

APPENDIX 7.1

ECOLOGICAL LEGISLATION AND POLICY

7.1 LEGISLATION AND POLICY

Introduction

- 7.1 The ecological impact assessment has been undertaken within the context of relevant planning policies, guidance documents and legislative instruments. This information has been used to help define the scope of the assessment. Summaries of relevant guidance documents and legislative instruments are provided below.

Legislation

- 7.2 The Wildlife and Countryside Act, 1981 (as amended) consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive) in Great Britain. It is complemented by the Wildlife and Countryside (Service of Notices) Act 1985, which relates to notices served under the 1981 Act, and the Conservation of Habitats and Species Regulations 2010 (as amended), which implement Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive).
- 7.3 Section 1 of the Wildlife and Countryside Act 1981 as amended by Schedule 12 of the Countryside and Rights of Way Act 2000 is concerned with the protection of wild birds, their nests and eggs (with limited exceptions). Subsection 1(1) describes the offences of killing, injuring, or taking any wild bird; taking, damaging or destroying the nest of any such bird while in use or being built, or taking or destroying an egg of any such wild bird.
- 7.4 The Act makes it an offence (subject to exceptions) to intentionally kill, injure, take, possess, or trade in any wild animal listed in Schedule 5, it prohibits interference with places used for shelter or protection, and prohibits intentionally disturbing animals occupying such places. The Act also prohibits certain methods of killing, injuring, or taking wild animals.
- 7.5 The Act also makes it an offence (subject to exceptions) to pick, uproot, trade in, or possess (for the purposes of trade) any wild plant listed in Schedule 8, and prohibits the unauthorised intentional uprooting of such plants.
- 7.6 It is important to appreciate that the level of protection given to a particular species or habitat through national or international legislation does not necessarily relate to the evaluated level of importance of that receptor to nature conservation. Whilst species may be widespread or common nationally, but of scarce occurrence in a particular county (for example, it might be at the limit of its geographical range),

a species may also be considered to be rare nationally or internationally but be abundant within particular areas.

- 7.7 Legislation may have been enacted primarily for animal welfare purposes, or may be open to considered interpretation. For example, all places used for shelter by bats are protected by a range of national and international legislation. However, a transient roost used infrequently by an individual of a common species of bat is not of the same value to nature conservation as a hibernation site upon which a whole colony of bats (possibly extending over several square kilometres during the summer) may depend.
- 7.8 Consequently, whilst the protection given to any specific receptors associated with the development site might be highlighted within this chapter for its relevance to how the development might be constructed or operated, this should not be confused with the relative level of importance to nature conservation that is separately evaluated and reported.

Local Biodiversity Action Plans

- 7.9 The Local Biodiversity Action Plan (BAP) identifies local priorities for conservation action and determines the contribution they can make to the delivery of the UK BAP Species and Habitat Action Plan targets.

North York Moors National Park Biodiversity Action Plan 2008 – 2012

- 7.10 The North York Moors National Park BAP lists the following species and habitats that are considered rare or threatened in the county and for which species and habitat action plans respectively have been prepared. Those species and habitats which are considered to be of potential relevance to the Proposed Development are summarised in Table 7.1A below.

Table 7.1A: North York Moors National Park BAP

Habitat/ Species on North York Moors National Park BAP	Relevance to Proposed Development
Bats	Potentially present in habitats within the Assessment Site
Moorland birds	Potentially present in habitats in close proximity to the Assessment Site
Woodland	Present within Assessment Site