



Preliminary Ecological Appraisal and Preliminary Roost Assessment

Former Landscaping Depo Grin Low Road, Ladmanlow, Buxton, Derbyshire, SK17 6UJ

Ben Smith

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.

(BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed by Ben Smith to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Former Landscaping Depo Grin Low Road, Ladmanlow, Buxton, Derbyshire, SK17 6UJ (hereafter referred to as “the site”). The survey was required to inform a planning application for the conversion of B1 into living accommodation (hereafter referred to as “the proposed development”).

The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 7 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Habitats and flora	There are no notable habitats within the site, but priority deciduous woodland habitats are present within 2km of the site, the closest of which is located 110m north from the site. Habitats within the site are common and widespread and have low ecological value. Habitats on site comprise hardstanding and buildings. No protected or notable plant species were recorded during the survey.	No direct impacts to any notable habitats will occur as a result of the proposed development. However, due to the proximity of the site to woodland/grassland habitats, indirect effects such as pollution or tree damage could occur during construction. The proposed development will be restricted to hardstanding and B1. No vegetated habitats will be removed.	Best practice measures to minimise the possibility of pollution must be implemented during construction. Retained nearby vicinity trees/woodland should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).
Amphibians	The site has limited opportunities for amphibians as it comprises hardstanding; however, the adjacent woodland/grassland has opportunities for GCN and other amphibians.	The proposed development will not result in the loss of any suitable amphibian habitats. However, amphibians may commute through this site from the adjacent woodland/grassland and be injured/harmed.	Owing to the nature of the proposed development and the low potential for impacts to great crested newts, further surveys are considered to be disproportionate. A precautionary working method will be implemented for common amphibians during construction, which is detailed in Table 7 of this report.
Reptiles	The site has limited opportunities for reptiles as it comprises hardstanding; however, the adjacent woodland/grassland has opportunities for reptiles.	The proposed development will not result in the loss of any suitable reptile habitats. However, reptiles may commute through this site from the adjacent woodland/grassland and be injured/harmed.	Owing to the nature of the proposed development and the low potential for impacts to reptiles, further surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, which is detailed in Table 7 of this report.
Roosting bats (B1)	B1 has negligible value for roosting bats due to a lack of potential roost features.	Bats are very unlikely to be roosting within this building and as such, there are not anticipated to be any impacts on roosting bats as a result of the conversion to this building.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.

Foraging and commuting bats	Adjacent woodland could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats. The proposed development may include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, which is detailed in Table 7 of this report.
Hedgehog	The site lies adjacent to a small patch of woodland which may be used by hedgehogs. The site has limited opportunities for hedgehogs for foraging as it is mostly hardstanding, however, hedgehogs may commute through this site from the adjacent woodland.	The proposed development will not result in the loss of any suitable hedgehog habitats. However, hedgehogs may commute through this site from the adjacent woodland and be injured/harmed.	A precautionary working method will be implemented during construction, which is detailed in Table 7 of this report.
Birds	The majority of the site is hardstanding. However, birds may use B1 (survey building) for nesting. No nests were found in B1, however, there are opportunities for nesting birds in the on-site building.	B1 will be converted during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to its low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	The conversion of B1 should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged. (al, 1998).

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1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by Ben Smith to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at Former Landscaping Depo Grin Low Road, Ladmanlow, Buxton, Derbyshire, SK17 6UJ (hereafter referred to as “the site”). The survey was required to inform a planning application for the conversion of B1 into living accommodation (hereafter referred to as “the proposed development”). A plan showing the proposed development is provided in Appendix 1.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. The aim of the PRA was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how bats could use the site for roosting, foraging or commuting.

No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author’s knowledge, by any other consultancy.

1.2 Site Location and Landscape Context

The site is located at National Grid Reference SK 04344 71880 and has an area of approximately 0.15ha comprising hardstanding and B1. It is surrounded by a small patch of woodland with a moderate area of priority deciduous woodland to the north of the site. The wider landscape comprises rural areas with Buxton centre to the northeast of the site. A site location plan is provided in Appendix 2.

1.3 Scope of the Report

The PEA element of this report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

The PRA element of this report provides a description of all features suitable for roosting, foraging and commuting bats and evaluates those features in the context of the site and wider environment. It further documents any physical evidence collected or recorded during the site survey that establishes the presence of roosting bats. It provides information on possible constraints to the proposed development as a result of bats and summarises the requirements for any further surveys to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation.

To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species, including roosting bats.
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.

- Potential impacts on features of value, as a result of the proposed development, have been identified.
- Recommendations for further surveys and mitigation have been made.
- Opportunities for the enhancement of the site for biodiversity have been set out.

2.0 Methodology

2.1 Desk Study

The desk study included a review of the magic.gov.uk database for statutory designated sites within a 2km radius of the site. Landscape value and the presence of notable habitats as well as granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database has also been considered where these are within influencing distance of the site.

2.2 Field Survey

The survey was undertaken by Jessica Sibley (Accredited Agent on Natural England Bat Licence Number: 2016-22843-CLS-CLS) on 03/08/2023.

Preliminary Ecological Appraisal

An extended habitat survey was undertaken, following the methodology set out in The UK Habitat Classification Habitat Definitions Version 2.0 (The UK Habitat Classification Working Group, July 2023). All land parcels are described and mapped and, where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species.

Preliminary Roost Assessment

The PRA focussed on one built structure which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

For any surveyed buildings:

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the building for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. An internal inspection of the building was also made, including the living areas and any accessible roof spaces, using a torch and ladders. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows, and carried out a detailed search of numerous features within the roof space.

Suitability Assessment

Built structures were categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 below. Roost suitability is classified as high, moderate, low and negligible and dictates any further surveys required before works can proceed.

Table 1: Features of a building that are correlated with use by bats

Classification	Feature of building and its context
High	Buildings or structures with features of particular significance for larger numbers of roosting bats e.g. mines, caves, tunnels, icehouses and cellars. Habitat on site and surrounding landscape of high quality for foraging bats e.g. broadleaved woodland, tree-lined watercourses and grazed parkland. Site is connected with the wider landscape by strong linear features that would be used by commuting bats e.g. river and or stream valleys and hedgerows. Site is proximate to known or likely roosts (based on historical data). Buildings with high suitability could support roosts of high conservation value such as maternity or hibernation roosts.
Moderate	Buildings or structures with one or more features suitable for more regular roosting due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation value such as maternity or hibernation roosts. Continuous habitat connected to the wider landscape which could be used by bats for commuting such as lines of trees, linked gardens. Foraging habitat in the surrounding area such as trees, scrub, grassland or water.
Low	Buildings or structures with one or more features suitable for use sporadically by individual or small numbers of bats. Potential roost features may be suboptimal for reasons such as shallow depth, poor thermal qualities or upwards orientation with exposure to inclement weather or predators. Habitat suitable for foraging in close proximity, but largely isolated in the landscape. Or an isolated site not connected by prominent linear features.
Negligible	Unsuitable for use by bats.

2.3 Limitations

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape, the ecology and biology of species as currently understood, and the known distribution of species as recovered during the searches of historical biological records.

A biological records data search has not been undertaken. However, given the location of the site, the nature of the habitats present and the assessed suitability of the site for protected or notable species, it is not anticipated that the purchase of biological records data will add any significant weight or alter the conclusions and recommendations outlined in this report.

These limitations have been taken into account during the evaluation of the site and requirement for further surveys and mitigation.

3.0 Results and Evaluation

3.1 Designated Sites

Details of any statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 2 below. The presence of non-statutory designated sites within 2km cannot be established without biological records data from Derbyshire Biological Records Centre (DBRC). The site lies within the impact risk zone for Poole's Cavern and Grin Low Wood Site of Special Scientific Interest (SSSI), Leek Moors SSSI, and Goyt Valley SSSI. All planning applications (except householder applications) are listed as a possible high risk with regard to these designations.

Table 2: Statutory designated sites within 2km radius of the site

Designated site name	Distance from site	Reasons for notification from Natural England
Poole's Cavern and Grin Low Wood SSSI	0.5km northeast	The Poole's Cavern and Grin Low Wood site lies immediately to the south of the town of Buxton. Poole's Cavern itself has formed within Carboniferous limestone and is of national importance for its cave features. Since Victorian times the cavern has been open as a show cave. Above ground, the whole area is overlain by spoil from lime burning in the formerly extensive lime kilns. Soils are therefore thin with a high calcium content and support a number as small scattered open spoil areas of greater botanical interest. The greater part of the site is densely wooded, the majority of which is known to have originated from plantings in the early 19th Century.
Leek Moors SSSI	0.7km west	The Peak District Moorlands overlie the Millstone Grits and Coal Measures of the Carboniferous Period. The main moorland area lies to the north of the central limestone dome of the White Peak, with narrower bands on the east and west sides. The Leek Moors form the south-western sector of the Peak District. Their varied and often scenically dramatic landforms result from the folding and faulting of the gritstone and shale rocks and subsequent dissection by watercourses. This physical structure has given rise to a fragmented land use pattern of blocks of open moorland separated by enclosed pastures which form the moorland periphery and occupy the valleys. The SSSI includes most of the wildest, open country between the settlements of Warslow, Danebridge and Buxton. It represents an extensive tract of semi-natural upland and upland fringe vegetation typical of the southern Pennines and supports several plants and animals at the southern limits of their English distribution. Associated with this vegetation and the prevailing traditional livestock farming is an outstanding assemblage of upland breeding birds. The site is also of special interest for the high density of breeding golden plover <i>Pluvialis apricaria</i> and for the exceptionally large number of breeding snipe <i>Gallinago gallinago</i>. Many physical features of the Millstone Grit are of geological interest, particularly for the geomorphology of landslips and for rock sections exposed in stream valleys. There are four such localities of special interest which are described under the sub-title 'Geology'.

Designated site name	Distance from site	Reasons for notification from Natural England
Peak District Moors SPA (Special Protection Area)	0.7km west	With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change; Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; • The extent and distribution of the habitats of the qualifying features • The structure and function of the habitats of the qualifying features • The supporting processes on which the habitats of the qualifying features rely • The population of each of the qualifying features, and, • The distribution of the qualifying features within the site. This document should be read in conjunction with the accompanying Supplementary Advice document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above. Qualifying Features: A098 <i>Falco columbarius</i>; Merlin (Breeding) A140 <i>Pluvialis apricaria</i>; European golden plover (Breeding) A222 <i>Asio flammeus</i>; Short-eared owl (Breeding)
Goyt Valley SSSI	1km west	The Peak District Moorlands overlie the Millstone Grits and Coal Measures of the Carboniferous Period. The main moorland area is north of the central limestone dome of the White Peak with narrower bands on the east and west sides. The moors and cloughs of the Goyt Valley form the western sector of the Peak District Moorlands and are contiguous with the Axe Edge Moors at the northern end of the Leek Moors SSSI. The site has a varied and scenically dramatic landform resulting from the folding and faulting of the gritstone and shale and subsequent dissection by watercourses. The level plateaux have extensive blanket bogs. Wet to dry heather moorland and acidic grassland with associated flushes and mires occur on steep to gently sloping ground. The Goyt Valley is an extensive tract of semi-natural upland and upland fringe vegetation typical of the Southern Pennines. In conjunction with the Leek Moors, the Goyt Valley supports a nationally important upland breeding bird population. There are important geological exposures along the banks of the River Goyt.
Ferneydale Grassland LNR (Local Nature Reserve)	1.7km east	The site – a mosaic of limestone grassland, with a small stream and associated areas of wet grassland.

3.2 Field Survey Results

The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 3.

Table 3: Weather conditions during the survey

Date:	03/08/2023
Temperature	14°C
Humidity	92%
Cloud Cover	45%
Wind	9mph
Rain	None

Habitats and Flora

The following habitats are present within and adjacent to the site:

- Buildings (u1b5)
- Other developed land (hardstanding) (u1b6)
- Other woodland; broadleaved (w1g) (adjacent)

A description and photographs of each habitat are provided in Table 4.

No protected or non-native invasive plant species (as listed under Schedules 8 or 9 of the Wildlife and Countryside Act 1981) were identified on the site.

Table 4: Description and photographs of habitats within and adjacent to the site

Habitat type	Habitat description	Photograph
Buildings (u1b5)	There is one on-site building due to undergo construction works (B1), and one on-site caravan (B2). B1 was subject to a full PRA and is considered in relation to roosting bats, later in this report. B2 was not subject to a PRA inspection, as it is not part of the proposed works.	
Other developed land (hardstanding) (u1b6)	The majority of the site comprises hardstanding, including a tarmac entry road and gravel surfaces. These habitats are generally considered to be low in ecological value.	

Other woodland; broadleaved (w1g) (adjacent)	Adjacent to the site boundary lies a small patch of broadleaved woodland. Species comprise sycamore <i>Acer pseudoplatanus</i> (A), birch <i>Betula sp</i> (O), hazel <i>Corylus avellana</i> (O), and ash <i>Fraxinus excelsior</i> (O).	
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Fauna

Bats

The results of the PRA are provided in Table 5. No evidence of roosting bats was identified during the survey.

Table 5: Assessment of the suitability of the site for bats

Feature	Description	Photographs
Historical records	There are no EPSLs within a 2km radius of the site.	N/A
Bat foraging and commuting habitat	There is a small patch of woodland adjacent to the site to the north of the site. This habitat is likely used by local foraging and commuting bats and likely has value to local bat populations.	

B1 - overview	B1 is a one-storey breezeblock-built building with a pitched and gabled roof clad in asbestos roof tiles and skylights. There are no chimneys on B1. There are no soffits around B1. The windows are wooden framed, and the doors have metal shutters with metal frames. There are metal bargeboards on the gables of B1.	 A photograph showing the side profile of a one-storey building with a pitched roof. The building has a mix of light-colored breezeblock and darker stone or brickwork. A green safety fence is in the foreground, and the ground is gravelly with some puddles. The sky is blue with scattered white clouds.
B1 – eastern elevation	On the eastern elevation of B1, the walls look to be intact, with no gaps or crevices which could lead into any possible cavity walls that could be used by roosting bats (pictured below). The mortar around B1 looks to be intact. There are metal shutters on this elevation, which look to be well sealed (pictured below). There is some slight gapping where the roof tiles meet the supporting walls (pictured below), however, these do not provide any crevices that could be used by bats and lead directly into the interior.	 A photograph showing the eastern elevation of the building. It features a series of windows covered with white metal shutters. The wall is made of light-colored breezeblock. A green safety fence is visible in the background, and a red car is partially visible in the bottom right corner. The sky is blue with some clouds.

B1 – eastern elevation – mortar intact and shutters well sealed	The mortar on this elevation is intact, and the shutters look to be well sealed, with no opportunities for roosting bats.	
B1 – eastern elevation – gaps where tiles meet supporting wall	On the eastern elevation of B1, the majority of the tiles look to be intact, with only some slight gapping in those that meet the supporting wall. These gaps do not lead to any suitable roosting features and lead directly to the interior.	

B1 – northern elevation	The northern gable looks to be intact, with no suitable roost features for bats. The bargeboards are metal which is unsuitable for roosting bats, based on the thermal fluctuations in metal.	
B1 – southern elevation	The southern gable looks to be intact, with no suitable roost features for bats. The bargeboards are metal which is unsuitable for roosting bats, based on the thermal fluctuations in metal.	

B1 – western elevation	On the western elevation, there are large open doors, which may allow the entry of roosting bats into the building.	
B1 – western elevation - windowsill	No evidence of roosting bats was found around any of the door frames or windowsills or the overall exterior of B1.	

B1 – interior	The roof structure is built from metal beams, unsuitable for roosting bats. The roof is unlined making it easy to look for gaps in the roof, few were found. There are skylights in the roof which could deter bats from roosting in B1 due to light ingress. There is light ingress from large open doors, also. The space is highly disturbed with human activity. Under the beams, near windowsills and around the interior of B1 was searched for evidence of roosting bats (i.e., droppings) and none was found. Approximate internal dimensions: 34m long x 12m wide x 10m high (floor to ridge height). Internal conditions: temperature 12.2°C, humidity 61.8%.	
B1 – suitability assessment	B1 has negligible value for roosting bats. This is based on a lack of suitable roost features in/around B1. The space is well lit and highly disturbed. There is some suitable foraging habitat in the nearby vicinity of the site including a small patch of woodland, which is likely used by local foraging and commuting bats. No evidence of bats was found during the PRA inspection.	

Other Species

An assessment of the suitability of the site for protected or notable species is provided in Table 6.

Table 6: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability	Biological Records Data (BRD)
Amphibians	Great Crested Newts (GCN) exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; great crested newts are typically found within terrestrial habitats up to 500m from breeding ponds (Langton et al. 2001). There are no ponds on-site, and there is one pond within a 500m radius of the site ~400m northeast of the site boundary (P1). This pond was not subject to a Habitat Suitability Index (HSI) as it lies on third party land and access was not possible on this occasion. This pond may contain GCN. There is some connectivity to the site and this pond. The site comprises built structures and hardstanding which is unsuitable for GCN. However, the site lies adjacent to woodland which may be suitable for GCN for foraging, shelter and hibernation. Furthermore, there is an area of grassland to the west of the site which may be used by GCN. GCN and other amphibians may commute through this site.	There are no EPSLs or class licence returns, and there is no pond survey data for GCN within a 500m radius of the site. No BRD has been obtained.
Reptiles	The site comprises built structures and hardstanding which is unsuitable for reptiles. However, the site lies adjacent to woodland which may offer limited opportunities for reptiles to forage and shelter along the woodland edge. Furthermore, there is an area of grassland to the west of the site which may be used by reptiles. Reptiles may commute through this site.	There are no EPSLs for reptiles within a 2km radius of the site. No BRD has been obtained.
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Hazel Dormouse	The site lies outside of the known geographic range for hazel dormice (either natural or reintroduced). Furthermore, there are no on-site habitats suitable for hazel dormice (i.e., extensive woodland, interconnected hedgerows). It is unlikely hazel dormice will use this site.	There are no EPSLs for hazel dormice within a 2km radius of the site. No BRD has been obtained.
Hedgehog	The site lies adjacent to a small patch of woodland which may be used by hedgehogs. The site has limited opportunities for hedgehogs for foraging as it is	No BRD has been obtained.

	mostly hardstanding, however, hedgehogs may commute through this site from the adjacent woodland.	
Otter	There are no on-site watercourses or adjacent watercourses to the site. Furthermore, the site comprises hardstanding, with no riparian habitats suitable for holt or natal den creation. The site has little to offer otters, therefore, it is unlikely they will commute to this site.	There are no EPSLs for otters within a 2km radius of the site. No BRD has been obtained.
Water Vole	There are no on-site watercourses or adjacent watercourses to the site. Furthermore, the site comprises hardstanding, with no riparian habitats suitable for burrow excavation. Water voles tend to remain within 5m of the banks of a watercourse, therefore it is unlikely they will use this site.	No BRD has been obtained.
Birds	There are few opportunities on-site for nesting birds. The adjacent woodland will likely suit nesting birds. Birds may commute through the site; however, it is unlikely they will use this site to nest as it comprises mostly hardstanding. They may use the on-site building (B1) to nest or for explorative visits. This is unlikely to be any Schedule 1 species of bird. The site is too small and does not contain suitable habitat for any significant breeding or wintering bird populations.	No BRD has been obtained.
Invertebrates	The site comprises mostly hardstanding, with little to offer invertebrates, or any notable species of invertebrate. The adjacent grassland and woodland likely hosts more notable species of invertebrates.	No BRD has been obtained.

4.0 Conclusions, Impacts and Recommendations

4.1 Informative Guidelines

A summary of the relevant legislation and planning policies is provided in Appendix 4.

Likelihood of the Presence of Protected Species

Where physical evidence of the presence of protected species is indeterminate during the survey, the habitats on site are evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

Where this report supports a planning application, the ecological interest of the study area (i.e. the area covered by the desk study and field survey) and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity.

4.2 Evaluation

Taking the desk study and field survey results into account, Table 7 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise the conversion of B1.

Table 7: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities ¹
Designated sites	There are five statutory sites within 2km of the site, the closest being Poole's Cavern and Grin Low Wood SSSI located 0.5km northeast from the site. The site lies within the impact risk zone for Poole's Cavern and Grin Low Wood SSSI, Leek Moors SSSI, and Goyt	No direct impacts to any designated sites will occur as a result of the proposed development. However, due to the proximity of the site to Poole's Cavern and Grin Low Wood SSSI and the nature of the proposed development could result in increased recreational pressure to nearby areas.	None.	None.

¹ The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).

	Valley SSSI and all planning applications (except householder applications) are listed as a possible high risk for these designations. The presence of non-statutory designated sites within 2km of the site cannot be established without data from Derbyshire Biological Records Centre (DBRC).			
Habitats and flora	There are no notable habitats within the site, but priority deciduous woodland habitats are present within 2km of the site, the closest of which is located 110m north from the site. Habitats within the site are common and widespread and have low ecological value. Habitats on site comprise hardstanding and buildings. No protected or notable plant species were recorded during the survey.	No direct impacts to any notable habitats will occur as a result of the proposed development. However, due to the proximity of the site to woodland/grassland habitats, indirect effects such as pollution or tree damage could occur during construction. The proposed development will be restricted to hardstanding and B1. No vegetated habitats will be removed.	Best practice measures to minimise the possibility of pollution must be implemented during construction. Retained nearby vicinity trees/woodland should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012).	The incorporation of soft landscaping into the proposed development would enhance the biodiversity value of the site, given it currently just comprises unvegetated surfaces. The proposed development should incorporate a new garden area including native trees, shrubs and hedgerows if feasible.
Amphibians	The site has limited opportunities for amphibians as it comprises hardstanding; however, the adjacent woodland/grassland has	The proposed development will not result in the loss of any suitable amphibian habitats. However, amphibians may commute through this site from the adjacent woodland/grassland and be injured/harmed.	Owing to the nature of the proposed development and the low potential for impacts to great crested newts, further surveys are considered to be disproportionate. A precautionary working method will be implemented for common amphibians during construction, including the following measures:	A new garden area would provide opportunities for amphibians to forage and seek shelter.

	opportunities for GCN and other amphibians.		• Debris will be stored on pallets or removed from the site to prevent amphibians from utilising these areas. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • Best practice pollution prevention measures will be implemented to minimise impacts to nearby aquatic habitats that amphibians could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. • If any common amphibians are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance. • In the unlikely event that a great crested newt is identified, works must cease and advice must be sought from a suitably qualified ecologist.	
Reptiles	The site has limited opportunities for reptiles as it comprises hardstanding; however, the adjacent woodland/grassland has opportunities for reptiles.	The proposed development will not result in the loss of any suitable reptile habitats. However, reptiles may commute through this site from the adjacent woodland/grassland and be injured/harmed.	Owing to the nature of the proposed development and the low potential for impacts to reptiles, further surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures: • Debris will be stored on pallets or removed from the site to prevent reptiles from utilising these areas. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.	A new garden area would provide opportunities for reptiles to forage and seek shelter.

			In the unlikely event that a reptile is identified, works must cease and advice must be sought from a suitably qualified ecologist.	
Roosting bats (B1)	B1 has negligible value for roosting bats due to a lack of potential roost features.	Bats are very unlikely to be roosting within this building and as such, there are not anticipated to be any impacts on roosting bats as a result of the conversion to this building.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.	The installation of two bat boxes at the site will provide additional roosting habitat for bats. The bat boxes will be installed on B1. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light. The bat boxes will be a specification suitable for crevice/void-dwelling species of bat such as: - Habibat Bat Access Tile (roof would need to be lined with Bitumen 1F felt to prevent bat entanglement) - Habibat Bat Box - Beaumaris Bat Box - NHBS Improved Cavity Bat Box - Vivara Pro Woodstone Bat Box Or a similar alternative brand.
Foraging and commuting bats	Adjacent woodland could be used by local bat populations for foraging and commuting. These could also be used by bats	The proposed development will not result in the removal of any habitats which could be used by foraging or commuting bats. The proposed development may include the use of lighting which could spill on to bat roosting,	A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures: Light spill on to adjacent woodland should be avoided.	A new garden area would provide opportunities for bats to forage and seek shelter.

	dispersing from nearby roosts outside of the site.	foraging or commuting habitat and deter bats from using these areas.	• Use narrow spectrum light sources to lower the range of species affected by lighting. • Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. • Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be directional to ensure that light is directed to the intended areas only. • External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. • Wall lights and security lights will be 'dimmable' and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available.	
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Hazel dormouse	The site lies outside of the known geographic range for hazel dormice. Furthermore, there are no suitable habitats on-site for hazel dormice. The site comprises hardstanding. Hazel dormice are anticipated be absent from this site.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.
Hedgehog	The site lies adjacent to a small patch of woodland which may be used by hedgehogs. The site has limited opportunities for hedgehogs for foraging as it is mostly hardstanding, however, hedgehogs may commute through this site from the adjacent woodland.	The proposed development will not result in the loss of any suitable hedgehog habitats. However, hedgehogs may commute through this site from the adjacent woodland and be injured/harmed.	A precautionary working method will be implemented during construction, including the following measures: - Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. - The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which hedgehogs could use. - Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. - If any hedgehogs are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for hedgehogs: - A new garden area would provide opportunities for hedgehogs to forage and seek shelter. - The fitting of hedgehog highways to any fences installed. - Installation of a hedgehog house near

				the adjacent woodland.
Otter	There are no opportunities for otters on-site.	No impacts are anticipated on otters as a result of the proposed development.	None.	None.
Water vole	There are no opportunities for water voles on-site.	No impacts are anticipated on water vole as a result of the proposed development.	None.	None.
Birds	The majority of the site is hardstanding. However, birds may use B1 (survey building) for nesting. No nests were found in B1, however, there are opportunities for nesting birds in the on-site building.	B1 will be converted during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to its low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	The conversion of B1 should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged. (al, 1998).	The installation of two bird boxes at the site will provide additional nesting habitat for birds. The bird boxes will be installed B1. Such as: • Vivara Pro WoodStone Swift Nest Box • House Sparrow Terrace FSC Nest Box • Swallow Nest Bowl Or similar alternative brand. General purpose bird boxes should be positioned 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Species-specific bird boxes should be installed in line with manufacturers specifications. Swift, sparrow and swallow boxes should be positioned in a sheltered position at the eaves of the building.
Invertebrates	There is no suitable on-site habitat for any notable species of invertebrates.	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	None.	The following habitat creation and enhancement opportunities could be incorporated into the

	The site comprises hardstanding.			proposed development which would be beneficial for invertebrates: • Pollinator friendly planting should be incorporated.
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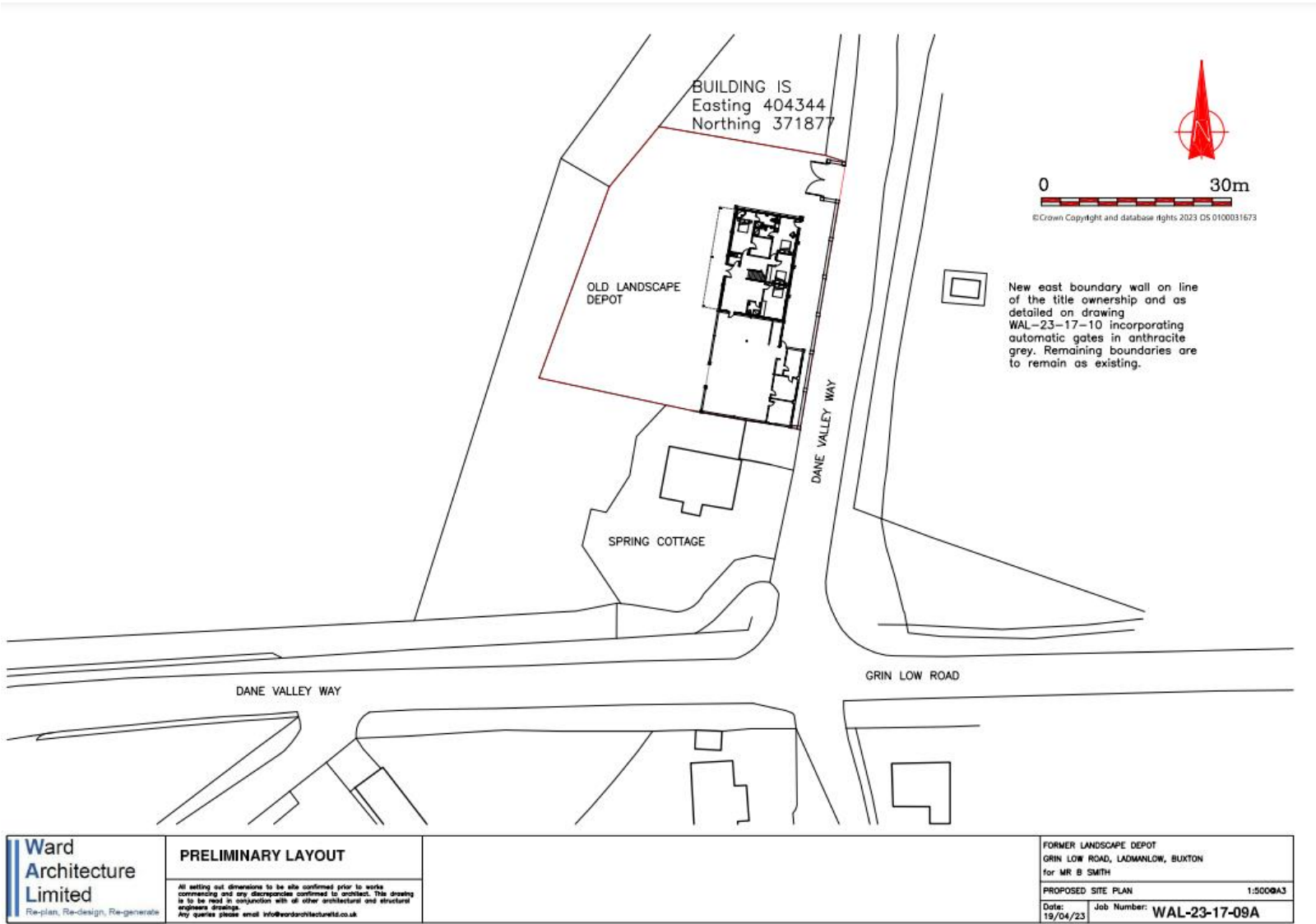
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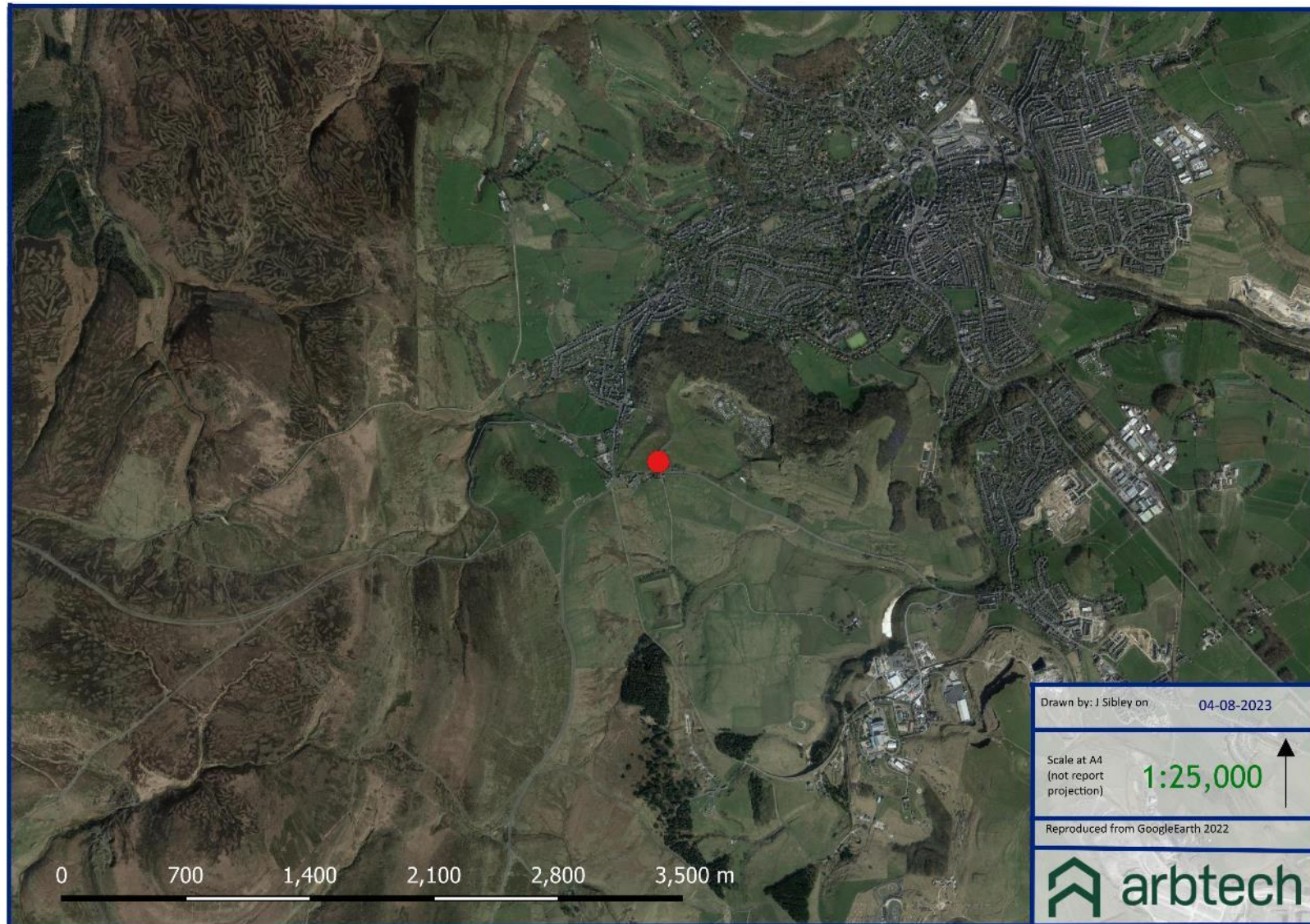
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Appendix 1: Proposed Development Plan



Appendix 2: Site Location Plan



Appendix 3a: Habitat Survey Plan



Appendix 3b: PRA Plan



Appendix 3d: Pond Location Plan



Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

Annex V species (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as “*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*”. However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CROW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CROW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act 1992 which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett

- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A development licence will be required from the relevant countryside agency (i.e. Natural England) for any development works likely to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agencies to define what would constitute a licensable activity. It is not possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and are commonly referred to as “Schedule 1” birds.

This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Amphibians and Reptiles

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of reptiles are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect the breeding sites or resting places of amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

Water Voles

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:

- Intentionally kill, injure or take (capture) water voles
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection
- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England) must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

Otters

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Otters are also currently protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
 - To impair their ability to hibernate or migrate
 - To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSL. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Hazel Dormice

Hazel dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
 - To impair their ability to survive, breed, or reproduce, or to rear or nurture young;

- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Dormice are also protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White Clawed Crayfish

There is a considerable amount of legislation in place in an attempt to protect the White-clawed crayfish *Austropotamobius pallipes*. This species is listed under the European Union's (EU) Habitat and Species Directive and is listed under Schedule 5 of the Wildlife and Countryside Act (1981). This makes it an offence to:

- Protected against intentional or reckless taking
- Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

The relevant countryside agency (i.e. Natural England) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation Afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally picking, uprooting or destruction of any wild Schedule 8 species
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
 - Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
 - Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England) for works which are likely to affect species of plants listed on Schedule 5 of the Conservation of Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England to plant or cause to grow in the wild due to their impact on native wildlife. Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*

- Himalayan balsam *Impatiens glandulifera*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site, however, it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

Injurious weeds

Under the Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

NATIONAL PLANNING POLICY***Environment Act 2021***

The Environment Act 2021 (EA 2021) received Royal Assent on 9 November 2021 and is expected to become fully mandated within the next couple of years. The Act principally creates a post Brexit framework to protect and enhance the natural environment. Through amendments to the Town and Country Planning Act 1990, the Act will require all planning permissions in England (subject to exemptions which is likely to include householder applications) to be granted subject to a new general pre-commencement condition that requires approval of a biodiversity net gain plan. This will ensure the delivery of a minimum of 10% measurable biodiversity net gain. The principal tool to calculate this will be the Defra Biodiversity 3.0 Metric. Works to enhance habitats can be carried out either onsite or offsite or through the purchase of 'biodiversity credits' from the Secretary of State. However, this flexibility may be removed (subject to regulations) if the onsite habitat is 'irreplaceable'. Both onsite and offsite enhancements must be maintained for at least 30 years after completion of a development (which period may be amended).

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

LOCAL PLANNING POLICY

High Peak Local Plan (April 2016)

The High Peak Local Plan can be viewed here: <https://www.highpeak.gov.uk/article/646/The-Adopted-Local-Plan-2016>

The following planning policies have implications in relation to biodiversity and the proposed development:

- Policy EQ 5: Biodiversity – The biodiversity and geological resources of the Plan Area and its surroundings will be conserved and where possible enhanced by ensuring that development proposals will not result in significant harm to biodiversity or geodiversity interests. This will be achieved by: Conserving and enhancing sites of international, European, and national importance. On these sites the Council will not permit any development proposal that has an adverse effect on the integrity of a European site (or wildlife site given the same protection as European sites under the NPPF) either alone or in combination with other plans or projects. Conserving and enhancing any Sites of Special Scientific Interest. On these sites the Council will not permit any development proposal which would directly or indirectly (either individually or in combination with other developments) have an adverse effect on a Site of Special Scientific Interest. Conserving and enhancing regionally and locally designated sites. On these sites the Council will not permit any development proposal which would directly or indirectly result in significant harm to geological and biodiversity conservation interests, unless it can be demonstrated that: there is no appropriate alternative site available; and all statutory and regulatory requirements relating to any such proposal have been satisfied; and appropriate conservation and mitigation measures are provided, such mitigation measures should ensure as a minimum no net loss and wherever possible net gain for biodiversity; or if it is demonstrated that this is not possible; the need for, and benefit of, the development is demonstrated to clearly outweigh the need to safeguard the intrinsic nature conservation value of the site and compensatory measures are implemented

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;
- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.