

St Mary's School, Batley

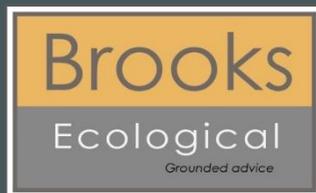


Preliminary Ecological Appraisal Report

21/12/2023

AHR Architects Ltd

ER-7034-02



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Summary

This report is produced to inform AHR Architects Ltd of potential ecological constraints associated with their proposed development site and the need for further reporting or output to support a planning application.

This report is based on a desk study of designated wildlife sites and records of protected or notable species, and an extended Phase 1 Habitat Survey carried out in November 2023.

Key Findings

The Site comprises two buildings, a disused garden and a small area of woodland. Areas of hard standing, unused for a number of years, are now colonised by scrub and other vegetation. It is of generally low ecological value, with the exception of the individual trees found in the disused garden. A bat roost has been previously identified at the Site, which brings about the requirement of a license. Beyond this, and the recommended retention of established trees, ecological constraints have not been identified at the Site.

Biodiversity Net Gain

Details on measurement of the Site's biodiversity and the implications of complying with the requirement to provide a net gain for biodiversity are provided in our separate report ER-7034-03.

Further surveys

Further surveys have not been recommended to support a planning application. However, additional survey is likely to be required to gather sufficient information on bat roosts at the site to inform a Natural England licence application.

Introduction

1. Brooks Ecological Ltd was commissioned by AHR Architects Ltd to carry out a Preliminary Ecological Appraisal (PEA) of land at St Mary's School, Batley (grid ref SE 2372 2455).
2. This report is produced with reference to British Standard BS:42020 'Biodiversity Code of Practice for Planning and Development' and the CIEEM (2017) Guidelines for Preliminary Ecological Appraisal.

Purpose of a PEA

3. A PEA is an *initial assessment* of the baseline for a proposed development site and establishes whether the Site is likely to be constrained by ecology, and whether more information is needed to identify the ecological baseline.
4. The subsequent Preliminary Ecological Appraisal Report (PEAR) is intended to give guidance to a developer and assist with the early stages of project planning and design. Where a site is not complex or constrained, and no additional ecological input is necessary, the PEAR *may* be sufficient and suitable to support a planning application.
5. Biodiversity Accounting metrics are used separately to quantify the value of a Site in Biodiversity Units, which helps in the later stage of assessing the ecological impacts of the proposed development. This process is set out separately in the Biodiversity Gain Report which accompanies this PEAR.

Proposals/Reason for PEA

6. The PEA has been commissioned to inform proposals to develop this small Site for housing.

The Site

7. The application site 'the Site' comprises a former school building, convent and associated grounds, all unused for a number of years.

Figure 1 The Site (red line boundary).



Desk Study

8. The assessment uses a 2km area of search around the Site for records of protected and notable species and locally or nationally designated wildlife sites.

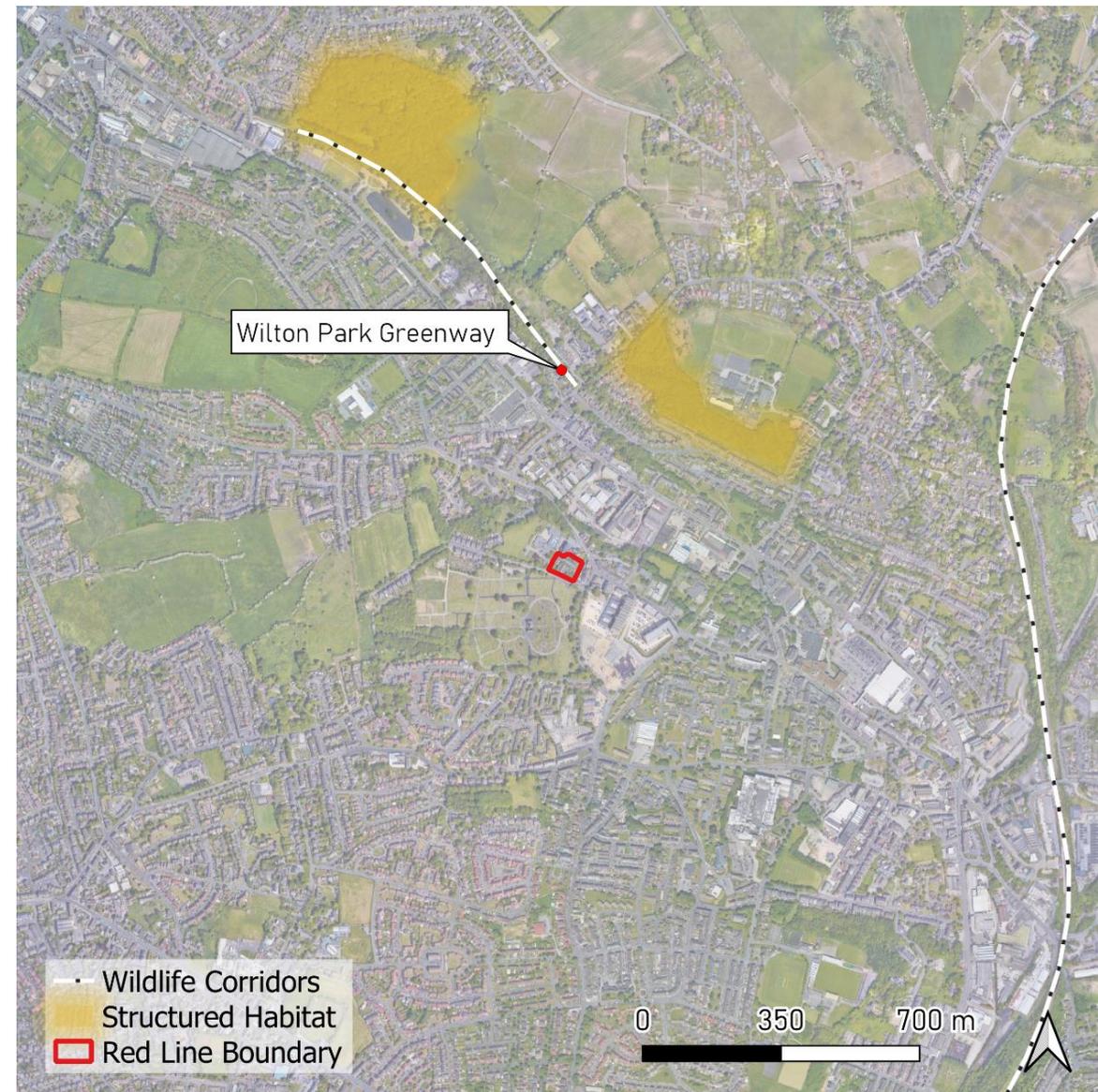
Landscape

9. The Site is situated in Batley, c. 11.5km southwest of the city of Leeds. It is found within the wider site of St. Mary's School, with associated buildings and gardens extending to the west. It is bound immediately to its north by Cross Bank Rd, to its east by residential built development, and to its south by North Bank Rd with Batley Crematorium extending beyond.
10. The wider landscape comprises a mix of built development to the north and east, giving way to some agricultural land to the south and west, with small pockets of greenspace throughout.
11. The Site overlies the Carboniferous sandstones the Emly Rock, giving rise to sandy, well-drained soil conditions, however the urbanisation of the surrounding landscape means underlying bedrock is unlikely to influence soil conditions.

Wildlife Corridors

12. The disused railway forming the Wilton Park Greenway comprises the closest wildlife corridor, although it does not extend far, beginning c. 450m north of Site. Further afield, the tree flanked TransPennine Huddersfield line bisects the landscape south to north c. 1km to the east. Neither feature has strong links to the Site.

Figure 2 Analysis of wildlife corridors and structured habitat visible on mapping in relation to the Site.



Designations

Statutory Designations

13. A search has been made to identify any nationally designated sites within a 2km radius of the Site, or internationally designated sites within a 10km radius. The results are shown in the below table.

Table 1 Statutory Designated Sites.

Site Name	Distance from Site	Designation	Summary Interest
Denby Grange Colliery Ponds	9.4km southeast	Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).	Pond surrounded by ancient and replanted ancient woodland, supporting a significant population of GCN. Impacts arising from the proposals would not be anticipated due to separation.

SSSI Impact Risk Zones (IRZs)

14. The Site lies within the IRZ for the Denby Grange Colliery Ponds SSSI but does not fall into any of the highlighted categories which require the LPA to consult with Natural England in relation to potential impacts.

Non-Statutory Designations

15. There are two Local Wildlife Sites in the search area: Birkby Brow Wood and Morely Spring Wood, as seen in Figure 3 overleaf. These are cited due to ancient and replanted ancient woodland, both with notable bluebell cover, and are not of potential relevance to the application.
16. Direct and indirect impacts on all designated sites as a result of this development are unlikely due to the Site's separation and distance.

Nature Improvement Area

17. The Site is not within any Nature Improvement Area.

Wildlife Habitat Network

18. The Site is not within any mapped Wildlife Habitat Network.

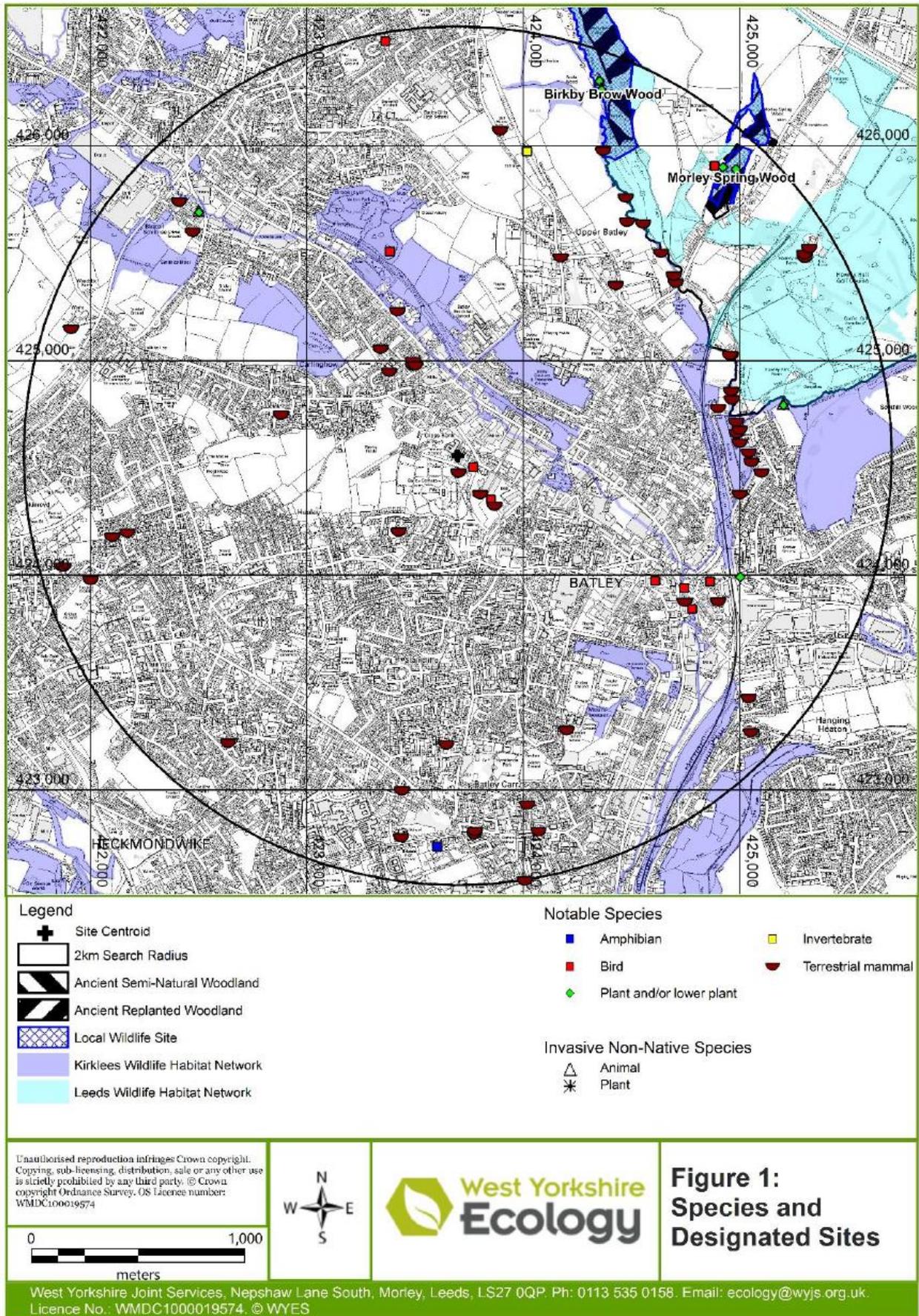
Granted EPSM Licences

19. There are no granted European Protected Species Mitigation (EPSM) licences shown within 1km of the Site.

Mapped Ancient Woodland

20. There is no mapped ancient woodland within 100m of the Site.

Figure 3 Map of Local Sites and Faunal Records (West Yorkshire Ecology, 2023)



Survey

21. The survey was carried out during November 2023¹ and followed the principles of Extended Phase 1 Habitat Survey methodology (JNCC, 2010).
22. Although out of the main growth season, the nature of habitats present here, and the expertise and training of the surveyor meant that it was still possible to confidently classify the type and condition of habitats present on this Site.
23. Enough time was afforded the surveyor to carry out the survey. The survey was not constrained by poor weather.
24. Whilst the majority of the Site was accessible, at least 10% of the Site was inaccessible due to very dense vegetation, which could not be closely inspected. This could have concealed invasive species or protected species evidence.

Habitat Appraisal

25. The Site's habitats are described in order on the following pages. In line with the requirement to provide information on Biodiversity Net Gain (BNG), habitats are named in accordance with the UK Habitats classification system. We have used the relevant UKHabs guidance in identifying habitats. Habitat descriptions are divided into the 'distinctiveness' categories used in the calculations presented in the Biodiversity Gain Assessment, with more weight being afforded the more distinctive/important habitats.
26. Generally, the following apply to each tier of distinctiveness, although some authorities might highlight some lower distinctiveness habitats as having a higher importance locally. Where relevant we have highlighted these.

Very Low Distinctiveness Habitats

27. Habitats of little or no habitat value, i.e., lacking any significant native vegetation, but could still provide supporting habitat for protected or notable fauna such as birds or bats. In the context of BNG, their areas are included in calculations, but mitigation or compensation is not required.

Low Distinctiveness Habitats

28. Habitats which are ubiquitous, often which have been created or modified intentionally. They tend to lack diversity of species and structure. They are unlikely to support notable flora but could still provide supporting habitat for protected or notable fauna. In the context of BNG, they are included in

calculations, but compensation/mitigation needs only to provide habitat of similar or higher distinctiveness.

Medium Distinctiveness Habitats

29. Habitats which are common but provide a higher level of structural and species diversity. Though unlikely to support more notable assemblages, species of interest could be present here and they are more likely to be important supporting habitat to fauna. In the context of BNG, mitigation needs to provide habitat of the same broad habitat type, or that of higher distinctiveness.

High Distinctiveness Habitats

30. Habitats which are more natural and contain more important assemblages of plants and potentially species which are rare in their own right. They will provide good habitat for fauna. These habitats are likely to be targeted as conservation priorities and will be the subject of additional policy guidance or legislation. In the context of BNG, whilst mitigation or compensation for loss or damage is possible, provision of more of the same type of habitat would be required, which (with a few exceptions) is likely to be difficult.

Very High Distinctiveness Habitats

31. These are the UK's rarest/best habitats. They will be present in very particular locations and a range of rare or important plant and animal species will depend on the particular conditions they provide. These habitats will be the subject of restrictive policy guidance or legislation. Whilst the BNG metric does not preclude mitigation or compensation in respect of these habitats, creation of the same habitat type would be required, and this would range between very difficult/expensive and impossible.
32. Each habitat is mapped and an area for each type is provided in the format of the Statutory Biodiversity Metric Calculation Tool. The areas can be used to quantify the impacts of development in an Ecological Impact Assessment if this is required by the Local Planning Authority.

Condition Assessment

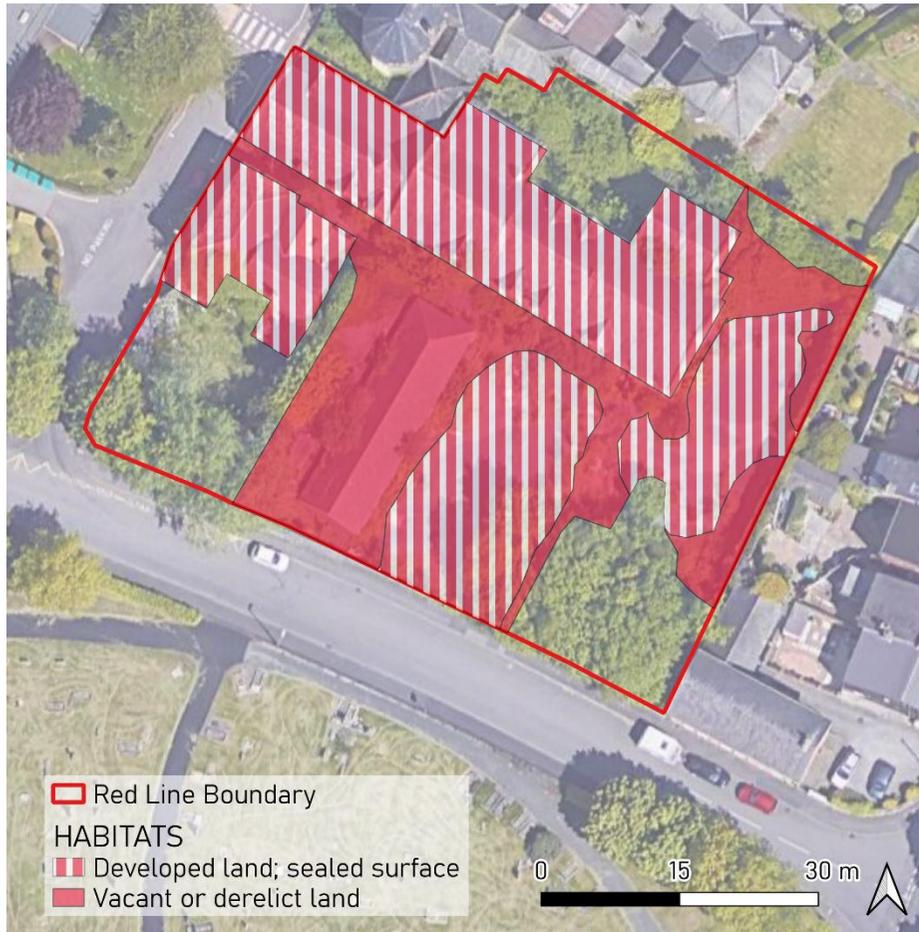
33. Our condition assessment for each habitat described references where available the criteria set out in DEFRA (2023) Statutory Biodiversity Metric Condition Assessments. A completed version of this spreadsheet is provided digitally with the Biodiversity Gain Report which accompanies this report.

¹ This Report has been prepared during December 2023 following a visit to the Site in November 2023, and our findings are based on the conditions of the Site that were reasonably visible and accessible at that date. We accept no liability for any areas

that were not reasonably visible or accessible, nor for any subsequent alteration, variation, or deviation from the Site conditions which affect the conclusions set out in this report.

Habitats of Low/Very Low Distinctiveness

Figure 4 Approximate location and extent of these habitats.



NB: satellite imaging shows building which is no longer present, now mapped as vacant or derelict land.

Table 2 Summary - Habitats of Low/Very Low Distinctiveness.

UK Habitats	Label Ref	Summary Description	Condition*
Developed Land; sealed surface	-	Stone buildings making up school and convent, and areas of tarmac apparent of previous school playground areas.	n/a
Vacant or derelict land	-	Areas of sealed surface, or rubble in the location of previously levelled building located in centre of Site. Now colonised by shrubby vegetation such as ivy, buddleia, cotoneaster, bramble, and a typical suite of pioneer species such as Canadian fleabane, cleavers, rosebay willowherb, ragwort, and nettles.	Poor

*Full condition assessments are provided as part of the Biodiversity Gain Assessment, issued separately

Hedgerows

Figure 5 Approximate location and extent of hedgerows



Table 3 Summary - Hedgerows.

UK Habitats	Label Ref	Summary Description	Condition*
Ornamental hedgerow	H1	An ornamental hedge dominated by garden privet, with occasional ash and elder to the northern end, and hawthorn, dogwood, and Leyland cypress to the southern end, with ivy growth throughout.	Auto Poor
	H2	A second ornamental hedge bordering garden in the southwest of Site, comprising mostly typical ornamental shrub species including laurel, ornamental plum, forsythia, and honeysuckle.	Auto Poor

*Full condition assessments are provided as part of the Biodiversity Gain Assessment, issued separately

Low Distinctiveness Habitats and Hedgerows

Figure 6 Typical view of vacant or derelict land to east



Figure 7 Typical view of vacant or derelict land to west



Figure 8 View of H1 to north



Figure 9 View of H1 to south



Figure 10 View of H2



Habitats of Medium Distinctiveness

Figure 11 Approximate location and extent of these habitats.



Table 4 Summary – habitats of Medium Distinctiveness.

UK Habitats	Label Ref	Summary Description	Condition*
Mixed Scrub	MxSc-1	Inaccessible area of scrub partially visible through fence, appears to be dominated by buddleia, saplings of birch and ash, with a ground layer of Ivy present. Due to spread of INNS around Site, these are assumed to be present in this area.	Poor
	MxSc-2	Area of overgrown garden colonised by thick layer of ivy with oak and birch saplings. Grasses present indicative of past use include perennial rye and Yorkshire fog	
Bramble Scrub	BrSc	Area in the northeast corner of Site colonised by bramble dominated scrub. Occasional buddleia saplings are present as is ivy.	N/A
Other Woodland; broadleaved	-	Birch and willow dominated woodland with a ground layer of ivy, interspersed with bramble and oak saplings. Some ornamental shrubs present include buddleia, box-leaved honeysuckle, and cotoneaster.	Poor
Individual Urban Trees	1-9	A group of 9 medium, mature white poplar in the southwest corner of Site. Tree canopy is continuous and oversails vegetation, trunks are well covered with ivy.	Good
	10-11	Two small, semi-mature trees, a cherry and a maple sp., apparently self-set to the northeast corner of the garden area.	Moderate

*Full condition assessments are provided as part of the Biodiversity Gain Assessment, issued separately

Habitats of Medium Distinctiveness

Figure 12 View of MxSc-1



Figure 13 View of Bramble Scrub



Figure 14 View of Woodland to southeast corner



Figure 15 View of MxSc-2



Figure 16 View of Trees 1 - 9



Figure 17 View of Trees 10 - 11



Faunal Appraisal

34. The following pages discuss only the groups and species that could be reasonably expected to be found on the type of habitats present on, or adjacent to, the Site.

Amphibians

Desk evidence

35. A single amphibian record has been returned for the area, relating to Great Crested Newt situated approximately 1.8km south of the Site.

Field Evidence

36. No ponds are present on Site or within 500m of its boundaries.
37. Some terrestrial habitat is present on site which may be of use to amphibians, but due to the Site's separation and distance from any suitable breeding habitat this is not likely to be of importance to local amphibian populations.

Summary Evaluation

38. Given the lack of records within the surrounding area, and the absence of suitable breeding habitat on Site, the likely absence of GCN can be reasonably concluded.
39. The Site may offer some suitable terrestrial habitat for a small number of common amphibians but is not expected to be of importance for local populations.

Further Surveys and Recommendations

40. No further surveys or precautions are considered necessary.

Bats

Desk evidence

41. A total of 57 records have been returned within a 2km search radius, relating to indeterminate bat species, common and soprano pipistrelle, noctule and Leisler's, with roosts recorded for indeterminate species and common pipistrelle.
42. The closest roost record is located c. 450m southwest of Site, and dates to 2013, with a number of field observations dating to 2019 being recorded in the crematorium approximately 100m south of the Site.

Field Evidence (Roosting)

43. Two buildings are present on Site, with confirmed bat roosts present in one of them (The Convent). Confirmed roosts are assessed as being none breeding day roosts of individual or very low numbers of common pipistrelle. This is reported in ER-7031-01.
44. Trees have been inspected for roost suitability, with none providing any potential roosting features.

Field Evidence (foraging and commuting)

45. The Site presents a relatively isolated and small parcel of land, with little habitat suitable to foraging bats.
46. The Site does not form part of any apparent network of habitat which could provide key commuting habitat locally.

Summary Evaluation

47. The Site's size and location suggest that it will not be important to foraging or commuting of this group.

Further Surveys and Recommendations

48. Emergence surveys carried out in August and September 2023 identified the confirmed presence of bat roosts. Further survey is not considered necessary to inform planning but may be needed to support a Natural England EPSM license application.
49. Further surveys to ascertain the use of the Site by commuting or foraging bats are not recommended. There would be opportunities to provide new roost sites in buildings or existing trees at the Site.

Birds

Desk Evidence

50. 13 recent records of birds were returned within a 2km search radius of the Site, all relating to typical urban and garden bird species.

Field Evidence

51. Trees and shrubs present throughout the Site will provide nesting and foraging habitat for this group.
52. A small number of common bird species were noted during the survey including blackbird and magpie. A tawny owl was observed using the trees to the south of the Site during a bat emergence survey in September 2023.

Summary Evaluation

53. Given the limited habitat present, the Site is unlikely to be of value to local bird populations, though will support a small number of nesting birds during the nesting season.

Further Surveys and Recommendations

54. No further surveys are considered necessary to demonstrate current baseline in respect of birds.
55. Standard precautions apply in respect of restrictions on clearing vegetation during the nesting season, and a nesting bird survey commissioned before any removal or pruning of vegetation is conducted between March and August inclusively.

Hedgehogs (NERC Act 2006/Local BAP)

Desk evidence

56. Hedgehogs are recorded within the search area.

Field Evidence

57. No evidence of hedgehogs was found on site.

Summary Evaluation

58. The Site provides suitable habitat for this species; presence is assumed.

Further Surveys and Recommendations

59. Presence assumed; no further surveys are considered necessary but measures to allow them to access gardens need to be planned for.

Invasive Non-Native Species (INNS)

60. INNS are species listed on Schedule 9 of the Wildlife and Countryside Act (1981), for which it is an offence to cause or allow it to grow in the wild.

61. The following species were noted²

- *Cotoneaster horizontalis*

Survey constraints

62. This survey is constrained by the presence of areas that were inaccessible due to the density of vegetation.

63. While some INNS have been identified in this preliminary survey, it is not always possible to conclude the full range of species present, and their full extent, due to factors such as season, accessibility, third-party attempts to hide evidence, or undisclosed treatment programmes. For this reason, this report should not be relied upon as definitive evidence of absence of INNS.

64. This site presents a small risk of supporting undetected INNS based on the following factors:

- Areas of site inaccessible to survey
- Potential for tipping of material

65. Should further assurances be needed in relations to INNS, a dedicated Invasive Weed Survey should be commissioned.

Figure 18 Building plan



² Whilst our ecologists are trained in the identification of invasive species, this report is not a dedicated invasive species survey. Detectability of invasive plant species can be affected by several factors, and conclusive determination status, or extent, is not

possible through preliminary survey alone. As the presence of invasive species can generate significant costs to development, the client may wish to instruct a dedicated invasive species survey prior to entering into contracts.

Ecological Constraints

Habitat Value

66. The usual approach to development is to minimise any net loss of biodiversity towards a gain in biodiversity value where this is possible on-Site. Our separate report on Biodiversity Gain sets out the position of the Site in terms of measured biodiversity.
67. Irrespective of the Biodiversity Gain process, development should still seek to retain what is best about the Site. The ecological value of this Site can be largely attributed to the individual trees present.
68. The plan opposite shows the Site in the context of mapped habitat distinctiveness with the aim of informing the design of any layout. It shows that there are no areas of high distinctiveness which would need to be avoided by the proposed design.
69. While the habitats present here are common locally and would not require any specific mitigation or compensation (outside of Biodiversity Net Gain), impacts to habitats of medium distinctiveness should, where possible, be avoided or mitigated. This can be achieved through retention and enhancement of existing habitats of medium distinctiveness.
70. Retention of trees along the Site's southern boundary, along with complimentary planting of new, native species, would contribute to locally valuable connectivity.

Faunal constraints

71. Active bat roosts in one building have been identified through survey carried out in August and September 2023. A license will be required before further works carried out of this building (see ER-7034-01 for further details)

72. Further faunal constraints have not been identified, taking into account standard precaution with regard to vegetation removal and nesting birds.

Figure 19 Distinctiveness of habitat.



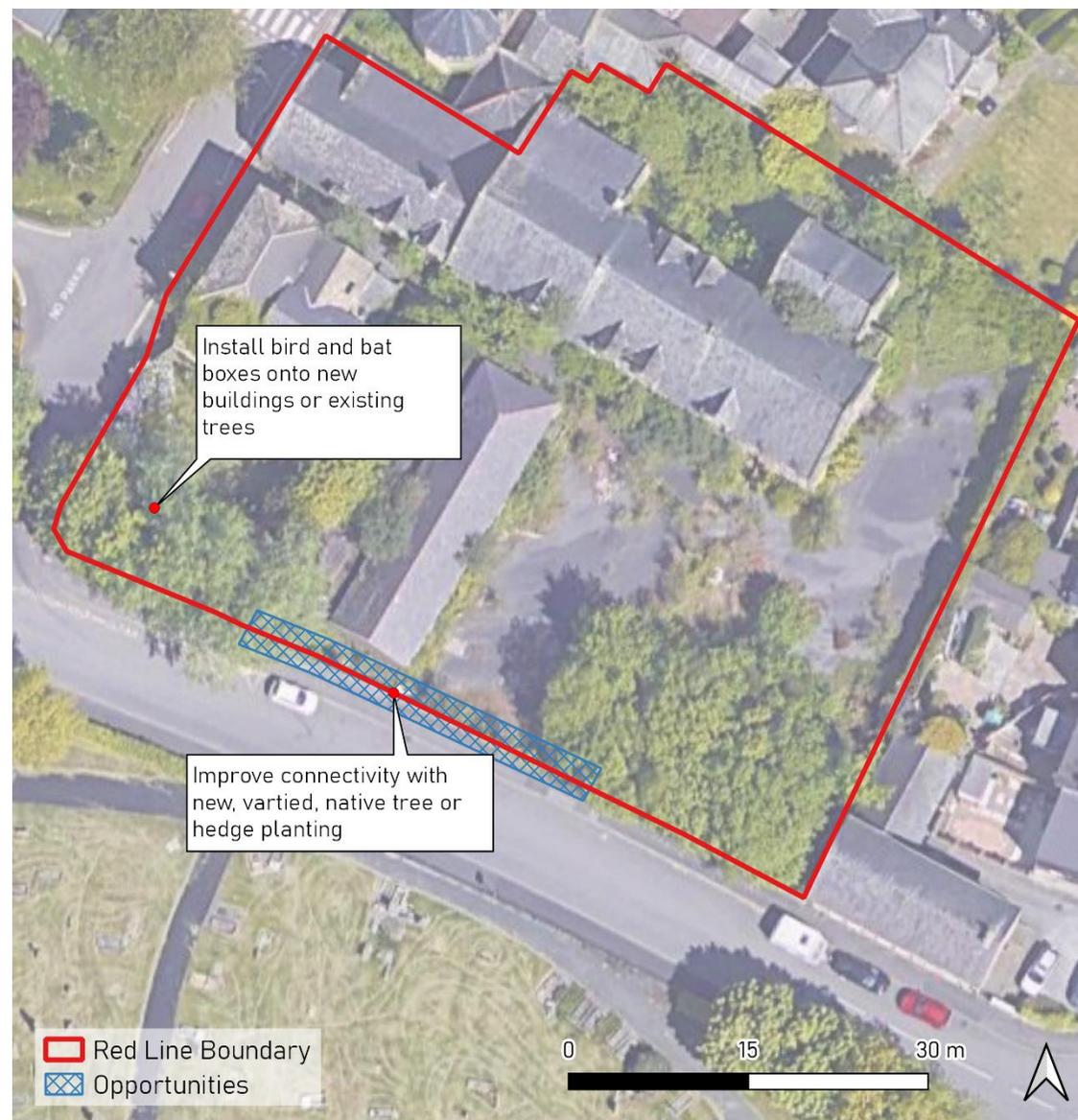
Ecological Opportunities

73. Ecological opportunities at the Site relate to:

- Potential to improve connectivity locally by enhancing the streetside trees with new planting.
- Installing roosting or nesting features on new buildings or existing trees

74. A Biodiversity Management Plan may be useful in defining these enhancements and can be secured by standard condition.

Figure 20 Ecological Opportunities.



Conclusions and Recommendations

Planning considerations		
Recommendation	Rationale	When
R1 Additional Surveys	Not required for planning. Further bat emergence survey is likely to be needed to fully inform a Natural England Licence Application.	N/A May - end August
R2 Produce a layout which minimises loss of biodiversity	Engage with the Constraints and Opportunities set out above, involve your ecologist in designs at an early stage. The proposals will need to consider the NPPF hierarchy of Avoid–Mitigate–Compensate in minimising any loss of biodiversity. The LPA is likely to be seeking at least a no-net-loss situation and could request that a contribution is made to address any residual loss here, off-Site. Your layout may need to change to accommodate your findings from R1 surveys.	During the design process
R3 Design	Make sure your design team follows ecological advice to and make sure there are no design conflicts.	During the design process
R4 BNG	Produce a Biodiversity Net Gain Report.	During the design process
R5 Ecological Impact Assessment (EclA)	This report summarises all survey findings and assesses the impacts of the scheme in respect of these. Due to the scale of this development and the potential issues at hand it would seem an unlikely requirement, but may be requested by the LPA.	Prior to submission, after a fixed design is agreed and all key additional surveys are completed
R6 Produce a Biodiversity Management Plan	To specify in detail how the development will cater for biodiversity on-Site and to show how habitats incorporated will be managed.	Delivery report Suitable for planning condition

Other considerations (managing legal or financial risks)		
Issue	Rationale	When
R7 Nesting bird management	As with most sites, the standard precaution in relation to birds would apply. To prevent the proposed works impacting on nesting birds, any clearance of vegetation will need to be undertaken outside of the breeding bird season, which runs from 1st March–31st August inclusive. Any clearance required during the breeding bird season should be preceded by a nesting bird survey to ensure that the law is not contravened through the destruction of nests and that any active nests are identified and adequately protected during the construction phase of the development.	Prior to and during clearance
R8 INNS Management Plan	This provides a formal INNS Survey and sets out management prescriptions and timings in detail. It can provide security for the Main Contractor and assurance for future Site operators/purchasers/owners.	Best initiated at an early stage (INNS Survey would ideally be complete April - October)
R9 Pre-construction ecology checks	It is always advisable to check that protected species (e.g., badger) and invasive weeds have not colonised or become visible in the period between the date of this report and construction activities commencing.	Prior to site preparation or archaeological/geotechnical investigations.

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Appendix 1 Habitats and Ecological Features



- Existing Medium Urban Tree
- Existing Small Urban Tree
- Non-native and ornamental hedgerow
- Bramble scrub
- Developed land; sealed surface
- Mixed scrub
- Other woodland; broadleaved
- Vacant or derelict land
- Red Line Boundary

Appendix 2 List of species recorded

Sycamore	<i>Acer pseudoplatanus</i>
Bindweed	<i>Calystegia sepium</i>
Creeping bent	<i>Agrostis stolonifera</i>
Biting stonecrop	<i>Sedum acre</i>
Box-leaved/ privet honeysuckle	<i>Lonicera pileata</i>
Birch	<i>Betula sp.</i>
Creeping thistle	<i>Cirsium arvense</i>
Daisy	<i>Bellis perennis</i>
Butterfly bush/buddleia	<i>Buddleia davidii</i>
Rosebay willowherb	<i>Chamerion angustifolium</i>
Hawthorn	<i>Crataegus monogyna</i>
Cotoneaster	<i>Cotoneaster sp.</i>
Greater willowherb	<i>Epilobium hirsutum</i>
Ash	<i>Fraxinus excelsior</i>
Dogwood	<i>Cornus sanguinea</i>
Canadian fleabane	<i>Erigeron canadensis</i>
Red fescue	<i>Festuca rubra agg.</i>
Cleavers	<i>Galium aparine</i>
Forsythia	<i>Forsythia × intermedia</i>
Herb robert	<i>Geranium robertianum</i>
Common ivy	<i>Hedera helix</i>
Yorkshire fog	<i>Holcus lanatus</i>
Hawkweed	<i>Hieracium agg.</i>
Common ragwort	<i>Jacobaea vulgaris</i>
Garden privet	<i>Ligustrum ovalifolium</i>
Common honeysuckle	<i>Lonicera periclymenum</i>
Leyland cypress	<i>Cupressus × leylandii</i>
Maple	<i>Acer sp.</i>
Perennial rye grass	<i>Lolium perenne</i>
Petty spurge	<i>Euphorbia peplus</i>

Ribwort plantain	<i>Plantago lanceolata</i>
Cherry	<i>Prunus sp.</i>
Red valerian	<i>Centranthus ruber</i>
Cherry laurel	<i>Prunus laurocerasus</i>
Oak	<i>Quercus sp.</i>
Bramble	<i>Rubus fruticosus</i>
Hedge mustard	<i>Sisymbrium officinale</i>
Rowan/mountain ash	<i>Sorbus aucuparia</i>
Willow	<i>Salix sp.</i>
Snowberry	<i>Symphoricarpos albus</i>
Elder	<i>Sambucus nigra</i>
Prickly sowthistle	<i>Sonchus asper</i>
White poplar	<i>Populus alba</i>
Nettle	<i>Urtica dioica</i>
Black Leaved Plum	<i>Prunus nigra</i>

Appendix 3 Explanatory Notes and Resources Used

Site Context

Aerial photographs published on commonly used websites were studied to place the site in its wider context and to look for ecological features that would not be evident on the ground during the walkover survey. This approach can be very useful in determining if a site is potentially a key part of a wider wildlife corridor or an important node of habitat in an otherwise ecologically poor landscape. It can also identify potentially important faunal habitat (in particular ponds) which could have a bearing on the ecology of the application site. Ponds may sometimes not be apparent on aerial photographs so we also refer to close detailed maps that identify all ponds issues and drains.

Designated Sites

A search of the MAGIC (Multi-Agency Geographic Information for the Countryside) website was undertaken. The MAGIC site is a Geographical Information System that contains all statutory (e.g. Sites of Special Scientific Interest [SSSIs]) as well as many non-statutory listed habitats (e.g. ancient woodlands and grassland inventory sites). It is a valuable tool when considering the relationship of a potential development site with nearby important habitats. In addition, information from the local record holders was referred to on locally designated sites.

Functional linkage with off-Site habitats

When assessing these we consider whether the Site could be functionally linked to them, considering links such as:

- Hydrological links - is the Site upstream downstream, or could ground water issues affect it?
- Physical links - is the site in close proximity and could it be directly or indirectly affected by construction and operational effects? Conversely it may be that despite proximity major barriers separate the two.
- Recreational links - do footpaths and roads make it likely that increased recreational pressure could be felt?
- Habitat links - is the site part of a network of similar habitat types in the wider area? These could be joined by linear corridors or could simply be 'stepping stones' of habitat of similar form or function.

Method

Phase 1 habitat survey methodology (JNCC, 2010). This involves walking the site, mapping and describing different habitats (for example: woodland, grassland, scrub). The survey method was "Extended" in that evidence of fauna and faunal habitat was also recorded (for example droppings, tracks or specialist habitat such as ponds for breeding amphibians). This modified approach to the Phase 1 survey is in accordance with the approach recommended by the Guidelines for Baseline Ecological Assessment (IEA, 1995) and Guidelines for Preliminary Ecological Appraisal (CIEEM 2017).

Faunal Appraisal

This section first looks at the types of habitat found on Site or within the sphere of influence of potential development, then considers whether these could support protected, scarce, or NERC Act 2006 Section 41 species (referred to collectively as 'notable species').

Records of notable species supplied from a 2km area of search by West Yorkshire Ecology are used to inform this appraisal.

We discuss further only notable species or groups which could be a potential constraint due to the presence of suitable habitat and their presence (or potential presence) in the wider area. We screen out and do not present accounts of notable species or groups which do not meet these criteria - in some cases it may be necessary to explain this reasoning.

Consideration is given to the Local Biodiversity Action Plan (LBAP), which for this site is the 'Kirklees Biodiversity Action Plan'.

A number of aquatic, upland and highly localised species are included in the LBAP which, for brevity, have not been listed here

Species/group	Habitat
Common Bullfinch	Arable Field Margins
Common Cuckoo	Blanket Bog
Common Grasshopper Warbler	Hedgerows
Common Linnet	Inland Rock Outcrop and Scree Habitats
Common Starling	Lowland Dry Acid Grassland
Eurasian Curlew	Lowland Heathland
Eurasian Tree Sparrow	Hay Meadows, including Upland and Lowland Meadows
Grey Partridge	Lowland Mixed Deciduous Woodland
Hedge Accentor	Open Mosaic Habitats on Previously Developed Land
House Sparrow	Ponds
Lesser Redpoll	Reedbeds
Northern Lapwing	Rivers
Reed Bunting	Traditional Orchards
Sky Lark	Upland Flushes, Fens and Swamps
Song Thrush	Upland Heathland
Spotted Flycatcher	Upland Mixed Ashwoods
Tree Pipit	Upland Oakwoodland
Willow Tit	Wet Woodlands
Wood Warbler	Wood-Pasture & Parkland
Yellow Wagtail	Scrub
Yellowhammer	Other semi-natural grassland (wet/rush pasture and rough grassland)
Small Heath butterfly	Riverine
Wall Brown butterfly	
White-letter Hairstreak	
Adder	
Common toad	
Grass snake	
Great Crested Newt	
Slow-worm	
Brown hare	
Brown long-eared bat	
Noctule	
Polecat	

Species/group**Habitat**

Soprano pipistrelle
Hedgehog

Bats

Bat roosting potential is classified according to the following criteria set out below, taken from the Bat Conservation Trust Good Practice Guidelines (2023).

Bat Roosting Suitability of Buildings

Suitability	Criteria
<i>None</i>	No habitat features on site likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels).
<i>Negligible</i>	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
<i>Low</i>	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site, but could be used by individual hibernating bats).
<i>Moderate</i>	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation - the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).
<i>High</i>	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.

Bat Roosting Suitability of Trees

Suitability	Criteria
<i>None</i>	Either no PRFs in the tree, or highly unlikely to be any.
<i>FAR</i>	Further assessment required to establish if PRFs are present within the tree.
<i>PRF</i>	A tree with at least one PRF present.

Evaluation

In evaluating the Site, the ecologist will take into account a number of factors in combination, such as:

- the baseline presented above,
- the Site's position in the local landscape,
- its current management and
- its size, rarity or threats to its integrity.

There are a number of tools available to aid this consideration, including established frameworks such as Ratcliffe Criteria or concepts such as Favourable Conservation Status. Also of help is reference to Biodiversity Action Plans in the form of the Local BAP and Section 41 of the NERC Act (2006) to determine if the Site supports any Priority habitats or presents any opportunities in this respect.

The assessment of impacts considers the generic development proposals from which potential effects include:

- Vegetation and habitat removal
- Direct effects on significant faunal groups or protected species
- Effects on adjacent habitats or species such as disturbance, pollution and severance
- Operation effects on wildlife such as noise and light disturbance

Appendix 4 Bat Activity Survey Rationale

The Bat Conservation Trust Guidelines (BCTG) (Collins 2023) is now widely accepted as providing a basis and rationale for scoping and conducting bat surveys. It is acknowledged that the guidelines provide a wealth of background and are a very useful tool in standardising approaches to survey, it is also felt that an over reliance on some of the guidelines within this document can result in the provision of complicated surveys where they have significant consequences for the cost, or timescale of a large project, but could never deliver positives for bat conservation.

Taking the BCTG document as a whole, Chapter 2 helps the reader understand whether or not surveys are required, and that in the context of planning and development survey is required in relation to ensure;

- the avoidance of legal offences, and;
- the provision of a sufficient level of information - such that will allow the Local Planning Authority to make an informed decision on the proposals and their potential impacts on the Favourable Conservation Status (FCS) of bats.

Attendance at seminars presented by, and discussions with, those involved in production of the BCTG document has emphasised the point that it is within the remit of the consultant ecologist to make a decision on the necessity and scope of surveys - they will use the guidelines in doing so but are not in any way bound by them: this is reflected in Section 1.1 of the guidelines -

'The Guidelines do not aim to either override or replace knowledge and experience. It is accepted that departures from the guidelines (e.g. either decreasing or increasing the number of surveys carried out or using alternative methods) are often appropriate. However, in this scenario an ecologist should provide documentary evidence of (a) their expertise in making this judgement and (b) the ecological rationale behind the judgement.'

Such decisions require a consideration of the potential of the project to impact on bat habitat, alongside analysis of the value of habitat on and around the site and of local records and the likelihood that bats might occur in significant numbers. Our reports aim to present information on how we have arrived at our decision on the Site, what assumptions we have based this on, and where further survey is recommended we indicate what the objective of this survey should be and how best this would be achieved.

The Site is small, not strategically located and does not contain any potential key habitat features for bats, its use by this group can be easily predicted making any requirement for additional survey disproportionate.

This assessment was made by Sam Kitching BSc (Hons) MCIEEM. Sam has over 10 years' experience undertaking bat surveys in a professional capacity and is registered to use the Bat Survey Class Licence (Level 2).

Appendix 5 Wildlife Legislation, Policy and Guidance

This is not an exhaustive list but sets out briefly the relevance of Legislation, Policy and Guidance in terms of planning applications and this assessment.

Legislation

Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (EC Habitats Directive).

Provides framework at an international (EU) level for the consideration/protection of European Protected Species (EPS), and habitats through the designation of sites.

Council Directive 79/409/EEC on the Conservation of wild birds (EC Birds Directive) and The Ramsar Convention on Wetlands of International Importance (1971)

Provides framework at an international (EU) level for the consideration/protection of important bird populations and the sites on which they are dependant.

The Conservation of Habitats and Species Regulations (2010)

This transposes 1) into UK law and provides the basis on which all EPS are protected and impacts on them can be licensed in the UK.

The Wildlife and Countryside Act (1981) as amended

This provides the basis on which UK species are legally protected or restricted and confers protection on Sites of Special Scientific Interest SSSIs. It contains annexes of plants and animals which are legally protected as well as those which are considered to be invasive or harmful. It provides the basis on which impacts on such species can be licensed in the UK and provides controls on work on or near SSSIs.

The Countryside and Rights of Way Act 2000 (CRoW)

Provides a statutory basis for nature conservation, strengthens the protection of SSSIs and UK protected species and requires the consideration of habitats and species listed on the UK and Local Biodiversity Action Plans (UKBAP/LBAP).

Natural Environment and Rural Communities Act 2006 (NERC)

Sets out the responsibilities of Local Authorities in conserving biodiversity. Section 41 of the Act requires the publishing of lists of habitats and species which are "of principal importance for the purpose of conserving biodiversity". At present these largely reflect those making up the UKBAP lists.

Hedgerows Regulations (1997)

Define and provide protection for Important Hedgerows.

Protection of Badgers Act (1992)

Protects badgers from persecution, this includes excavation/development in the proximity of setts.

Protected Sites

Statutory EU/International Protected Sites

Special Areas of Conservation (SACs); and Special Protection Areas (SPAs) and Ramsar Sites contain examples of some of the most important natural ecosystems in Europe. Work on or near these sites is strictly protected and Local Authorities will be expected to carry out 'Appropriate Assessment' of development in proximity of them. In this case there is often an increased burden on the developer in relation to provision of information and assessment.

Statutory UK Protected Sites

Local Nature Reserves (LNRs); National Nature Reserves (NNRs); Sites of Special Scientific Interest (SSSIs) all receive strict protection under UK legislation. Work in or in proximity to these sites would be restricted with any needing to be agreed with Natural England. Natural England now provide guidance on the nature of development which could impact on SSSIs through Impact Risk Zones.

Locally Protected Sites

Local Authorities have a variety of protected wildlife sites designated at a local or regional level. These are gradually being brought under the banner of Local Wildlife Sites (LWS) but at present a plethora of different designations exist - all subject to local policy.

Protected Species

European Protected Species

A number of species (most relevantly bats, great crested newts [GCN], and otters) receive strict protection from killing, injury and disturbance under The Conservation of Habitats and Species Regulations (2010). Protection is also conferred on the habitats on which they rely such as roost space in the case of bats and ponds and fields etc. in the case of GCN.

UK Protected Species

A number of species (including bats, GCN, water vole and white clawed crayfish) are strictly protected under The Wildlife and Countryside Act (1981) as amended, from killing, injury, disturbance and damage or destruction of their resting places etc. Certain species (such as reptiles) and some birds (such as barn owl) receive partial protection e.g. at certain times of the year or from certain activities only. All

nesting bird species are protected from damage or destruction of their nests - whilst active.

Invasive species

Schedule 9 of the Wildlife and Countryside Act (1981) as amended.

Lists these species and makes it an offence to cause or allow their spread in the wild. This often has impacts on development and planning in relation to the presence of invasive plant species such as: Himalayan balsam (*Impatiens glandulifera*), Japanese knotweed (*Reynoutria japonica*), and giant hogweed (*Heracleum mantegazzianum*).

Planning Policy/Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework was updated in July 2021. The most relevant paragraphs from the NPPF are set out below.

The approach to assessing the natural environment is now embedded within the definition of what 'sustainable development' is and this falls under one of three objectives of the planning system - the 'environmental objective' applying in this case. Paragraph 8c (P8c) of the NPPF states that sustainable development should "protect and enhance our natural, built and historic environment", including "improving biodiversity". P10 sets out the Framework's presumption in favour of sustainable development.

Section 11 of the NPPF details making effective use of land. The Framework states that planning policies and decisions should "take opportunities to achieve net environmental gains - such as developments that would enable new habitat creation" and should "recognise that some undeveloped land can perform many functions, such as for wildlife" (P120).

Section 15 details conserving and enhancing the natural environment; policies and decisions should be "protecting and enhancing valued landscape [and] sites of biodiversity [...] value", "recognise the intrinsic character and beauty of the countryside" and contribute to conserving and enhancing the natural environment and reducing pollution (P174). Allocations of land for development should, "allocate land with the least environmental or amenity value, where consistent with other policies in this Framework" and "take a strategic approach to maintaining and enhancing networks of habitats" (P175).

The Framework sets out ways to minimise the impacts on biodiversity through plans which "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" and 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" (P179).

It is made clear in P180 that local planning authorities should apply a set of principles when determining planning applications. Planning permission should be refused "if significant harm to biodiversity resulting from development cannot be avoided [...], adequately mitigated, or, as a last resort, compensated for". Development should not normally be permitted where an adverse effect on a SSSI

is likely, and "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity".

Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services

This strategy builds on the Natural Environment White Paper (June 2011) - Setting out the current UK Government's approach to nature conservation. It promotes a more coherent and inclusive approach to conservation and the valuing in economic and social terms of economic resources.

The strategy promotes initiatives such as Biodiversity Offsetting, Nature Improvement Areas and a focus on well-connected natural networks and introduces the concept of securing a 'no net loss' situation with regard to UKBAP/Section 41 habitats and species.

ODPM circular 06/05 (2005) Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System
Provides guidance to Local Authorities on their obligations to biodiversity - particularly in relation to assessing planning applications and ensuring the adequacy of information.

BSI (2013) British Standards Institute BS 42020:2013 Biodiversity - Code of Practice for Planning and Development

Provides a standard for the biodiversity assessment and development industries and decision makers such as Local Planning Authorities to work to.