



Extended Phase 1 Habitat Survey
Land at Forties Lane
Smisby
Derbyshire
NGR SK34814 19711

Survey by
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Contents

Part 1: Site Details

1. Introduction
 - 1.1 Site Description and Location
 - 1.2 Objective of the report

Part 2: Survey Methodology and Results

2. Appraisal Methodology
 - 2.1 Baseline Study
 - 2.2 Habitats Assessment Methodology
 - 2.3 Protected Species Assessment Methodology
 - 2.4 Consultations
3. Survey Findings
 - 3.1 Habitat Classifications and Target Notes with Photographs
 - 3.2 Evidence of Protected Species
 - 3.3 Ecological Constraints and Opportunities

Part 3: Initial Ecological Appraisal

4. Impact of any development of the site
 - 4.1 Potential Impact on nearby LWS sites
 - 4.2 Potential impact on biodiversity at the site
 - 4.3 Potential Impact on Protected Species

Appendices

Appendix 1 – Survey Species List

Appendix 2 – Biological Records (**separate confidential appendix**)

Figures

Figure 1 – Site Location Plan

Figure 2 – Contextual Aerial Photograph

Figure 3 – Site Habitat Plan

Figure 4 – Conceptual Development Plan

Non-Technical Summary

The site surveyed comprises an area of open grassland used for agricultural purposes and a small area where there are poultry sheds situated at Forties Lane, Smisby, Derbyshire centred at NGR SK34814 19711. An inspection of the site was completed on 25th October 2021.

The defined site area comprises a parcel of rich productive agricultural grassland used for silage / hay and a small area occupied by poultry sheds with free range foraging. To the south is a residential house and garden separated from the site by a trimmed hedgerow. To the north is another residential house and an extension of the improved grassland field. Beyond this is Heath Road and an area of scrub woodland identified as 'Harry Wood'. This extends south of the road closer to the north-eastern corner of the survey area. To the east is improved grassland beyond a trimmed hedge. Forties Lane runs along the western boundary of the survey area and beyond this is open arable land.

The survey has identified the following habitats within the site area:

- Improved Grassland
- Boundary hedgerows without trees
- Perennials and Ruderals
- Poultry Sheds

An assessment of the survey area has identified the following potential for protected species to be present:

Species	Present within 1km	Suitable habitat on site / evidence of presence	Likelihood of presence on site	Further Survey / Mitigation recommended
Nesting Birds	Yes	Open grassland not suitable for ground nesting but the boundary hedgerows may support nesting birds. No nests were found during the inspection.	Moderate likelihood of nesting within the hedgerows in the future.	Measures to avoid disturbance to any nests or nesting activity will need to be considered prior to any vegetation clearance
Reptiles	No	Marginal areas of the site and small area of disturbed ground may be suitable for reptiles but accessibility is potentially very restricted due to the location.	Unlikely to be present in this location.	No further surveys or mitigation measures are considered necessary
Amphibians	No	Marginal areas of the site and small area of disturbed ground may be suitable for amphibians but there are no ponds or wetland and accessibility is potentially very restricted due to the location.	Unlikely to be present in this location.	No further surveys or mitigation measures are considered necessary
Bats	Yes	Some foraging along the site boundaries is likely. There are no structures or mature trees present to provide roost locations.	Foraging across the survey area likely but no roosting locations are present.	None except for restriction to any lighting to avoid increase in light levels around the boundaries of the area surveyed.
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Constraints:

No significant ecological constraints have been identified during the survey. However, there is potential for the following species to be present:

- There is potential for nesting birds to be present associated with the boundary hedgerows.
- [REDACTED]
- There is potential for hedgehogs to be present within the site, particularly around the site boundaries.

Conclusion and Recommendations

There are no Statutory or Non-Statutory sites nearby that could potentially be impacted by the proposed construction of the residential house and garden area. The nearest Local Wildlife Site is sufficiently far to avoid any impact from the small scale of the development being proposed.

The survey area comprises a field of improved grassland seasonally cropped with box-trimmed boundary hedgerows situated between residential houses off Forties Lane, Smisby. However, the area where the new house and garden is being proposed is far smaller and this is the position of the poultry sheds, bare ground and Leylandii hedgerow. This area contains no significant ecological features and will be a sufficient distance from the other boundary hedgerows and will avoid any significant disturbance of these. Only a short section of Hedgerow H1 will be removed to create a new access. No evidence of any significant locally rare plants or plant communities within or around the site area surveyed was identified during the survey.

The development proposed is of very small scale. Assuming the boundary hedgerows are retained largely undisturbed except for the new access as indicated on the conceptual development plan, it is considered likely that development of the site area surveyed could be carried out in a manner that does not have any significant impact on local biodiversity.

The inspection completed in October 2021 did not identify any physical evidence or field signs of protected species within the survey area. Assessment of local records and assessment of the habitat within the site has identified that there is potential for some protected species to be present which will require mitigation:

Birds: The hedgerows have potential to support nesting birds and if any hedgerow sections need to be trimmed or cleared, for instance to widen the existing field access, this should be completed outside of the nesting season or be preceded by an inspection by an Ecologist to ensure no nesting birds are present or determine what mitigation measures to protect nesting birds are required.

Bats: The proposed development does not appear to disturb any potential roost locations. However, there are likely to be bats foraging in this area and the design of any external lighting associated with the house must take this into account and minimise any increase in artificial light levels across this area.

[REDACTED]

Given the location of the area surveyed adjacent to open agricultural land and close to an area of broadleaved woodland to the north of the land surveyed, there is potential for ecological enhancements to be included within the scheme to enhance biodiversity and create new habitats.

- Bat boxes and bird boxes could be erected at suitable positions affixed to the proposed building or suitable trees around the field boundaries.

- Refugia suitable for hedgehogs could be constructed in suitable positions in landscaped areas where these will be accessible to these species.
- Any landscape planting should utilise native species to promote diversity.



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Part 1: Site Details

1. Introduction

1.1 Site Description and Location

The site surveyed comprises an area of open grassland used for agricultural purposes and a small area where there are poultry sheds situated at Forties Lane, Smisby, Derbyshire centred at NGR SK34814 19711. The location of the site is shown on the plan within **Figure 1** and an aerial photograph has been provided within **Figure 2** to place the site in context.



Figure 1: Site location.

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The Client has requested an ecological survey of the land to determine whether there is anything of ecological value or any evidence of protected species present. An inspection of the site was completed on 25th October 2021 and details of the survey are provided in the table below. A photographic record of key areas is included alongside target notes within the report and a list of plant species identified in the site during the survey is included within **Appendix 1**.

Date	Time	Location	Weather
25 October 2021	09.00am	Land on the east side of Forties Lane, Smisby, Derbyshire LE65.	Sunny with occasional cloud. 12 degrees C. Wind 8mph from the south-west. Humidity 91% at 1013hPa.
Accessibility	All areas of the site accessible to search for evidence of protected species.		

The defined site area comprises a parcel of rich productive agricultural grassland used for silage / hay and a small area occupied by poultry sheds with free range foraging. To the south is a residential house and garden separated from the site by a trimmed hedgerow. To the north is another residential house and an extension of the improved grassland field. Beyond this is Heath Road and an area of scrub woodland identified as 'Harry Wood'. This extends south of the road closer to the north-eastern corner of the survey area. To the east is improved grassland beyond a trimmed hedge. Forties Lane runs along the western

boundary of the survey area and beyond this is open arable land. A contextual aerial photograph has been provided below.



Figure 2: Site Contextual Aerial Photograph

Image Copyright Microsoft Mapping 2021

1.2 Objective of the Report

This report is an extended Phase 1 Habitat Survey and ecological appraisal of the area identified in yellow within the aerial photograph above. The objective of the ecological appraisal is to identify the habitat(s) present on, and surrounding, the site area being assessed. Development of the site for the purpose of constructing a new detached residential house will require planning approval and this report has been prepared to provide information as part of any future planning application process. To this end the report is required to comply with the recommendations and principles set out in the National Planning Policy Framework 2019 as amended (NPPF). The report contains Biological Records and has been prepared to meet the standard required by BS42020 (British Standard for Biodiversity and Development).

Chapter 11 of the National Planning Policy Framework (NPPF) describes the Government's national policies on promoting 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.' NPPF is accompanied by Planning Practice Guidance on 'Biodiversity, ecosystems and green infrastructure' (2014) and ODPM Circular 06/2005.

The National Planning Policy Framework 2019 Chapter 15 sets out the Government's objectives for planning in regard to the protection of habitats and biodiversity. The planning objectives in relation to biodiversity and the natural environment are stated within paragraph 170 of the NPPF 2019 and are as follows:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate.

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

Within the NPPF the planning policy context requires that Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area including an assessment of existing and potential components of ecological networks (NPPF paragraph 43).

The above approach encapsulates the ‘mitigation hierarchy’ described in British Standard BS 42020:2013 which involves the following stepwise process:

- **Avoidance** – avoiding adverse effects through good design,
- **Mitigation** – where it is unavoidable, mitigation measures should be employed to minimise adverse effects,
- **Compensation** – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm,
- **Enhancement** – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development (BS 42020:2013, section 5.5).

This ecological appraisal provides information on the existing ecological and biodiversity value of the land on the site and also reports any evidence of protected species or significant habitats present. It has been provided to provide information to the Planning Authority in order to help meet the requirements of the NPPF and enable the Authority to assess the site area in accordance with the Code of Practice within BS42020 and guidelines issued by CIEEM in 2012. The report also identifies any habitats or species present that require more detailed surveys prior to any improvements being undertaken.

Part 2: Survey Methodology and Results

2. Appraisal Methodology

2.1 Baseline Study

Within NPPF it states that there are three dimensions to sustainable development: “economic, social and environmental.” The environmental role includes “contributing to protecting and enhancing our natural, built and historic environment” and, as part of this, helping to improve biodiversity.

Within the NPPF 2019 it states that: *“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight....”* Paragraph 172

Within paragraphs 174 and 175 of NPPF 2019 the principles by which the protection and enhancement of biodiversity and geodiversity within the context of proposed development are described. These principles state in Paragraph 174 that any development proposal should:

- a) **Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks**, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and steppingstones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and*
- b) **promote the conservation, restoration and enhancement** of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for **securing measurable net gains for biodiversity**.*

Paragraph 175: When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*

The biodiversity of a site area and the potential presence of protected species are factors relevant to all developments irrespective of the size scale and will apply to any development on the site being assessed. Available information on the baseline ecology of the site and the presence of protected species within the locality has been obtained from the local biological records centre and reviewed (**Appendix 2**) and the records obtained are provided as separate appendices.

These data sources have been reviewed and the character and nature conservation value of habitats and species assessed. The aims of this appraisal of information are:

- To characterize all the existing available information regarding habitats and species that may be present at the site and provide up to date information about the environmental characteristics of the site area.
- To identify any habitats potentially present of nature conservation value in terms of local, regional and national context and within the context of local, regional and national policy; and,
- To identify any areas of ecological interest in order to either a) make recommendations to minimize the potential impact of any site works, or b) identify the need for a further survey work.

Following the appraisal of the available information, a site inspection has taken place to obtain specific site data at the site.

2.2 Habitat Assessment Methodology

The site was inspected on the morning of 25th October 2021. The inspection used the extended Phase 1 Habitat Assessment methodology as adopted by Natural England (Joint Nature Conservation Committee 1993) and in accordance with the Guidelines for Preliminary Ecological Appraisal (2012) issued by the Institute of Ecology and Environmental Management (IEEM) and BS42020 (British Standard for Biodiversity and Development).

The survey required a systematic walkover of the site to classify the habitat types present and was completed using standard Phase 1 Habitat Survey methodology whereby the habitat types present are identified and mapped, together with an assessment of the species composition of each habitat. This technique provides an inventory of the basic habitat types present and allows identification of areas of greater potential which require further survey. Any such areas identified can then be examined in more detail through Phase 2 surveys. This method was extended, in line with the Guidelines for Preliminary Ecological Appraisal to record details on the actual or potential presence of any notable or protected species or habitats.

Using the above method, the site was classified into areas of similar botanical community types, with a representative species list compiled for each habitat identified summarised within **Appendix 1**. A habitat base map and target notes have been prepared and included as **Figure 3** within section 3 of this report.

2.3 Protected Species Assessment Methodology

A methodical inspection was carried out to look for any evidence of protected species using the site and to identify any habitats with potential to provide significant shelter or foraging opportunities for these. The survey was carried out by Christopher Barker, an experienced ecological consultant and Chartered Environmentalist holding Class Licenses issued by Natural England.

The Conservation of Habitats and Species Regulations 2010 consolidates the various amendments that have been made to the Regulations. The original (1994) Regulations transposed the EC Habitats Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Council Directive 92/43/EEC) into national law.

“European protected species” are those which are present on Schedule 2 of the Conservation of Habitats and Species Regulations 2010. They are subject to the provisions of Regulation 41 of those Regulations. All European Protected Species are also protected under the Wildlife and Countryside Act 1981 (as amended). Taken together, these pieces of legislation make it an offence to:

- a. Intentionally or deliberately capture, injure or kill any wild animal included amongst these species
- b. Possess or control any live or dead specimens or any part of, or anything derived from these species
- c. deliberately disturb wild animals of any such species
- d. deliberately take or destroy the eggs of such an animal, or
- e. intentionally, deliberately or recklessly damage or destroy a breeding site or resting place of such an animal, or obstruct access to such a place

For the purposes of paragraph (c), disturbance of animals includes in particular any disturbance which is likely—

- a. to impair their ability—
 - i. to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii. in the case of animals of a hibernating or migratory species, to hibernate or migrate;or,
- b. to affect significantly the local distribution or abundance of the species to which they belong.

Although the law provides strict protection to these species, it also allows this protection to be set aside (derogation) through the issuing of licences. The licences in England are currently determined by Natural England (NE) for development works. In accordance with the requirements of the Regulations (2010), a licence can only be issued where the following requirements are satisfied:

- i) The proposal is necessary ‘to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’
- ii) ‘There is no satisfactory alternative’
- iii) The proposals ‘will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.’

General faunal activity, such as mammals or birds observed visually or by call during the course of the surveys was recorded. Specific attention was also paid to the potential presence of any protected, rare or notable species, and specific consideration was given to bats, birds, [REDACTED] amphibians and reptiles as described below.

Breeding Birds: All nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. The inspection of the site included a search of hedgerows, ground vegetation and tree canopies looking for evidence of active or former nests.

Bats: All species of Bat within the UK are protected under the Conservation of Habitat and Species Regulations 2010 (Habitat Regulations) that amended and incorporated the Wildlife and Countryside Act 1981. These regulations make it an offence to:

- Intentionally kill, injure or take a bat [WCA section 9(1)]
- Possess or control any live or dead specimen or anything derived from a bat [WCA section 9(2)]
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat [WCA section 9(4)(a)]
- Intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for that purpose [WCA section 9(4)(a)]

Any building or significant trees present within the survey area have been assessed for their suitability to support roosting bats based on the presence of features such as holes, crevices, cracks, splits or loose bark. Potential bat roost locations in relation to buildings are described within this report (taken from Bat Survey Guidelines 2016) as:

Confirmed Roost – a structure with physical evidence confirming the presence of bats or bats visibly seen.

High – a structure with one or more potential roost features that are obviously suitable for use by a large number of bats on a regular basis and which is situated in an area of continuous high-quality foraging habitat suitable for bats.

Moderate – a structure with one or more potential roost features that could be used by bats, but which is unlikely to support a roost of high conservation status and which is in an area of connected habitat suitable for foraging by bats.

Low – a structure with one or more potential roost features that could be used by individual bats opportunistically. However, these potential roost features do not provide sufficient potential to be used by a larger number of bats or on a regular basis and the surrounding habitat is not of high value to foraging bats.

Negligible – a structure with negligible habitat features which is in a poor location making it highly unlikely roosting bats will be present.

Tree assessments were undertaken from ground level, with the aid of a torch and binoculars where required. During the survey features considered to provide suitable roost sites for bats such as the following were sought:

- Trunk / branch cavities – significant holes in the trunk caused by rot or injury.
- Trunk / branch split – split / fissure in trunk caused by rot or injury.
- Branch socket cavity – Where a fallen branch has resulted in the formation of an access point into a cavity.
- Woodpecker hole – created by nesting birds suitable for use by roosting bats.
- Lifted bark – bark which has rotted / lifted to form suitable access point/roost site for bats.
- Trunk hollows – decay in heartwood leading to internal cavity in trunk.
- Ivy cover – dense / mature ivy cover where the woody stems could create small cavities / crevices.

Common Reptiles: All species of British reptile are protected by the Wildlife and Countryside Act 1981 (as amended). The common species (adder, grass snake, slow worm and common lizard) are only protected against intentional killing and injuring (but not taking).

The survey included a search of all areas where suitable habitat for reptiles to shelter under or bask may be present, lifting logs and other suitable features to search underneath. The surveyor also maintained a careful watch whilst moving across the site to look for signs of reptiles moving to cover.

Great crested newts are afforded legal protection under European and UK law under the auspices of The Conservation (Natural Habitats &c.) (Amendment) Regulations which came into force on 21 August 2007, superseding the Habitat Regulations 1994. The 2007 amendments have increased the protection afforded to European Protected Species.

The law provides protection to adults, juveniles, efts (immature GCN) and eggs and it is an offence to intentionally or recklessly or as an incidental result of actions:

- Intentionally or deliberately capture, kill, or injure Great Crested Newts
- Intentionally or recklessly damage, destroy or obstruct access to any place used for shelter or protection (including resting or breeding places) whether occupied or not
- Deliberately, intentionally or recklessly disturb Great Crested Newts when in a place of shelter
- Possess a Great Crested Newt, or any part of it, unless acquired lawfully
- Sell, barter, exchange or transport or offer for sale Great Crested Newts or any part of them.

The survey included a search of any ponds and wetland areas within the site or immediate surrounding area nearby (where these features were accessible) and an assessment of ponds in the local area using Ordnance Survey Maps and aerial photographs to consider the potential for these species to access the site area.

[REDACTED]

[REDACTED]

- I [REDACTED]
- I [REDACTED]
- I [REDACTED]
- I [REDACTED]

[REDACTED]

Invasive Species: Attention was paid to the presence of any invasive species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). However, the detectability of such species varies due to a number of factors, e.g. time of year, site management, etc., and hence the absence of invasive species should not be assumed even if no such species were detected during the Phase 1 survey.

A range of invasive non-native plant species are listed in Schedule 9 (Part 2) of the Wildlife and Countryside Act 1981, which makes it an offence to plant or cause these introduced invasive plants to grow in the wild, effectively making it illegal to spread the plants during development operations.

2.4 Consultations

The evaluation of ecological features and resources is based on professional judgement whilst also drawing on the latest available industry guidance and research. The approach taken in this report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2016). In evaluating ecological features, the *Geographic Frame of Reference* is a key factor taken into account when assessing the potential ecological value of a site being surveyed. The value of an ecological feature or resource is determined within a defined geographical context using the following frame of reference:

- International.
- National.
- Regional.
- County (or Metropolitan).
- District (or Unitary Authority, City or Borough).
- Local (or Parish).
- Site level only.

Within this frame of reference, certain sites may carry a statutory ecological designation, e.g. Special Area of Conservation (SAC) for internationally important sites or Site of Special Scientific Interest (SSSI) for sites of national importance. Sites of more localised nature conservation importance do not receive statutory protection but may be designated by Local Planning Authorities or other bodies, e.g. Wildlife Trusts. Such non-statutory designations or 'Local Sites' include Local Wildlife Sites (LWSs) and Sites of Nature Conservation Interest (SNCIs), for example.

A review of the available data confirms that the site is not a Statutory or Non-Statutory site of ecological significance. There are no Statutory sites within a 1km radius. There is an LWS site within 1km, details of which are in the table below.

Site Name and Reference	Designation	Distance from survey site	Description
Sharps Bottom SD111	LWS	850m NW	Ancient and semi-natural woodland area
Woodland SD318	LWS	900m N	Replanted ancient woodland area

A review of the data for protected species has identified a small number of significant records relating to the immediate vicinity of the site which are summarised within the table below.

Scientific Name	Common Name	Latest Record	Number of Records
Alcedo atthis	Kingfisher	1972	1
██████████	██████████	██████████	1
Pipistrellus pipistrellus	Common Pipistrelle	2019	3
Plecotus auritus	Brown Long-eared Bat	2019	5

There are no records of **great crested newt (GCN)** or other amphibians within 1km of the site. The survey area contains no ponds or wetland area to encourage amphibians to colonise and the habitats present are not of potentially high value to these species. **The**

likelihood of GCN or a significant number of other amphibians being present is considered to be low.

There are no records of reptiles in this area. The site does have some rubble piles and soil mounds colonised by ruderals which could provide habitat for reptiles, However, this is a very small area and the lack of local records indicate the surrounding landscape does not support a significant reptile population from which this small parcel of land could be colonised. ***The likelihood of a significant number of reptiles being present is considered to be low.***

The majority of the site area surveyed is very open and exposed grassland which offers no significant potential for ground nesting. There are dusks, chicken and geese present within the land, nesting in pens. There is ***potential for nesting and foraging within the boundary hedgerows around the site margins.***

There are records of roosting and foraging ***bats*** in this area with Pipistrelle and Brown Long-eared bats roosting in suitable buildings within Smisby, the nearest roost record being 800m to the south. There is an extensive area of young woodland to the north of the site which is likely to provide good habitat for foraging bats. The site area has negligible tree canopy cover and does not contain or link any water features. ***There is negligible potential for roosting bats to be present due to the lack of structures or mature trees.***

[REDACTED]

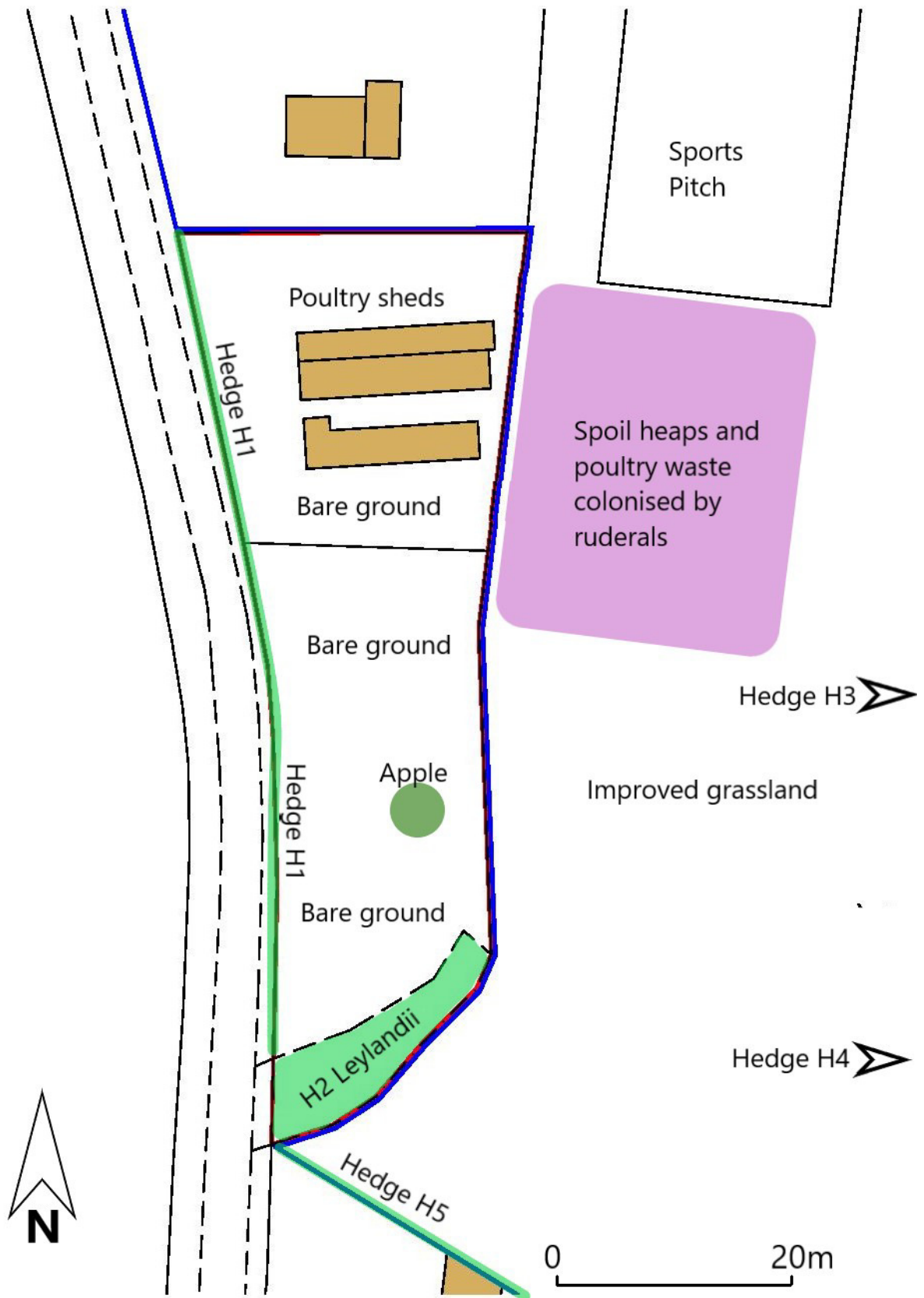


Figure 3 – Habitat Plan

3. Survey Findings

3.1 Habitat Classifications and Target Notes

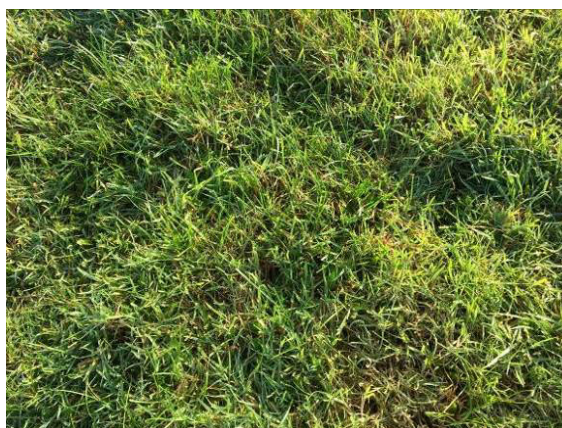
The survey has identified the following habitats within the proposed development:

- Improved Grassland
- Boundary hedgerows without trees
- Perennials and Ruderals
- Poultry Sheds

Target Note: Improved grassland

The majority of the site area surveyed comprises intensively grazed improved grassland which is not species rich and this grazing land extends to the north within a larger field area. This is a productive sward dominated by agricultural grasses including perennial ryegrass (*Lolium perenne*), Yorkshire Fog (*Holcus lanatus*) and red fescue (*Festuca rubra*) on fertile soil and species diversity is limited as a result. The sward height was 5-10cm and had been harvested earlier in the season with round silage bales still present along the eastern edge of the grassland.

Some common forbs such as clover (*Trifolium repens*), medick (*Medicago lupulina*), dandelion (*Taraxacum officinale*), plantain (*Plantago lanceolata*), chickweed (*Stellaria media*) and mosses have established with some areas of buttercup (*Ranunculus repens*) around the margins.





Target Note: Poultry Sheds

In the north-western corner of the survey area are a number of timber poultry sheds with fenced and open foraging areas. These are small timber framed and timber clad buildings with flat roof structures that are covered by bituminous felt. All the sheds are occupied by hens, geese, turkeys and pigeons.





Target Note: Boundary Hedgerows

There are boundary hedgerows along three sides of the improved grassland and an internal Leylandii hedgerow providing shelter to the poultry area within the field interior. None of the hedgerows contain mature or semi-mature trees.

Hedgerow Regulations

A measure of statutory protection is afforded to hedgerows under the Hedgerow Regulations 1997, where any ecological or archaeological features are defined as being 'important'. The Removal of important hedgerows requires consent from the local planning authority, except in certain prescribed circumstances. The importance of hedgerows can be assessed according to the criteria identified in Part II Schedule I of the Hedgerow Regulations 1997. A hedgerow is identified as being 'Ecologically Important' if it has existed for 30 years or more and satisfies at least one of the criteria listed below.

- *Criteria 6:* Contain certain categories of species of birds, animals or plants listed in the Wildlife and Countryside Act 1981 or the British Red Data Books
- *Criteria 7:* The hedgerows include:
 - a) At least 7 schedule III woody species, on average in a 30m length;
 - b) At least 6 schedule III woody species, on average in a 30m length and has at least 3 associated features;
 - c) At least 6 schedule III woody species, on average in a 30m length, including a black poplar tree, or large-leaved lime, or small-leaved lime or wild service tree;
 - d) At least 5 schedule III woody species, on average in a 30m length and has at least 4 associated features.

The associated features are:

- i. a bank or wall which supports the hedgerow along at least one half of its length;
 - ii. gaps which do not exceed 10% of the length of the hedgerow;
 - iii. on average, at least one tree per 50 metres;
 - iv. at least 3 schedule 2 woodland species within one metre, in any direction, of the outermost edges of the hedgerow;
 - v. a ditch along at least one half of the length of the hedgerow;
 - vi. connections with other hedgerows, woods or ponds scoring 4 points or more (where a connection to another hedgerow scores 1 and a connection to a broad-leaved wood or pond scores 2); or
 - vii. a parallel hedgerow within 15 metres of the hedgerow.
- *Criteria 8:* Run alongside a bridleway, footpath, road used as a public path, or a byway open to all traffic and includes at least 4 woody species, on average, in a 30m length and has at least 2 associated features as listed above.

In accordance with these regulations, regular 30m sections of the hedgerow at the site were sampled i.e. woody species were recorded for 30m out of every 100m in order to

sample the hedgerow in a systematic way. The average number of species for each hedgerow was derived by totaling the number of species recorded and dividing by the number of sections. This gives an average to compare with the Hedgerow Regulations Criteria. Only when the average number of species is 5 or more are associated features taken into account. An average of 5 woody species and 4 associated features are needed for a hedgerow to be defined as important hedgerow in accordance with the regulations. The exception to this is when a hedgerow runs alongside a footpath or bridleway. In this case only 4 woody species and 2 associated features are needed.

Each hedgerow is given a grade using HEGS with the suffixes '+' and '-', representing the upper and lower limits of each grade respectively. These grades represent a continuum on a scale from 1+ (the highest score and denoting hedges of the greatest nature conservation priority) to 4- (representing the lowest score and hedges of the least nature conservation priority) as follows:

- Grade 1 – High to very high value
- Grade 2 – Moderately high to high value
- Grade 3 – Moderate value
- Grade 4 – Low value

Hedgerows graded 1 or 2 are considered to be a priority for nature conservation.

The hedgerows were also assessed against the wildlife and landscape criteria contained within Statutory Instrument No: 1160 – The Hedgerow Regulations 19973 to determine whether they qualified as 'Important Hedgerows' under the Regulations. This was achieved using a methodology in accordance with the Regulations.

Hedge	Height	Width	Management	Woody Species	Ground Flora	HEGS Cat.
H1	2m	2.5m	Box-trimmed. No trees, ditches or stone walls present.	Holly Hawthorn Blackthorn Dog Rose	Limited – mostly nettle, cleaver and some juvenile bramble	3
H2	2.5m	1m	Box-trimmed Leylandii used as a shelter.	Leylandii	Very limited mostly bare earth due to foraging by poultry.	4
H3	1.5m	1m	Irregular with numerous gaps and ruderals.	Hawthorn	Bramble, Cleaver, Bindweed Nettle	4
H4	2m	1.5m	Box trimmed boundary hedge with no trees, ditches or stone walls.	Elder Hawthorn Blackthorn	Limited – mostly nettle, cleaver and some juvenile bramble	3+
H5	2.5m	2m	Box trimmed boundary hedge with no trees, ditches or stone walls.	Hawthorn Elm Blackthorn Dog Rose	Limited – mostly nettle, cleaver and some juvenile bramble	3+



Hedgerow H1



Leylandii Hedge H2



Hedgerow H3



Hedgerow H4



Hedgerow H5

Target Note: Perennials and Ruderals

In the north-western part of the survey area adjacent to the poultry sheds is an area of poultry waste heaps and soil heaps which have become overgrown by a range of common ruderals and perennials with some amenity garden escapees. There is also some building waste present, such as bricks, blocks, netting and plaster. There are also areas of recently disturbed bare soil.

Species present include Mugwort (*Artemisia vulgaris*), Willowherb *Epilobium hirsutum*), Buttercup (*Ranunculus repens*), Spear Thistle (*Cirsium vulgaris*), Dock (*Rumex obtusifolius*), Clover (*Trifolium repens*), Nettle *Urtica dioica*), Sowthistle (*Sonchus asper*), Creeping Thistle (*Cirsium arvense*), Red Deadnettle (*Lamium purpurea*), Plantain (*Plantago lanceolata*), Borage (*Borago officinalis*), Doronicum (*Doronicum Cul*), Ox-eye Daisy (*Leucanthemum vulgare*) and Yellow Archangel (*Lamiastrum galeobdolon*).



Waste and soil heaps



Waste and soil heaps



Rubble and waste



Bare soil.

3.2 Evidence of Protected Species

During the inspection of the site notes were made on the suitability of habitats for protected species and any sightings or signs of protected species were recorded:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- Trees with features suitable for roosting bats were noted, such as hollows (e.g. old woodpecker holes), cracks and cavities within trunks and branches, crevices behind loose bark and ivy growth on trunks.
- The suitability of habitats was assessed for reptiles such as Grass snake (*Natrix natrix*) and amphibians (including great crested newts - *Triturus cristatus*).
- The suitability of site was assessed for nesting birds.

Surveying in October is not an optimum time for many protected species as some, such as amphibians, will be less active. An experienced surveyor can make reliable judgements about the quality and composition of habitats and their potential suitability for protected species. Only an initial assessment of the site was made and no stage 2 surveys were carried out. As such, a lack of evidence of a protected species does not necessarily indicate an absence of these species. The table below provides a summary of the potential for protected species to be present within the site.

Species	Present within 1km	Connectivity	Suitable habitat on site / evidence of presence	Likelihood of presence on site
Nesting Birds	Yes	Good via hedgerows and surrounding agricultural land.	Open grassland not suitable for ground nesting but the boundary hedgerows may support nesting birds. No nests were found during the inspection.	Moderate likelihood of nesting within the hedgerows in the future.
Reptiles	No	Limited by the character of the surrounding agricultural land and development.	Marginal areas of the site and small area of disturbed ground may be suitable for reptiles but accessibility is potentially very restricted due to the location.	Unlikely to be present in this location.
Amphibians	No	Limited by the character of the surrounding agricultural land and development.	Marginal areas of the site and small area of disturbed ground may be suitable for amphibians but there are no ponds or wetland and accessibility is potentially very restricted due to the location.	Unlikely to be present in this location.
Bats	Yes	Good - there are roosts within 1km. The local area to the north has reasonable woodland cover and there are hedgerows within the site area.	Some foraging along the site boundaries is likely. There are no structures or mature trees present to provide roost locations.	Foraging across the survey area likely but no roosting locations are present.
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Birds: The local area supports a range of bird species which includes some Schedule 1 species. During the inspection of the open grassland areas within the site these did not appear to be particularly rich in bird species or offer cover for ground nesting. The hedgerows around the field are sufficiently dense to provide some potential nesting locations for bird species associated with trimmed hedgerows.

The presence of nests within the boundary hedgerows is considered highly likely in the future. ***Measures to avoid disturbance to any nests or nesting activity will need to be considered within any development.***

Reptiles: The walkover survey of the field was completed on a grid pattern (as far as was possible) looking for evidence or indication of reptiles. No sightings or physical evidence of reptiles was seen during the inspection completed in October which is not within the optimum survey period for these species. The grassland area does not have sufficient cover to support commuting and foraging by reptiles and since there are no records of these species in the local area the likelihood of a significant reptile population being present is considered to be negligible. No further surveys are recommended.

Amphibians: The walkover survey of the field was completed on a grid pattern (as far as was possible) looking for evidence or indication of amphibians. No sightings or physical evidence of amphibians was seen during the inspection completed in October which is not within the optimum survey period for these species. There are no ponds or wetland areas within or immediately adjacent to the survey area and the grassland does not have sufficient cover to support commuting and foraging by amphibians. since there are no records of these species in the local are the likelihood of GCN or other amphibian being present in significant numbers is considered to be negligible and no further surveys are recommended.

Chiroptera: There are no buildings or mature trees with significant features present within the survey area that could offer potential roost locations for local bats. Some foraging around this area is likely but it is not considered to be a significant local foraging resource due to the lack of canopy cover and aquatic habitat. Further bat activity surveys are not considered necessary.

Invertebrates: The area assessed is a field of intensively managed improved grassland and does not appear to support a diverse range of flora. It is not a location with a high density of nectar producing plants is present in the surrounding landscape that will support a significant range of invertebrates. The potential for a significant assemblage of invertebrates to be present within the survey area is quite low at the present time and further invertebrate surveys are not recommended.

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

The potential presence of Hedgehog (*Erinaceus europaeus*) is considered quite likely as there are local records of this species being seen within the surrounding 1km area. Measures to protect hedgehogs should be taken and this should include an inspection of any vegetation by an ecologist ahead of clearance work being carried out. Any found should be moved to a temporary refugia located in a suitable position within hedgerow on in the woodland area to the north, outside of the area of disturbance. [REDACTED]

3.3 Ecological Constraints and Opportunities

Constraints:

No significant ecological constraints have been identified during the survey. However, there is potential for the following species to be present:

- There is potential for nesting birds to be present associated with the boundary hedgerows.
- [REDACTED]
- There is potential for hedgehogs to be present within the site, particularly around the site boundaries.

Opportunities:

Given the location of the area surveyed adjacent to open agricultural land and close to an area of broadleaved woodland to the north of the land surveyed, there is potential for ecological enhancements to be included within the scheme to enhance biodiversity and create new habitats.

- Bat boxes and bird boxes could be erected at suitable positions affixed to the proposed building or suitable trees around the field boundaries.
- Refugia suitable for hedgehogs could be constructed in suitable positions in landscaped areas where these will be accessible to these species.
- Any landscape planting should utilise native species to promote diversity.

Part 3: Initial Ecological Appraisal

4. Impact of Proposed Site Development

Within the NPPF 2019, guidance on the provision or retention of biodiversity within any proposed areas for development and measures to ensure the safeguarding of protected species are provided. Development should seek to contribute a net gain in biodiversity with an emphasis on improving ecological networks and linkages where possible.

The NPPF para 170 stresses that planning policies and decisions should contribute to and enhance the natural and local environment by a variety of measures including minimising impacts on and providing net gains for biodiversity. This is reinforced by Planning Practice Guidance (PPG) which identifies that 'a key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 Year Environment Plan' (PPG natural environment Paragraph: 009 Reference ID: 8- 009-20190721).

Figure 4 below is a copy of the conceptual development plan and also the large landscape enhancement plan provided by the Architect for assessment. This report is not intended to be a suitable alternative to an Ecological Impact Assessment (EcIA) in accordance with the CIEEM Guidelines on Ecological Impact Assessment, 2016.

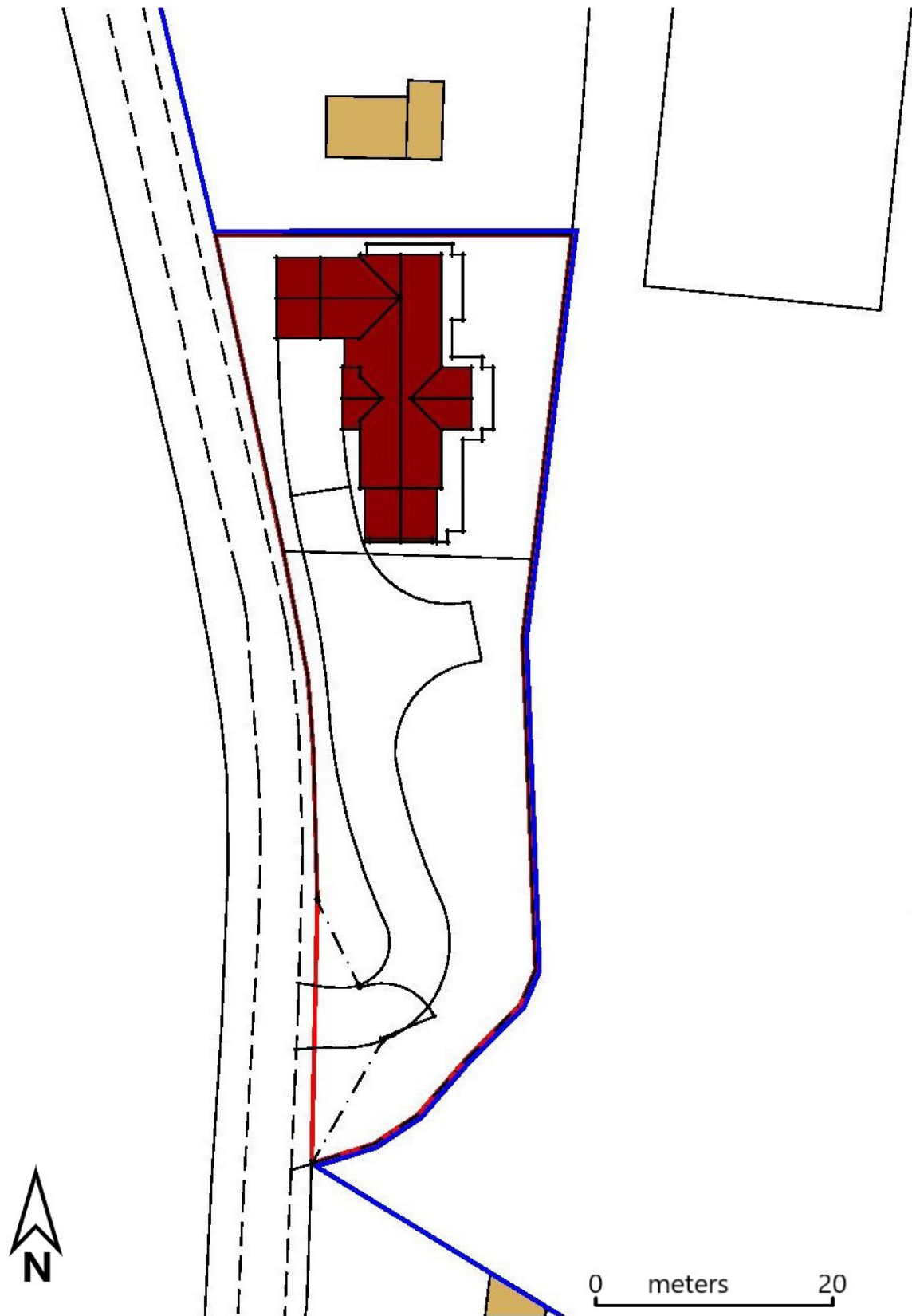


Figure 4 – Conceptual Development Plan

As noted within this report, the 'mitigation hierarchy' described in British Standard BS 42020:2013 should be applied in regard to biodiversity within sites being considered for development which is a stepwise process:

- **Avoidance** – avoiding adverse effects through good design.
- **Mitigation** – where it is unavoidable, mitigation measures should be employed to minimise adverse effects.
- **Compensation** – where residual effects remain after mitigation it may be necessary to provide compensation to offset any harm.
- **Enhancement** – planning decisions often present the opportunity to deliver benefits for biodiversity, which can also be explored alongside the above measures to resolve potential adverse effects.

The measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development (BS 42020:2013, section 5.5). The table below considers the features present on the site in the context of the hierarchy.

Feature	Ecological Significance	Hierarchy application	Impact of proposed development
Improved grassland	Low	Avoidance	This grassland area will be outside of the development area but some land close to the construction area may need to be used and reseeded after.
Boundary hedgerows	High	Avoidance and Mitigation	The proposed development will retain the hedgerows and provide space to protect these. One gap will be cut into Hedge H1 to provide a new access and driveway. Leylandii H2 is to be removed.
Ruderals and disturbed spoil	Low	Mitigation	It is assumed these spoil heaps and the ruderals colonising will be lost to development and removed when the poultry sheds are taken down. Mitigation in the form of new landscaping will need to be provided around the new development area.
Poultry Sheds	Low	None	The proposed development will remove the chicken coops. No mitigation measures are required in regard to the loss of these and it is assumed these will be repositioned.

4.1 Potential Impact on nearby Statutory and Non-statutory sites

There are no Statutory or Non-Statutory sites nearby that could potentially be impacted by the proposed construction of the residential house and garden area. The nearest Local Wildlife Site is sufficiently far to avoid any impact from the small scale of the development being proposed.

4.2 Impact of the Proposals on Site Biodiversity

The level of biodiversity within the site being assessed must be a consideration in determining the impact on biodiversity that may arise from any development on the site. Within the NPPF 2019 it states that any development proposal should seek to “*contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change.....*”

Within the Guidance it specifically states that “*Planning.... decisions should contribute to and enhance the natural and local environment by.....protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.....recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*”

The survey area comprises a field of improved grassland seasonally cropped with box-trimmed boundary hedgerows situated between residential houses off Forties Lane, Smisby. However, the area where the new house and garden is being proposed is far smaller and this is the position of the poultry sheds, bare ground and Leylandii hedgerow. This area contains no significant ecological features and will be a sufficient distance from the other boundary hedgerows and will avoid any significant disturbance of these. Only a short section of Hedgerow H1 will be removed to create a new access. No evidence of any significant locally rare plants or plant communities within or around the site area surveyed was identified during the survey.

The development proposed is of very small scale. Assuming the boundary hedgerows are retained largely undisturbed except for the new access as indicated on the conceptual development plan, it is considered likely that development of the site area surveyed could be carried out in a manner that does not have any significant impact on local biodiversity.

4.3 Impact of the Proposals on Protected Species

The requirements of Part IV of ODPM / Defra Circular 06/2005 in regard to the protection of certain species are still applicable under NPPF. The presence of protected species at the site must be taken into consideration. Under the requirements of the NPPF provision in relation to the presence of protected species on, or making use of, a site proposed for any development must be taken into account. The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined or where the impact on protected species is considered to outweigh the benefit of development.

The inspection completed in October 2021 did not identify any physical evidence or field signs of protected species within the survey area. Assessment of local records and assessment of the habitat within the site has identified that there is potential for some protected species to be present which will require mitigation:

Birds: The hedgerows have potential to support nesting birds and if any hedgerow sections need to be trimmed or cleared, for instance to widen the existing field access, this should be completed outside of the nesting season or be preceded by an inspection by an Ecologist to ensure no nesting birds are present or determine what mitigation measures to protect nesting birds are required.

Bats: The proposed development does not appear to disturb any potential roost locations. However, there are likely to be bats foraging in this area and the design of any external lighting associated with the house must take this into account and minimise any increase in artificial light levels across this area.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Christopher Barker CEnv ACIEEM

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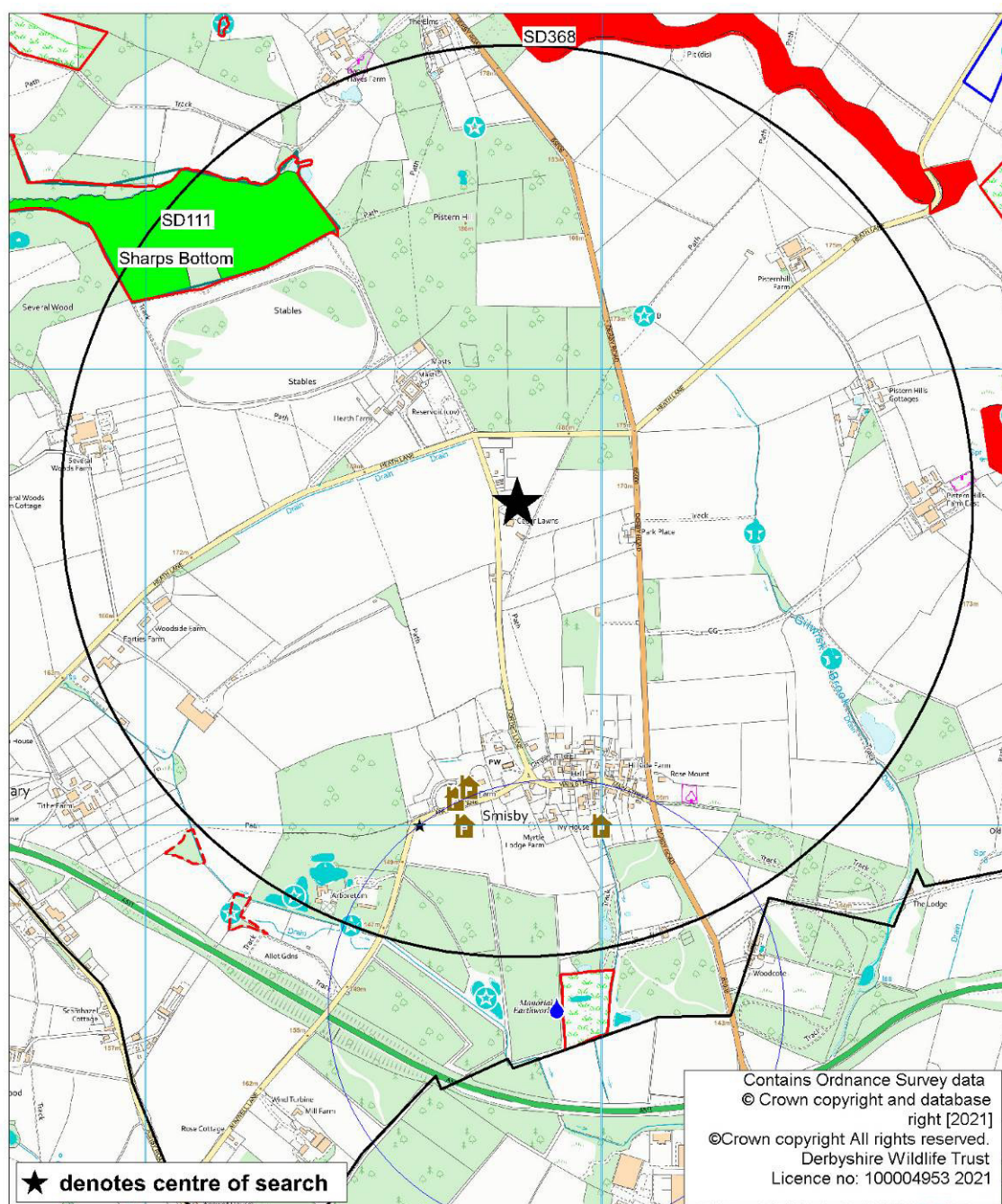
National Biodiversity Network: Protected species data downloaded from URL <http://data.nbn.org/interactive/map>

Appendix 1 – Plant Species List

Tree and Shrub Species	Ground Flora and Perennial Species
Blackthorn (<i>Prunus spinosa</i>) Dog Rose (<i>Rosa canina</i>) Elm (<i>Ulmus spp</i>) Hawthorn (<i>Crataegus monogyna</i>) Holly (<i>Ilex aquifolium</i>) Leylandii (<i>Cupressocyparis Leylandii</i>)	Bindweed (<i>Calystegia sepium</i>), Borage (<i>Borago officinalis</i>), Bramble (<i>Rubus fruticosus</i>) Buttercup (<i>Ranunculus repens</i>) Chickweed (<i>Stellaria media</i>) Cleaver (<i>Galium aparine</i>) Clover (<i>Trifolium repens</i>), Cow Parsley (<i>Anthriscus sylvestris</i>), Creeping Buttercup (<i>Ranunculus repens</i>), Creeping Thistle (<i>Cirsium arvense</i>), Daisy (<i>Bellis perennis</i>) Dandelion (<i>Taraxacum sp</i>), Dock (<i>Rumex obtusifolius</i>), Doronicum (<i>Doronicum Cul</i>), Fescue (<i>Festuca rubra</i>). Lesser Willowherb (<i>Epilobium hirsutum</i>) Mayweed (<i>Chamomilla suaveolens</i>), Meadow Grass (<i>Poa trivialis</i>), Medick (<i>Medicago lupulina</i>), Mugwort (<i>Artemesia vulgaris</i>), Nettle (<i>Urtica dioica</i>), Ox-eye Daisy (<i>Leucanthemum vulgare</i>) Perennial Ryegrass (<i>Lolium perenne</i>) Plantain (<i>Plantago lanceolata</i>) Ragwort (<i>Senecio jacobaea</i>), Red Deadnettle (<i>Lamium purpurea</i>), Sowthistle (<i>Sonchus asper</i>), Spear Thistle (<i>Cirsium vulgare</i>), Willowherb <i>Epilobium hirsutum</i>), Yellow Archangel (<i>Lamium galeobdolon</i>). Yorkshire Fog (<i>Holcus lanatus</i>)

This species list records the species seen during the site inspection and is not presented as a detailed botanical survey of the site.

Appendix 2 – Biological Records from Derbyshire Wildlife Trust



**Produced for CBE Consulting
by Derbyshire Biological Records Centre
November 2021
Forties Lane, Smisby**



KEY

Species

	GCN		GCN 500m buffer		White-clawed Crayfish		Otter
	Water Vole		Reptile		Bat Roost		Bat Sighting
	Badger Sett		Badger Sighting		BAP Bird		Schedule 1 Bird
	Swift		BAP Mammal		BAP Toad		Toad Crossing
	BAP Fish		Black Poplar		Veteran Tree		BAP Invertebrate
	Derbyshire Red Data List Plant		Invasive Species				

Habitats

	Traditional Orchard
	Open Mosaic
	Purple Moor Grass and Rush Pasture
	Lowland Heath
	Lowland Fen
	Semi-natural Grassland
	Reedbed
	Lakes
	Historical Wood Pasture and Parkland
	Ponds
	Notable Invertebrate Ponds
	Ancient & Semi-natural Woodland
	Ancient Replanted Woodland

Non-statutory Designations

	Regionally Important and Geological and Geomorphological Sites (RIGS)
	Derbyshire Wildlife Trust Reserves
	Local Wildlife Sites (LWS)
	Potential Local Wildlife Sites (pLWS)
	Grade 3 Sites

Statutory Designations

	Sites of Special Scientific Interest (SSSI)
	Special Protection Area (SPA)
	Special Area of Conservation (SAC)
	National Nature Reserve (NNR)
	Local Nature Reserve (LNR)