

# IPSTONES PARK FARM, IPSTONES, STAFFORDSHIRE

# ECOLOGICAL CONSTRUCTION METHOD STATEMENT

Prepared for Mark and Sarah Bennion

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Apex Ecology Limited Synchro House 512 Etruria Road Newcastle-under-Lyme Staffordshire ST5 0SY

01782 346494 enquiries@apexecology.com

Client	Mark and Sarah Bennion
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Report author	Helen Ball MSc, MCIEEM, CEnv
Report reviewer	Max Robinson, BSc, MCIEEM

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# 1. INTRODUCTION

- 1.1 This document comprises an Ecological Construction Method Statement relating to works that affect bats Ipstones Park Farm, Ipstones, Staffordshire.
- 1.2 Planning permission was granted in November 2017 by Staffordshire Moorlands District Council for the conversion of a barn to a 'granny' flat (SMD/2017/0466). Condition 5 of the planning permission states 'Prior to the commencement of development there shall be submitted to and approved in writing by the Local Planning Authority, a detailed Ecological Construction Method Statement (ECMA) supported by further appropriate bat surveys as necessary in order to plan the work to accord with the latest published Bat Conservation Trust Guidelines and Natural England requirements and which as a minimum sets out seasonal timing of works and working methods as well as providing appropriate roosting sites in the completed development. The development shall be implemented in accordance with the ECMA as approved by the Local Planning Authority unless subsequently amended by a Natural England European Protected Species (EPS) Licence in which case the work shall be implemented in accordance with the EPS Licence and in either event shall be implemented and retained as approved for the lifetime of the development'.
- 1.3 The building was subject to a Preliminary Roost Appraisal in May 2017. Although no signs of bats were located, the barn was identified as holding high potential for use by roosting bats and follow-on survey was advised. The results of the survey are detailed in our report *Inspection of Buildings for Bats, Ipstones Park Farm, Ipstones, Staffordshire* (dated June 2017; report reference HB/170610). The follow-on surveys were carried out in May and June 2018 and are detailed in the following chapter.
- 1.4 The barn actually comprises of a series of interconnected buildings: the southwestern end of the farmhouse and front single-storey 'porch' extension, along with three single-storey outbuildings.
- 1.5 Ipstones Park Farm lies in a rural setting off Park Lane, 1.5km to the east of Ipstones and north of Foxt. It is located on the southern slope of Ipstones Edge and is surrounded by meadows and rush pasture, with patches of moorland and scattered scrub lying to the north. There is much woodland to the south, including Blackbank Wood 250m away. This in turn is connected to continuous woodland that predominates throughout much of the Churnet Valley and tributaries. The OS grid reference for the farm is SK 0391 4965.
- 1.6 Bats and their roosts are legally protected under European and domestic legislation and birds under domestic legislation. A summary of the key legislation protecting these species is provided in the Appendix.
- 1.7 It is important to note that this document does not provide a legal basis on which works to the barn that affect bats can proceed a statutory European Protected Species derogation licence will need to be obtained from Natural England in order to undertake the works. The strategy has been prepared in order to provide Staffordshire Moorlands District Council with detail on the compensation and mitigation measures and precautionary working practices that will be undertaken

to help remediate impacts on bats as a result of the development works. Natural England, as part of any licensing process may require additional or alternative compensation and mitigation measures to off-set impacts on bats and there will be additional conditions that will need to be adhered to in relation to the licence.

- 1.8 This document has been issued to the clients, Mr and Mrs Bennion, along with the project architect, Malcolm Sales. It must be issued to all parties undertaking works to the barn and the information it contains must be adhered to by all site operatives. As well as the information contained in the document, works must adhere to all the conditions of the Natural England licence. Failure to follow the advice set out in this document or act in accordance with the licence conditions may result in an offence being committed and delays to work.
- 1.9 Works are due to commence in autumn 2018.

# 2. SURVEY FINDINGS

- 2.1 The barn actually comprises of a series of interconnected buildings: the southwestern end of the farmhouse and front single-storey 'porch' extension, along with three single-storey outbuildings. For the purposes of clarity in reporting, the building sections have been numbered B1-B5.
- 2.2 Building B1, B2 and B3 offer high potential to be roosted by bats for roosting. The roofs are tiled and lined with underfelt and there are a large number of gaps below the ridge and common tiles on these buildings. Thus there are ample opportunities for bats to access and roost in gaps between the tiles and underfelt lining, a favoured roosting place for bats. Internally, there are also some gaps in the walls of the buildings that may also offer suitable roosting. No signs of bats have been found associated with building B4 and B5. They have negligible roosting opportunities for bats.
- 2.3 Inspections of the interior of the barn was carried out prior to the first and final evening surveys. A small number of bat droppings characteristic of those produced by brown long-eared Plecotus auritus bats were found stuck to the internal western wall of B3 were located. The droppings were mostly very fresh, with a couple of older droppings visible.
- 2.4 Barn sections B1-B3 were subject to evening emergence surveys to watch for, identify to species and count any emerging bats. The evening emergence survey followed guidance from the Bat Conservation Trust *Bat Surveys Good Practice Guidelines* (Collins, 2016).
- 2.5 Three evening emergence surveys were undertaken on the 3<sup>rd</sup> and 22<sup>nd</sup> May and the 5<sup>th</sup> June 2018. These commenced approximately 0.5 hours before sunset and finished 2 hours after sunset.
- 2.6 The surveys were each carried by two surveyors. The surveyors were Helen Ball, Max Robinson and Neil Watkin. Helen and Max are licensed by Natural England to survey and handle bats (class 2). During each survey, the surveyors positioned themselves externally around the barn to watch for bats emerging from, and bat activity associated with, the barn.
- 2.7 The surveyors used bat detectors (Bat Box Duet, Stag Electronics) to identify the presence and identity of bats. This model of bat detector has two modes of detection. In addition, Anabat SD1 CF Detectors (from Titley Electronics, Australia) were placed around the building to constantly record any bat activity (such as emerging or foraging bats). Bat calls picked up by the Anabats were written onto a compact flash card and, where necessary, analysed on a PC to confirm species. An Echometer Touch 2 was also used to identify bat calls. To aid in identifying any roost access points, a Sony camcorder with nightshot facility was used along with infra-red LED lighting to record activity.
- 2.8 The table below summarises the weather conditions during the evening survey visits.

Date (2018)	Weather Conditions	Temperature
3 <sup>rd</sup> May	Dry, calm (0), 50% cloud cover, mild	Start: 12°C
		End: 10°C
22 <sup>nd</sup> May	Dry, moderate breeze (3), clear	Start: 10.7°C
		End: 8.4°C
5 <sup>th</sup> June	Dry, light air (1), 10% cloud cover.	Start: 17.1°C
		End: 11.0°C

- 2.9 During the evening of the survey of 3<sup>rd</sup> May, *a brown long-eared bat was present inside B3, awake and active, clinging to the internal western wall above where the bat droppings were located. It emerged from the doorway of B3 at 21.06. A brown long-eared also emerged from the roof of the adjacent farmhouse close to the central chimney and was seen to fly south into the garden and reappear flying low over the shrubs edging the garden. Passes by brown long-eared were also detected to the south of the barn at 21.30 and 21.48 and 21.58, with multiple passes recorded likely by a bat foraging. Common pipistrelles <i>Pipistrellus pipistrellus* were also recorded foraging over the surrounding habitats.
- 2.10 No bats were observed emerging from the barn during the second emergence survey. Occasional passes by common pipistrelle and noctule *Nyctalus noctula* were heard.
- 2.11 During the final evening survey, *a common pipistrelle emerged from the roof* of *B1 at 22.13 and flew northwards.* Occasional passes by common pipistrelle and noctule were detected throughout much of the survey, with very quiet passes by brown long-eared at 22.54 and 22.59.
- 2.12 The surveys have confirmed that the barn is used by brown long-eared and common pipistrelle for roosting. The findings of the surveys indicate use by individual/very small numbers of non-breeding bats as day roosts. No evidence of the presence of a maternity roost of either species was found.
- 2.13 Please see Figure 1 for location of bat evidence found.
- 2.14 The barn offers varied opportunities for birds to use it for nesting. A nest in active use by barn swallows was present during the first survey; the young had fledged by the time of the final survey. A wren nest was also present in the barn.

# 3. COMPENSATION AND MITIGATION MEASURES

- 3.1 The following will be undertaken to provide replacement roosting opportunity for bats.
  - Two bat boxes will be installed, one into the eastern gable end wall of B1 and one into the eastern gable end wall of B4.
  - The boxes will be Schwegler 1FR Bat Tubes or Ibstock Bat Box C (or similar). These boxes are made from woodcrete or similar (a blend of wood, concrete and clay) and have long durability (reputed to be 20-25 years). Wooden boxes do not have a long design life and should not be used.
  - The bat boxes will be located just below the gable apexes. The access points will be free from obstruction with an open flight way leading to the boxes. Deflector boards can be fitted below the boxes to catch any droppings.
  - Installation of the boxess would need to be overseen by the ecologist and in accordance with any licence conditions.
  - For locations for installation of the bat boxes please see Figure 1.

## <u>Birds</u>

- 3.2 The following will be undertaken to provide nesting provision for birds.
  - Two bat boxes will be installed, one into the eastern gable end wall of B1 and one into the eastern gable end wall of B4.
  - These will consists of a Schwegler (or similar) hole-entrance box and a house sparrow nest box (sparrow box to go on B1; hole box on B4). These boxes are made from woodcrete or similar (a blend of wood, concrete and clay) and have long durability (reputed to be 20-25 years). Wooden boxes do not have a long design life and should not be used.
  - The boxes will be installed as high as possible close to the apex and will not face due south. The boxes will not be located above windows or doorways. Deflector boards can be fitted a distance below the boxes to catch any droppings should boxes be located above windows etc.
  - For locations for installation of the bird boxes please see Figure 1.

## 4. METHOD STATEMENT FOR WORKS AFFECTING BATS

#### <u>Bats</u>

- 4.1 The following precautionary working practices will be undertaken during works to the barn with the intention of avoiding harm to bats.
  - The personnel undertaking work should be able to recognise bats and their droppings. Information on bat identification can be found readily on the Bat Conservation Trust website.
  - The barn has the potential to be used by bats throughout the year. However, use is likely to be greater during the summer months when bats are most active and it is considered unlikely that bats use it for periods of hibernation. Consequently, it will not be necessary to undertake works that may affect bats or their roosts (such as tile stripping) only at times when bats are active (such as the summer months) nor avoid completely undertaking such works during the winter.
  - To cover the chance of hibernating or torpid bats being discovered unexpectedly, where possible, such works will be timed to avoid periods of adverse weather during the winter months, such as prolonged spells of cold or sudden cold snaps (such as during frosts or snow/icy weather) when cold temperatures prevail and instead timed to coincide with mild weather. At times of adverse winter weather, bats may be deep in torpor and unable to rouse quickly and causing bats to wake and use energy at a time of year when they cannot replace their energy reserves may reduce their chances of surviving particularly in winter.
  - Certain works such the stripping of roof tiles and works to replace/repair defective stone work will be supervised by the ecologist.
  - The ecologist will brief all persons (contractors, etc.) undertaking the work prior to any works commencing. The briefing session will cover legislation protecting bats, identification of the species present, identification of bat droppings, where bats are likely to be roosting and the procedure to follow in the event that bats are found during work.
  - The interior of the barn will be checked as far as possible for current signs of bat use by the ecologist immediately prior to the commencement of works.
  - In the event that bats are found to be present during works a phased approach to working will be employed, coupled with the use of exclusion devices and a works protocol, if necessary. Works will avoid areas of the building occupied by bats until they have been excluded or voluntarily vacated the roost.
  - All decision making as to how best to deal with any bats found to be present will be made by the ecologist rather than the demolition contractors.

- Assuming no bats are located during the inspection survey and prior to works to the building, the roof tiles will be carefully stripped by hand (where roofs are to be re-tiled/repaired etc) to avoid injury to any undiscovered bats that may be present.
- The tiles will be lifted directly upwards/outwards to avoid accidental crushing of any bats roosting behind or beneath and inspected below for bats or signs of bats, such as droppings<sup>1</sup>. Any crevices, such as between the roof tiles and tops of the walls will also be inspected. The building will then be left for a night to allow any undiscovered bats that may be present to vacate the roost points that evening.
- The ecologist will oversee the removal of the roof tiles. It may be possible to strip these from some parts of the building without the ecologist being present but a decision on this will be made by the ecologist on site once work commences. In particular, the ecologist will need to oversee removal of roof tiles in key known and likely roosting areas and will decide on whether they need to oversee removal of other areas when on site.
- Any suitable roosting locations stripped without the ecologist present will be stripped carefully by the demolition contractors using the same methodology as stated above.
- Should bats be located within gaps that are not accessible or there are areas too deep to search with a torch and/or endoscope, these areas will be either carefully dismantled by hand where (if this could be done without posing a risk to bats) or exclusion devices fitted based on the 'one way door' design or gap plugging described in the *Bat Workers' Manual* (JNCC, 1999) will be used. In such instances the following methods will be followed:
  - The exact design of the exclusion devices would depend upon the nature and topography of the roosting site and entrance, but would be based on the 'one way door' design described in the *Bat Workers' Manual* (JNCC, 1999). These would consist of pieces or collapsible 'tubes' of acetate or stiff plastic, fixed above the entrance to the tunnel and flexible enough for the bats to push past and exit the roost but stiff enough to move back into place. The use of this technique would allow the bats to voluntarily leave the roosting site but not re-enter. Exclusion devices would be fitted around the entrances of any crevices containing bats and left in place for a minimum of three days or until the bats had dispersed;
  - If use of these devices were not possible, then bats would be allowed to emerge from the roost sites at dusk. Entrances would then be plugged with cloth and re-opened the following evening at least two hours before bats were due to emerge. This would be repeated on three consecutive days or until it was shown that bats had vacated the

<sup>&</sup>lt;sup>1</sup> Bat droppings are small and black/brown in colour. They appear similar to mouse dropping except when crushed they crumble into dust (unless wet). Mouse droppings are soft and can have an odour when fresh, but become hard very quickly. Hands should be disinfected after touching droppings.

roost sites. Care would be taken that this did not result in the suffocation of bats, for instance, by leaving holes for ventilation.

- Exclusion devices and gap plugging would be undertaken during mild weather (see above).
- Once the exclusion devices and a gap plugging have been completed a check of the gaps and crevices would be made using an endoscope and the crevices would be immediately filled or dismantled.
- Note, exclusion can only occur at times of year when bats are active.
- All designs and procedures would follow the standard practice and guidance provided by the *Bat Mitigation Guidelines* and the *Bat Workers' Manual*. The ecologist would supervise all works relating to exclusion.
- If a bat is found when the ecologist is not present, works will cease immediately and the ecologist will be contacted to attend site. The bat will be left *in situ* and not handled or touched by the contractors (i.e. anyone other than the ecologist).
- If a bat has been uncovered then the tile, etc., will be placed gently back over the bat by the contractors with care taken not to crush the bat below. Care will be taken to not expose the bat or cause it to fly out of the roost of its own accord.
- Any bats that are found to be present will be carefully removed by the ecologist wearing gloves or using a hand-held net and placed in a bat box, as detailed below, or allowed to voluntarily vacate the roost (depending upon how active they were, where they were found, the time of year found and the prevailing weather conditions at the time).
- If a bat is found, it will be placed into the bat box erected on an adjacent mature tree or building in an area not affected by the proposals. If found during adverse weather conditions in winter, a box will be installed on an adjacent building where it is sheltered to provide a safe quiet environment with a stable cool temperature.
- Any bats found that can be safely accessed and captured will be gently removed by the ecologist (who is fully vaccinated against rabies and who would wear suitable gloves for bat handling) and placed in the wooden bat box. The entrance to the bat box will be sealed with a soft cloth or sponge and re-opened just before dusk. However, the emphasis on exclusion would be to persuade bats to move of their own accord and they would only be physically removed as a last resort (unless it occurs during adverse weather in winter). The bat box (or boxes) will be left in place following completion of the development and would need to be kept safely in place for at least five years following completion of works.

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- Should any bats be injured during works, they would be taken into immediate care by the ecologist (who has experience of caring for sick/injured/grounded bats in the short term) and then be passed as soon as possible to a member of Staffordshire Bat Groups who specialize in caring for injured bats (the ecologist has close links with these members) who would care for and assess the bat. Any bats with injuries that could not be healed would be taken to a vet and euthanized, with any surviving bats released back at the site during the evening and in suitable weather once they had recovered.
- Should any bats be found hibernating during the winter, advice from the ecologist will be sought on whether works can proceed under the licence as issued or whether an amended or new licence needs to be sought.
- Works will be overseen by the licensed bat ecologist where the ecologist deems this necessary and as a condition of the Natural England licence.

#### <u>Birds</u>

- 4.2 Works to convert the barn would need to take account of the potential presence of nesting birds. The presence of nesting birds can be avoided as a constraint to the proposals by timing relevant works to avoid the bird nesting season. The bird nesting season is generally deemed to run from March to August inclusive, although some species can nest outside this period.
- 4.3 Should the works need to be carried out during the bird nesting season then a watching brief would need to be carried out during works to be instigated. This would involve early morning survey visits carried out by the ecologist during suitable weather to watch for bird nesting activity in areas affected by works. Survey would need to be carried out immediately prior to works taking place.
- 4.4 Any areas where nesting is confirmed (or is likely) would need to be left undisturbed until nesting had been completed (this includes the nest no longer being used by fledglings).
- 4.5 In areas where nesting is unlikely but supports suitable bird nesting habitat that is difficult to survey (such as holes in brickwork, etc.), a 'fingertip' search/endoscope survey for nests by the ecologist could be done hand-in-hand with careful clearance to ensure no nests are present. If nests were found or are likely present works would need to avoid these areas until the birds have finished nesting.
- 4.6 Working closely on the ground with the contractors will help ensure any nest sites are identified where possible and thus protected and at the same time enabling works to proceed in areas free from nesting birds.

# 5. <u>REFERENCES</u>

Collins, J. (ed). (2016). *Bat Surveys for Professional Ecologists – Good Practice Guidelines.* 3<sup>rd</sup> Edition. Bat Conservation Trust, London.

Mitchell-Jones, A. J. (2004). *The Bat Mitigation Guidelines*. English Nature, Peterborough.

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# **PHOTOGRAPHS**



1. Southern elevations of B1, B2, B3 and B5.

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Ipstones Park Farm, Ipstones, Staffordshire Ecological Construction Method Statement



2. Northern (rear) elevations of B4, B3 and B1 (left to right)



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Β4





4. Interior of B1

Apex Ecology Limited August 2018 HB/180803 Approx. proposed locations of bat and bird boxes on (external) walls



Figure 1. Layout of Site and Location of Bat Evidence and Compensation Ipstones Park Farm, Staffordshire

To be read in conjunction with report HB/180803 For illustrative purposes only. Not to scale.

### APPENDIX 1 - LEGISLATION RELATING TO PROTECTED SPECIES DISCUSSED IN THE REPORT

The information below is intended only as guidance to the legislation relating to these species and relates solely to England and does not purport to provide legal advice. It is recommended that the legislative documents be referred to for the full legal wording and the services of a relevant specialist sought where legal advice is required.

## <u>Bats</u>

There are seventeen different species of bat in the UK; some are very rare whilst others are widespread. However, because the populations of most species have declined in past decades, all British bats have been protected by law.

Bats are protected in England under European Legislation via the Conservation (Natural Habitats and Wild Flora and Fauna (92/43/EEC)) or 'The Habitats Directive'. The Directive is transposed into UK law via the Conservation of Habitats and Species Regulations 2010 (Statutory Instrument 2010/0490 known as the Habitats Regulations), which came into force on the 1<sup>st</sup> April 2010. The Conservation of Habitats and Species Regulations 2010 (the "Habitats Regulations") consolidate and update the Conservation (Natural Habitats, &c.) Regulations 1994 (Statutory Instrument 1994/2716) and amendments. Due to their inclusion on Schedule 2 of the Habitats Regulations, bats are considered 'European Protected Species'.

In summary, this legislation makes it an offence to:

- deliberately capture, injure or kill a bat;
- deliberately disturb a bat;
- damage or destroy a breeding site or resting place of any bat;
- possess a bat (alive or dead) or any part of a bat.

Disturbance of bats 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) to hibernate or migrate; or

(b) to affect the local distribution or abundance of the species to which they belong.

Bats are also protected under the Wildlife and Countryside Act 1981 (as amended), which has also been amended by the Countryside and Rights of Way (CRoW) Act, 2000.

In summary, this legislation makes it an offence to:

- intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection;
- intentionally or recklessly obstruct access to any structure or place which any bat uses for shelter or protection.

In addition, under UK's Biodiversity Action Plans seven British bat species are listed as 'Priority Species'. These include barbastelle *Barbastella barbastellus*, Bechstein's *Myotis bechsteinii*, noctule *Nyctalus noctula*, soprano pipistrelle *Pipistrellus pygmaeus*,

brown long-eared *Plecotus auritus*, greater horseshoe *Rhinolophus ferrumequinum* and lesser horseshoe *Rhinolophus hipposideros*.

#### <u>Birds</u>

All wild birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended). It is, therefore, an offence (subject to certain exceptions) to:

- kill, injure or take any wild bird;
- take, damage or destroy the nest of any wild bird whilst it is in use or being built;
- take or destroy the egg of any wild bird.

In addition to the above, in accordance to amendments of the Wildlife and Countryside Act by the Countryside and Rights of Way Act 2000, it is an offence to:

- intentionally or recklessly disturb any species listed on Schedule 1 of the Wildlife and Countryside Act whilst building a nest, or whilst it is on, in or near a nest containing eggs or young; and
- disturb the dependant young of a Schedule 1 bird.

For example, barn owl is protected under Schedule 1 of the Wildlife and Countryside Act, protecting them from intentional or reckless disturbance during the breeding season (which is normally considered the time from when the female makes the first nest 'scrape' and lays the first egg until the time when the last dependent young stops returning to the nest (English Nature, 2002/3)).

### NERC ACT AND BIODIVERSITY

A number of UK habitats and species are also included on the list of habitats and species which are of principal importance for the conservation of biodiversity in England as required under Section 41 of the Natural Environment and Rural Communities (NERC) Act. The NERC Act came into force on 1st Oct 2006. Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the conservation of biodiversity in England. The list has been drawn up in consultation with Natural England, as required by the Act.

The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of NERC Act to have regard to the conservation of biodiversity in England, when carrying out their normal functions.

Fifty-six habitats of principal importance are included on the S41 list. These are all the habitats in England that were identified as requiring action in the UK Biodiversity Action Plan (UK BAP) and continue to be regarded as conservation priorities in the subsequent UK Post-2010 Biodiversity Framework. They include terrestrial habitats such as upland

Apex Ecology Limited August 2018 Report HB/180803 hay meadows to lowland mixed deciduous woodland, and freshwater and marine habitats such as ponds and subtidal sands and gravels.

There are 943 species of principal importance included on the S41 list. These are the species found in England which were identified as requiring action under the UK Biodiversity Action Plan and which continue to be regarded as conservation priorities under the UK Post-2010 Biodiversity Framework. In addition, the Hen Harrier has also been included on the list because without continued conservation action it is unlikely that the Hen Harrier population will increase from its current very low levels in England. In accordance with Section 41(4) the Secretary of State will, in consultation with Natural England, keep this list under review and will publish a revised list if necessary.

The impact that this legislation has on the Planning system is also outlined in ODPM 06/2005 Government Circular: Biodiversity and Geological Conservation – Statutory obligations and their Impact within the Planning System. This states:

The presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult English Nature [now Natural England] before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species' protection provisions affecting the site concerned.