# Carr Mount, Cooper Lane, Holmfirth

## Preliminary Ecological Appraisal Report

Report Ref. ER-7434-01

22/03/2024

David Crabtree

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| **Report reference** | **ER-7434-01 – Preliminary Ecological Appraisal Report** |
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| **Authorised** | Christopher Shaw BSc (Hons) MCIEEM<br>Principal Ecologist |
| **Date** | 22/03/2024 |
| **Report duration** | In accordance with CIEEM (2019), unless otherwise stated the findings of this report remain valid for a period of 18 months. After this period advice should be sought on the scope of any updating work required. |



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## Contents

**Summary**

This report is produced to inform David Crabtree 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 February 2024.

**Key Findings**

The Site is a small section of residential garden, of generally low ecological value. Beyond the recommended retention of established trees, ecological constraints have not been identified at the Site.

**Further surveys**

Further surveys have not been recommended.

# Introduction

1. Brooks Ecological Ltd was commissioned by David Crabtree to carry out a Preliminary Ecological Appraisal (PEA) of land at Carr Mount, Cooper Lane, Holmfirth, grid ref. SE141083. The survey includes land within the red line boundary shown in Figure 1, opposite, with a total area of 0.0326ha.
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.

## Proposals/Reason for PEA

5. The PEA has been commissioned to inform proposals to develop this small Site for a single dwelling.

## The Site

6. The application site 'the Site' comprises a small plot of residential garden in the centre of Holmfirth, Huddersfield.

**Figure 1** The Site (red line boundary).

# Desk Study

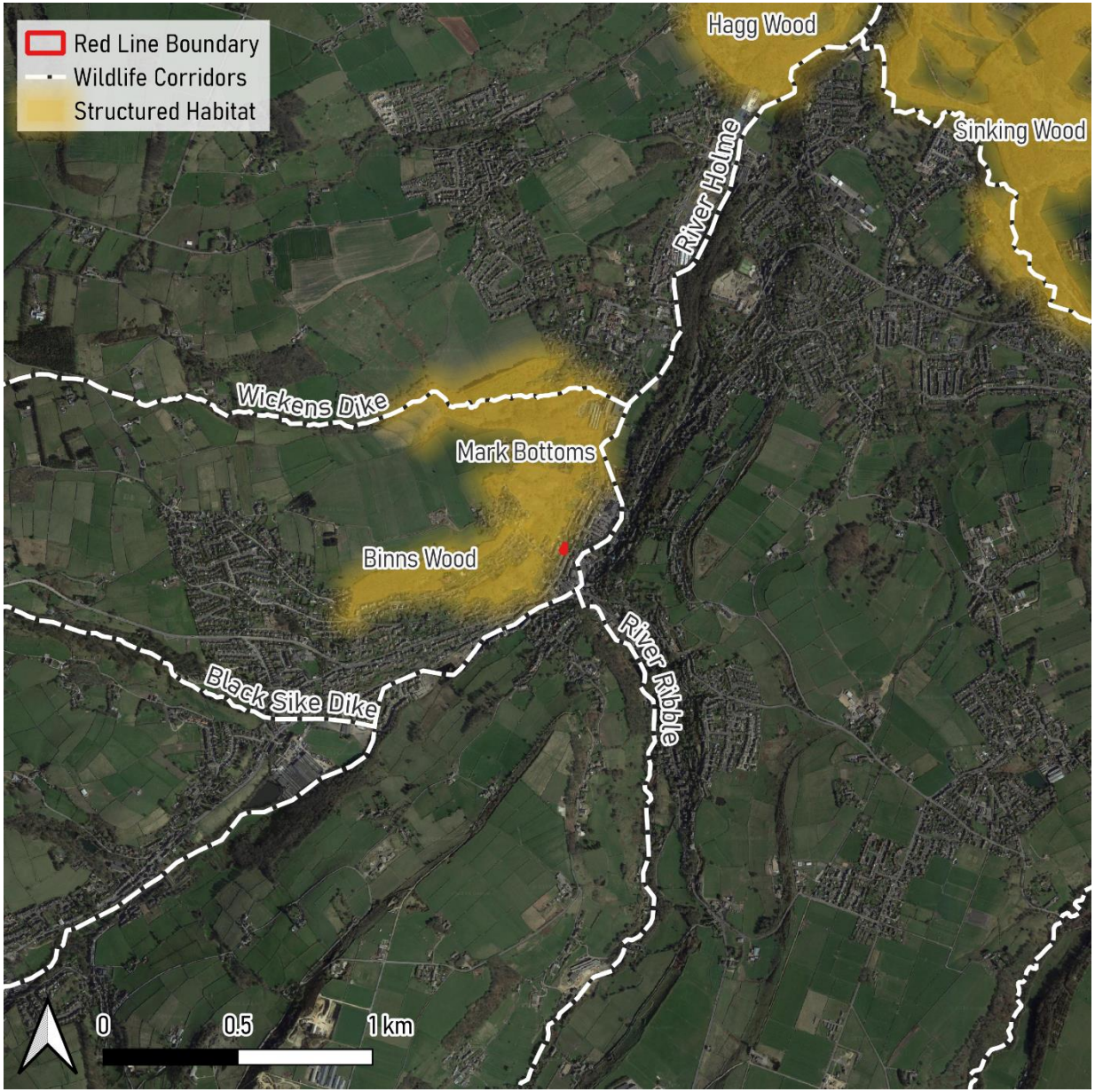
## Landscape

7. The Site is located in the centre of Holmfirth in Huddersfield, with gardens bordering it to the north, west and south, and Hightown Lane to the east.
8. The Site overlies the sandstones of the Guiseley Grit formation, likely to give rise to sandy, well-drained soil conditions. The highly modified state of the Site means the influences of this bedrock is unlikely.

## Wildlife Corridors

9. The Site is tenuously linked to Binns Wood and Mark Bottoms better structured habitat and the River Holme through garden trees.
10. The River Holme represents the most significant wildlife corridor in the area, transecting northeast to southwest through the centre of Holmfirth. Although circa 70m from the Site, the river is separated by a main road and developed land, and thus is not functionally linked.

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



# Designations

11. 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.

### Statutory Designations

12. 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 |
|---|---|---|---|
| South Pennine Moors | 3.5km SW | Special Area of Conservation (SAC) | Habitats including heath, scrub, bog, marsh, fen, dry and humid grassland, deciduous and mixed woodland, and inland water-bodies. |

13. The Site may be tenuously linked to the South Pennine Moors via the River Holme, however is more broadly separated by an expanse of residential development and farmland. Direct and indirect impacts on this site as a result of this development are unlikely.

### SSSI Impact Risk Zones (IRZs)

14. The Site lies within the IRZ for the Dark Peak 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 three Local Wildlife Sites (LWS) in the search area: Carr Green Meadows LWS, Holmbridge, Holmroyd Wood LWS, and Malkin House Wood LWS. Direct and indirect impacts on these sites as a result of this development are unlikely.

### Nature Improvement Area

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

### Wildlife Habitat Network

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

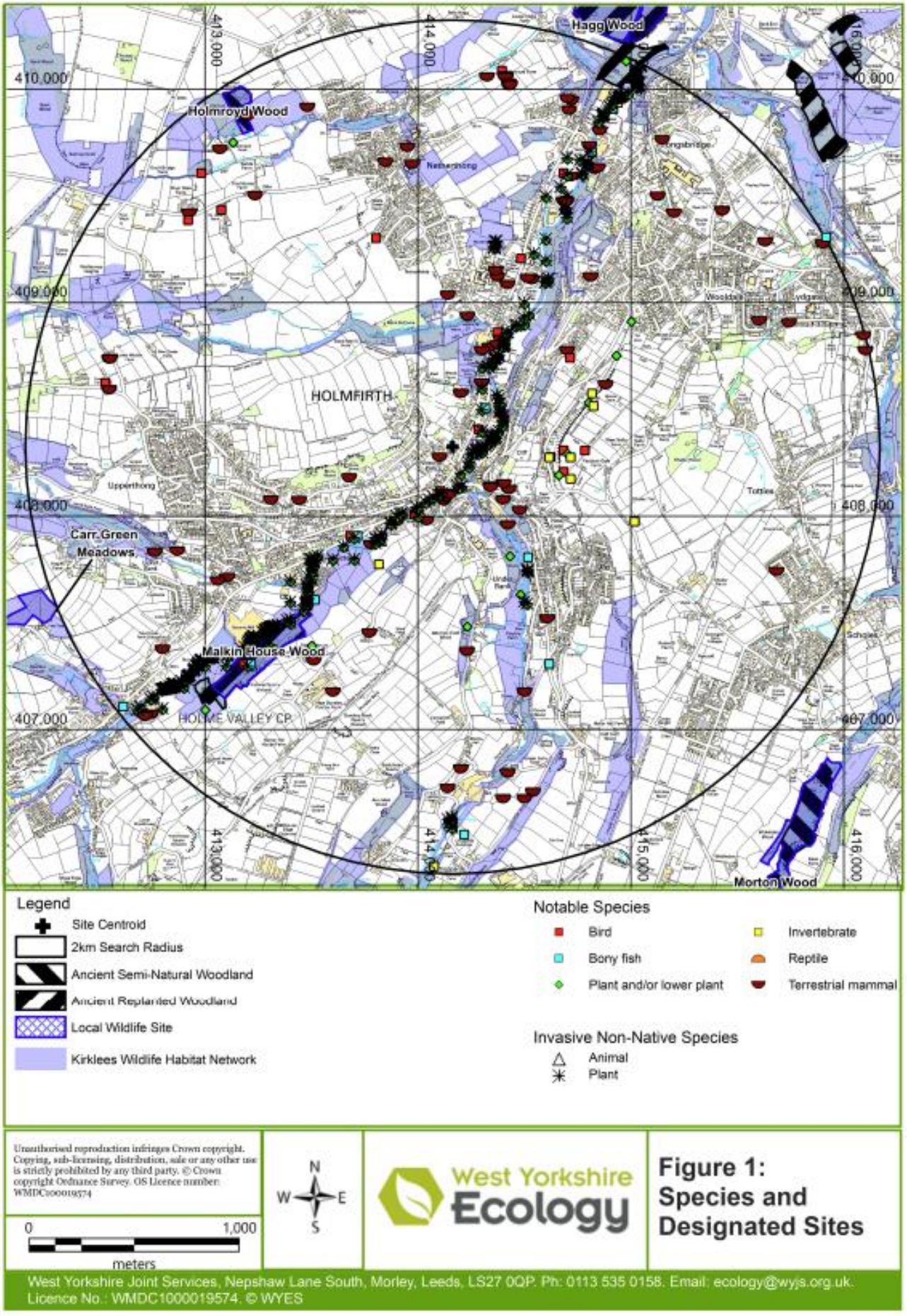
### Granted EPSM Licences

18. There are three granted European Protected Species Mitigation (EPSM) licences shown within 1km of the Site. These relate to licenses; from 2009 (approx. 300m SE of Site) for unknown impacts on a hibernation site of Leisler's bat, and from 2010-2011 (~600m N) and 2012-2014 (~500m N) to allow the destruction of a resting place of a common pipistrelle.

### Mapped Ancient Woodland

19. There is no Ancient Woodland within 15m of the Site boundary.

**Figure 3** Records of designated sites and notable species within 2km of the Site; West Yorkshire Ecology.



# Survey

20. The survey was carried out during February 2024[1] and followed the principles of Extended Phase 1 Habitat Survey methodology (JNCC, 2010).

21. Although out of the main growing 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.

22. Enough time was afforded the surveyor to carry out the survey. The survey was not constrained by poor weather.

23. Whilst the majority of the Site was accessible, at least 5% 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

24. The Site's habitats are described in order on the following pages. Habitats are named in accordance with the UK Habitats classification system. We have used the UK Habitats v2.01 guidance in identifying habitats. Habitat descriptions are divided into the 'distinctiveness' categories, with more weight being afforded the more distinctive/important habitats.

25. 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

26. 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.

Low Distinctiveness Habitats

27. 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.

Medium Distinctiveness Habitats

28. 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.

High Distinctiveness Habitats

29. 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.

Very High Distinctiveness Habitats

30. 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.

31. Each habitat is mapped. 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.

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[1] This Report has been prepared during March 2024 following a visit to the Site in February 2024, 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.

# Low Distinctiveness Habitats & Hedgerows

**Figure 4** Approximate location and extent of these habitats.

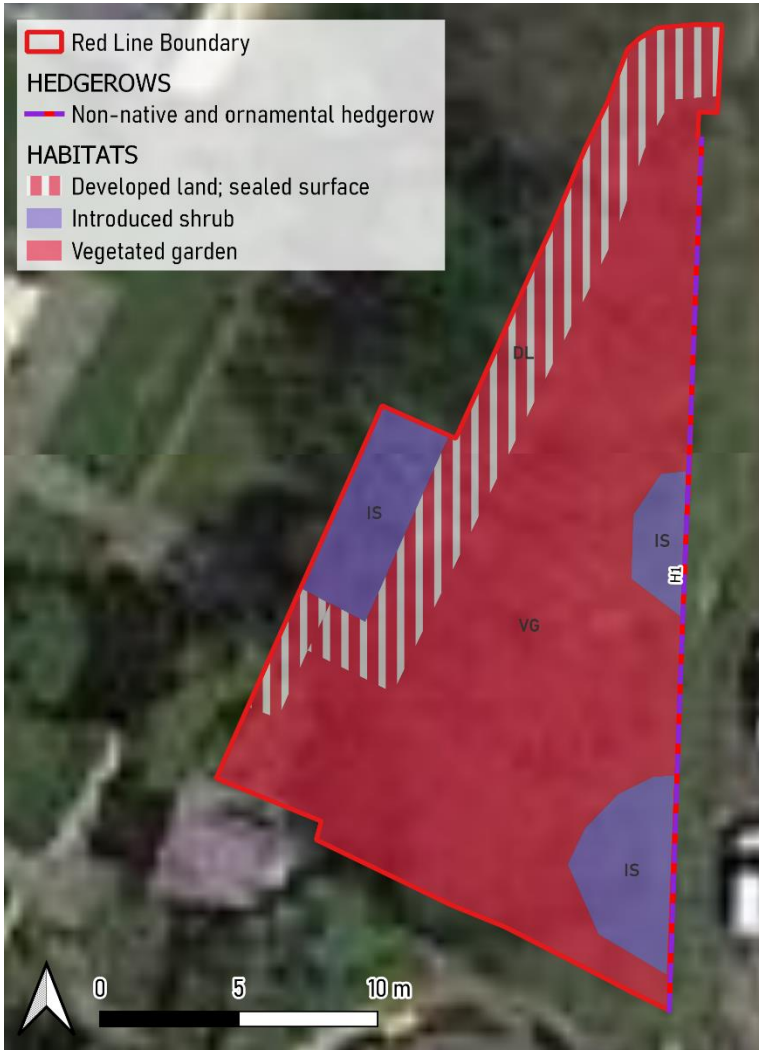



**Table 2** Summary – Habitats.

| UK Habitats | Label Ref | Summary Description |
|---|---|---|
| Vegetated Garden | VG | Regularly managed garden lawn and ornamental planting beds. Species included perennial rye grass, annual meadow grass and white clover, ornamental rose, and cypress. Individual trees and hedgerows have been mapped separately. |
| Introduced shrub | IS | Woody patches of laurel and rhododendron are present under sailing trees to the south. |
| Developed land; sealed surface | DL | Paved patio, footpaths and staircases devoid of significant vegetation. |

**Table 3** Summary – Hedgerows.

| UK Hedgerows | Label Ref | Summary Description |
|---|---|---|
| Ornamental and non-native | H1 | A garden privet hedge is located along the eastern boundary, above the retaining wall. The hedgerow is approximately 1m wide and 2m tall. |

# Trees

**Figure 5** Approximate location and extent of these habitats.


**Table 4** Summary – trees.

| UK Habitats | Label Ref | Summary Description |
|---|---|---|
| Individual Trees | G1, T2, T3, G4, T5, T6. | Multiple trees are present on Site, along the eastern boundary and within the garden habitats. Label refs have been based on the Tree Constraints Plan and Arboriculture survey report. Sizes vary from Small-Large. Species included cherry, beech, plum and willow. |

# Habitats

**Figure 6** Developed land and vegetated garden

**Figure 7** Introduced shrub / vegetated garden

**Figure 8** Introduced shrub and individual trees

**Figure 9** Garden lawn

**Figure 10** Vegetated garden beds

**Figure 11** Overview of vegetated garden

# Faunal Appraisal

32. 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*

33. There are four ponds, including one sluice pond, within (or part within) 500m of the Site boundary (see figure opposite). None of these ponds fall within a 250m radius, and none are well connected to the Site.

34. There are no records of great crested newt (GCN) returned within the 500m radius search area.

### *Field Evidence*

35. Small, isolated amounts of suitable amphibian terrestrial habitat is present on Site.

### *Summary Evaluation*

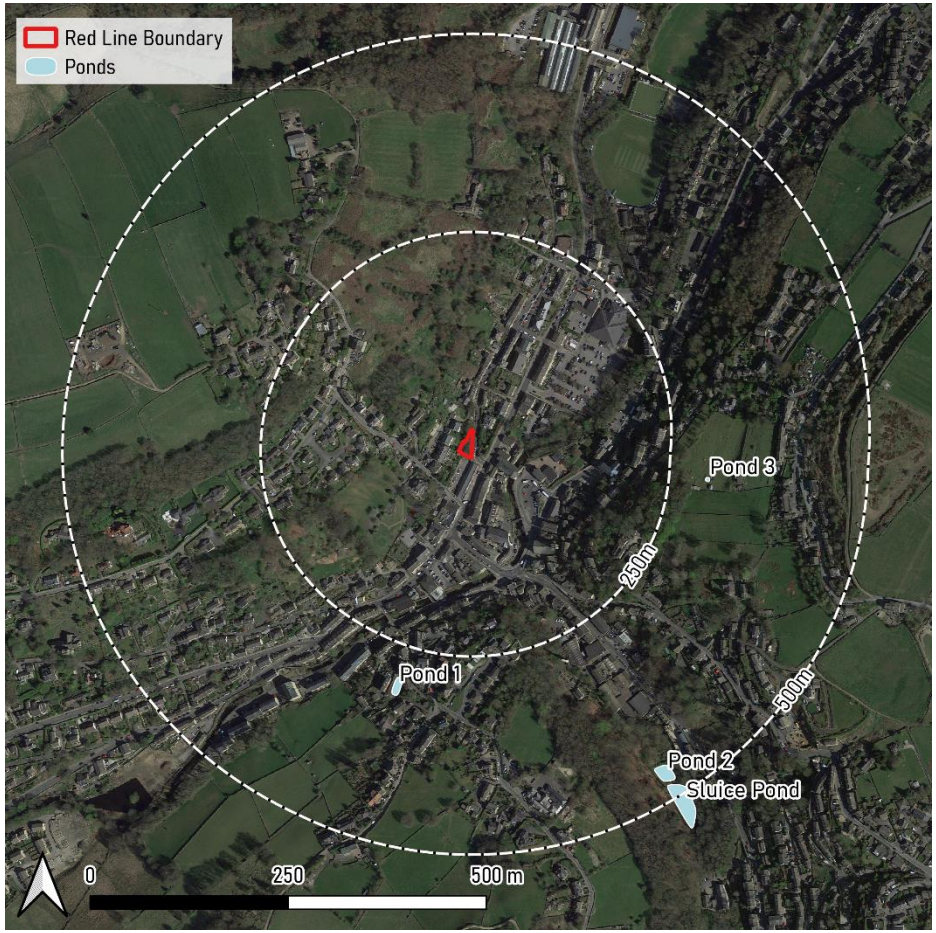
36. The isolation and lack of connected suitable waterbodies makes the presence of GCN on Site unlikely.

37. The Site is likely to be used by a small number of common amphibians, but is unlikely to be of importance to any local populations.

### *Further Surveys and Recommendations*

38. No further surveys or precautions are considered necessary.

**Figure 12** Ponds mapped in relation to the Site.



## Bats

### *Desk evidence*

39. There are 137 records of bats within the search radius. These relate to common, soprano and unknown pipistrelle spp., brown long-eared, Daubenton's bat, Leisler's bat, Noctule, Myotis spp. and unknown vesper spp. 56 of these records relate to possible roosts, the most recent of which is a common pipistrelle roost from August 2023, located approx. 1.9km southwest of the Site. The closest roost to Site is a common pipistrelle roost, recorded in 2022, approx. 200m south.

### *Field Evidence (Roosting)*

40. There are no buildings on Site.
41. All trees have been inspected from ground level, and are found not to support any potential roost features.

### *Field Evidence (foraging and commuting)*

42. The Site presents a relatively isolated and small parcel of land, it is unlikely to contribute much to local foraging resources.
43. The Site does not form part of any apparent network of habitat which could provide key commuting habitat locally.

### *Summary Evaluation*

44. The Site's size and location suggest that it will not be important to this group.

### *Further Surveys and Recommendations*

45. Further surveys are not recommended. There would be opportunities to provide new roost sites in buildings at the Site.

## Birds

### *Desk Evidence*

46. There are 43 records of birds within the search radius. These include birds of local and national importance. Those relevant to the Site's supporting habitats include collard dove, dunnock, goldfinch, green finch, grey wagtail, house sparrow, linnet, redwing, rook, sparrowhawk, and swallow.

### *Field Evidence*

47. The Site is isolated within an urban setting, with limited habitat suitable for nesting birds.
48. A small number of common bird species were noted during the survey including carrion crow and house sparrow.

### *Summary Evaluation*

49. Based on its size and habitats the Site will not be important to local bird populations, only used by a small number of urban and urban fringe species.

### *Further Surveys and Recommendations*

50. No further surveys are considered necessary to demonstrate current baseline in respect of birds.
51. Standard precautions apply in respect of restrictions on clearing vegetation during the nesting season.

## Badgers

### *Desk evidence*

52. The Site sits within an area of increased probability of badger activity. There are records of badger within 500m of the Site boundary.

### *Field Evidence*

53. The Site is isolated within an urban area and their presence here is somewhat unlikely.

54. No evidence of badger was found.

### *Summary Evaluation*

55. Badger setts are unlikely to be present at the Site.

### *Further Surveys and Recommendations*

56. No further surveys or precautions are considered necessary.

## Invasive Non-Native Species (INNS)

57. 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.

58. Rhododendron was identified on Site[2]. In this residential garden setting this species is not considered a constraint. As per guidance, this should be removed where possible or remain on Site to avoid the risk of spreading to neighbouring properties.

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

[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 & Opportunities

### *Habitat Value*

60. The usual approach to development is to minimise any net loss, the development should still seek to retain what is best about the Site. In this case the mature and established trees towards the east of Site.
61. 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 targets of higher distinctiveness or irreplaceable habitat which would need to be avoided by the proposals and that the Site is relatively uniform in terms of potential impact.
62. Habitats do not impose any particular design constraints. Loss of habitat of this nature are not of the order which would require specific mitigation or compensation as they are common locally.
63. As this site qualifies as a small Site, BNG 10% net gain is not a legal requirement until April 2024. However, this assessment can still be requested by the LPA to demonstrate a 'no net loss' in line with the NPPF or even a 10% Net Gain.
64. In terms of structure and connectivity, trees along the Sites eastern boundary will contribute to the disjointed local network. These are of higher value in a local context and should ideally be retained.

### *Faunal constraints*

65. Faunal constraints have not been identified.

### *Opportunities*

66. Ecological opportunities at the Site relate to:
    - Installing roosting or nesting features on new buildings.
    - Introduce native planting to increase foraging for insects and garden birds.

**Figure 13** Distinctiveness of habitat.

# Conclusions and Recommendations

| Planning considerations | | |
|---|---|---|
| **Recommendation** | **Rationale** | **When** |
| **R1** Additional Surveys | Not required | - |
| **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. Biodiversity Net Gain (BNG) policy mandates a minimum 10% Net Gain in Biodiversity Units, and the LPA may request additional gains. 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.<br>Produce a habitat retention plan at an early stage - which can be used to inform BNG and maximise scores. A habitat retention plan should identify areas which can be excluded from any impacts of clearance and construction. In producing a plan you should consider the need to provide (amongst other things) Site compounds, to store and move materials, to install drainage, flood storage, access and services - all with suitable easements. | During the design process |
| **R4** Biodiversity Net Gain (BNG) | As this site qualifies as a small site, BNG 10% net gain is not a legal requirement until April 2024. However, the LPA may request an assessment be carried out, using the Statutory Biodiversity Metric Calculation Tool and accompanying Condition sheets produced by Defra.<br>It is important that the baseline survey is undertaken during the appropriate season for the habitat type being assessed, so as to ensure the accuracy of habitat mapping and calculating condition scores. Where an initial survey is undertaken at a sub-optimal time of year, it is recommended that updating surveys be carried out during the optimal season for that habitat, prior to the BNG assessment being finalised. Failure to do this could mean that the finial Biodiversity score calculated for a project is incorrect, which could then impact on any financial contribution that has been budgeted for to address Biodiversity Offsetting. | During the design process.<br>Baseline survey to be completed during the appropriate season. |

| Other considerations (managing legal or financial risks) | | |
|---|---|---|
| **Issue** | **Rationale** | **When** |
| **R5** 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 |
| **R6** 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) |

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**Appendix 5 Legislation** (where not stated above)

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# Appendix 1 Habitats and Ecological Features

# Appendix 2 List of species recorded

| | |
|---|---|
| Common bent | *Agrostis capillaris* |
| Creeping bent | *Agrostis stolonifera* |
| Garlic mustard | *Alliaria petiolata* |
| Cow parsley | *Anthriscus sylvestris* |
| Daisy | *Bellis perennis* |
| Silver birch | *Betula pendula* |
| Lawson's cypress | *Chamaecyparis lawsoniana* |
| Creeping thistle | *Cirsium arvense* |
| Cypress | *Cupressus sp.* |
| Male fern | *Dryopteris filix-mas* |
| Beech | *Fagus sylvatica* |
| Red fescue | *Festuca rubra agg.* |
| Cleavers | *Galium aparine* |
| Herb robert | *Geranium robertianum* |
| Wood avens | *Geum urbanum* |
| Common ivy | *Hedera helix* |
| Laurel | *Laurus sp.* |
| Garden privet | *Ligustrum ovalifolium* |
| Perennial rye grass | *Lolium perenne* |
| Pineapple weed | *Matricaria discoidea* |
| Ribwort plantain | *Plantago lanceolata* |
| Plum | *Prunus domestica* |
| Cherry | *Prunus sp.* |
| Rhododendron | *Rhododendron ponticum* |
| Ornamental rose species | *Rosa sp.* |
| Bramble | *Rubus fruticosus* |
| Broad leaved dock | *Rumex obtusifolius* |
| Willow | *Salix sp.* |
| Dandelion | *Taraxacum officinale agg.* |
| Yew | *Taxus baccata* |
| White clover | *Trifolium repens* |
| Nettle | *Urtica dioica* |

# 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 the West Yorkshire Ecology Service 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'.

| Species/group | Habitat |
|---|---|
| Floating water plantain | Semi-natural pasture |
| Great crested newt | Lowland and upland meadows |
| Marsh helleborine | Lowland dry acid grassland |
| Northern wood ant | Blanket bog |
| Twite | Upland heathland |
| Water vole | Upland flushes |
| White clawed crayfish | Lowland heathland |
| | Upland oak woodland |
| | Lowland deciduous and other woodlands |
| | Upland mixed ashwoods |
| | Wet woodland |
| | Arable field margins |
| | Hedgerows |
| | Rivers, riverine corridors and associated habitats |
| | Reedbeds |
| | Scrub and habitat mosaics on previously developed land |

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 |
|---|---|
| *None* | 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). |
| *Negligible* | 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. |
| *Low* | 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). |
| *Moderate* | 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). |
| *High* | 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 |
|---|---|
| *None* | Either no PRFs in the tree, or highly unlikely to be any. |
| *FAR* | Further assessment required to establish if PRFs are present within the tree. |
| *PRF* | 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 of 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 Joanna Bertwistle BSc (Hons) ACIEEM. Joanna has over 6 years of experience conducting bat surveys in a professional capacity.

# 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 the EC Habitats Directive 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, watervole 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 form 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 December 2023. 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" (P124).

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 (P180). 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" (P181).

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" (P185).

It is made clear in P186 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".

UK Biodiversity Indicators 2023; update to Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services

The UK Biodiversity Indicators 2023 provide updates to the indicators set out in Biodiversity 2020 including new species abundance targets as set out in the Environment Act 2021. Biodiversity 2020 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.