the new development.
- Damage to the root systems or stems of existing trees to be retained as a result of construction works.
- Temporary increase in vehicle movements during the period of renovation 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.
- Increase in domestic pets which can negatively affect local wildlife.
- Potential harm to roosting bats within site tree. Roosting bats receive strong legal protection as detailed in Appendix 3.
- Potential destruction of bird nests. Nesting birds receive strong legal protection as detailed in Appendix 3.

- 6.2.3 Methods to avoid or mitigate for the impacts detailed above is 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:

- Retain the woodland on the high ground along the southern boundary of the site and around the edge of the quarry and bring this habitat into positive management with the planting of supplementary native shrub layer species. 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 preferably be of locally native standard species of trees and shrubs. Management prescriptions for this area should be formalised within an Ecological Design Strategy, the requirement for which could be secured by planning condition.
- Taking a best practice approach to nature conservation issues, where 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 5 m from the boundary.
- Vegetation clearance and demolition of the stable should take place at a time when it will not affect nesting birds (outside March to August). If works are to be undertaken during this time then they should be preceded by a nesting bird check to be undertaken by an ecologist.
- Repeat endoscopic inspection of the woodpecker hole within the sycamore tree by an ecologist immediately prior to felling in order to ensure this feature remains clear of evidence of roosting bats.

6.4 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. These measures could be secured by a suitably worded planning condition. Please note that the enhancements have been informed by the results and findings of the field survey.

- Four Schwegler woodcrete bird boxes to be installed on site trees at least 3m above the ground along the southern boundary.
- The new development should include four wall integrated cavity bat boxes or tubes, within new buildings. These boxes should be situated high on south or west facing gables, away from artificial light spill. Boxes should not be located directly above windows or doors.
- The new development should include house sparrow *Passer domesticus* boxes either integral to the fabric of the building or installed under soffits on 50% of the buildings.
- Boundary fences around new dwellings should not impede the free movement of hedgehogs *Erinaceus europaeus*.

6.5 Conclusion and Residual Effects

6.5.1 The woodland on site is considered to be of local level importance to nature conservation.

6.5.2 However only a proportion of the existing broadleaved woodland will be lost as a result of the development. If the mitigation and enhancement measures detailed in section 6.3 and 6.4 are adopted then it is considered the likely impact of the development upon

nature conservation can be limited to a site level negative impact only.

- 6.5.3 No further survey is recommended providing works commence on site within 12 months of the field survey.

7. References

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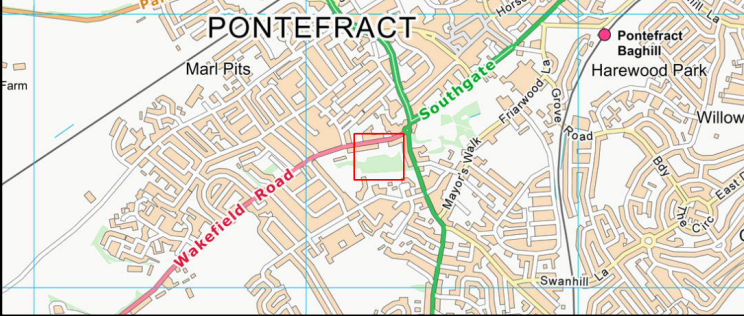
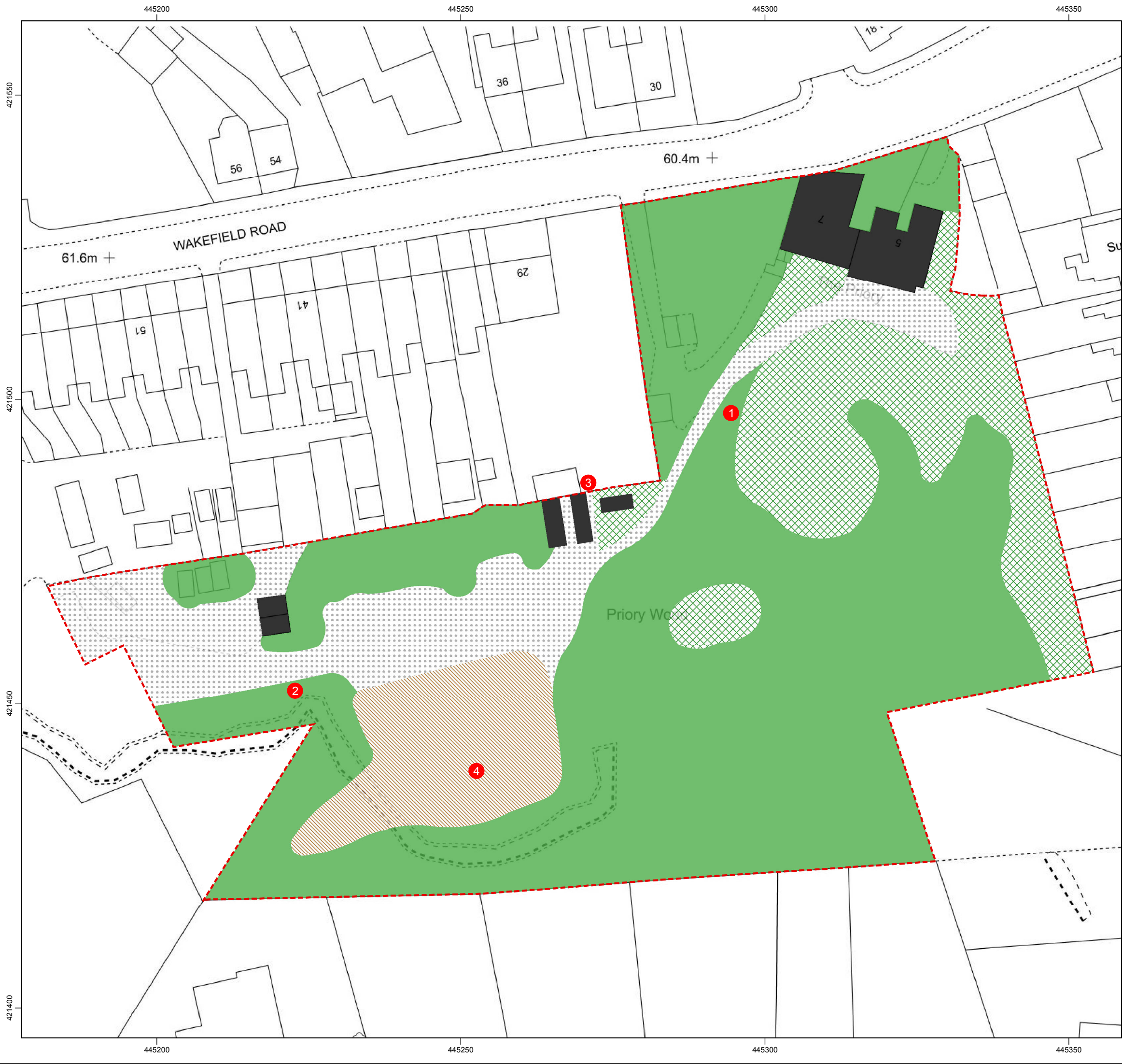
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Rodwell, J.S, (2006), NVC Users' Handbook. JNCC

Appendix 1. Phase 1 Plan



Survey Information	
<div><div></div></div>	Site boundary
Phase 1 Habitat Survey	
<div></div>	Broadleaved woodland
<div></div>	Dense scrub
<div></div>	Tall ruderal
<div></div>	Bare ground
<div></div>	Building
<div></div>	Target note

Target Notes
TN1 - Underground tunnel entrance
TN2 - Woodpecker hole in sycamore
TN3 - Metal containers
TN4 - Nettle, hedge bindweed and bramble

Source:
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Metres

PROJECT TITLE

THE PRIORY, PONTEFRACT

DRAWING TITLE

Figure 1. Phase 1 Habitat Plan

VER	DATE	REMARKS	Drawn	Checked
1.1	30/10/18	Phase 1	MP	PM

DRAWING NUMBER:

MIDDLETONBELLECOLOGY/ThePriory/Phase 1

SCALE	1:600	PLOT SIZE	A3	DATUM	OSGB	PROJECTION	BNG
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Appendix 2. Plant Species Recorded on Site

Full Species List		
English Name	Scientific Name	DAFOR Rating
A1.1.1 Broad leaved woodland		
Sycamore	<i>Acer pseudoplatanus</i>	D
Ash	<i>Fraxinus excelsior</i>	F
Ivy	<i>Hedera helix</i>	Loc D
Nettle	<i>Urtica dioica</i>	O
Creeping buttercup	<i>Ranunculus repens</i>	O
Elder	<i>Sambucus nigra</i>	O
Hedge bindweed	<i>Calystegia sepium</i>	F
Herb robert	<i>Geranium robertianum</i>	O
Herb bennet	<i>Geum urbanum</i>	O
Cow parsley	<i>Anthriscus sylvestris</i>	F
Sweet chestnut	<i>Castanea sativa</i>	R
Laurel	<i>Aucub japonica</i>	O
Holly	<i>Ilex aquifolium</i>	F
Butterbur	<i>Petasites hybridus</i>	R
Ground elder	<i>Aegopodium podagraria</i>	Loc A
Leyland cypress	<i>Cupressocyparis leylandii</i>	O
Wall rocket	<i>Diplotaxis muralis</i>	R
Dandelion	<i>Taraxacum officinale agg</i>	O
Goat willow	<i>Salix caprea</i>	R
Monkey puzzle tree	<i>Araucaria araucana</i>	R
Wych elm	<i>Ulmus glabra</i>	O
Rough meadow-grass	<i>Poa trivialis</i>	F
Wood dock	<i>Rumex sanguineus</i>	O
Lords and Ladies	<i>Arm maculatum</i>	O
Copper beech	<i>Fagus sylvatica</i>	R
Lombardy poplar	<i>Populus nigra italica</i>	R
Wild cherry	<i>Prunus avium</i>	R
Bramble	<i>Rubus fruticosus</i>	F
Horse chestnut	<i>Aesculus hippocastanum</i>	R
A2.1 Dense scrub		
Cocksfoot	<i>Dactylis glomerata</i>	O
Bramble	<i>Rubus fruticosus</i>	Loc D
Butterfly bush	<i>Buddleia davidii</i>	Loc A
False oat-grass	<i>Arrhenatherum alatus</i>	O
Golden rod	<i>Solidago spp</i>	R
Elder	<i>Sambucus nigra</i>	F
Virginia creeper	<i>Parthenocissus tricuspidata</i>	Loc A
Ribwort plantain	<i>Plantago lanceolata</i>	Loc F
Lemon balm	<i>Melissa officinalis</i>	R
C3.1 Tall ruderal		
Nettle	<i>Urtica dioica</i>	D
Rosebay	<i>Chamerion angustifolium</i>	R
Broad leaved dock	<i>Rumex angustifolia</i>	O
Hedge bindweed	<i>Calystegia sepium</i>	F
Cock'sfoot	<i>Dactylis glomerata</i>	O
False oat-grass	<i>Arrhenatherum elatius</i>	O

Creeping buttercup	<i>Ranunculus repens</i>	F
Bramble	<i>Rubus fruticosus</i>	O
J4 Bare ground (including peripheral vegetation)		
Dandelion	<i>Taraxacum officinale agg</i>	O
Cocksfoot	<i>Dactylis glomerata</i>	O
Rough meadow-grass	<i>Poa trivialis</i>	O
Catsear	<i>Hypochaeris radicata</i>	O
Ragwort	<i>Senecio jacobea</i>	O
Creeping bent	<i>Agrostis stolonifera</i>	O
Broad leaved dock	<i>Rumex obtusifolia</i>	O

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
Local Nature Reserves (LNR)	LNRs are of local, but not necessarily national, importance. An LNR can also be an SSSI (Site of Special Scientific Interest), but often is not, or may have other designations. Except where the site is an SSSI, there is no legal necessity to manage an LNR to any set standard and there is no national legal protection specifically for LNRs. An LWS has certain protection against development on and around it. This protection is usually given via the local plan, (produced by the Local Planning Authority (LPA), and often supplemented by local by-laws.
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	
European Protected Species (EPS) (including bats, Great Crested Newt (GCN), otter and hazel dormouse)	<p>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:</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</p>

Species	Legal Status
	<p>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	
European Protected Species and other species including: water vole and white clawed crayfish	<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.
Common amphibians and reptile species	<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>
Badger	<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 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.</p>
Schedule 1 birds	<p>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.</p>
All bird species	<p>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:</p> <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	<p>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.</p>

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.

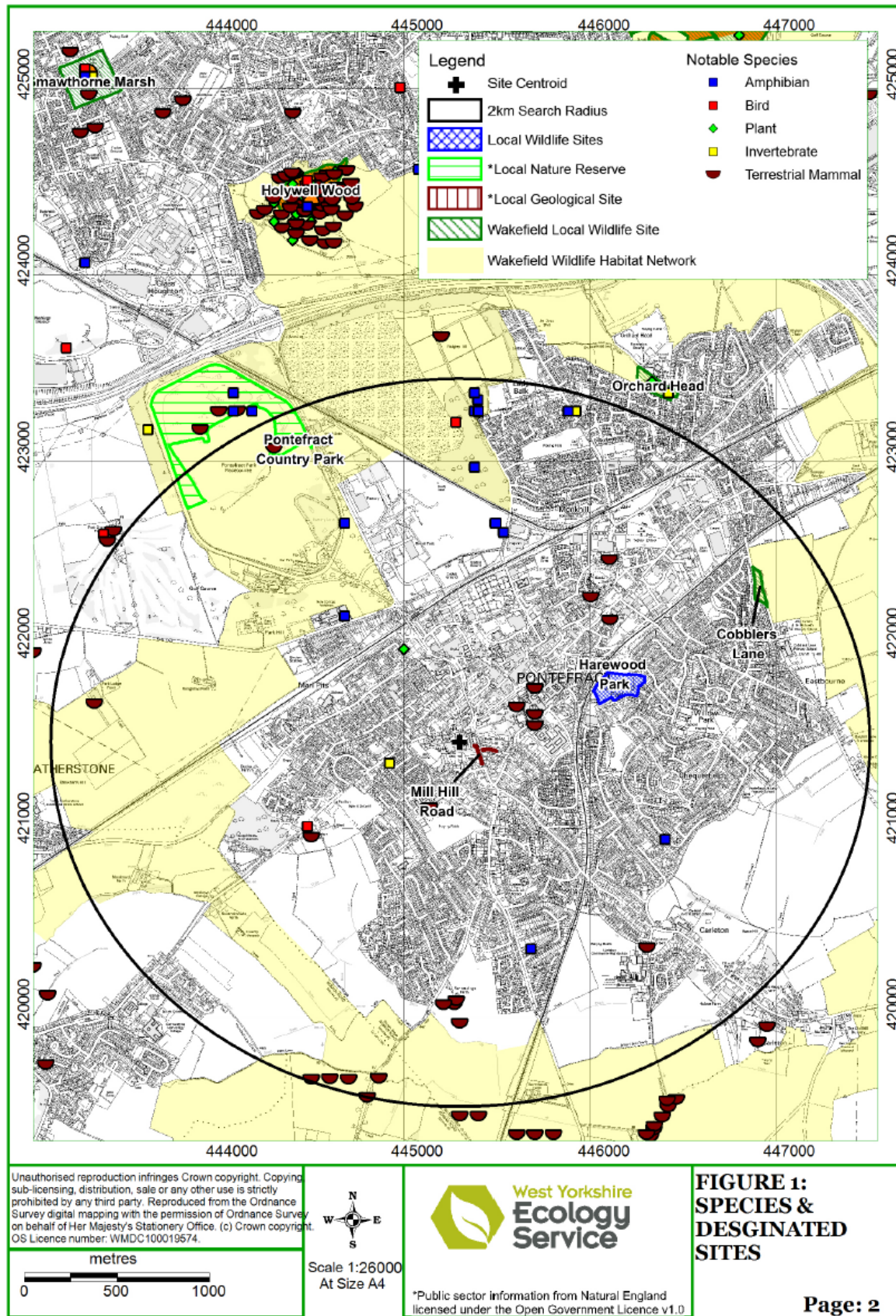
National Planning Policy Framework

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. Designated Sites Map



Appendix 5. Proposed Site Plan

