

6. ABBREVIATIONS

BNG	Biodiversity Net Gain
BoCC	Birds of Conservation Concern
CIEEM	Chartered Institute of Ecology and Environmental Management
CRoW	Countryside and Rights of Way
DBRC	Derbyshire Biological Records Centre
DBW	Daytime Bat Walkover
EPS	European Protected Species
EU	European Union
GCN	Great Crested Newt(s)
HCA	Habitat Condition Assessment(s)
INNS	Invasive Non-native (plant) Species
LWS	Local Wildlife Site(s)
MAGIC	Multi Agency Geographic Information for the Countryside
NERC	National Environment and Rural Communities
NPPF	National Planning Policy Framework
PAA	Penny Anderson Associates Ltd
PEA	Preliminary Ecological Appraisal
PRA	Preliminary Roost Assessment
PRF	Potential Roost Feature
SAC	Special Area(s) of Conservation
SPA	Special Protection Area(s)
SSSI	Site(s) of Special Scientific Interest
TN	Target Note(s)
WCA	Wildlife and Countryside Act

FIGURES



TARGET NOTES
1. Japanese knotweed



Legend

Site boundary

UKHab Habitats

g3c5, Arrhenatherum neutral grassland

g4, Modified grassland

u1c, Artificial unvegetated - unsealed surface

h2b, Non-native and ornamental hedgerow

Target note

Not included in survey

Secondary Codes

81 Ruderal or ephemeral

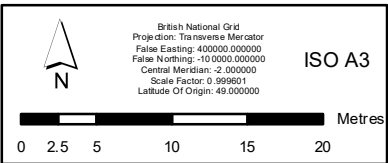
103 Horse grazed

114 Dry stone wall

Habitat Condition

M = Moderate

P = Poor

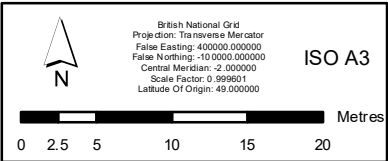


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Project Name Queens Road, Buxton		
Discipline Ecology		
Title: Preliminary Ecological Appraisal Map		
Scale 1:500	Drawing No. Figure 1	
Drawn By CC	Originator BH	Date 17/07/2024
Grid Ref. 406,885 373,971	Revision 1.0	



Legend

- Site boundary
- Post-Development Habitats**
 - Building
 - Sealed surface
 - Private garden
 - Proposed neutral grassland - 'Good' condition - 0.0530 ha
 - Proposed native hedgerow - 'Moderate' condition - 17m



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Project Name Queens Road, Buxton		
Discipline Ecology		
Title Biodiversity Enhancement Plan Map		
Scale 1:500	Drawing No. Figure 2	
Drawn By CC	Originator BH	Date 12/08/2024
Grid Ref. 406,885 373,971	Revision 1.0	

APPENDICES

APPENDIX 1

Relevant Protected Species Legislation Summaries

SUMMARY OF THE LEGISLATION RELATING TO BATS

All wild species of bat are protected under the Wildlife and Countryside Act (WCA) 1981, which has also been amended by later legislation, including the Countryside and Rights of Way (CROW) Act 2000. Bats are listed on Schedule 5 of the WCA and are therefore subject to some the provisions of Section 9 which, with the amendments, make it an offence to:

- Intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection (S9:4b).
- Intentionally or recklessly obstruct access to any structure or place used for shelter or protection by a bat (S9:4c).

There are additional offences in relation to buying and selling (S9:5) any live or dead animal of this species or anything derived from them.

Bat species are also listed under Annexes IIa and IVa of the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora, also known as the 'Habitats Directive'. Inclusion on Annex IVa means they are consequently identified as European Protected Species (EPS) and protected under the Conservation of Habitats and Species Regulations 2017 (amended).

The Conservation of Habitats and Species Regulations 2017 (amended) state that a person commits an offence if they:

- (a) deliberately capture, injure or kill any wild animal of a European protected species,
- (b) deliberately disturb wild animals of any such species, in such a way as –
 - (i) to impair their ability to survive, to breed or reproduce, or to rear their young, or
 - (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate, or
 - (iii) to affect significantly the local distribution or abundance of the species to which they belong;
- (c) deliberately take or destroy the eggs of such an animal, or
- (d) damage or destroy a breeding site or resting place of such an animal.

Under these Regulations it is an offence to damage or destroy a breeding site or resting place whether the animal is in occupation or not, and protection extends to all life stages of the animal in question. There are additional offences relating to possession, control and sale of a live or dead bat or part of such an animal.

In addition, seven native British bat species, including the soprano pipistrelle (*Pipistrellus pygmaeus*) and the brown long-eared bat (*Plecotus auritus*), are listed as 'species of principal importance' for the conservation of biodiversity in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (amended). In Wales, Section 7 of the Environment (Wales) Act 2016 provide a list of organisms of 'principal importance for maintaining and enhancing biodiversity' and lists several species of bat including the common pipistrelle (*Pipistrellus pipistrellus*) which is absent from England's S41 list.

Please note: the above text provides a brief summary of the legislation in relation to bats and their roosts and the original Acts, Regulations and any amendments should be referred to for the precise wording.

SUMMARY OF THE LEGISLATION RELATING TO BREEDING BIRDS

All wild species of breeding birds and their nests and eggs are protected under Part 1 of the Wildlife and Countryside Act (WCA) 1981, as amended by later legislation including the Countryside and Rights of Way (CROW) Act 2000. This legislation applies in England and Wales.

Part 1 (Section 1:1) of the WCA states that:

'If any person intentionally,

- (a) kills, injures or takes any wild bird;
- (b) takes, damages or destroys the nest of any wild bird while that nest is in use or being built; or
- (c) takes or destroys an egg of any wild bird,

he shall be guilty of an offence.'

Part 1 (Section 1:5) of the WCA (amended by the CROW Act 2000) refers to specific birds listed on Schedule 1 of the WCA, and states that:

'If any person intentionally or recklessly,

- (a) disturbs any wild bird included in Schedule 1 while it is building a nest or is in, on or near a nest containing eggs or young; or
- (b) disturbs dependent young of such a bird,

he shall be guilty of an offence and liable to a special penalty.'

Schedule 1 includes birds such as Western barn owl (*Tyto alba*), black redstart (*Phoenicurus ochrurus*), woodlark (*Lullula arborea*) and Cetti's warbler (*Cettia cetti*). Please refer to the WCA for a complete list of Schedule 1 species¹.

Some provisions are made to allow the killing and taking of certain species under certain circumstances, as follows:

- Birds listed on Schedule 2 (Part 1) of the Act may be taken or killed outside of the 'close season' for each individual species (the 'close season' is defined by the Act). This includes various wild duck and geese species.
- Birds listed on Schedule 2 (Part 2) of the Act may be killed or taken by authorised persons at all times. This includes species such as carrion crow (*Corvus corone*), Eurasian magpie (*Pica pica*), feral pigeon² (*Columba livia*) and greater Canada goose (*Branta canadensis*). An 'authorised person' is defined as a person who has written authorisation to undertake the act from the relevant statutory authority. The written authority is in the form of a licence, either a general licence which covers a number of the more typical 'pest' species, or an individual licence for other individual species. In England these licences are issued by Natural England and in Wales by the Welsh Assembly Government.

Please note: the above text provides a brief summary of the legislation in relation to breeding birds in England and Wales and the original Act and any amendments should be referred to for the precise wording.

¹ <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>

² Also known as rock dove

SUMMARY OF LEGISLATION RELATING TO BROWN HARE, COMMON TOAD AND HEDGEHOG

These three species, brown hare (*Lepus europaeus*), common toad (*Bufo bufo*) and West European hedgehog (*Erinaceus europaeus*), although not included under legislation such as the Wildlife and Countryside Act (WCA) 1981 (amended) and Conservation of Habitats and Species Regulations 2017 (amended), are known to be declining across England and Wales.

In recognition of this decline, they are listed as 'species of principal importance' for the conservation of biodiversity in England under Section 41 (England) of the Natural Environment and Rural Communities (NERC) Act 2006 (amended). They are also included in Section 7 of the Environment (Wales) Act 2016 that provides a list of organisms of 'principal importance for maintaining and enhancing biodiversity in Wales'.

The National Planning Policy Framework (NPPF 2023) for England has an overall focus on sustainable development, and states that developments should aim to engender positive outcomes for habitats and biodiversity, with a particular focus on the maintenance and creation of ecological networks. Furthermore, the NPPF also states that any planning proposals for which significant negative impacts on biodiversity cannot be avoided, mitigated or compensated for should be refused. Reference is made to Circular 06/2005 Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System in respect of statutory obligations for biodiversity and geodiversity conservation.

In Wales, Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales. The S6 duty requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems. Section 7 goes on to deal with biodiversity lists and duty to take steps to maintain and enhance biodiversity.

NPPF, 2023. *National Planning Policy Framework, updated September 2023*. Ministry of Housing, Communities and Local Government.

Please note: the above text provides a brief summary of the legislation and policy for England and Wales and the original Acts, Regulations, documents and any amendments should be referred to for the precise wording.

APPENDIX 2

Botanical Species List
