bowland ecology

Ecological Appraisal Survey Report

Rimington Lane, Rimington, Clitheroe

April 2013

Control sheet

Project No & Title: **BOW0017_460 Rimington Lane – Ecological Appraisal**

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1. Introduction

1.1 Bowland Ecology Ltd was commissioned by M & H Smith to undertake an extended Phase 1 habitat survey and desk study of a site immediately north of Rimington Lane on the western edge of Rimington village (NGR: SD 80767 45925). Planning permission is being sought for the development of the site for housing, including the removal of the existing buildings.

1.2 The site is currently dominated by an area of poor semi-improved grassland with small areas of neutral semi-improved grassland. The boundary of the site comprises of sections of species poor hedgerow, fence line and brick wall with scattered areas of scrub and tall ruderal vegetation.

1.3 The purpose of the survey was to: 1) identify and map all habitats occurring within the survey area, 2) identify the presence of (or potential for) wildlife interests with particular reference to the need for further surveys and legal requirements, and 3) provide an ecological assessment and recommendations pertaining to the proposed development.

1.4 The ecological survey methodology followed that of an extended Phase 1 habitat survey. It also included a desk study to search for designated wildlife sites and protected species records. This report includes a description of survey methods and results; provides recommendations for further survey; and outlines recommendations to provide protection and enhancements for biodiversity and protected species. This report should be read in conjunction with the target notes (1-7) as listed in Appendix A and the phase 1 plan (Appendix B).

2. Methodology

2.1 The desk study, survey and appraisal follow the Guidelines for Preliminary Ecological Appraisal (IEEM, 2012) and the Guidelines for Baseline Ecological Assessment (IEA, 1995).

Desk Study

2.2 The aim of the desk study was to identify the presence of statutory wildlife sites, non-statutory sites and any legally protected and notable species records for the area.

2.3 Online resources were searched for records of protected species. The Multi-Agency Geographic Information for the Countryside (MAGIC) website (www.defra.magic.gov.uk), and Natural England's Nature on the Map (www.natureonthemap.org.uk) were reviewed for information on locally, nationally and internationally designated sites of nature conservation importance (statutory sites only) within 1.5 km of the site boundary. The UK and Local (Lancashire) Biodiversity Action Plans were also consulted.

2.4 Ordnance Survey maps and aerial photos were used to identify the presence of water bodies and notable habitats such as hedgerows and woodland within 500 m, in order to establish if the land could be used as aquatic or terrestrial habitat for great crested newts. This species can use suitable terrestrial habitat up to 500 m from a breeding pond. Research suggests that newts are likely to travel no more than 250 m from ponds where suitable habitats for foraging and hibernation exist within that distance around the pond. A 250 m search radius was considered appropriate in this instance due to the small scale and localised nature of the effects of the scheme.

2.5 Lancashire Environment Record Network (LeRN) were contacted in March 2013 for information relating to non-statutory designated sites of nature conservation importance and legally protected and notable species records within 1.5 km of the site boundary.

2.6 Aerial photographs were reviewed online at http://maps.google.co.uk/maps, to help identify any continuous habitat and any other notable habitats within the surrounding area.

Walkover Survey

2.7 An ecological walkover survey was undertaken on 14th March 2013 broadly following the 'extended Phase 1' methodology (JNCC, 1993 (as amended) and IEA, 1995). All features of ecological significance were target noted and the location of target notes are shown in Appendix B. A colour coded map of the habitats on site is produced, with corresponding target notes of ecologically interesting features (Appendix A).

2.8 The ecological survey was carried out by Laura Bennett MA (Hons), MSc, GradIEEM. The weather was cold and overcast with light rain.

2.9 This survey method records information on the habitats together with any evidence of and potential for legally protected and notable fauna, in particular:

- potential roosting sites for bats within trees (identification of suitable cracks and crevices – survey undertaken from ground only);

- assessing the potential of water bodies and land within the survey area to support great crested newts (no access was gained to land outside of the site boundary to assess water bodies within 250 m);

- searching for signs of badger activity including setts, tracks, snuffle holes and latrines within the site boundary and within 30 m of that, where access was available (no access was gained to land outside of the site boundary to assess land within 30 m).

- assessing the suitability of habitats for other notable and protected species such as nesting birds (including any nests active or disused), reptiles, water vole, otter, white-clawed crayfish, dormice and invertebrates. No suitable habitat was present for reptiles, water vole, otter, white clawed crayfish or dormice.

- checking for the most common invasive plant species subject to strict legal control (Japanese knotweed, giant knotweed, hybrid knotweed, giant hogweed, rhododendron and Himalayan balsam) within the survey area.

2.10 The potential for a tree or building to support bats was assessed according to the categories given in Tables 1 & 2 below.

Table 1: Bat Potential Category Descriptions for Trees

Category (Potential to support roosting bats)	Description (Categories for Trees)
Negligible potential	Tree contains no suitable features for roosting bats. These can include young trees without ivy and without loose bark and obvious cracks / fissures. Usually saplings, semi-mature specimens with a small girth or mature trees which do not tend to form fissures as readily such as beech.
Low potential	Tree contains limited features suitable for roosting bats. Usually young (sapling or semi-mature) trees with some dense ivy or loose bark but no obvious deep cracks or fissures. No evidence of bats found (e.g. droppings / staining).
Moderate potential	Tree contains some features suitable for roosting bats. Trees with some cracks or fissures (of depth over 50 mm) and/or large amounts of ivy / loose bark. Usually semi-mature or mature specimens. Trees tend not to have large splits, hollow trunks or woodpecker holes. No evidence of bats found.
High potential	Tree contains features that are highly desirable for roosting bats. Trees with woodpecker holes / large cracks and/or crevices. Often with a hollow trunk. May support very dense ivy. No evidence of bats found.
Confirmed roost	Bats discovered roosting within the tree, or recorded emerging from / entering a tree at dawn and / or dusk. Trees found to contain conclusive evidence of occupation by bats, such as bat droppings. A confirmed roost record (as supplied by an established source such as the local bat group) would also fall into this category.

Table 2: Bat Potential Category Descriptions for Buildings

Category (Potential to support roosting bats)	Description (Categories for Buildings)
Negligible potential	Buildings with no features capable of supporting roosting bats. Often these buildings are of a 'sound' well-sealed nature, or have a single skin and no roof void. They tend to have high interior light-levels, and little or no insulation. Buildings without any roofs may also fall into this category.
Low potential	Buildings with limited features for roosting bats (e.g. shallow crevices where mortar is missing between building blocks/bricks). They may have open locations which may be subject to large temperature fluctuations and bat-access points may be constrained. No evidence of bats found (e.g. droppings / staining). Buildings may be surrounded by poor or sub-optimal bat foraging habitat. No evidence of bats found.
Moderate potential	Buildings with some features suitable for roosting bats. Buildings usually of brick or stone construction with a small number of features of potential value to roosting bats e.g. loose roof / ridge tiles, gaps in brickwork, gaps under fascia boards, and/or warm sealed roof-spaces with under-felt. These buildings may be used as occasional or transient roosts in the summer, but are unsuitable for large colonies. No evidence of bats found.
High potential	Buildings with a large number of features or extensive areas of obvious potential for roosting bats. Generally they have sheltered locations, with a stable temperature regime and suitable bat-access points. Could be suitable for a maternity roost. No evidence of bats found.
Confirmed roost	Bats discovered roosting within the building, or recorded emerging / entering the building at dusk / dawn. Building found to contain conclusive evidence of occupation by bats, such as bat droppings. A confirmed record (as supplied by an established source such as the local bat group) would also apply to this category.

Survey Limitations

2.11 Ecological surveys are limited by factors which affect the presence of plants and animals such as the time of year, migration patterns and behaviour. Therefore the survey of this site has not produced a complete list of plants and animals and the absence of evidence of any particular species should not be taken as conclusive proof that the species is not present or that it will not be present in the future

2.12 The water body search was undertaken by using Ordnance Survey plans and aerial photographs only. These sources may not show all ponds and or water bodies within 250 m of the site boundary and therefore some water bodies may not have been identified.

2.13 The list of invasive plant species included on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) is extensive and these plants are found in a range of different habitats, including aquatic habitats. The extended Phase 1 survey checked, in particular, for the presence of Japanese knotweed, giant knotweed, hybrid knotweed, giant hogweed, rhododendron and Himalayan balsam. There may be other invasive plant species present

on the site which were not recorded, but it is considered that this survey is sufficient to identify any significant constraints posed by invasive plants. It should be noted that March is not an optimum month for identifying these species (as many die back over winter).

2.14 The timing of the survey was outside the optimum period for completing such a survey, however the conditions were suitable and the whole of the site was accessible. As a result, a valid assessment of the habitats present and their potential to support legally protected species was undertaken.

2.15 The results of this ecological survey have allowed an evaluation of the likely use of the site by protected and controlled species, the need for any additional survey work and the requirement for any mitigation works.

Evaluation and impact assessment

2.16 Nature conservation evaluation of ecological features and a preliminary assessment of the potential impacts of the proposed development have been carried out generally following the guidance set out by IEEM (2006):

- International importance (Special Areas of Conservation, Special Protection Areas, Ramsar sites);
- UK importance (i.e. within England, Scotland, Wales and Northern Ireland);
- National importance (Sites of Special Scientific Interest);
- Regional/county importance (Local Nature Reserves, Sites of Importance for Nature Conservation, ancient woodlands);
- Local (parish) importance (significant ecological features such as old hedges, woodlands, ponds);
- The site and immediate environs e.g. habitat mosaic of grassland and scrub;
- Negligible importance would usually be applied to areas of built development, active mineral extraction, or intensively farmed agricultural land

2.17 Further detailed ecological surveys may be required in order to fully assess the nature conservation value of features and the impacts of the development upon these features.

2.18 An assessment of effects on ecological features has been made using the available design and survey information and the professional judgement of the ecologist. This includes a consideration of the relevant legislation and planning guidance. If there are changes to the proposals, such as a change to the proposed development design or to the construction method and programme, the assessment would need to be reviewed.

3. Results

Statutory and Non-Statutory Wildlife Sites

3.1 There is one Biological Heritage Site (BHS) within 1.5 km of the proposed area. Great and Little Kittycaul Reef Knoll is situated 400 m south-west of the site boundary on the southern side of Rimington Lane. The BHS is designated for its limestone reef knolls, which support a large colony of green hellebore (listed in the Lancashire provisional red data list of endangered vascular plants) as well as small areas of limestone grassland, scrub and rocky outcrops. Due to the distance of the BHS from the proposed works and the fact that it is designated for its habitats and plant species, no impacts on the BHS are predicted and it is not be considered further in this report.

3.2 No other statutory or non-statutory wildlife sites are present on or within 1.5 km of the site.

Protected Species and Habitats Records

3.3 Online resources displayed a number of BAP and local BAP species records for the grid square SD84:

- Mammals; brown hare water vole, red squirrel, otter and hedgehog.
- Amphibians; common toad and great crested newt
- Birds; cuckoo, grasshopper warbler, corncrake, skylark, tree pipit, curlew, house sparrow, grey partridge, lapwing, song thrush, lesser redpoll, reed bunting, ring ouzel, spotted flycatcher, wood warbler, yellowhammer.
- Invertebrates; wall, small heath, white-letter hairstreak and an assemblage of moth species.
- Plants; basil thyme, field gentian, lesser butterfly orchid, pennyroyal, small flowered catchfly, tubular water dropwort, green hellebore, Dyer's greenweed and spring sandwort.
- Fish; Atlantic salmon, brown trout and European eel.
- Reptile; Common lizard and slow-worm.
- Crustacean; White clawed crayfish.

3.4 The search of Multi Agency Geographical Information Centre (www.defra.magic.gov.uk), found two areas of traditional orchard 1 km north-west of the proposed development site. This habitat is classed under the UKBAP habitats. Due to the distance of this BAP habitat from the site it is considered unlikely that the proposed works will have any impact upon it. It is therefore not considered further within this report.

3.5 Examination of OS mapping and aerial photos revealed no ponds marked within 250 m of the site.

Walkover Survey

3.6 Target notes summarising key interest features for wildlife recorded during the extended Phase 1 survey are included in Appendix A. The Phase 1 habitat plan for the study site is presented in Appendix B which includes dominant species codes for the habitats present and the locations of the target notes.

3.7 The proposed site is situated to the north of Rimington Lane in Rimington, Lancashire. The site itself comprises of poor semi-improved grassland, neutral semi-improved grassland, trees, hedgerows, scattered scrub and tall ruderal. Two buildings are present on site with an area of hardstanding to the east. The areas surrounding the site comprise of residential properties to the west and arable land to the north, east and south.

Habitats

Scattered/continuous scrub

3.8 An area of dense elder (*Sambucus nigra*) scrub was noted to be present on the western boundary. Smaller areas of scattered scrub are present along the fence line of the southern boundary.

Poor semi improved grassland

3.9 The majority of the site is dominated by poor semi-improved grassland extending from the southern boundary to the hardstanding north of the development area. Species present include perennial rye grass (*Lolium perenne*), cocksfoot (*Dactylis glomerata*), Yorkshire fog (*Holcus lanatus*), creeping buttercup (*Ranunculus repens*), broad leaved dock (*Rumex obtusifolius*), and lesser celandine (*Ranunculus ficaria*), with scattered tall ruderals including rosebay willowherb (*Chamerion angustifolium*) and common nettle (*Urtica dioica*).

Neutral semi improved grassland

3.10 Neutral semi-improved grassland was found in two main areas within the site. The most extensive area was noted long the north western edge of the site extending south to the building 1 at TN4. A slightly smaller area was immediately to the west of the stand of tall ruderals in the north eastern corner of the site. Species include Yorkshire fog, fescue sp. (*Festuca sp.*), cocksfoot, Timothy (*Phleum pratensis*), coltsfoot (*Tussilago farfara*), common ragwort (*Senecio jacobaea)* and creeping cinquefoil (*Potentilla reptans*).

Other habitat

3.11 Hardstanding creates the northern and the north eastern boundary of the site. One area of bare ground was found on site and this was immediately east of the building 2 at TN4. Fence line and brick walls form the majority of the boundary with smaller stretches of species poor hedge rows on the eastern boundary and the southern end of the western border. Apart from the hedgerows these features are of little intrinsic ecological value.

Tall ruderal

3.12 Two stands and several areas of scattered tall ruderal vegetation were found during the survey comprising of common nettle, rosebay willowherb and creeping thistle (*Cirsium arvense*). The two main areas noted were in the south western corner and the north eastern corner of the site.

Building

3.13 Two buildings were present on site (TN4) both next to the western boundary of the development area. Due to the poor state of repair of B2 it is considered to have negligible potential to support bats. Due to the construction and state of repair of B1 it is considered that the building has low potential to support bat roosts.

Fauna

3.14 A range of habitats are present within the site boundary including; grassland, tall ruderal vegetation, hedgerows, trees and scrub which can provide a number of opportunities for fauna to inhabit the site.

Small and medium sized mammals

3.15 The grassland, scrub and tall ruderal vegetation provide opportunities for small mammals such as mice, field voles and shrews. The site may provide foraging habitat for badger but no field signs of the species were observed during the survey.

Birds

3.16 There is potential for common ground nesting and nesting birds to be present throughout the site, particularly within the neutral semi-improved grassland, scrub, and hedgerows onsite (TN's 1, 2, 5 and 7). These habitats are also likely to provide foraging habitat and connectivity for birds within arable habitats.

Amphibians

3.17 The grassland and scrub habitats onsite provide suitable terrestrial habitat for great crested newts and other amphibian species. However, due to the lack of ponds within 250 m of the site it is considered unlikely that these species will be present.

Invertebrates

3.18 The habitats on site provide a suitable environment for a range of invertebrate species including butterflies and moths. The local records centre (LeRN) provided numerous records for moth species within 1.5 km of the site.

Bats

3.19 Due to the poor state of repair of the smaller building B2 it is considered to have negligible potential to support bats. Due to the construction and state of repair the larger building present on site, B1, is considered to provide low potential to support bat roosts. Features of the building which provide suitable roosting sites include spaces within the walls between the red brick outer wall and breeze block inner wall, and behind the small overhang along the roof edge at the gable ends. There is a small amount of suitable foraging habitat within and around the site for feeding bats within scrub and along hedgerows. The sycamore at TN6 is outside of the site boundary but has some branches overhanging into the works area. The tree has a dense covering of ivy and is considered to have low potential to support a bat roost.

3.20 No evidence of, or suitable habitat for any other legally protected species were recorded during the survey.

4 Appraisal of Impacts

Habitats

4.1 Development of the site is likely to result in the loss of poor and semi improved neutral grassland, species poor hedgerow, tall ruderal vegetation, scrub and trees. All of these habitats are of value in the context of the site and its immediate surroundings as part of a habitat mosaic. However, they are commonly occurring and their loss is not considered to be ecologically significant.

Birds

4.2 Removal of trees, hedgerows, scrub and grassland habitats as a result of the proposed works would result in the loss of habitat for nesting and could result in disturbance if site clearance is carried out within the breeding bird season (March – September).

Bats

4.3 The building B1 present on site provides low potential for roosting bats. It is considered unsuitable for a maternity roost or large numbers of bats due to its construction, damp, draughty nature and state of repair. At most the building would be used by a small number of transient bats. Bats are highly mobile animals and as a precautionary measure it should be assumed that individual bats may be present in any type of building. Works to the building could therefore result in disturbance to the species.

4.4 The sycamore tree at TN6 provides low potential for roosting bats. Any works which affect the tree could therefore result in disturbance to the species.

5. Recommendations

Birds

5.1 It is recommended that the works should take place outside the breeding bird season which runs from late February until September, in order to prevent any impacts upon nesting and ground nesting birds.

5.2 Any vegetation/tree clearance work that must be carried out within the bird breeding season will be subject to a pre-clearance bird survey carried out by a suitably experienced ecologist. No vegetation clearance will be carried out within 5 m of an identified nest until the young have fledged and are no longer returning to the nest site. Vegetation will only be cleared once a scheme ecologist has declared the nest to be no longer in use. Mitigation for the loss of breeding bird habitat should include the planting of native species of trees and shrubs and the provision of alternative nesting opportunities in the form of nest boxes within the new development

Bats

5.3 Should bats be found or suspected at any time during construction activities to B2 then, as a legal requirement, work in that area should cease immediately until further advice has been sought from Natural England and/or a suitably qualified ecologist/licensed bat worker. Natural England or their agents in the Lancashire area will be able to locate a licensed bat worker to remove any bats present which might be harmed during the works.

5.4 If during the works it is necessary to remove the tree with low potential to support bats at TN6, it is recommended that a method of soft felling is adopted. The limbs and the main trunk of the tree should be left undisturbed after felling for a recommended 24 hours in order to allow any bats present to emerge

5.5 Although there is no known bat roost present within the tree, a procedure should be in place should bats be found or suspected at any time during construction activities. If bats are found or suspected, as a legal requirement, work in that area should cease immediately until further advice has been sought from Natural England and/or the scheme ecologist. The scheme ecologist, Natural England or their agents in the Lancashire area will be able to locate a licensed bat worker to remove any bats present which might be harmed during the works. If bats are exposed during the works and are vulnerable to harm, gloves or a container should be used to move them to a dark and quiet area, until a bat worker has been contacted.

Enhancement

5.6 A key element of the National Planning Policy Framework is to minimise impacts to biodiversity and provide enhancements, Paragraph 109 states that 'The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible'. It also states in Paragraph 118 that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by encouraging opportunities to incorporate biodiversity in and around developments'.

5.7 Measures to enhance the biodiversity of the site include:

a) Seeking the advice of a professionally/suitably qualified ecologist throughout the progress of the development in order to maximise ecological and biodiversity gains at each stage.
b) Planting of scattered trees around the proposed new buildings. Species that should be used should include hawthorn, ash, oak and rowan. Specimens should be sourced locally, they should be planted at an appropriate time of year (Oct – Feb, when there is no ground frost) and protected from grazing by rabbits and deer.
c) Installation of bird nesting boxes on the properties adjacent to woodland areas.
d) Placement of bat boxes on mature trees can provide suitable roosting sites for crevice dwelling bats. This would provide an alternative roost site to any bats present within the low risk building on site and the low risk bat tree just outside the site (TN6) should it require removal through soft felling.
e) Providing opportunities for roosting bats within the proposed residential buildings. Incorporation of roosting opportunities within the proposed development should be achievable, and can be designed to meet with planning requirements and building regulations. It is recommended that one of the following is incorporated into each building with south or west aspects.
    - Access gaps between soffits and walls (15-20mm);
    - Access points to the roof void via bat tiles incorporated into the roof structure or bat tubes built into gaps in the masonry or into wall surfaces (Tubes such as the Schwegler 2FR Bat Tube would be suitable).
    - Access points over top of cavity walls by specifically constructed gaps;
    - External bat bricks installed at a height of 3m (or close to the roof line), in the south or west facing elevation (Schwegler 1FR Bat Tube would be suitable).
f) The integration of bat roosting habitat will not cause disturbance to users of the development, nor create aesthetic problems. Bats will not nibble or gnaw at wood, wires or insulation. Bat droppings do not smell strongly, there are no known health risks associated with them. The droppings are dry and do not putrify, but crumble away to dust, or are washed away by rain.
g) Any plantings within the new development would provide foraging habitat for bats, and therefore have the potential to increase the value of the site. Nectar rich plants that attract insects would be recommended as they would enhance foraging opportunities for bats in the local area.

Resurvey of the Site

5.8 If no works are undertaken on site within 12 months of this survey or if any changes to the proposals are made, a further ecological survey may be necessary (because of the mobility of animals and the potential for colonisation of the site).

References

English Nature, 2001. *Great Crested Newt Mitigation Guidelines.*

JNCC, 1993 revised 2003. *Handbook for Phase 1 Habitat Survey: A technique for environmental audit (reprint).* Joint Nature Conservation Committee, Peterborough.

IEA 1995. *Guidelines for Baseline Ecological Assessment, Institute of Environmental Assessment.* E&FN Spon, An Imprint of Chapman and Hall. London.

IEEM, 2006. *Guidelines for Ecological Impact Assessment in the United Kingdom.* Institute of Ecology and Environmental Management.

IEEM, 2012. *Guidelines for Preliminary Ecological Appraisal.* Institute of Ecology and Environmental Management.

Legal Information

This report provides guidance of potential offences as part of the impact assessment. This report does not provide detailed legal advice and for full details of potential offences against protected species the relevant acts should be consulted in their original forms i.e. The Wildlife and Countryside Act, 1981, as amended, The Countryside and Rights of Way Act 2000, The Natural Environment and Rural Communities Act, 2006 and The Conservation of Habitats and Species Regulations 2010.

Species	Legislation (England & Wales)	Offences	Notes on licensing procedures and mitigation advice (England & Wales)
Species that are protected by European and national legislation			
Birds	Conservation of Habitats and Species (Amendment) Regulations 2012	• N/A	Authorities are required to take steps to ensure the preservation, maintenance and re-establishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat. This includes activites in relation to town and country planning functions.
	Wildlife and Countryside Act 1981 (as amended)[4] S.1	• Intentionally kill, injure or take any wild bird; • Intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built; • Intentionally take or destroy the nest or eggs of any wild bird. **Schedule 1 species** Special penalties are liable for these offences involving birds on Schedule 1 (e.g. most birds of prey, kingfisher, barn owl, black redstart, little ringed plover). Intentionally or recklessly[3] disturb a Schedule 1 species while it is building a nest or is in, on or near a nest containing eggs or young; intentionally or recklessly disturb dependent	No licences are available to disturb any birds in regard to development. Licences are available in certain circumstances to damage or destroy nests, but these only apply to the list of licensable activities in the Act and do not cover development. General licences are available in respect of 'pest species' but only for certain very specific purposes e.g. public health, public safety, air safety. http://www.naturalengland.org.uk/Images/wmsfaqs_tcm6-3859.pdf www.naturalengland.org.uk/ourwork/regulation/wildlife/advice/advisoryleaflets.aspx

Species	Legislation (England & Wales)	Offences	Notes – licensing procedures and advice (England & Wales)
		young of such a species.	
Other species			
Rabbits, foxes and other wild mammals	Wild Mammals (Protection) Act 1996	Intentionally inflict unnecessary suffering to any wild mammal.	Natural England provides guidance in relation to rabbits (TIN003, Rabbits-management options for preventing damage, July 2007) and foxes (which are also protected under the Wildlife and Countryside Act 1981 from live baits and decoys, see TAN43 April 2005 and TAN08 April 2005) as well as other wild mammals; see Natural England's website for the list of 'Regulatory Guidance, Best Practice and Information'. Lawful and humane pest control of these species is permitted.
Bats **European protected species**	Conservation of Habitats and Species Regulations 2010 Reg 41	• Deliberately1 capture, injure or kill a bat; • Deliberate disturbance2 of bats; • Damage or destroy a breeding site or resting place used by a bat. The protection of bat roosts is considered to apply regardless of whether bats are present.	An NE licence in respect of development is required in England or a licence from the Welsh Assembly Government in consultation with CCW in Wales. European Protected Species: Mitigation Licensing- How to get a licence (NE 2010) Bat Mitigation Guidelines (English Nature 2004) Bat Workers Manual (JNCC 2004)
	Wildlife and Countryside Act 1981 (as amended)4 S.9	Intentionally or recklessly3 obstruct access to any structure or place used for shelter or protection or disturb a bat in such a place.	Licence from NE or CCW is required for surveys (scientific purposes) that would involve disturbance of bats or entering a known or suspected roost site.

[1]Deliberate capture or killing is taken to include "accepting the possibility" of such capture or killing

[2]Deliberate disturbance of animals includes in particular any disturbance which is likely a) to impair their ability (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of hibernating or migratory species, to hibernate or migrate; or b) to affect significantly the local distribution or abundance of the species to which they belong. Lower levels of disturbance not covered by the Conservation of Habitats and Species Regulations 2010 remain an offence under the Wildlife and Countryside Act 1981 although a defence is available where such actions are the incidental result of a lawful activity that could not reasonably be avoided.

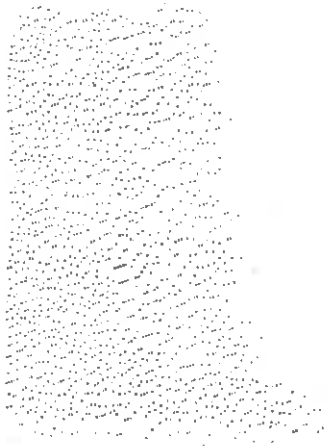
[3]The term 'reckless' is defined by the case of Regina versus Caldwell 1982. The prosecution has to show that a person deliberately took an unacceptable risk, or failed to notice or consider an obvious risk.

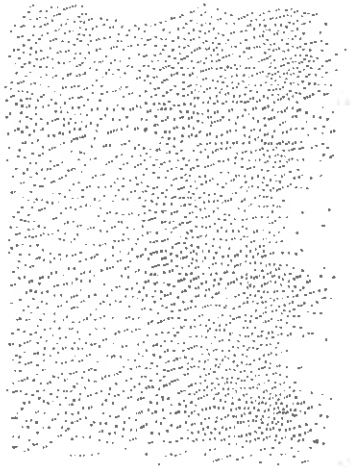
[4]The Wildlife and Countryside Act (1981) has been updated by various amendments, including the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006. A full list of amendments can be found at http://jncc.defra.gov.uk/page-1377.

Site Designation	Legislation (England & Wales)	Protection	Guidance
Site of Importance for Nature Conservation (SINC) Also known as County Wildlife Sites and Biological Heritage Sites	There is no statutory designation for SINCs.	SINCs are given protection through policies in the Local Development Plan.	Development proposals that would potentially affect a SINC would need to provide a detailed justification for the work, an assessment of likely impacts, together with proposals for mitigation and restoration of habitats lost or damaged. Planning Policy Statement 9: Biodiversity and Geological Conservation (ODPM 2005) for England or Technical Advice Note 5 in Wales.

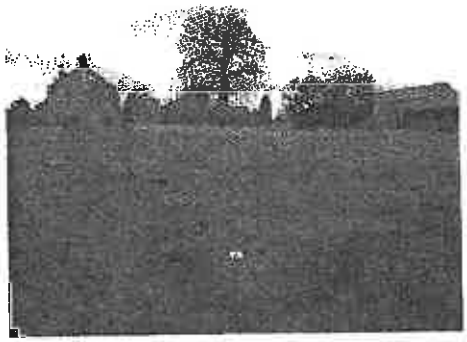
Habitats & Species	Legislation (England & Wales)	Protection
Species and Habitats of Principal Importance for the Conservation of Biodiversity	Natural Environment & Rural Communities Act 2006 S.40 (which superseded S.74 of the Countryside & Rights of Way Act 2000).	S.40 of the NERC Act 2006 sets out the duty for public authorities to conserve biodiversity in England and Wales. Habitats and species of principal importance for the conservation of biodiversity are identified by the Secretaries of State for England and Wales, in consultation with NE and CCW, are referred to in S.41 of the NERC Act for England and S.42 for Wales. The list of habitats and species was updated in 2008: England: http://www.ukbap-reporting.org.uk/news/details.asp?x=45 Wales: http://www.biodiversitywales.org.uk/wales_biodiversity_partnership_documents-134.aspx The habitats and species listed are not necessarily of higher biodiversity value, but they may be in decline. Habitat Action Plans and Species Action Plans are written for them or are in preparation, to guide their conservation.

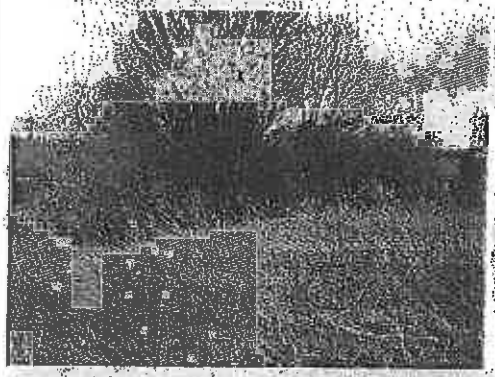
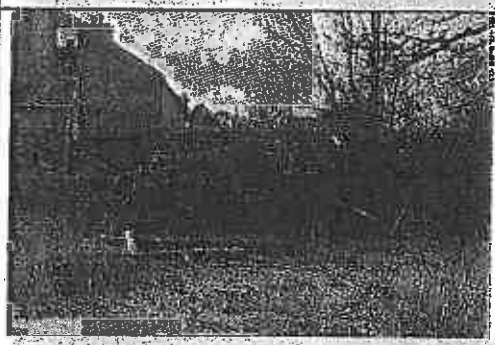
		Ecological impact assessments should include an assessment of the likely impacts to these habitats and species.
Biodiversity Action Plan (BAP) Habitats & Species	No specific legislation, unless it is also a species or habitat of principal importance as described above.	The Biodiversity Action Plan (BAP) is the UK's initiative to maintain and enhance biodiversity in response to the Convention on Biological Diversity signed in 1992. The original BAP list of species and habitats, prepared over 10 years ago, was used to form the new list of species and habitats of principal importance. However some of the species have been taken off the new list and additional species and habitats have been included.

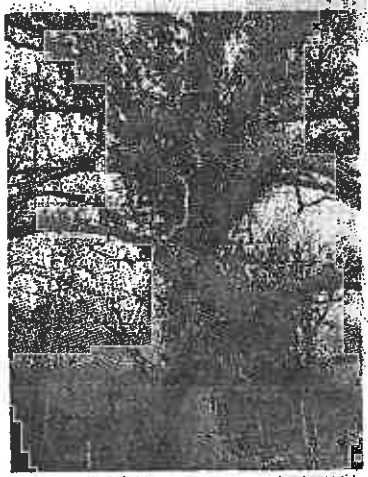




Appendix A – Extended Phase 1 Target Notes

Target Note	Photo	Description
1		The majority of the site is made up of species poor semi improved grassland with scattered tall ruderal vegetation. Species present include perennial rye grass (*Lolium perenne*), cocksfoot (*Dactylis glomerata*), Yorkshire fog (*Holcus lanatus*) creeping buttercup (*Ranunculus repens*), broad leaved dock (*Rumex obtusifolius*), lesser celandine (*Ranunculus ficaria*), rosebay willowherb (*Chamerion angustifolium*), nettles (*Urtica dioica*) and an assemblage of bryophytes including rough stalked feather moss (*Brachythecium rutabulum*).
2		To the northern edge of the site are two areas of neutral semi improved grassland with scattered tall ruderal. These areas are more rank than TN1 and are dominated by fescue (*Festuca sp.*). Other species present include Yorkshire fog, cocksfoot, Timothy (*Phleum pratense*), coltsfoot (*Tussilago farfara*), ragwort (*Jacobaea vulgaris*), creeping cinquefoil (*Potentilla reptans*), hogweed (*Heracleum sphondylium*), broad leaved dock, and an assemblage of bryophytes with scattered reed canary grass (*Phalaris arundinacea*) and hard rush (*Juncus inflexus*). There are numerous small mammal holes within the sward.
3		There are two areas of dense tall ruderal on site. One adjacent to the western boundary and one to the north east corner. Both areas are dominated by nettle with rosebay willowherb and creeping thistle (*Cirsium arvense*). These areas provide habitat for small mammals.

		
4	  	There are two buildings on site. The first is a small traditionally built stone shed. The roof is missing and the structure has negligible potential for bats. The second is a red brick built pebble dashed cow shed with a pitched roof constructed from corrugated asbestos concrete panels. The building is in fairly poor repair with broken windows and broken roof panels. There are metal framed windows down the southern edge and one at the eastern end. The entrance to the building is at the eastern end and consists of two large sliding doors. One was propped open at the time of the survey. There is a small overhang along the edge of the roof at the gable ends. The inside of the building is lined with breeze blocks indicating that there may be a wall cavity present. There are some access points to this space. Internally the building is messy with much dust/old farming equipment/dung/hay and straw on the ground. There are several access points to the building including broken windows and roof panels and there are gaps beneath the concrete panelling, however there is no roof space and the roof is not lined. The building is fairly well lit inside and is likely to be damp, draughty and cold due to the broken windows and roof panels. It has low potential as a bat roosting site.
5		There are two species poor hedgerows on site. One is located to the south western corner and is

		made up of pollarded lime (*Tilia sp.*) trees. The ground flora is made up of species from the surrounding grassland with increased amounts of lesser celandine. The second is a hawthorn hedgerow and makes up the eastern boundary of the site. The ground flora is made up of species from the surrounding grassland.
6		There is a mature sycamore tree located to the south eastern corner just outside the site boundary which is densely ivy covered and has low potential to support roosting bats.
7		To the western boundary of the site is a small area of scrub dominated by elder (*Sambucus nigra*). The scrub provides suitable habitat for breeding birds.

Appendix B – Extended Phase 1 Habitat Plan