

**LAND OFF TATENHILL LANE, BRANSTON
BURTON UPON TRENT, STAFFORDSHIRE**

PRELIMINARY ECOLOGICAL APPRAISAL

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A Report to: Lioncourt Homes Limited

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REPORT VERIFICATION AND DECLARATION OF COMPLIANCE

This study has been undertaken in accordance with British Standard 42020:2013 "Biodiversity, Code of practice for planning and development".

Report Version	Date	Completed by:	Checked by:	Approved by:
Final	14/08/2017	Anna Evans MSc (Project Officer) and Charlotte Richardson MSc (Ecological Consultant)	Ellie Rickman MSc, ACIEEM (Senior Ecological Consultant)	Colin Bundy BSc (Hons), MCIEEM (Associate Director)

The information which we have prepared is true, and has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

DISCLAIMER

The contents of this report are the responsibility of Middlemarch Environmental Ltd. It should be noted that, whilst every effort is made to meet the client's brief, no site investigation can ensure complete assessment or prediction of the natural environment.

Middlemarch Environmental Ltd accepts no responsibility or liability for any use that is made of this document other than by the client for the purposes for which it was originally commissioned and prepared.

VALIDITY OF DATA

The findings of this study are valid for a period of 24 months from the date of survey. If works have not commenced by this date, an updated site visit should be carried out by a suitably qualified ecologist to assess any changes in the habitats present on site, and to inform a review of the conclusions and recommendations made.

NON-TECHNICAL SUMMARY

Middlemarch Environmental Ltd was commissioned by Lioncourt Homes to carry out an ecological appraisal of a proposed residential development on land off Tatenhill Lane in Burton-Upon-Trent, Staffordshire. To fulfil this brief an ecological desk study and a Phase 1 Habitat Survey were undertaken.

The ecological desk study identified one UK statutory site, ancient woodland, SSSI Impact Risk Zones and seven non-statutory sites within the search area. Consultation is recommended for the statutory site and one of the non-statutory sites. The desk study also identified records of toad, bats, otter, water vole, badger and other terrestrial mammals, birds, notable plants and a range of invertebrates.

The Preliminary Ecological Appraisal was undertaken on 12th July 2017 by Charlotte Richardson MSc (Ecological Consultant), Emily Wordley BSc (Hons) (Ecological Project Officer) and Archie Bird (Ecological Project Officer). The site comprised the properties and gardens of 78 and 80 Tatenhill Lane to the north, whilst to the south was a poor semi-improved grassland field with occasional scrub and tall ruderal vegetation, bounded by fencing, hedgerows, scattered trees and a dry ditch.

The key ecological features on site are the presence of habitats requiring protection and mitigation, the presence of a species requiring careful removal and the potential presence of bats, birds, amphibians including great crested newt, invertebrates, reptiles and terrestrial mammals.

In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- R1/R2 Branston Water Park LNR/Branston Lock LWS:** Natural England, the Local Planning Authority and/or the local Wildlife Trust should be consulted prior to any works commencing.
- R3 Habitat Loss and Enhancement:** Biodiversity enhancement measures should be incorporated into the landscaping scheme of the proposed works to maximise the ecological value of the site.
- R4 Scattered Trees:** The hedgerows and scattered trees should be retained within the landscaping plans where possible and should be adequately protected in accordance with British Standard 5837: 2012. Any hedgerows or trees that are removed should be mitigated within the landscaping design.
- R5 Ponds:** The landscaping scheme for the site should incorporate aquatic habitats as mitigation for the losses of the ponds within the residential gardens.
- R6 Roosting Bats:** Recommendations from the Preliminary Bat Roost Assessment undertaken on site and detailed in Report Number RT-MME-125808-02 should be adhered to.
- R7 Foraging and Commuting Bats:** The development should limit the impact of light pollution on bats, through the maintenance of dark corridors around the boundaries of the site and the careful use of lighting in critical areas only and at a low level, with minimum spillage. Lighting should be designed using guidance from 'Landscape and urban design for bats and biodiversity'.
- R8 Nesting Birds:** Any clearance or disturbance of vegetation, or removal of buildings/structures, should be undertaken outside the nesting bird season. If this is not possible then any vegetation or buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing.
- R9 Common Amphibians:** The two ponds should be decommissioned, and areas of concrete slabs and other similar features should be removed, under ecological supervision.
- R10 Great Crested Newt:** Recommendations from the great crested newt HSI assessment undertaken on site and detailed in Report Number RT-MME-125808-03 should be adhered to.
- R11 Reptiles:** A reptile survey should be undertaken of suitable habitats within the proposed development site.
- R12 Terrestrial Mammals:** Excavations should be covered or fitted with mammal ramps overnight, to ensure that any animals that enter can safely escape. Open pipework with an outside diameter of greater than 120mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
- R13 Cotoneaster:** The works must not cause the cotoneaster present on site to spread in the wild. If it is required to be removed, this should be undertaken with care.
- R14 Japanese knotweed:** Although Japanese knotweed has been previously identified onsite, no stands were recorded during this survey effort. Therefore, vigilance should be maintained for signs of this species, in order to ensure that it does not spread in the wild.

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1. INTRODUCTION

1.1 PROJECT BACKGROUND

In July 2017, Lioncourt Homes Limited commissioned Middlemarch Environmental Ltd to undertake a Preliminary Ecological Appraisal at the site of a proposed development on land off Tatenhill Lane in Burton-Upon-Trent. This assessment is required to inform a planning application associated with a proposed residential development on site.

Middlemarch Environmental Ltd has previously carried out the following surveys for Central and Country Developments Limited at this site:

- 78 & 80 Tatenhill Lane, Burton-on-Trent: Extended Phase 1 Habitat Survey (2013). Report RT-MME-113555-01;
- Initial Bat Survey: 78 & 80 Tatenhill Lane (2013). Report RT-MME-113555-02;
- Great Crested Newt Survey (2011). Report RT-MME-109617;
- Phase 1 & Initial Bat Survey, 54 Tatenhill Lane (2011). Report RT-MME-108974.
- Multiple Species Surveys (2010). Report RT-MME-107305-01 to -04; and
- Extended Phase 1 Habitat Survey – Land at Tatenhill (2010). Report RT-MME-107126.

To assess the existing ecological interest of the site an ecological desk study was carried out, and a walkover survey was undertaken on 12th July 2017. In addition, Middlemarch Environmental Ltd has been commissioned by Lioncourt Homes Limited to undertake the following assessments:

- A Preliminary Bat Roost Assessment (Report Number RT-MME-125808-02); and
- A Great Crested Newt Habitat Suitability Index Assessment (RT-MME-125808-03).

1.2 SITE DESCRIPTION AND CONTEXT

The development site is located approximately 200 m south-west of the B5018/A38 road junction in Branston, to the south-west of Burton-Upon-Trent, Staffordshire, at National Grid Reference SK 217 212. The site includes the properties and gardens of 78 and 80 Tatenhill Lane at its northern end, extending to approximately 0.2 ha and comprising houses and outbuildings surrounded by areas of hardstanding, amenity grassland, ornamental planting and mixed formal boundaries of wooden fences, ornamental hedgerows and brick walls. To the south of this is a poor semi-improved grassland field with occasional scrub and tall ruderal vegetation extending to approximately 2.4 ha and bounded by fencing, hedgerows, scattered trees and a dry ditch.

Further residential properties and Tatenhill Lane are located immediately adjacent to the northern and north-eastern boundary of the site, to the south-east is a narrow strip of woodland with adjacent area of light industrial usage, with the A38 and Branston beyond and to the south-west is Branston Water Park, a former area of gravel extraction now reinstated as a general amenity area for the public, whilst to the immediate west is the Trent & Mersey canal with farmland present beyond this. The River Trent is also located approximately 700 metres to the south-east at its closest point.

1.3 DOCUMENTATION PROVIDED

The conclusions and recommendations made in this report are based on information provided by the client regarding the scope of the project. Documentation made available by the client is listed in Table 1.1.

Document Name / Drawing Number	Author
BRTL_01_02A – Site Plan	Lioncourt Homes Ltd
BRTL_01_02A – Site Plan CLR	Lioncourt Homes Ltd

Table 1.1: Documentation Provided by Client

2. METHODOLOGIES

2.1 DESK STUDY

An ecological desk study was undertaken to determine the presence of any designated nature conservation sites and protected species in proximity to the site. This involved contacting appropriate statutory and non-statutory organisations which hold ecological data relating to the survey area. Middlemarch Environmental Ltd then assimilated and reviewed the desk study data provided by these organisations.

The consultees for the desk study were:

- Natural England - *MAGIC* website for statutory conservation sites;
- Derbyshire Wildlife Trust; and
- Staffordshire Ecological Record.

The desk study included a search for European statutory nature conservation sites within a 5 km radius of the site (extended to 10 km for any statutory site designated for bats), UK statutory sites within a 2 km radius and non-statutory sites and protected/notable species records within a 2 km radius.

The data collected from the consultees is discussed in Chapter 4. Selected raw data are provided in Appendix 1. In compliance with the terms and conditions relating to its commercial use, the full desk study data is not provided within this report.

The desk study also included a review of relevant local planning policy with regard to biodiversity and nature conservation (see Chapter 3).

2.2 PHASE 1 HABITAT SURVEY

The walkover survey was conducted following the Phase 1 Habitat Survey methodology of the Joint Nature Conservation Committee (JNCC, 2010) and the Institute of Environmental Assessment (IEA, 1995). Phase 1 Habitat Survey is a standard technique for classifying and mapping British habitats. The aim is to provide a record of habitats that are present on site. During the survey, the presence, or potential presence, of protected species was noted.

Whilst every effort is made to notify the client of any plant species listed on Schedule 9 of the Wildlife and Countryside Act (1981, as amended) present on site, it should be noted that this is not a specific survey for these species.

Data recorded during the field survey are discussed in Chapter 5.

3. LEGISLATION AND POLICY

This chapter provides an overview of the framework of legislation and policy which underpins nature conservation and is a material consideration in the planning process in England. The reader should refer to the original legislation for the definitive interpretation.

3.1 GENERAL BIODIVERSITY LEGISLATION AND POLICY

Conservation of Habitats and Species Regulations 2010 (as amended)

The Habitats Regulations 2010 consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994 and all its various amendments. The Habitats Regulations 2010 are the principal means by which the EEC Council Directive 92/43 (The Habitats Directive) as amended is transposed into English and Welsh law.

The Habitats Regulations 2010 place duty upon the relevant authority of government to identify sites which are of importance to the habitats and species listed in Annexes I and II of the Habitats Directive. Those sites which meet the criteria are, in conjunction with the European Commission, designated as Sites of Community Importance, which are subsequently identified as Special Areas of Conservation (SAC) by the European Union member states. The regulations also place a duty upon the government to maintain a register of European protected sites designated as a result of EC Directive 79/409/EEC on the Conservation of Wild Birds (The Birds Directive). These sites are termed Special Protection Areas (SPA) and, in conjunction with SACs, form a network of sites known as Natura 2000. The Habitats Directive introduces for the first time for protected areas, the precautionary principle; that is that projects can only be permitted having ascertained no adverse effect on the integrity of the site. Projects may still be permitted if there are no alternatives, and there are imperative reasons of overriding public interest.

The Habitats Regulations 2010 also provide for the protection of individual species of fauna and flora of European conservation concern listed in Schedules 2 and 5 respectively. Schedule 2 includes species such as otter and great crested newt for which the UK population represents a significant proportion of the total European population. It is an offence to deliberately kill, injure, disturb or trade these species. Schedule 5 plant species are protected from unlawful destruction, uprooting or trade under the regulations.

The Habitats Regulations 2010 were amended in August 2012 to ensure clearer transposition of the provisions of Articles 2, 3, 4(4) (second sentence) and Article 10 of the Wild Birds Directive, by giving additional and specific duties to relevant bodies. A number of amendments were also made to transpose more clearly certain elements of the Habitats Directive.

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

The WCA, as amended, consolidates and amends pre-existing national wildlife legislation in order to implement the Bern Convention and the Birds Directive. It complements the Habitat Regulations 2010 (as amended), offering protection to a wider range of species. The Act also provides for the designation and protection of national conservation sites of value for their floral, faunal or geological features, termed Sites of Special Scientific Interest (SSSIs).

Schedules of the act provide lists of protected species, both flora and fauna, and detail the possible offences that apply to these species.

The Countryside and Rights of Way (CRoW) Act 2000

The CROW Act, introduced in England and Wales in 2000, amends and strengthens existing wildlife legislation detailed in the WCA. It places a duty on government departments and the National Assembly for Wales to have regard for biodiversity, and provides increased powers for the protection and maintenance of SSSIs. The Act also contains lists of habitats and species (Section 74) for which conservation measures should be promoted, in accordance with the recommendations of the Convention on Biological Diversity (Rio Earth Summit) 1992.

The Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act places a duty upon all local authorities and public bodies in England and Wales to promote and enhance biodiversity in all of their functions. Sections 41 (England) and 42 (Wales) list habitats and species of principal importance to the conservation of biodiversity. These lists superseded Section 74 of the CRoW Act 2000.

The Hedgerow Regulations 1997

The Hedgerow Regulations make provision for the identification of important hedgerows which may not be removed without permission from the Local Planning Authority.

UK Post-2010 Biodiversity Framework

The UK Biodiversity Action Plan (BAP), published in 1994, was the UK Government's response to signing the Convention on Biological Diversity (CBD) at the 1992 Rio Earth Summit. The new UK Post-2010 Biodiversity Framework replaces the previous UK level BAP. The UK Post-2010 Biodiversity Framework covers the period 2011-2020 and forms the UK Government's response to the new strategic plan of the United Nations Convention on Biological Diversity (CBD), published in 2010 at the CBD meeting in Nagoya, Japan. This includes five internationally agreed strategic goals and supporting targets to be achieved by 2020. The five strategic goals agreed were:

- Address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society;
- Reduce the direct pressures on biodiversity and promote sustainable use;
- To improve the status of biodiversity by safeguarding ecosystems, species and genetic diversity;
- Enhance the benefits to all from biodiversity and ecosystem services; and,
- Enhance implementation through participatory planning, knowledge management and capacity building.

The Framework recognises that most work which was previously carried out under the UK BAP is now focused on the four individual countries of the United Kingdom and Northern Ireland, and delivered through the countries' own strategies. Following the publication of the new Framework the UK BAP partnership no longer operates but many of the tools and resources originally developed under the UK BAP still remain of use and form the basis of much biodiversity work at country level. In England the focus is on delivering the outcomes set out in the Government's 'Biodiversity 2020: a Strategy for England's Wildlife and Ecosystem Services' (DEFRA, 2011). This sets out how the quality of our environment on land and at sea will be improved over the next ten years and follows on from policies contained in the Natural Environment White Paper.

Species and Habitats of Material Consideration for Planning in England

Previous planning policy (and some supporting guidance which is still current, e.g. ODPM Circular 06/2005, now under revision), refers to UK BAP habitats and species as being a material consideration in the planning process. Equally many local plans refer to BAP priority habitats and species. Both remain as material considerations in the planning process but such habitats and species are now described as Species and Habitats of Principal Importance for Conservation in England, or simply priority habitats and priority species under the UK Post-2010 Biodiversity Framework. The list of habitats and species remains unchanged and is still derived from Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006. As was previously the case when it was a BAP priority species hen harrier continues to be regarded as a priority species although it does not appear on the Section 41 list.

3.2 NATIONAL PLANNING POLICY FRAMEWORK AND PRACTICE GUIDANCE

In early 2012, the National Planning Policy Framework (NPPF) replaced much previous planning policy guidance, including Planning Policy Statement 9: Biological and Geological Conservation. The government circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System, which accompanied PPS9, still remains valid. A presumption towards sustainable development is at the heart of the NPPF. This presumption does not apply however where developments require appropriate assessment under the Birds or Habitats Directives.

Chapter 11, on conserving and enhancing the natural environment, sets out how the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and, where possible, provide net gains in biodiversity. Opportunities to incorporate biodiversity gains into a development should be encouraged.

If a proposed development would result in significant harm to the natural environment which cannot be avoided (through the use of an alternative site with less harmful impacts), mitigated or compensated for (as a last resort) then planning permission should be refused.

In March 2014 the Department for Communities and Local Government released guidance to support the

National Planning Policy Framework (NPPF), known as the National Planning Practice Guidance (NPPG).

This has been produced to provide guidance for planners and communities which will help deliver high quality development and sustainable growth in England. The guidance includes a section entitled 'Natural Environment: Biodiversity, ecosystems and green infrastructure' which sets out information with respect to the following:

- the statutory basis for minimising impacts on biodiversity and providing net gains where possible;
- the local planning authority's requirements for planning for biodiversity;
- what local ecological networks are and how to identify and map them;
- the sources of ecological evidence;
- the legal obligations on local planning authorities and developers regarding statutory designated sites and protected species;
- the considerations for local (non-statutory) designated sites;
- definition of green infrastructure;
- where biodiversity should be taken into account in preparing a planning application;
- how development can enhance biodiversity;
- how policy is applied to avoid, mitigate or compensate for significant harm to biodiversity and how mitigation and compensation measures can be ensured; and,
- the consideration of ancient woodlands and veteran trees in planning decisions.

3.3 LOCAL PLANNING POLICY

EAST STAFFORDSHIRE

<http://www.eaststaffsbc.gov.uk/Planning/PlanningPolicy/LocalPlanCoreStrategy/Pages/default.aspx>

New Local Plan

East Staffordshire Borough Council is in the process of preparing a new plan which will replace the adopted Local Plan in providing the planning framework for all new development proposals in East Staffordshire.

East Staffordshire Adopted Local Plan

The East Staffordshire Local Plan 2006 is the current adopted development plan and is used to assess planning applications. The policies relevant to ecology are:

Policy CSP6: National Forest

The National Forest covers both the south-eastern rural areas of East Staffordshire and the urban centre of Burton upon Trent. The Borough Council will pursue a robust and imaginative approach towards development in the area whilst ensuring that the commercial return from development will help to support implementation of the Forest Strategy. Through more detailed policies elsewhere in the Plan, the Borough Council will promote:

- Conversion of land to woodland and other Forest related purposes through planning obligations;
- Enhancement of built development through related landscaping;
- The Forest as an exemplar of sustainable development;
- The development of tourism, leisure, rural diversification and the woodland economy;
- New developments that relate well to their National Forest setting.

Policy NE14: National Forest: Planting Schemes

In assessing the adequacy of the planting scheme for individual development proposals within the boundary of the National Forest, the Borough Council will have regard to the aims of the National Forest Strategy and the following criteria:

- (a) The existing landscape character of the site and the surrounding locality in accordance with policy NE4 and as described in Supplementary Planning Guidance;
- (b) The extent to which National Forest planting guidelines contained in Appendix 8 have been followed in the submission of the planning application;
- (c) Any physical, ecological, archaeological or environmental constraints affecting the site;
- (d) The extent to which the scheme reflects its National Forest context and provides an appropriate landscaped setting for the development, including any off-site planting;

- (e) The scale, type and characteristics of the development.

Policy NE15: National Forest: Implementation of Planting Schemes

Implementation of planting and landscaping schemes for approved new development in the National Forest will be secured by means of conditions, or the negotiation of a planning obligation, or a combination of those measures appropriate to the individual circumstances of the application. The measures may include, as appropriate:

- (a) The means and time scale for implementation;
- (b) The nature of any obligation in respect of off-site planting;
- (c) Details for the payment of a commuted sum in lieu of planting;
- (d) Secure arrangements for the management and maintenance of such landscaped areas, including any open space, by an appropriate person or body.

Measures to secure the proper management of woodlands within the National Forest will be in accordance with the:

- (a) Aims of the National Forest;
- (b) Interests of visual amenity;
- (c) Desirability of maximising public access where appropriate;
- (d) Principles of good woodland management;
- (e) Maintaining and enhancing the nature conservation resource;
- (f) Retention and enhancement of the landscape character.

Policy L2: Landscaping and Greenspace: Assessment

Where development of 10 or more dwellings occurs in areas that are deficient either in terms of basic access to greenspace or to greenspace of an appropriate quality, the developer will be required to contribute towards addressing these deficiencies – in proportion to the demand created by the development (the relevant basis for assessment of a development against local standards for accessibility and quality of Greenspaces is set out in detail in the Borough Council's Greenspace Supplementary Planning Guidance).

On development sites not including housing, equipped play provision will not be required but the developer should seek to make provision for amenity space – designed to complement the nature of the development – and within the National Forest woodland planting in accordance with Policy NE15.

These requirements must be secured by legally binding arrangements on or before the issue of planning permission. The future maintenance of the public greenspace and their associated facilities must be provided for, either by the transfer of the relevant land to a public authority together with payment of an appropriate commuted sum, or by some other agreed arrangement giving equal security for long-term maintenance.

Core Strategy Issues and Options

Natural Environment: Green infrastructure is an essential component of sustainable development. It is the network of green spaces and natural elements that connect our towns and villages. It is open spaces, waterways, woodlands, street trees, natural heritage and open countryside. The possible growth within the Borough provides the opportunity to integrate green infrastructure with planning and policy.

We already have many green assets and high quality environments. However, there are also many areas that suffer from a poor environment. Often these areas also suffer from social and economic decline. The Core Strategy should recognise and provide the context to review environmental decline, enhance existing green assets and harness the potential of green infrastructure to underpin an urban and rural renaissance and drive the Borough forward.

Other issues to consider are:

- New development may provide the opportunity for new and or improved spaces and for improving the biodiversity of open spaces within the development
- The density of new development will affect open space requirements i.e. development spread across many settlements may have a different local impact
- The value of green spaces for providing opportunities for 'green travel'
- The impact on air quality of open spaces

- The health benefits of open spaces
- Opportunities provided by parks and open spaces and allotments to contribute to sustainability objectives
- Designation of open spaces to protect areas of existing landscape or habitat quality

4. DESK STUDY RESULTS

4.1 INTRODUCTION

The data search was carried out on 7th July 2017 by Staffordshire Ecological Record and Derbyshire Wildlife Trust, with the MAGIC search carried out on 17th July 2017. All relevant ecological data provided by the consultees was reviewed and the results from these investigations are summarised in Sections 4.2 to 4.4. Selected data are provided in Appendix 1.

4.2 NATURE CONSERVATION SITES

Statutory and non-statutory nature conservation sites located in proximity to the survey area are summarised in Table 4.1.

Site Name	Designation	Proximity to Survey Area	Description
UK Statutory Sites			
Branston Water Park	LNR; LWS	Adjacent (south-west and south-east)	A lake surrounded by woodland, wetland and wildflower meadow. The site is a former gravel pit in the River Tweed valley.
Non-statutory Sites			
Branston Lock	BAS	55 m north	A towpath with swamp marginal vegetation. The grassland along the towpath is species-poor and rank and is bordered by a Hawthorn hedgerow.
A38 Dual Carriageway	BAS	60 m east	Verges mainly consisting of semi-improved grassland, species poor hedgerows, occasional scattered trees and scrub and occasional wet and dry ditches.
Branston Road	BAS	60 m north	Verges on both sides range from 0-2m wide. An intact hawthorn hedge bounds both sides of the road along the entire length, apart from an area of iron fencing which is present for 200m at the bend. Within the hedgerow are occasional ash and oak trees.
Riverside Hotel Grounds, Branston	BAS	680 m east	An area of scrub and rough grassland with streams, marginal vegetation and remnants of a reed bed.
Drakelow Wildfowl Reserve (SD336)	LWS	725 m south-east	36.36 ha. Former gravel pit designated for its bird assemblage.
Battlestead Hill and the Rough	LWS	750 m north-west	Remnant pockets of woodland with a rich range of canopy and ground flora species, species-rich semi-improved grassland and a small area of unimproved grassland.
Ancient Woodland			
Battlestead Hill	ASNW	1 km north-west	0.45 ha of Ancient and Semi-Natural Woodland
Battlestead Hill	ASNW	1.1 km north-west	1.27 ha of Ancient and Semi-Natural Woodland
Rockets Oak	ASNW	1.95 km west-north-west	5.8 ha of Ancient and Semi-Natural Woodland
Key: LNR: Local Nature Reserve LWS: Local Wildlife Site ASNW: Ancient and Semi-natural Woodland			

Table 4.1: Summary of Nature Conservation Sites

In addition, the survey area falls within a SSSI Impact Risk Zone, however the closest SSSI is the River Mease, which is located 6.7 km south of the survey area.

The desk study also identified the following BAP habitats within the search area: lakes, reedbed and ponds, although the ponds have not necessarily all been surveyed to determine if they qualify as BAP habitat.

4.3 PROTECTED / NOTABLE SPECIES

Table 4.2 and the following text provide a summary of protected and notable species records within a 2 km radius of the study area. It should be noted that the absence of records should not be taken as confirmation that a species is absent from the search area.

Species	No. of Records	Most Recent Record	Proximity of Nearest Record to Study Area	Species of Principal Importance?	Legislation / Conservation Status
Herpetofauna					
Common toad <i>Bufo bufo</i>	1	2002	1.4 km north-west	✓	WCA 5 S9(5)
Mammals (Bats)					
Common pipistrelle <i>Pipistrellus pipistrellus</i>	8	2012	350 m north-west	-	ECH 4, WCA 5, WCA 6
Unidentified bat <i>Myotis sp.</i>	5	2012	350 m north-west	*	*
Noctule <i>Nyctalus noctula</i>	7	2012	350 m north-west	✓	ECH 4, WCA 5, WCA 6
Soprano pipistrelle <i>Pipistrellus pygmaeus</i>	4	2012	350 m north-west	✓	ECH 4, WCA 5, WCA 6
Pipistrelle bat <i>Pipistrellus sp.</i>	6	2012	630 m south	*	ECH 4, WCA 5, WCA 6
Mammals (Other)					
Otter <i>Lutra lutra</i>	20	2010	Adjacent (west)	✓	ECH 2, ECH 4, WCA 5, WCA 6
Water Vole <i>Arvicola amphibius</i>	1	1976	>725 m south-east ~	✓	WCA 5
Polecat <i>Mustela putorius</i>	2	2015	1 km west-north-west	✓	WCA 6
Red Squirrel <i>Sciurus vulgaris</i>	1#	2003	1.1 km east-north-east	✓	WCA 5, WCA 6

<p>Key: * Species dependent. # Record unconfirmed. ~ 4-figure (1km) grid reference provided only. † Badger records are confidential and therefore proximity is not provided within the report. ECH 2: Annex II of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest whose conservation requires the designation of Special Areas of Conservation. ECH 4: Annex IV of the European Communities Council Directive on the Conservation of Natural Habitats and Wild Fauna and Flora. Animal and plant species of community interest in need of strict protection. PBA: Protection of Badgers Act 1992. WCA 5: Schedule 5 of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). WCA 5 S9(5): Schedule 5 Section 9(5) of Wildlife and Countryside Act 1981 (as amended). Protected animals (other than birds). Protection limited to selling, offering for sale, processing or transporting for purpose of sale, or advertising for sale, any live or dead animal, or any part of, or anything derived from, such animal. WCA 6: Schedule 6 of Wildlife and Countryside Act 1981 (as amended). Animals which may not be killed or taken by certain methods. Species of Principal Importance: Species of Principal Importance for Nature Conservation in England. Note. This table does not include reference to the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats), the Bonn Convention on the Conservation of Migratory Species of Wild Animals or the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).</p>
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Table 4.1: Summary of Protected/Notable Species Records Within 2 km of Survey Area

Birds

The desk study identified a number of bird records within the search area. These included:

- Forty species listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended); including barn owl *Tyto alba*, brambling *Fringilla montifringilla*, fieldfare *Turdus pilaris* and redwing *Turdus iliacus*; and
- Twenty nine further species of principal importance, including bullfinch *Pyrrhula pyrrhula*, dunnock *Prunella modularis*, house sparrow *Passer domesticus* and song thrush *Turdus philomelos*.

Flowering Plants

The desk study identified a range of locally rare plant species within the search area, including common cudweed *Filago vulgaris*, marsh ragwort *Senecio aquaticus*, devil's-bit scabious *Succisa pratensis*, common valerian *Valeriana officinalis* and heath speedwell *Veronica officinalis*.

Invertebrates

The desk study provided records of a number of invertebrate Species of Principal Importance, including small heath *Coenonympha pamphilus*, wall *Lasiommata megera* and white-letter hairstreak *Satyrrium w-album* butterflies; and dusky brocade *Apamea remissa* and mottled rustic *Caradrina morpheus* moths.

The desk study also provided records of small garden bumble bee *Bombus (Megabombus) hortorum*, large red-tailed bumble bee *Bombus (Melanobombus) lapidarius*, early bumble bee *Bombus (Pyrobombus) pratorum*, white-tailed bumble bee *Bombus (Bombus) lucorum*, buff-tailed bumble bee *Bombus (Bombus) terrestris*, hairy footed flower bee *Anthophora (Anthophora) plumipes*, field cuckoo bee *Bombus (Psithyrus) campestris*, vestal cuckoo bee *Bombus (Psithyrus) vestalis*, white-barred soldier fly *Oxycera morrisii* and musk beetle *Aromia moschata*.

Mammals

The desk study provided records of hedgehog *Erinaceus europaeus* and harvest mouse *Micromys minutus* within the search area. Both are Species of Principal Importance in England.

4.4 INVASIVE SPECIES

The desk study provided no invasive species records within a 2 km radius of the study area. It should be noted, however, that the absence of records should not be taken as confirmation that a species is absent from the search area.

5. PHASE 1 HABITAT SURVEY

5.1 INTRODUCTION

The results of the Phase 1 Habitat Survey are presented in the following sections. An annotated Phase 1 Habitat Survey Drawing (Drawing C125808-01-01) is provided in Chapter 8. This drawing illustrates the location and extent of all habitat types recorded on site. Any notable features or features too small to map are detailed using target notes. Photographs taken during the field survey are presented in Chapter 9.

The survey was carried out on 12th July 2017 by Charlotte Richardson MSc (Ecological Consultant), Emily Wordley BSc (Hons) (Ecological Project Officer) and Archie Bird (Ecological Project Officer). Table 5.1 details the weather conditions at the time of the survey.

Parameter	Condition
Temperature (°C)	16
Cloud (%)	20
Wind (Beaufort)	F3
Precipitation	Dry

Table 5.1: Weather Conditions During Field Survey

5.2 SURVEY CONSTRAINTS AND LIMITATIONS

The survey was subject to no constraints.

5.3 HABITATS

The following habitat types were recorded on site during the field survey:

- Amenity Grassland;
- Boundary Features;
- Buildings and Structures;
- Dry Ditch;
- Hardstanding;
- Hedgerows;
- Ornamental Planting;
- Ponds;
- Poor Semi-improved Grassland;
- Scattered trees;
- Scrub; and
- Tall Ruderal Vegetation.

These habitats are described below. They are ordered alphabetically, not in order of ecological importance.

Amenity Grassland

The front and rear gardens of numbers 78 and 80 Tatenhill Lane contained areas of overgrown amenity grassland (Plates 9.1 and 9.2). These were dominated by perennial rye-grass *Lolium perenne*, with other common grasses such as yorkshire fog *Holcus lanatus* also recorded, along with a selection of common low growing forbs such as ribwort plantain *Plantago lanceolata*, dandelion *Taraxacum officinale* agg., white clover *Trifolium repens*, creeping buttercup *Ranunculus repens*, spear thistle *Cirsium vulgare*, willowherb *Epilobium* sp., foxglove *Digitalis purpurea*, yarrow *Achillea millefolium* and nettle *Urtica dioica*.

Boundary Features

The site boundaries comprised a mixture of wooden fencing, lengths of low brick wall, sections of breeze block walling (Plate 9.3) and some ornamental Leyland cypress *Cupressocyparis leylandii* hedging.

Buildings and Structures.

Both residential properties within the survey area comprised brick built bungalows with pitched tiled roofs. A

number of sheds (Target Notes 1 and 7), an outbuilding (Target Note 3) and a greenhouse (Target Note 6) were also present in the rear gardens, along with a swimming pool in the garden of number 80 (Target Note 2 – Plate 9.4), which measured approximately 6 metres by 3 metres and was surrounded by concrete flagstones. More detailed descriptions are provided in the Preliminary Bat Roost Assessment report completed for the site (Report Number RT-MME-125808-02).

Dry Ditch

A ditch, which was dry at the time of the survey (Plate 9.5), ran along the south-eastern boundary of the site. This had been heavily colonised by tall ruderal vegetation including nettle and cleavers *Galium aparine* and some bramble *Rubus fruticosus*.

Hardstanding

Areas of hardstanding were recorded within the front (Plate 9.6) and rear gardens of the two properties on site and included a gravel driveway with poppy *Papaver sp.* growing within it at number 80.

Hedgerows

A slightly outgrown, intact, species-poor hedgerow up to 2 metres high was present along the north-western boundary of the semi-improved grassland field (Plate 9.7). This was dominated by hawthorn *Crataegus monogyna*, with some scattered elder *Sambucus nigra* and blackthorn *Prunus spinosa*. A further stretch of intact hedgerow was present along the boundary of the gardens of numbers 72 to 76 Tatenhill Lane.

A small section of defunct, species-poor hedgerow was also present adjacent to the residential garden fencing towards the eastern corner of the grassland field. This mostly comprised hawthorn.

Ornamental Planting

The front and rear gardens of both residential properties possessed formal shrub beds (Plate 9.8) containing a selection of ornamental species including rose *Rosa sp.*, leyland cypress, ivy *Hedera helix*, laurel *Prunus laurocerasus*, elder, box *Buxus sempervirens*, dog rose *Rosa canina*, bramble, buddleia *Buddleia sp.*, male fern *Dryopteris filix-mas*, fuschia *Fuschia sp.* and cotoneaster *Cotoneaster sp.*

Ponds

Small pre-formed ponds were recorded in each of the rear gardens of the two surveyed properties. The pond associated with number 78 Tatenhill Lane (Plate 9.9) was approximately 1 m² and contained limited aquatic plants and duckweed *Lemna sp.* The pond at the rear of number 80 Tatenhill Lane (Plate 9.10) was again approximately 1 m² and contained water lily *Nymphaea sp.*

Poor Semi-improved Grassland

The majority of the site comprised a field of rough, species-poor, semi-improved grassland (Plate 9.11). This had been recently mown but had regrown to a sward height of 20-30 cm. Species recorded included perennial rye-grass, yorkshire fog, false oat-grass *Arrhenatherum elatius* and cock's-foot *Dactylis glomerata*, along with occasional redshank *Persicaria maculosa*, thistle *Cirsium sp.*, nettle, oxeye daisy *Leucanthemum vulgare*, vetch *Vicia sp.* and hogweed *Heracleum sphondylium*.

Scattered trees

Various small scattered trees were recorded within the front and rear gardens of both surveyed properties. Species included cherry *Prunus sp.*, apple *Malus sp.*, Japanese maple *Acer palmatum* and false acacia *Robinia pseudoacacia*. The majority of the trees were between 2 m and 4 m in height and offered no potential roosting features for bats, whilst the false acacia was mature and estimated to be 5-6 m in height. This was also considered to have negligible bat roost potential.

Further scattered trees were present along boundaries of the grassland field and included mature oak *Quercus sp.* and crack willow *Salix fragilis* and semi-mature silver birch *Betula pendula*, along with apple *Malus sp.* and lime *Tilia sp.* One of the crack willows located just outside the south-eastern boundary of the site (Plate 9.12) was considered to have low bat roost potential.

Scrub

Dense, patchy outgrown scrub was present along the southern boundary of the site (Plate 9.13). This comprised semi-mature and mature hawthorn up to 4 metres high with elder, blackthorn and ivy also recorded, along with an understorey of thistle, bramble and nettle. Further scattered hawthorn scrub with a bramble understorey was present along the northern boundary of the grassland field.

Tall Ruderal Vegetation

Tall ruderal vegetation varying from 1.5 to 3 metres tall was present around the boundaries of the semi-improved grassland field (Plate 9.14). This comprised nettle, creeping thistle, cleavers, ragwort *Jacobaea vulgaris*, great willowherb *Epilobium hirsutum* and bindweed *Calystegia sp.*, along with bramble and oak saplings.

5.4 FAUNA

During the survey field signs of faunal species were recorded. The time of year at which the survey is undertaken will affect species or field signs directly recorded during the survey.

Amphibians

A small number of toadlets *Bufo bufo* were recorded towards the eastern boundary of the site (near the dry ditch).

Birds

The following birds were observed on site during the field survey: black-headed gull *Chroicocephalus ridibundus*, dunnock and woodpigeon *Columba palumbus*. Dunnock is listed as a Species of Principal Importance on Section 41 of the NERC Act (2006) whilst black-headed gull has amber status as a bird of medium conservation concern. Woodpigeon is a species of low conservation concern.

Invertebrates

A number of invertebrate species were recorded on site during the field survey; including red admiral *Vanessa atalanta* and small tortoiseshell *Aglais urticae* butterflies, cinnabar *Tyria jacobaea* moth caterpillars, dragonflies and damselflies including common blue damselfly *Enallagma cyathigerum*, a grasshopper species *Caelifera sp.*, soldier beetles *Cantharidae sp.* and bees including honey bees *Apis sp.*, bumblebees *Bombus sp.* and mining bees *Andrena sp.*

Mammals

Rabbit *Oryctolagus cuniculus* droppings were recorded on site during the field survey.

5.5 INVASIVE PLANT SPECIES

A species of cotoneaster was recorded in the garden of No. 78 Tatenhill Lane during the field survey. It is also worth noting that Japanese knotweed was recorded within the southern boundary hedgerow during the original Preliminary Ecological Appraisal Report: RT-MME-107126) undertaken at this site. Although attempts were made to locate this stand, it was not recorded during this survey, so a precautionary recommendation will be made with regards to this species.

6. DISCUSSIONS AND CONCLUSIONS

6.1 SUMMARY OF PROPOSALS

It is understood that the proposed works involve the development of the site into residential housing comprising 55 residential units. The entrance to the site will be through the existing properties of 78 and 80 Tatenhill Lane and the access road will run parallel to the canal along the north-western boundary of the grassland field, with a buffer of greenspace maintained between the canal and the access road. It is understood that the hedgerows and scattered trees present on the site boundaries will be retained, however other habitats will be lost to the development.

6.2 NATURE CONSERVATION SITES

The desk study exercise identified one statutory site, SSSI Impact Risk Zones and three ancient woodlands within 2 km of the site and seven non-statutory sites within 1 km of the site. The site is not located within 10 km of a statutory site designated for bats. The significance of these sites to the proposed development is discussed below.

UK Statutory Sites

Branston Water Park is a local nature reserve situated immediately to the south of the survey area. Although the site will not be directly impacted by the proposed development, due to its location adjacent to the survey area it is a notable consideration and a recommendation is made in Chapter 7.

Although the survey area falls within a SSSI Impact Risk Zone, the proposed works do not fall within one of the highlighted risk categories and are therefore unlikely to adversely impact the associated SSSI. It is therefore not a notable consideration.

Lastly, although three ancient woodland sites are located within the search area, they are all situated at least 1 km from the survey area, have no connectivity to it and are separated from it by intervening agricultural land. As such, no adverse impacts are anticipated on the woodlands as a result of the proposed works and they are not a notable consideration.

Non-Statutory Sites

Four non-statutory sites are located in close proximity to the survey area. Branston Water Park is also a LNR and has been considered above. Of the remaining three, Branston Lock is a Biodiversity Alert Site (BAS) situated along the canal towpath approximately 55 metres to the north of the survey area. The canal then continues southwards from Branston Lock and along the north-western boundary of the survey area. As a buffer is to be maintained between the proposed development and the canal, it is considered unlikely that the BAS will be adversely impacted by the proposed works. However, due to the line of connectivity present along the canal, a precautionary recommendation for consultation is made in Chapter 7.

Two further Biodiversity Alert Sites are situated in close proximity to the survey area, these being the A38 Dual Carriageway located 60 metres to the east and Branston Road situated 60 metres to the north. Both sites are designated for the mixed habitats present along the road verges. The sites have some separation from the survey area in the form of the A38 dual carriageway slip road and a minor road and will not be directly impacted by the proposed works. It is therefore considered unlikely that the verges will be negatively impacted by the proposed development and the sites are therefore not notable considerations.

The remaining sites are all situated over 650 metres away from the survey area, have no connectivity to it and are separated from it by intervening land use including the main A38 road and agricultural land. It is therefore considered highly unlikely that the citation features of these sites would be adversely impacted by the proposed works and they are not notable considerations.

6.3 HABITATS

The ecological importance of the habitats present on site is determined by their presence on the list of Habitats of Principal Importance in England and on the Local BAP. It also takes into account the intrinsic value of the habitat. Those habitats which are considered to be of intrinsic importance and have the potential to be impacted by the site proposals are highlighted as notable considerations.

A discussion of the implications of the site proposals with regard to the habitats present on site is provided in the text below. A separate discussion of the value of the habitats on site to protected or notable species is provided in Section 6.4.

Hedgerows

Although the native hedgerows on site are species poor, they are a UK Habitat of Principal Importance and hedgerow loss is seen as a key threat to biodiversity within the Staffordshire Biodiversity Action Plan. It is understood that most of the hedgerow length on site will be retained within the development plans for the site, including along the north-western boundary of the grassland field, adjacent to the canal, however other small stretches along the north-eastern boundary of the field may be disturbed or lost to the works.

The plans for the site should therefore look to retain as much of the current hedgerow length as possible and should replace any lengths lost within the landscaping plans, through the planting of new, species-rich hedgerows using native species of local provenance. This would ensure the development is in line with the Natural Environment Core Strategy Issues and Options under consideration as part of the process of producing the new Local Plan. Any retained stretches of hedgerow should also be adequately protected for the duration of the proposed works.

Recommendations in relation to hedgerows are made in Chapter 7.

Ponds

The two small pre-formed ponds within the rear gardens of the properties on site, though ornamental and occupying a small spatial extent, are considered to be of ecological. As they are to be lost to the proposed development, they are a notable consideration and a recommendation is therefore made in Chapter 7.

Scattered Trees

It is understood that the scattered trees present around the boundaries of the site will be retained within the plans for the site and they should therefore be adequately protected for the duration of the proposed works in order to prevent any indirect damage to the trees and their root systems. In addition, the trees to be planted as part of the landscaping scheme for the site should, where possible, be native species of local provenance or seed/fruit bearing species of value to wildlife.

Recommendations in relation to trees are therefore made in Chapter 7.

Amenity and Poor Semi-improved Grassland, Ornamental Planting, Scrub, Tall Ruderal Vegetation

Areas of these habitats will be lost to facilitate the development. However, the habitats are not habitats of principal importance or Local BAP habitats; they comprise only a small number of locally common species and they can be easily replaced or re-created. They are therefore not notable considerations.

Nevertheless, the Core Strategy Issues and Options under consideration as part of the process of producing the new Local Plan indicate that new developments provide an opportunity to improve the biodiversity of areas and integrate green infrastructure into planning and development. The landscaping plans for the site should therefore look to mitigate for the losses of these habitats and enhance the value of the site for biodiversity where possible.

A recommendation in relation to habitat enhancement is therefore made in Chapter 7.

Boundary features; Buildings and Structures; Hardstanding

These habitats were concluded to hold negligible inherent ecological value and are therefore not notable considerations. Their potential to support protected and notable species is discussed in Section 6.4 below.

Dry Ditch

This habitat will not be impacted by the proposed development and is therefore not a notable consideration.

Habitats considered to be of relevance to the proposed development are summarised in Table 6.1.

Habitat Type	Habitat of Principal Importance?	Local BAP Habitat?	Summary of Potential Impacts
Hedgerow	✓	-	Potential habitat loss; risk of damage to roots
Ponds	-	-	Habitat loss
Scattered Trees	-	-	Risk of damage to roots

Table 6.1: Summary of Potential Impacts on Notable Habitats

6.4 PROTECTED/NOTABLE SPECIES

The following paragraphs consider the likely impact of the site proposals on protected or notable species. This is based on those species highlighted in the desk study exercise (Chapter 4) and other species for which potentially suitable habitat occurs within or adjacent to the survey area.

Bats

The desk study identified thirty records of noctule, pipistrelle and unidentified bats within the search area. The two properties on site were subject to a Preliminary Bat Roost Assessment, during which a number of potential roost features were identified on both buildings whilst a small number of droppings were identified within the loft space of number 80 Tatenhill Lane. The full results of this survey are detailed in Report Number RT-MME-125808-02 and the recommendations of this report should be followed.

The trees present around the boundaries of the site will not be impacted by the proposed works and along with the boundary hedgerows, which are also to be retained, they form potentially valuable commuting and foraging features around the site and out towards further potential roosting, foraging and commuting habitat within the local area, particularly within Branston Water Park to the south, and open countryside and the Trent and Mersey Canal to the west. In addition, one of the crack willows located just outside the south-eastern corner of the site was considered to have low bat roost potential, but as this tree is not proposed to be impacted by the works, it was considered unlikely that any bats utilising this feature would be negatively affected.

As these features will remain intact, and as they will be bounded by gardens and greenspace, there will be no fragmentation of these corridors as a result of the proposed works however the lighting strategy for the site should ensure they are maintained in a dark state in order to ensure they remain viable post-development. The remainder of the lighting scheme for the site should also be designed in a way that limits the impact of the development on bats, whilst the landscaping plans should incorporate planting to improve foraging opportunities for bats.

Recommendations for commuting and foraging bats are therefore made in Chapter 7.

Birds

The desk study information obtained for the search area highlighted a large number of bird records, including a large number of species highlighted as being of conservation concern. A large proportion of the species highlighted were species associated with aquatic habitats, whilst other species were species of woodland and scrub habitats. The majority of records emanate from the nearby Branston Water Park and Gravel Pits complex and reflect the well watched nature of these localities. The surveyed area is considered to offer

minimal habitat for the majority of species highlighted in the desk study.

A small number of birds were recorded on site during the field survey and the site was considered to contain good nesting potential, particularly within the residential gardens, hedgerows, scattered trees, scrub and tall ruderal vegetation. As these habitats will be impacted by the proposed works, nesting birds are a notable consideration and a recommendation is made in Chapter 7.

Although areas of potential nesting habitat will be lost to the proposed development, larger areas of nesting habitat are present in the local area and it is therefore not anticipated that local bird populations will be adversely impacted by the proposed works. However, opportunities exist to incorporate nesting and foraging habitat for birds into the landscaping plans for the site and a recommendation in relation to this is therefore made in Chapter 7.

Great Crested Newt and Other Amphibians

The desk study identified no records of great crested newt within search area; however a single toad record was identified from 1.4 km to the north-west. No evidence of great crested newt was recorded on site during the field survey, however a number of toadlets were recorded.

The survey area contained two small ornamental garden ponds that could be used by amphibians for breeding purposes and these ponds were surveyed for great crested newts in 2011 by Middlemarch Environmental (Report Number RT-MME-109617). No great crested newts were recorded within the ponds during this survey however smooth newts were recorded within the pond located in the rear garden of number 80 Tatenhill Lane. The ponds were subject to an updated Habitat Suitability Index Assessment alongside this Preliminary Ecological Appraisal, in order to assess any changes to the suitability of the ponds to support great crested newts. The results of this are detailed in Report Number RT-MME-125808-03 and the recommendations of this report should therefore be followed.

A variety of other waterbodies are present within a 500 metre radius of the site and some of those not separated from the site by major barriers such as the A38 road were also subject to survey in 2011, with no great crested newts being recorded.

The rest of the survey area was concluded to provide some limited suitable terrestrial habitat for amphibians within the longer grassland areas and the hedgerow bases however considering the lack of desk study records and the fact that previous surveys have not found great crested newts to be present within the ponds on site, it is considered highly unlikely that great crested newts would be present on site and they are therefore not a notable consideration.

Nevertheless, due to the confirmation of smooth newt presence within one of the garden ponds during the 2011 survey and the presence of toadlets on site during the current survey, a precautionary recommendation regarding common amphibians is made in Chapter 7.

Invertebrates

The desk study highlighted the presence of several notable invertebrate species within the search area, however the majority of these records originated from Branston Water Park LNR, which encompasses a mosaic of habitats considered to be optimal for invertebrates. A number of common invertebrates were recorded on site during the field survey however although the habitats present on site offer foraging potential and shelter for invertebrates, the site is considered more likely to support assemblages of common invertebrate species, with limited suitable habitat for important invertebrate species. Nevertheless, in order to maintain the value of the site for invertebrates post-development, the landscaping scheme should incorporate nectar rich plants and plants of value to invertebrates. A recommendation in relation to habitat enhancement is therefore made in Chapter 7.

Notable Plants

Although the desk study identified a small number of locally rare plant species records within the search area, no protected or notable plants were recorded on site during the field survey. They are therefore not a notable consideration with respect to the proposed works.

Invasive species are considered further in Section 5.5 below.

Otter

The desk study identified twenty otter records within the search area, with the closest record being from the Trent and Mersey Canal adjacent to the north-western boundary of the site. No evidence of otter or any suitable aquatic habitat to support this species was recorded on site during the field survey and it is understood that a habitat buffer will be maintained between the canal and the proposed access road into the site as part of the proposed site plans.

The adjacent Branston Water Park LNR and Trent & Mersey canal are considered to provide suitable habitat for this species and both are already extensively used for formal and informal recreational activities including angling, walking and narrow boat mooring. Any otters present are therefore already likely to be habituated to human presence and activity.

It is therefore considered unlikely that otters would be adversely impacted by the proposed development and they are not a notable consideration.

Red Squirrel

A single red squirrel record was identified within the search area through the desk study however this record was indicated to be unconfirmed and came from over 1 km away from the survey area, on the opposite side of the main A38 road. No evidence of squirrels was recorded on site during the field survey and it is considered highly unlikely that red squirrels would be present on site. They are therefore not a notable consideration with respect to the proposed works.

Reptiles

No reptile records were identified within the search area through the desk study and no evidence of reptiles was recorded on site during the field survey. A previous reptile survey of the site was undertaken in 2011 (Report Number RT-MME-107305-01) and no reptiles were recorded within the grassland on site during the survey, however the results of the survey have now lapsed.

The survey area is currently considered to hold some potential to support reptiles such as grass snake, particularly within the grassland field and adjacent areas of scrub which provide the habitat 'edges' favoured by reptiles and have connectivity to the Trent and Mersey Canal running adjacent to the north-western boundary of the site and Branston Water Park to the south. As a result, and as reptiles are mobile creatures and could therefore commute onto site from areas of suitable habitat nearby, the presence of reptiles on site cannot be discounted and updated surveys will therefore be required in order to fully assess the potential impacts of the proposed development on reptiles. A recommendation is therefore made in Chapter 7.

Water Vole

The desk study identified one record of water vole within the search area however this was from over 700 metres away from the survey site and was dated from 1976. No evidence of any water voles was recorded during the field survey and no suitable aquatic habitat to support this species was noted on site.

Branston Water Park LNR and the Trent & Mersey Canal are considered to offer potential habitat for this species, however the area of the canal abutting the north-western boundary of the site is highly maintained, with close mown towpath areas and reinforced banksides. This stretch of the canal is therefore considered sub-optimal for water voles and as a habitat buffer is proposed along the western edge of the development site, it is highly unlikely that the works would come within 5 metres of the banks of the canal.

As such, no adverse impacts are anticipated on water voles as a result of the proposed development and they are not a notable consideration.

Other Species

Other protected species are not considered to be material considerations due to the lack of desk study records and absence of suitable habitats within the development site and its surroundings. These include dormouse and white-clawed crayfish.

Summary

Species considered to be of relevance to the proposed development are summarised in Table 6.2.

Species / Species Group	Species of Principal Importance?	Summary of Potential Impacts
Bats	*	Disturbance/loss of potential bat roosts in buildings on site; Loss/fragmentation of commuting and foraging habitat
Birds	*	Potential loss/disturbance of nesting habitat
Common Amphibians	*	Potential direct harm
Great Crested Newt	✓	Loss/disturbance of potentially suitable habitat
Invertebrates	*	Loss of habitat
Reptiles	✓	Potential direct harm and loss of habitat
Terrestrial Mammals	*	Entrapment in excavations/pipework
Key * Species dependent		

Table 6.2: Summary of Potential Impacts on Notable Species

6.5 INVASIVE PLANT SPECIES

No invasive plant species were identified within the search area through the desk study, however a species of cotoneaster was recorded in the garden of number 78 Tatenhill Lane during the field survey. In addition, the Preliminary Ecological Appraisal undertaken in 2010 identified a stand of Japanese knotweed within the southern boundary hedgerow of the site. However, this was not recorded during the updated survey. Bearing this in mind, recommendations regarding invasive plant species have been made in Chapter 7.

7. RECOMMENDATIONS

All recommendations provided in this section are based on Middlemarch Environmental Ltd.'s current understanding of the site proposals, correct at the time the report was compiled. Should the proposals alter, the conclusions and recommendations made in the report should be reviewed to ensure that they remain appropriate.

The ecological mitigation hierarchy should be applied when considering development which may have a significant effect on biodiversity. The ecological mitigation hierarchy, as set out in the National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (NPPG) should follow these principles:

- **Avoidance** – development should be designed to avoid significant harm to valuable wildlife habitats and species.
- **Mitigation** – where significant harm cannot be wholly or partially avoided, it should be minimised by design or through the use of effective mitigation measures.
- **Compensation** – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, compensation should be used to provide an equivalent value of biodiversity.

7.1 NATURE CONSERVATION SITES

The following recommendations are made regarding the local nature conservation sites:

- R1 Branston Water Park LNR:** Due to the location of this site immediately to the south of the survey area, Natural England and/or the Local Planning Authority should be consulted prior to any works commencing to determine whether there are likely to be any adverse impacts on this site.
- R2 Branston Lock LWS:** Due to the proximity of this site to the survey area and potential connectivity along the Trent and Mersey Canal, the Local Planning Authority ecologist and/or the local Wildlife Trust should be consulted prior to any works commencing to determine whether there are likely to be any adverse impacts on this site.

7.2 HABITATS

The following recommendations are made regarding the habitats present on site:

- R3 Habitat Loss and Enhancement:** In accordance with the provision of Chapter 11 of the National Planning Policy Framework (Conserving and Enhancing the Natural Environment) and Local Planning Policy, biodiversity enhancement measures should be incorporated into the landscaping scheme of the proposed works to maximise the ecological value of the site and link to other areas of semi-natural habitat off-site, particularly to the south and west. This could involve, for example:
- the planting of areas of wildflower grassland and scrub to mitigate for the losses of these habitats to the development;
 - the planting of new species-rich hedgerows containing appropriate species;
 - the planting of nectar-rich and native seed/fruit bearing species which will be of value to wildlife including birds and invertebrates and will attract night flying moths to provide improved foraging opportunities for bats post-development;
 - the installation of a range of nest boxes suitable for a variety of species; with boxes targeted at usage by house sparrows and starlings being of considerable value.
- R4 Hedgerows and Scattered Trees:** The hedgerows and scattered trees present on site should be retained within the landscaping plans for the site where possible and should be adequately protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations". Protection should be installed on site prior to the commencement of any works. Any hedgerows or trees that are removed should be mitigated within the landscaping design, through the inclusion of appropriate native or wildlife attracting species of adequate size.
- R5 Ponds:** As the two small pre-formed ornamental garden ponds are to be lost to the proposed development, the landscaping scheme for the site should incorporate aquatic habitats as mitigation

for the losses and to ensure the continued presence of aquatic habitat suitable for the common amphibians and water-dependent invertebrates recorded on site during the field survey.

7.3 PROTECTED / NOTABLE SPECIES

To ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- R6 Roosting Bats:** Recommendations from the Preliminary Bat Roost Assessment undertaken on site and detailed in Report Number RT-MME-125808-02 should be adhered to.
- R7 Foraging and Commuting Bats:** In line with paragraph 125 of the National Planning Policy Framework, the development should aim to limit the impact of light pollution on bats through ensuring the vegetated boundaries to the north-west, south-west and south-east of the site remain unlit post-development and through the careful use of lighting in critical areas only elsewhere on site and at a low level, with minimum spillage. Lighting should be designed using guidance from 'Landscape and urban design for bats and biodiversity' (Gunnell et al, 2012, Bat Conservation Trust).
- R8 Nesting Birds:** Any vegetation disturbance/clearance, or removal of buildings/structures, should be undertaken outside the nesting bird season. The nesting bird season is weather dependent but generally extends between March and September inclusive (peak period March-August). If this is not possible then any vegetation or buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing. If birds are found to be nesting any works which may affect them would have to be delayed until the young have fledged and the nest has been abandoned naturally, for example via the implementation of an appropriate buffer zone (species dependent) around the nest in which no disturbance is permitted until the nest is no longer in use.
- R9 Common Amphibians:** Due to the potential presence of common amphibian species (particularly smooth newt and toad) occurring on site both during their aquatic and terrestrial phases, it is recommended that the two small ponds are decommissioned under supervision by an Ecological Clerk of Works and areas of concrete slabs and other similar features are removed under ecological supervision.
- R10 Great Crested Newt:** Recommendations from the great crested newt habitat suitability index assessment undertaken on site and detailed in Report Number RT-MME-125808-03 should be adhered to.
- R11 Reptiles:** A reptile survey should be undertaken of suitable habitats within the proposed development site. Reptile surveys can be completed in suitable weather conditions between April and September (inclusive).
- R12 Terrestrial Mammals:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

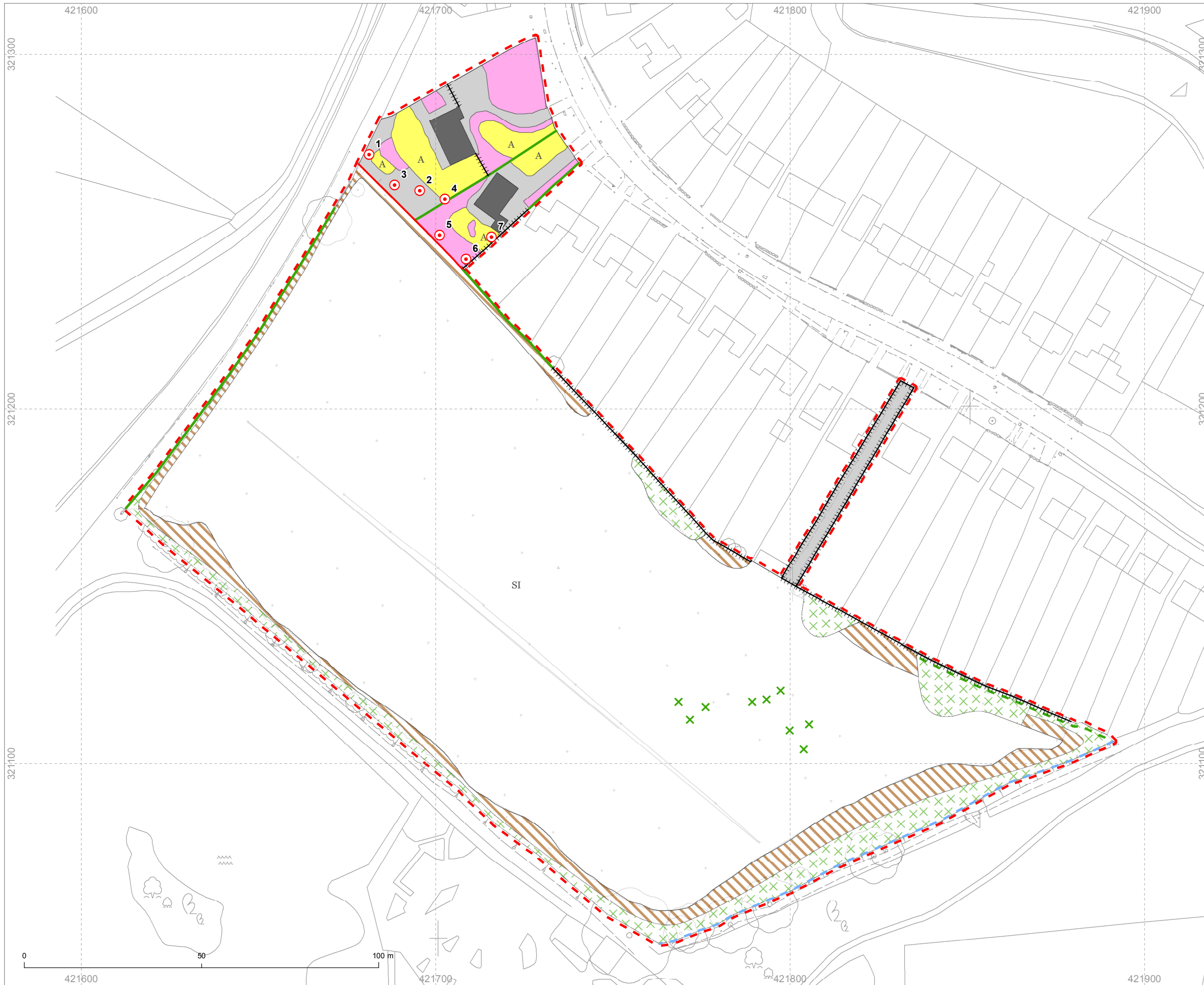
7.4 INVASIVE PLANT SPECIES

The following recommendations are made with regards to invasive species:

- R13 Cotoneaster:** The works must not cause the cotoneaster present on site to spread in the wild. If it is required to be removed, this should be undertaken with care.
- R14 Japanese knotweed:** Although Japanese knotweed has been previously identified onsite, no stands were recorded during this survey effort. Therefore, vigilance should be maintained for signs of this species, in order to ensure that it does not spread in the wild.

8. DRAWINGS

Drawing C125808-01-01 – Phase 1 Habitat Map



C125808-01-01

Legend

- - - Site boundary
- X Scattered scrub
- - - Dry ditch
- ++++ Fence
- - - Species-poor defunct hedgerow
- - - Species-poor intact hedgerow
- Wall
- A Amenity grassland
- Building
- Hardstanding
- Ornamental garden planting
- SI Poor semi-improved grassland
- Scattered scrub
- Tall ruderal
- Target note
 1. Two wooden sheds
 2. Swimming pool
 3. Single storey flat roof (felted) unit
 4. Small (1 m²) pre-formed pond with water lily
 5. Small (1 m²) pre-formed pond with limited aquatic plants and duckweed
 6. Glass greenhouse
 7. Wooden shed

Project
Land off Tatenhill Lane, Branston

Drawing
Phase 1 Habitat Map

Client
Lioncourt Homes

Drawing Number C125808-01-01	Revision 00
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Scale @ A3 1:1,000	Date July 2017
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Approved By CR	Drawn By GP
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9. PHOTOGRAPHS



Plate 9.1: Overgrown Amenity Grassland to the Front of No. 78 Tatenhill Lane



Plate 9.2: Overgrown Amenity Grassland to the Rear of No. 80 Tatenhill Lane.



Plate 9.3: Boundary Features (Breezeblock Walling and Wooden Fencing) at No.80 Tatenhill Lane.



Plate 9.4: Swimming Pool to the Rear of No. 80 Tatenhill Lane.



Plate 9.5: Dry Ditch Adjacent to the Eastern Site Boundary.



Plate 9.6: Hard Standing to the Front of No. 78 Tatenhill Lane.



Plate 9.7: Hedgerow Adjacent to Western Site Boundary.



Plate 9.8: Ornamental Shrub to the Front of No. 80 Tatenhill Lane.



Plate 9.9: Preformed Pond within the Rear Garden of No. 78 Tatenhill Lane.



Plate 9.10: Preformed Pond within the Rear Garden of No. 80 Tatenhill Lane.



Plate 9.11: Poor, Semi-improved Grassland.



Plate 9.12: Crack Willow Located Just Outside the Site Boundary with Low Bat Roost Potential.



Plate 9.13: Scrub Along the Southern Site Boundary.



Plate 9.14: Tall Ruderal Vegetation Along the Northern Boundary.

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APPENDICES

APPENDIX 1: Summary of Statutory Nature Conservation Sites

APPENDIX 2: Overview of Relevant Species Specific Legislation

APPENDIX 1

Summary of Statutory Nature Conservation Sites

European Statutory Sites Within a 5 km Radius

Site Check Report. Report generated on Mon Jul 17 2017
You selected the location: Centroid Grid Ref: SK217211
The following features have been found in your search area:

Ramsar Sites (England)

No Features found

Special Areas of Conservation (England)

No Features found

Special Protection Areas (England)

No Features found

Biosphere Reserves (England)

No Features found

UK Statutory Sites Within a 2 km Radius

Site Check Report. Report generated on Mon Jul 17 2017

You selected the location: Centroid Grid Ref: SK217211

The following features have been found in your search area:

Ancient Woodland (England)

Wood Name
Theme ID: 1411567
Theme Name: Ancient & Semi-Natural Woodland
Area (Ha): 1.271718

Wood Name
Theme ID: 1411568
Theme Name: Ancient & Semi-Natural Woodland
Area (Ha): 0.445803

Wood Name: ROCKETS OAK
Theme ID: 1104613
Theme Name: Ancient & Semi-Natural Woodland
Area (Ha): 5.803634

Local Nature Reserves (England)

Reference: 1475794 **Name:** BRANSTON WATER PARK **Hectares:** 23.55
Hyperlink: http://www.lnr.naturalengland.org.uk/special/lnr/lnr_details.asp?themeid=1475794

SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

Air Pollution: Pig & poultry units, slurry lagoons > 4000m².

Combustion: General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

GUIDANCE – How to use the Impact Risk Zones [/Metadata for magic/SSSI IRZ User Guidance MAGIC.pdf](#)

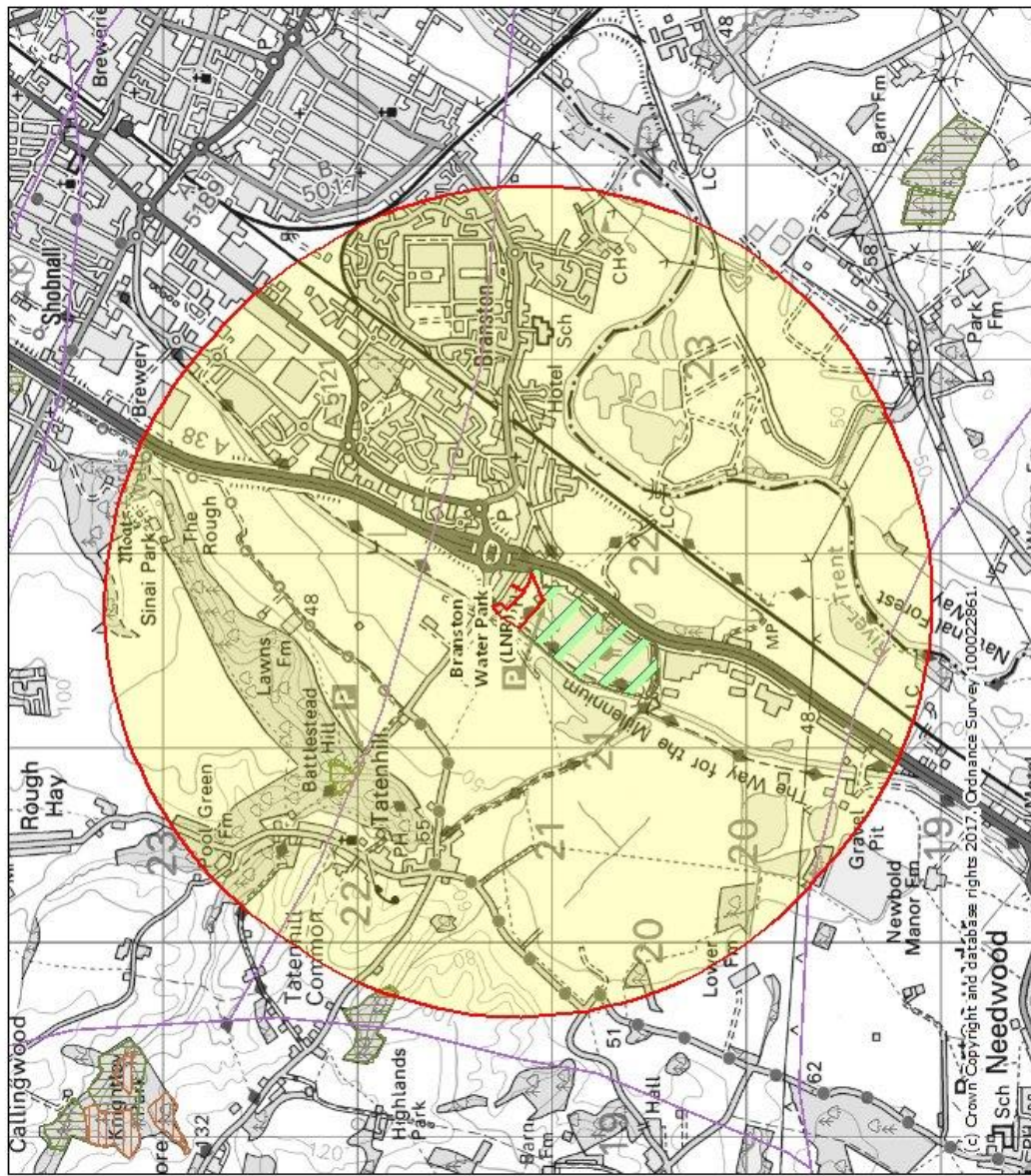
National Nature Reserves (England)

No Features found

Sites of Special Scientific Interest (England)

No Features found

UK Statutory Sites Within 2 km



Legend

- Local Nature Reserves (England)
- National Nature Reserves (England)
- Sites of Special Scientific Interest (England)
- SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England)
- Ancient Woodland (England)
- Ancient and Semi-Natural Woodland
- Ancient Replanted Woodland

Projection = OSGB36
 xmin = 416400
 ymin = 318600
 xmax = 427200
 ymax = 323700

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APPENDIX 2

Overview of Relevant Species Specific Legislation

Bats

Bats and the places they use for shelter or protection (i.e. roosts) receive European protection under The Conservation of Habitats and Species Regulations 2010, as amended (Habitats Regulations 2010, as amended). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that bats, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2010 (as amended), states that a person commits an offence if they:

- deliberately capture, injure or kill a bat;
- deliberately disturb bats; or
- damage or destroy a bat roost (breeding site or resting place).

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2010 (as amended) for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead bats, part of a bat or anything derived from bats, which has been unlawfully taken from the wild.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

- Section 9(1) of the WCA makes it an offence to *intentionally* (rather than deliberately) kill, injure or take any protected species.
- Section 9(4)(a) of the WCA makes it an offence to *intentionally or recklessly** damage or destroy, or *obstruct access to*, any structure or place which a protected species uses for shelter or protection.
- Section 9(4)(b) of the WCA makes it an offence to *intentionally or recklessly** disturb any protected species *while it is occupying a structure or place which it uses for shelter or protection*.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

As bats re-use the same roosts (breeding site or resting place) after periods of vacancy, legal opinion is that roosts are protected whether or not bats are present.

The following bat species are Species of Principal Importance for Nature Conservation in England: Barbastelle Bat *Barbastella barbastellus*, Bechstein's Bat *Myotis bechsteinii*, Noctule Bat *Nyctalus noctula*, Soprano Pipistrelle *Pipistrellus pygmaeus*, Brown Long-eared Bat *Plecotus auritus*, Greater Horseshoe Bat *Rhinolophus ferrumequinum* and Lesser Horseshoe Bat *Rhinolophus hipposideros*.

The reader should refer to the original legislation for the definitive interpretation.

Birds

The Conservation of Habitats and Species Regulations 2010 (as amended) places a duty on public bodies to take measures to preserve, maintain and re-establish habitat for wild birds.

Nesting and nest building birds are protected under the Wildlife and Countryside Act WCA 1981 (as amended).

Subject to the provisions of the act, if any person intentionally:

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

he shall be guilty of an offence.

Some species (listed in Schedule 1 of the WCA) are protected by special penalties. Subject to the provisions

of the act, if any person intentionally or recklessly:

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

he shall be guilty of an offence.

Several bird species are Species of Principal Importance for Nature Conservation in England, making them capable of being material considerations in the planning process.

SCHEDULE 1 BIRDS

Schedule 1 - Part I

Birds and their young, for which it is an offence to intentionally or recklessly disturb at, on or near an 'active' nest.

Avocet

Bee-eater

Bittern

Bittern, little

Bluethroat

Brambling

Bunting, ciril

Bunting, Lapland

Bunting, snow

Buzzard, honey

Capercaillie (Scotland only)

Chough

Corncrake

Crake, spotted

Crossbills (all species)

Divers (all species)

Dotterel

Duck, long-tailed

Eagle, golden

Eagle, white-tailed

Falcon, gyr

Fieldfare

Firecrest

Garganey

Godwit, black-tailed

Goshawk

Grebe, black-necked

Grebe, Slavonian

Greenshank

Gull, little

Gull, Mediterranean

Harriers (all species)

Heron, purple

Hobby

Hoopoe

Kingfisher

Kite, red

Merlin

Oriole, golden

Osprey

Owl, barn

Owl, snowy

Peregrine

Petrel, Leach's

Phalarope, red-necked

Plover, Kentish
Plover, little ringed
Quail, common
Redstart, black
Redwing
Rosefinch, scarlet
Ruff
Sandpiper, green
Sandpiper, purple
Sandpiper, wood
Scaup
Scoter, common
Scoter, velvet
Serin
Shorelark
Shrike, red-backed
Spoonbill
Stilt, black-winged
Stint, Temminck's
Stone-curlew
Swan, Bewick's
Swan, whooper
Tern, black
Tern, little
Tern, roseate
Tit, bearded
Tit, crested
Treecreeper, short-toed
Warbler, Cetti's
Warbler, Dartford
Warbler, marsh
Warbler, Savi's
Whimbrel
Woodlark
Wryneck

Schedule 1 - Part II

Birds afforded special protection during the close season which is 1 February to 31 August (21 February to 31 August below high water mark) but which may be killed or taken outside this period.

Goldeneye

Pintail

Greylag goose (in Outer Hebrides, Caithness, Sutherland and Wester Ross only)

Common Amphibians

Common frogs, common toad, smooth newt and palmate newt are protected in Britain under Schedule 5 of the Wildlife and Countryside Act (1981, as amended) with respect to sale only. They are also listed under Annex III of the Bern Convention 1979. Any exploitation of wild fauna specified in Appendix III shall be regulated in order to keep the populations out of danger. The convention seeks to prohibit the use of all indiscriminate means of capture and killing and the use of all means capable of causing local disappearance of, or serious disturbance to, populations of a species.

Common toad is listed as a Species of Principal Importance for Nature Conservation in England.

Reptiles

All of the UK's native reptiles are protected by law. The two rarest species – sand lizard (*Lacerta agilis*) and smooth snake (*Coronella austriaca*) benefit from the greatest protection although it is not considered that these species would be present.

Common lizard (*Lacerta vivipara*), slow-worm (*Anguis fragilis*), adder (*Vipera berus*) and grass snake (*Natrix natrix*) are protected under the Wildlife and Countryside Act 1981 as amended from intentional killing or injuring.

In England and Wales, this Act has been amended by the Countryside and Rights of Way Act 2000 (CRoW), which adds an extra offence, makes species offences arrestable, increases the time limits for some prosecutions and increases penalties. The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on Government Departments to have regard for the conservation of biodiversity and maintains lists of species and habitats which are of principal importance for the purposes of conserving biodiversity in England and Wales. All native reptile species are included on these lists.

The reader is referred to the original legislation for the definitive interpretation.

This is a simplified description of the legislation. In particular, the offences mentioned here may be absolute, intentional, deliberate or reckless. Note that where it is predictable that reptiles are likely to be killed or injured by activities such as site clearance, this could legally constitute intentional killing or injuring.

English Nature (2004) has stated that:

Reptiles are likely to be threatened, and the law potentially breached, by activities such as the following:

- *Archaeological and geotechnical investigations*
- *Clearing land, installing site offices or digging foundations*
- *Cutting vegetation to a low height*
- *Laying pipelines or installing other services*
- *Driving machinery over sensitive areas*
- *Storing construction materials in sensitive areas*
- *Removing rubble, wood piles and other debris.*

In general English Nature would expect reasonable avoidance to include measures such as altering development layouts to avoid key areas, as well as capture and exclusion of reptiles.

Great Crested Newts

Great crested newts (GCN) and the places they use for shelter or protection receive European protection under The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). They receive further legal protection under the Wildlife and Countryside Act (WCA) 1981, as amended. This protection means that GCN, and the places they use for shelter or protection, are capable of being a material consideration in the planning process.

Regulation 41 of the Habitats Regulations 2010, states that a person commits an offence if they:

- deliberately capture, injure or kill a GCN;
- deliberately disturb GCN;
- deliberately take or destroy eggs of a GCN; or
- damage or destroy a GCN breeding site or resting place.

Disturbance of animals includes in particular any disturbance which is likely to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or to affect significantly the local distribution or abundance of the species to which they belong.

It is an offence under the Habitats Regulations 2010 for any person to have in his possession or control, to transport, to sell or exchange or to offer for sale, any live or dead GCN, part of a GCN or anything derived from GCN, which has been unlawfully taken from the wild. This legislation applies to all life stages of GCN.

Whilst broadly similar to the above legislation, the WCA 1981 (as amended) differs in the following ways:

Section 9(1) of the WCA makes it an offence to intentionally (rather than deliberately) kill, injure or take any protected species.

Section 9(4)(a) of the WCA makes it an offence to intentionally or recklessly* damage or destroy, or obstruct access to, any structure or place which a protected species uses for shelter or protection.

Section 9(4)(b) of the WCA makes it an offence to intentionally or recklessly* disturb any protected species while it is occupying a structure or place which it uses for shelter or protection.

*Reckless offences were added by the Countryside and Rights of Way (CRoW) Act 2000.

The Natural Environment and Rural Communities (NERC) Act 2006 places a duty on public bodies to have regard for the conservation of biodiversity and maintains lists of species and habitats which are of principal importance for the purposes of conserving biodiversity in England and Wales. These lists supersede Section 74 of the CRoW Act 2000.

The United Kingdom Biodiversity Action Plan (UK BAP) first published in 1994 and updated in 2007, is a government initiative designed to implement the requirements of the Convention of Biological Diversity to conserve and enhance species and habitats. The UK BAP contains a list of priority habitats and species of conservation concern in the UK, and outlines biodiversity initiatives designed to enhance their conservation status. The priority habitats and species in England and Wales correlate with those listed on Section 41 and Section of the NERC Act respectively.

GCN are listed as priority species on the UK Biodiversity Action Plan (BAP), and Section 41 and Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006.

The reader should refer to the original legislation for the definitive interpretation.

Invasive Plant Species

The Wildlife and Countryside Act 1981 provides the primary controls on the release of non-native species into the wild in Great Britain. It is an offence under section 14(2) of the Act to 'plant or otherwise cause to grow in the wild' any plant listed in Schedule 9, Part II.