

Brooks

Ecological

Grounded advice

# Broadyards, 289 Oxford Road, Gomersal



## Preliminary Ecological Appraisal Report

Report Ref. ER-7954-01

21/10/2024

David & Catherine Green

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<b>Author</b>	Ruth Highley MBIol (Hons) Assistant Ecologist
<b>Technical Review</b>	Sam Kitching BSc (Hons) MCIEEM Principal Ecologist
<b>QA</b>	Rachel Barnes BSc (Hons) Graduate Ecologist
<b>Authorised</b>	Sam Kitching BSc (Hons) MCIEEM Principal Ecologist
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Unit A, 1 Station Road, Guiseley, Leeds, LS20 8BX  
Phone: 01943 884451  
01943 879129  
www.brooks-ecological.co.uk  
Registered in England Number 5351418

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## Summary

This report is produced to inform David & Catherine Green 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 September 2024.

### Key Findings

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

### Biodiversity Net Gain

The Site is exempt from biodiversity net gain as proposals are for a self-build. Requirements for this exemption are found here <https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments>. Should the proposals not meet the requirements BNG will need to be carried out.

### Further surveys

Further surveys have not been recommended.

## Introduction

1. Brooks Ecological Ltd was commissioned by David & Catherine Green to carry out a Preliminary Ecological Appraisal (PEA) of land at Broadyards, 289 Oxford Road, Gomersal, grid ref. SE 20722 26396. The survey includes land within the red line boundary shown in Figure 1, opposite, with a total area of 0.1ha.
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 for a self-built house on this Site.

## The Site

6. The application site 'the Site' comprises the back garden of a large house at 289 Oxford Road in the north of the town of Gomersal.

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



## Desk Study

### Landscape

7. The Site is located approximately 140m above sea level is bounded by housing development in all directions. The wider landscape is a mix of further housing development and arable farmland with a few scattered woodland blocks
8. The Site overlies the Carboniferous sandstone of the Lepton Edge Rock formation- Sedimentary bedrock

### Wildlife Corridors

9. A number of scattered drains and becks act as wildlife corridors connecting scattered areas of structured habitat within the wider landscape.

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



## Designations

- 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

- 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
Oakwell Park	650m NE	Local Nature Reserve (LNR)	includes secondary semi-natural woodland, open grassland and meadows, Oakwell Beck and Nova Beck, and revegetated spoil heaps and ponds from former colliery activities which ceased in the 1970s.

- The Site is separated by an expanse of developed land. Direct and indirect impacts on this site as a result of this development are unlikely.

### SSSI Impact Risk Zones (IRZs)

- The Site does not lie within any IRZs.

### Non-Statutory Designations

- Oakwell Park is also a local wildlife site. Details can be found above.

### Nature Improvement Area

- The Site is not within any Nature Improvement Area.

## Wildlife Habitat Network

- The Site is within the Kirklees wildlife habitat network. Compliance with this policy must be a consideration of the design of the proposed development.
- Policy wording is as follows:

(iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;

## Granted EPSM Licences

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

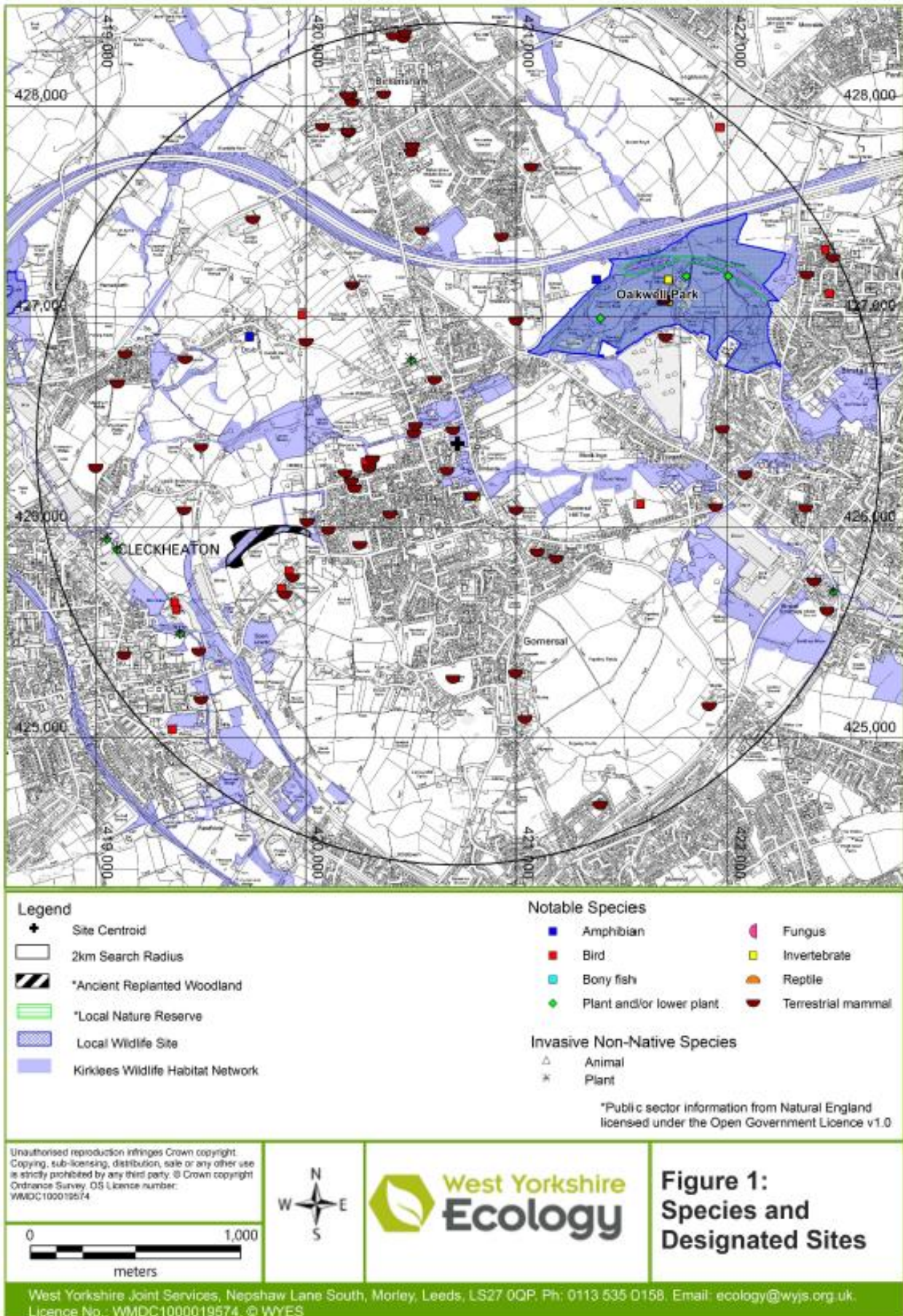
## Mapped Ancient Woodland and Trees

- There is no mapped ancient woodland (AW) or Plantation on an Ancient Woodland Site (PAWS) within 15m of The Site, the nearest being PAWS at Fusden wood c. 800m southwest.

## Mapped Priority Habitat

- There is no mapped Priority Habitat within, or within influencing distance of the Site.

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



## Survey

21. The survey was carried out during September 2024<sup>1</sup> and followed the principles of Extended Phase 1 Habitat Survey methodology (JNCC, 2010).
22. The timing of the survey meant that it was 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 UK Habitats v2.01 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.

### Irreplaceable Habitats

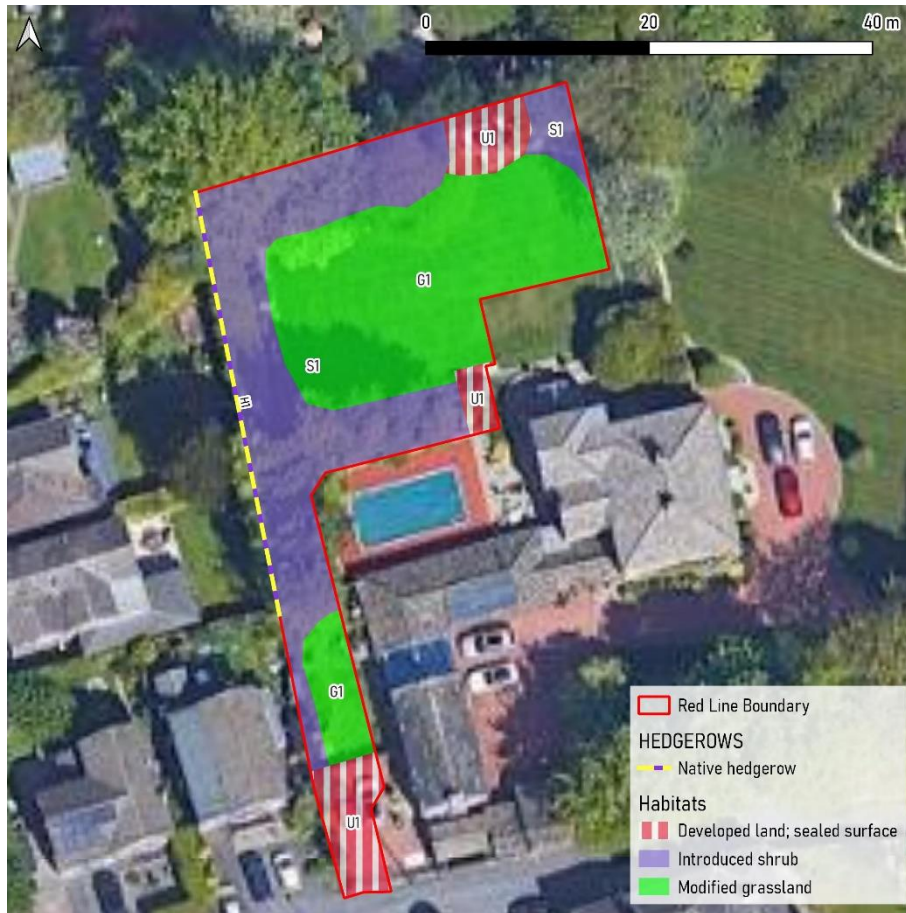
32. These are habitats of high biodiversity value, which are so difficult to recreate that it would be impossible to achieve the requirement to increase biodiversity on top of no net loss. These habitats have significant protection in the NPPF; any impacts from development require a strong justification and will flag as unacceptable in the Biodiversity Metric. Bespoke compensation for any loss of these habitats must be agreed with the LPA.
33. 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.

<sup>1</sup> This Report has been prepared during October 2024 following a visit to the Site in September 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.

## Habitats of Low/Very Low Distinctiveness

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



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

UK Habitats	Label Ref	Summary Description
Developed land; sealed surface	U1	Paved areas of driveway and patio.
Introduced shrub	S1	Garden borders made up of mostly decorative non native shrub species with some forbs. Species include himalayan honeysuckle, Japanese barberry, Mexican orange rose, laurel, leylandii, cypress, holly, box privet, buddleia, hosta, lambs-ear and common mallow. Invasive species cotoneaster and montbretia are present.
Modified Grassland	G1	Lawns dominated by red fescue and poa sp. Small infrequent patches of Yorkshire fog. Occasional creeping buttercup and woodrush.
Native hedgerow	H1	Beech hedgerow with some ivy present.

**Figure 5** General view of the larger lawn.



# Trees

**Figure 6** Approximate location and extent of these habitats.



**Table 3** Summary – trees.

UK Habitats	Label Ref	Summary Description
Urban tree	T1	Small magnolia tree
	T2	Large cherry tree

**Figure 7** T1 (left) and T2 (right) in the foreground



## 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. Two records of great crested newt have been returned for the search area. Both are over 1km from the Site. Records of common frog, common toad and smooth newt have also been returned.
36. Mapping shows a pond c.400m southwest of the Site. This is separated from the Site by several roads and a residential area.

#### *Field Evidence*

37. There is no suitable breeding habitat for great crested newt or any other amphibian species on site while terrestrial habitat is highly limited, comprising limited areas of cover within shrub beds.

#### *Summary Evaluation*

38. The availability of habitat on Site and separation from suitable breeding ponds make the Site unlikely to support amphibians.

#### *Further Surveys and Recommendations*

39. No further surveys or precautions are considered necessary.

**Figure 8** Ponds mapped in relation to the Site.



## Bats

### Desk evidence

- 40. One hundred and thirty-six records of bats returned for the search area. Of these 20 relate to roosts, the most significant being a maternity roost of an indeterminate bat species located 1km south of the Site.
- 41. Species recorded include Brandt's, brown long-eared, common pipistrelle, Daubenton's, Leisler's, nathusius pipistrelle, noctule, as well as indeterminate myotis, nyctalus and pipistrelle species.

### Field Evidence (Roosting)

- 42. There is one small single storey building on Site. It is constructed of wood with a flat roof. Walls, wall tops and roof are well sealed with no features suitable for roosting bats. Ivy growing on the walls on the northern elevation is too sparse to be suitable for bats.

**Figure 9** General view of building 1



- 43. Trees have been inspected for roost suitability. no features suitable for roosting bats could be identified from the ground.

**Table 4** Bat Roost Suitability Assessment.

Ref	Notes	Suitability
Trees 1 and 2	Not suitable due to age and lack of suitable features	None
Building 1	Well-sealed all around with no features	None

### Field Evidence (foraging and commuting)

- 44. The Site presents a relatively small parcel of land and although likely to contribute to local foraging resources, trees on site are only a small fraction of what can be found in the surrounding landscape making them unlikely to be of significance to local populations.

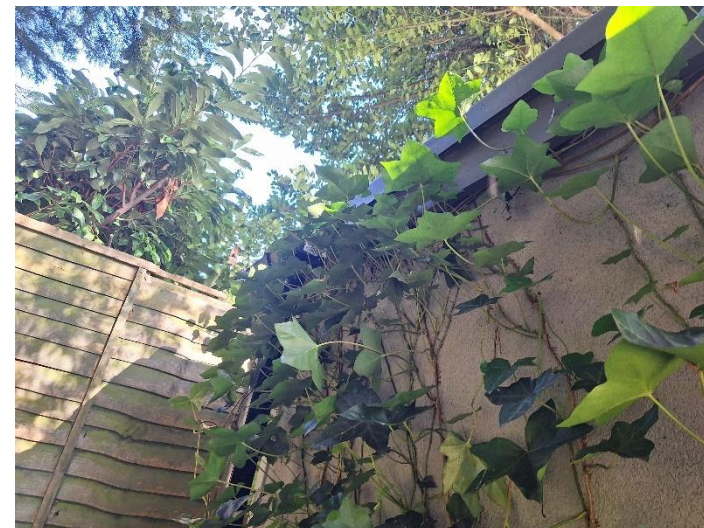
### Summary Evaluation

- 45. The Site's size and location suggest that it will not be important to this group. Building and trees on Site are not suitable for roosting bats.

### Further Surveys and Recommendations

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

**Figure 10** Ivy at the rear of the building



## **Birds**

### ***Desk Evidence***

47. Bird records returned show an assemblage of garden and farmland birds that are typical of the habitats found local to the Site. Notable species recorded are barn owl and brambling, both over 1km from the Site.

### ***Field Evidence***

48. The Site has large trees and lots of shrubs that provide foraging and nesting habitat for garden birds.
49. A small number of common bird species were noted during the survey including blackbird, goldfinch and bluetit.

### ***Summary Evaluation***

50. Based on its size and habitats the Site will not be important to local bird populations

### ***Further Surveys and Recommendations***

51. Further surveys are not considered necessary to demonstrate current baseline in respect of birds.
52. Standard precautions apply in respect of restrictions on clearing vegetation during the nesting season.

## **Badgers**

### ***Desk evidence***

53. There are no records of badger from within the search area.

### ***Field Evidence***

54. Scrub on Site provides potential badger habitat, however the walls and gates enclosing the Site would make access for the species difficult.
55. There was no evidence of badgers on Site.

### ***Summary Evaluation***

56. Badger setts are unlikely to be present at the Site as affected by the proposals.

### ***Further Surveys and Recommendations***

57. No further survey is considered necessary.

## **Hedgehogs (NERC Act 2006/Local BAP)**

### ***Desk evidence***

58. Hedgehogs are recorded within the search area the closest c.400m from the Site.

### ***Field Evidence***

59. No evidence of hedgehogs was found on site.

60. The scrub on Site provides suitable foraging habitat for hedgehogs.

### ***Summary Evaluation***

61. The Site provides suitable habitat for this species and at least occasional presence should be assumed.

### ***Further Surveys and Recommendations***

62. Presence assumed; no further surveys are considered necessary however measures to allow them continued access to gardens should be planned for.

## **Reptiles**

### ***Desk evidence***

63. No records of reptiles have been returned from within the search area.

### ***Field Evidence***

64. There is a single log pile providing a potential refuge for reptiles but the generally well-kept nature of the Site means that there is a general lack of the structure required to support reptiles making it unlikely that the group would be found there.

65. No field evidence was found.

### ***Summary Evaluation***

66. Reptiles are assessed as likely absent from the Site.

### ***Further Surveys and Recommendations***

67. No further surveys or precautions are considered necessary.

## Invasive Non-Native Species (INNS)

68. 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.

### Survey constraints

69. This survey is constrained by the presence of areas that were inaccessible due to the density of vegetation.
70. Patches of cotoneaster and montbretia were noted on Site. Locations shown in Figure 11.
71. This site presents a small risk of supporting undetected INNS based on the following factors:
- Areas of site inaccessible to survey
  - Proximity to nearby potential sources of infection
  - Potential for tipping of material
72. Should further assurances be needed in relations to INNS, a dedicated Invasive Weed Survey should be commissioned.

**Figure 11** Locations of invasive species



## Ecological Constraints and Opportunities

### Habitat Value

73. The usual approach to development is to minimise any net loss of biodiversity towards a gain in value where this is possible on-Site. Irrespective of the Biodiversity Gain process, which is not applicable for this Site, development should still seek to retain what is best about the Site.
74. 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.
75. Kirklees council policy states that 'development within the Wildlife Habitat Network will not necessarily be prevented but the council will seek to ensure that development proposals maintain the integrity and continuity of the network and protect the nature conservation value of the land affected'. This will need to be reflected in the plans.
76. In terms of maintaining the continuity, trees along the northern boundary form part of a larger network of trees. These are of higher value in a local context and should ideally be retained.

### Faunal constraints

77. Faunal constraints have not been identified.

### Opportunities

78. Ecological opportunities at the Site relate to:
  - Installing roosting or nesting features on new buildings.
  - Enhancing trees in on the northern boundary to increase biodiversity value.
79. A Biodiversity Management Plan would be useful in defining these enhancements and can be secured by standard condition.

Figure 12 Ecological opportunities



## Conclusions and Recommendations

Planning considerations		
Recommendation	Rationale	When
<b>R1</b> Further surveys	No further surveys are recommended	-
<b>R2</b> 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.	During the design process
<b>R3</b> Design	Make sure your design team follows ecological advice to and make sure there are no design conflicts. Design should seek to maximise biodiversity value and maintain connectivity as per policy on the wildlife habitat network.	During the design process
<b>R4</b> Biodiversity Net Gain (BNG)	The Site is exempt from biodiversity net gain as proposals are for a self-build. Requirements for this exemption are found here <a href="https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments">https://www.gov.uk/guidance/biodiversity-net-gain-exempt-developments</a> . Should the proposals not meet the requirements BNG will need to be carried out.	-
<b>R6</b> 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
<b>R5</b> Nesting bird management (if not produced and committed to in the CEMP)	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
<b>R6</b> 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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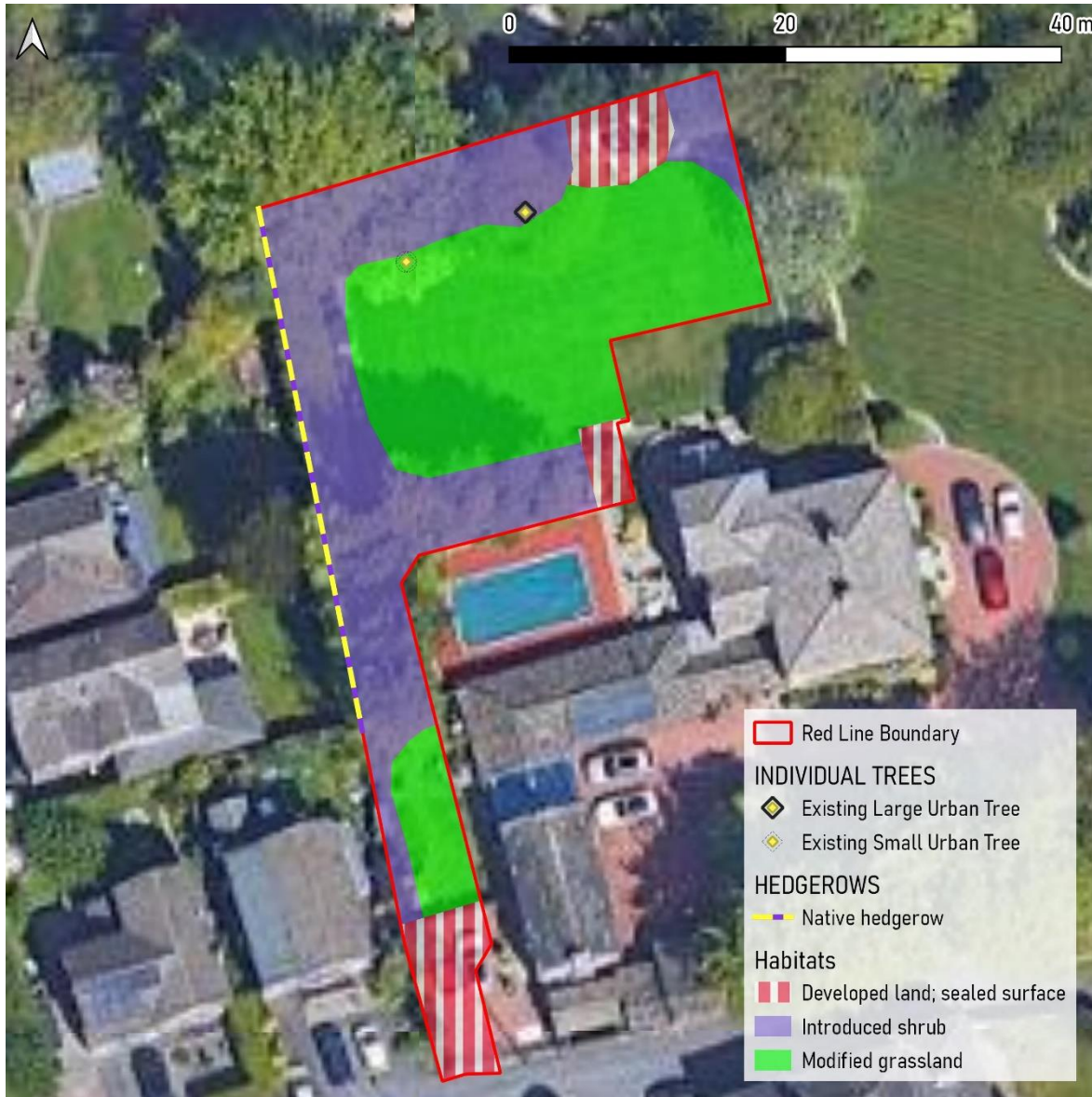
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## Appendix 1 Habitats and Ecological Features



## Appendix 2 List of species recorded

Beech	Fagus sylvatica
Blackcurrant	Ribes nigrum
Butterfly bush/buddleia	Buddleia davidii
Cherry	Prunus sp.
Common ivy	Hedera helix
Common mallow	Malva sylvestris
Cotoneaster	Cotoneaster sp.
Common lavender	Santolina sp.
Creeping buttercup	Ranunculus repens
Field wood-rush	Luzula campestris
Garden privet	Ligustrum ovalifolium
Holly	Ilex aquifolium
Japanese Barberry	Berberis thunbergii
Japanese Maple	Acer japonicum
Lamb's ear	Stachys byzantina
Laurel	Laurus sp.
Leyland cypress	Cupressus × leylandii
Meadow grass	Poa sp.
Montbretia	Monbretia × Crocosmia
Perennial rye grass	Lolium perenne
Red fescue	Festuca rubra agg.
Redcurrant	Ribes rubrum
Wild raspberry	Rubus idaeus
Yorkshire fog	Holcus lanatus
Magnolia	Magnolia spp

## 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 Ecological Data Centre 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
<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</i>	Potential roost feature suitable to support individual or low numbers of bats
<i>PRF-M</i>	Potential roost feature suitable to support multiple bats and possibly be used by a maternity colony

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 Ruth Highley MBIol (Hons). Ruth has five years' experience collecting ecological data in a professional capacity, including a year carrying out bat roost assessments and emergence surveys.

## **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, 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 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.