

APPENDIX 7.1

LEGISLATIVE AND POLICY FRAMEWORK OVERVIEW

Legislative and Policy Framework Overview

Wildlife and Countryside Act 1981 (as amended)

This is the primary legislation for nature conservation in England and Wales. It confers varying degrees of protection on selected species according to their conservation status, ranging from making it an offence to take a species from the wild for profit, to full protection of a species and its habitat. The Act also gives guidance and instruction on statutory sites, such as sites of Special Scientific Interest (SSSI). Licenses exempting specific works can be granted by Natural England. Such licenses are only granted once a full assessment has been made and an appropriate, sustainable mitigation and compensation package is devised.

EC Habitats Directive (92/43/EEC)

This Directive aims to give Europe-wide protection to certain rare and threatened habitats on land and at sea. It builds on legislation already established under the Birds Directive of 1979, and aims to establish a series of protected sites known as The Natura 2000 series. These sites are intended to protect the unique and special wildlife of Europe and to preserve it for future generations. In Britain these Natura 2000 sites include those areas designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). The Habitats Directive is implemented in the UK through the Conservation (Natural Habitats etc) Regulations, 1994

EC Birds Directive (79/409/EEC)

The Directive provides a framework for the conservation and management of, and human interactions with, wild birds in Europe. It sets broad objectives for a wide range of activities, although the precise legal mechanisms for their achievement are at the discretion of each Member State (in the UK delivery is via several different statutes). The Directive applies to the UK and to its overseas territory of Gibraltar.

The main provisions of the Directive include:

The maintenance of the favourable conservation status of all wild bird species across their distributional range with the encouragement of various activities to that end;

The identification and classification of Special Protection Areas (SPAs) for rare or vulnerable species listed in Annex I of the Directive, as well as for all regularly occurring migratory species, paying particular attention to the protection of wetlands of international importance;

The establishment of a general scheme of protection for all wild birds;
Restrictions on the sale and keeping of wild birds.

Countryside and Rights of Way Act 2000

As well as providing measures to improve countryside access for walkers, ramblers and horse riders, this Act also strengthens the protection of species and designated sites made in the Wildlife and Countryside Act. This Act also gives the importance of biodiversity conservation statutory basis requiring government departments to have regard for biodiversity in

carrying out their functions, and to take positive steps to further the conservation of listed species and habitats.

Planning Policy Statement 9 (PPS 9) – Biodiversity and Geological Conservation

PPS 9 sets out the Governments policies on the protection of biodiversity and sites of geological interest through the planning system. It requires local planning authorities, when taking decisions, to ensure that appropriate weight is attached to designated sites of international, national and local importance, protected species and to biodiversity and sites of recognised geological interest within the wider environment.

Key Principles within PPS 9 are:

1. Plan policies and planning decisions should be based upon up-to-date information about the environmental characteristics of their areas. These characteristics should include the relevant biodiversity and geological resources of the area. In seeking to keep environmental characteristics under review local authorities should assess the potential to sustain and enhance those resources.
2. Plan policies and plan decisions should seek to maintain or enhance or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance and the wider environment.
3. Plan policies on the form and location of development should take a strategic approach to the conservation, enhancement and restoration of biodiversity and geology, and recognise the contributions that individual sites, areas and features, both individually and in combination, make to conserving these resources.
4. Plan policies should promote opportunities for the incorporation of beneficial biodiversity and geological features within the design of the development.
5. Development proposals where the principle objective is to conserve or enhance biodiversity and geological conservation interests should be permitted.
6. The aim of planning should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that any reasonable alternative sites that would result in less or no harm have been fully considered. In the absence of any such alternatives, local planning authorities should ensure that, before any planning permission is granted, adequate mitigation measures are put in place. Where a planning would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.

Section 9 Environment, Adopted City of Derby Local Plan Review

The City of Derby Local Plan Review (CDLPR) was adopted in on January 25th 2006 and forms the basis for most decisions on land use planning affecting the city of Derby.

Under new arrangements the Local Plan will be subsumed by Local Development Framework (LDF) with the current CDLPR being progressively replaced.

The protection of the natural environment is a key objective of the reviewed Local Plan. Section 9 of the CDLPR sets out policies to achieve objectives of environmental protection and enhancement of the built and natural environment.

Natural Environment and Rural Communities Act (NERC), 2006 – Biodiversity Duty

NERC received royal assent in March 2006. Section 40 of the Act replaces and extends a duty, from Section 74 of the Countryside and Rights Of Way Act 2000, on Ministers and Government which already requires them to have regard to the purpose of conserving biodiversity.

Section 40(1) states that, "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

United Kingdom Biodiversity Action Plan (BAP)

In 1993, the UK government consulted over three hundred organisations throughout the UK and held a two day seminar to debate the key issues raised at the Convention of Biological Diversity. The product of this was the launch of Biodiversity: the UK Action Plan in 1994 which outlined the UK Biodiversity Action Plan for dealing with biodiversity conservation in response to the Rio Convention.

The UK Biodiversity Steering Group was created in 1994 and published Biodiversity: the UK Steering Group Report – meeting the Rio challenge. This established the framework and criteria for identifying species and habitat types of conservation concern.

From this list, action plans for 391 species and 45 broad habitat types were produced. As well as having national priorities and targets, action was also taken at a local level. The Steering Group drew up as set of guidelines that were discussed with the Local Authority Association and the Local Government Board.

Today there are 162 local Biodiversity Action Plans in the UK. A review of the UK BAP was undertaken between 2003 and 2006.

Lowland Derbyshire Biodiversity Action Plan

The Lowland Derbyshire Biodiversity Action Plan (LDBAP) covers the area of Derbyshire which lies outside of the Peak District local biodiversity action plan, but includes the area of Derbyshire inside the National Forest.

The LDBAP seeks to conserve and enhance Lowland Derbyshire's existing wildlife and to redress past losses through habitat conservation, restoration, recreation and targeted action for priority species.

APPENDIX 7.2

PHASE 1 HABITAT MAP, TARGET NOTES AND PHOTOGRAPH LOCATIONS

Target Notes

Target Note 1 – Bare ground/disturbed ground

The area has been subject to statutory remediation as required by the permission granted for the development of New Raynesway. Remediation works appear to be ongoing and the area consists of large stockpiles of earth and gravel. Excavations have in-filled with perched groundwater and do not comprise any vegetation. The waterbodies are stagnant as evidenced by algae.

Species present around the boundaries of this area included those typical of recently disturbed ground and disturbed and/or industrial landscapes, namely, frequent annual meadow grass (*Poa annua*), scentless mayweed (*Tripleurospermum inodorum*), occasional common ragwort (*Senecio jacobaea*), yellow-wort (*Blackstonia perfoliata*), dandelion agg (*Taraxacum* agg.), common nettle (*Urtica dioica*), pineapple weed (*Matricaria discoidea*) and *Buddleja*.

Target Note 2 – Open brick lined channel/culvert

This brick lined channel, culverted at regular crossing points, dissects part of the site in half from north to south and then diverts west where it goes to ground; before discharging in to the River Derwent. No aquatic vegetation was noted within the channel but fish were observed. Anecdotal evidence suggested the fish were tilapia introduced in to the warm waters discharging from the Accordis building, for fishing purposes.

Target Note 3 – Recently disturbed leveled bare-ground

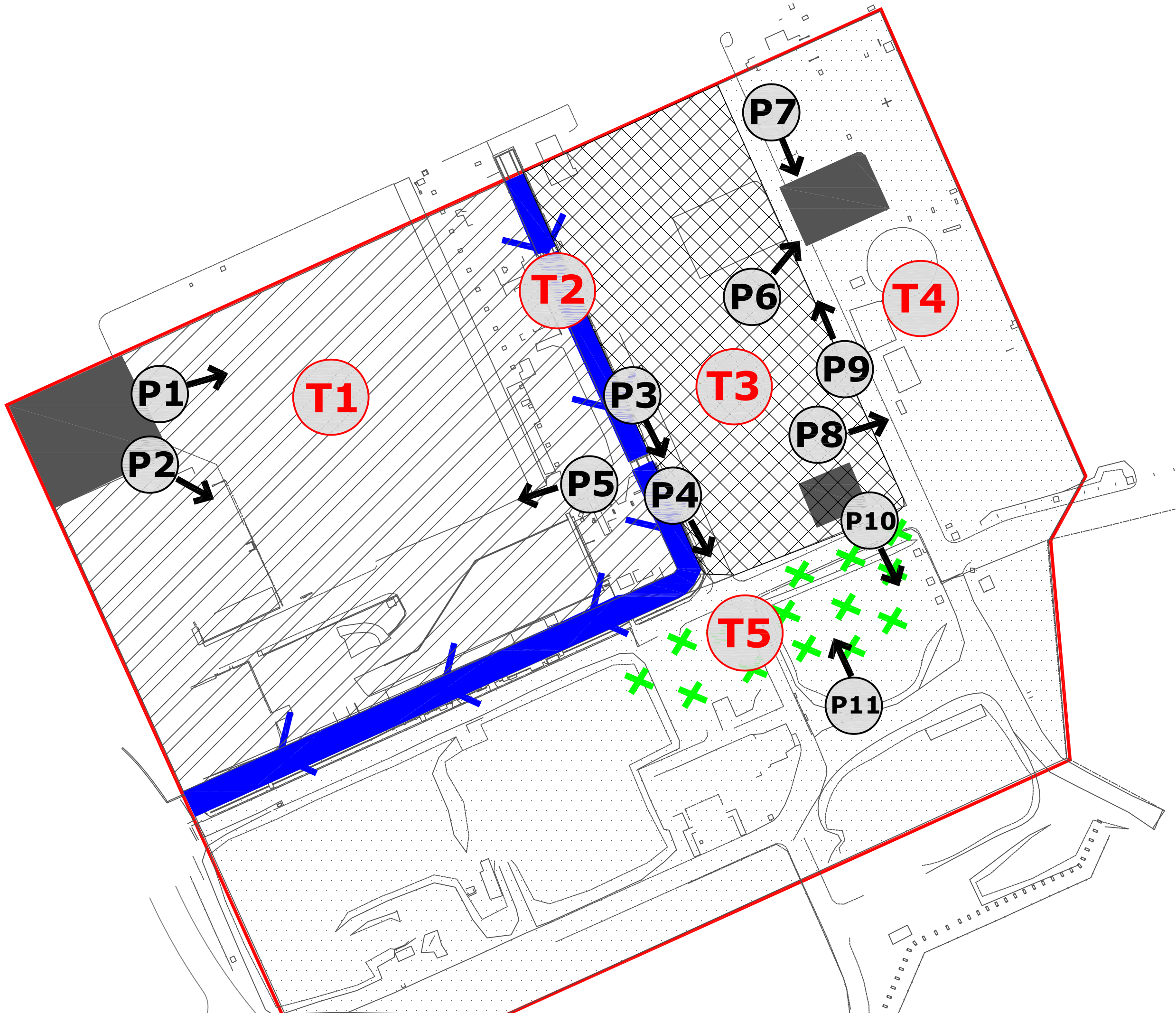
This area appeared to have recently been subject to disturbance, most likely as a result of remediation activities. The area was devoid of vegetation and had been leveled.

Target Note 4

Area consisting of thin soils, limestone chippings (including two medium sized topsoil stockpiles) and approximately 20% vegetation cover. Species include; frequent scentless mayweed (*Tripleurospermum inodorum*), pineappleweed, dandelion, occasional willowherb sp. (*Epilobium* sp.), butterfly-bush, bristly oxtongue (*Picris echioides*) and yellow-wort. This area was noted to have previously been used by ringed plovers (*Charadrius hiaticula*).

Target Note 5 – Scattered scrub.

Ground flora as for target note 4 but including scattered regenerating trees containing frequent birch sp. (*Betula* sp.), elder (*Sambucus nigra*) and occasional ash sp. (*Fraxinus* sp.), willow sp. (*Salix* sp.), butterfly-bush and bramble (*Rubus*) scrub. Ground flora included common stork's bill (*Erodium cicutarium*) and rare biting stonecrop (*Sedum acre*), bugle (*Ajuga reptans*), black nightshade (*Solanum nigrum*) and great mullein (*Verbascum thapsus*).



- NOTES
1. ALL LEVELS TO mAOD
 2. DO NOT SCALE FROM THIS DRAWING
 3. IGNORE OUTLINE BACKGROUND.

- KEY
- SITE BOUNDARY
 - SCATTERED SCRUB
 - RUNNING WATER
 - BUILDINGS/SITE CABINS
 - BAREGROUND
 - BARE / DISTURBED AND STOCKPILED GROUND WITH AREAS OF PERCHED GROUNDWATER
 - RECENTLY DISTURBED LEVELLED BAREGROUND
 - TARGET NOTES
 - PHOTOGRAPH LOCATION AND DIRECTION



CLIENT

PROJECT
EAST RAYNESWAY
RESOURCE PARK

DRAWING TITLE
PHASE 1 HABITAT PLAN
(INCLUDING PREVIOUS SITE
LAYOUT)

DRAWN	DATE	APPROVED	DATE
JH	08/01/2009	BL	08/01/2009
SCALE	SHEET	DRAWING NUMBER	REVISION
N.T.S.	A3	1	0