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ECOLOGICAL CONSULTANTS

Preliminary Ecological Appraisal
Huddersfield Retail Park

ISSUE RECORD

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The information and advice contained in this report has been prepared and provided in accordance with the Chartered Institute of Ecology and Environmental Management's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions.

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EXECUTIVE SUMMARY

Overview

A Preliminary Ecological Appraisal (PEA), which included a Preliminary Bat Roost Assessment (PBRA), was undertaken at Huddersfield Retail Park on 12th November 2024.

The site comprised a single large retail unit and a hardstanding car park, the surrounding land use was predominantly urban.

Proposals

It is understood that the building and car park are proposed for reconfiguration, including a change to existing roof elevations.

Desk Study

There were no statutory designated sites identified within the 2km search area.

Three granted European Protected Species Licences for bats were identified with 2km, the closest was 0.96km SE and permitted the damage of a common pipistrelle *Pipistrellus pipistrellus* resting site. Records of at least six species of bats were returned within the search area.

Protected Species

The building was assessed to have negligible potential for roosting bats, and limited suitability for nesting birds.

The semi mature silver birch tree on site did not hold any bat roosting potential.

The site did not hold suitability for any other protected or priority species.

Recommendations

No further survey is required.

A sensitive lighting scheme should be implemented to prevent illuminating features adjacent to the site which hold suitability for foraging and commuting bats.

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1 INTRODUCTION

1.1 Scope of Report

This report has been prepared by Peak Ecology Ltd on behalf of Ropemaker Properties Ltd, instructed by Stantec. It provides the results of a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment associated with the proposed re-development at Huddersfield Retail Park. The purpose of this report is to:

- Describe the ecological baseline of the site;
- Assess the suitability of the site for use by bats, and determine the actual or potential presence of roosting bats;
- Highlight potential significant ecological impacts associated with the proposals;
- Provide recommendations for mitigation and/or avoidance measures where appropriate; and
- Identify any need for licensing by Natural England.

In relation to planning and development, this report provides all relevant details to support a planning application, however, it should be read in conjunction with any other ecological surveys that have been undertaken for the site.

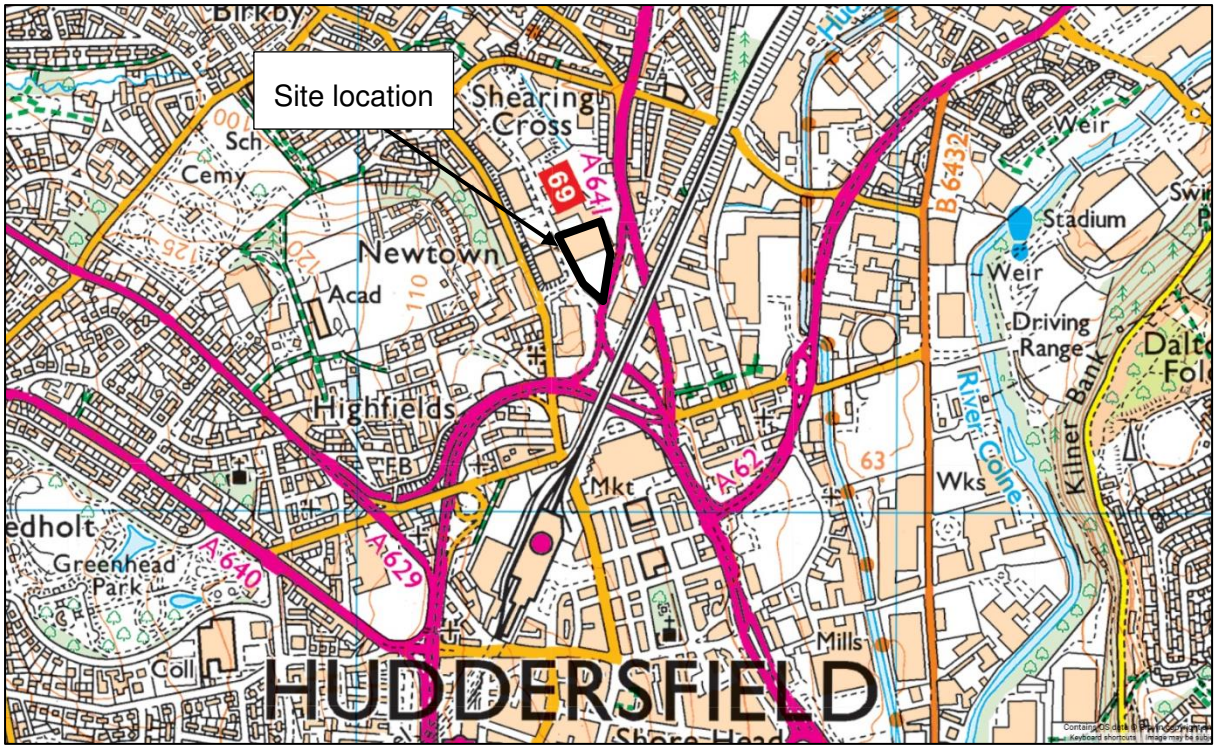
The approach to this assessment follows best practice published by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2013 & 2017) and the British Standards Institution (BSI, 2013). Details of individual survey methods and associated supporting information are provided in Section 2.

1.2 Site Description

The site comprised an approximately 1.1ha area of land in the centre of Huddersfield, West Yorkshire (central grid reference: SE 14431 17487). The site itself comprised a sealed-surface car park and one large retail building. A small area of ornamental planting was present in a raised planter in the car park; however, this is excluded from the application boundary. The surrounding land use was largely urban; a mixture of retail, residential and industrial buildings and roads. Huddersfield Broad Canal ran 0.35km east of the site.

The survey boundary is as per the redline boundary on the site plan (Location Plan 18624 Rev01) provided by the client. The site location is illustrated below.

Figure 1: Location plan



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1.3 Development Proposals

It is understood that the existing retail building is proposed for reconfiguration including a change to the external elevations. The car park is also proposed for re-design.

1.4 Zone of Influence

The geographical extent of the potential impact of a proposed development is known as the Zone of Influence (ZOI). The ZOI is determined by the nature of the development, the habitat requirements and mobility of individual species relevant to the site, and the distances they typically cover as indicated in best practice guidelines.

With regards to bats the ZOI is considered to be the site itself and any connecting habitat links suitable for use as commuting and foraging corridors.

1.5 Planning Context and Legislation

The National Planning Policy Framework 2023 requires that when assessing a planning application all Local Planning Authorities (LPAs) must consider potential impacts on biodiversity that may result from the proposals. In addition to this, county and borough councils typically have biodiversity policies within their Local Development Frameworks that they must also comply with.

In practice, this means that potential impacts on designated sites, notable species and habitats such as those listed as habitats of principal importance in England (formerly the UK Biodiversity Action Plan) and species that receive legal direct protection (typically via the

Conservation of Habitats and Species Regulations 2017 (as amended) and/ or the Wildlife and Countryside Act 1981 (as amended)) are all material planning considerations.

The presence of any European Protected Species (EPS) is a material planning consideration; therefore, the LPA have a duty to assess whether a development proposal is in breach of the legislation by the application of the three Habitats Directive test, as implemented by the Habitats Regulations. Sufficient information must be provided detailing likely impacts to the species in question as a result of the proposals, as well as any necessary mitigation or compensation measures. The test relevant to this report is that which relates to the Favourable Conservation Status of the species.

Appendix A provides a definition of “protected or priority species” for the purposes of this report.

2 METHODOLOGY

2.1 Desk Study

The desk study comprised a review of existing information held by the local biological records centre and other specialist groups, as appropriate. West Yorkshire Ecology Service was contacted to obtain records of bat species within a 2km search radius of the site. A "Site Check Report" was also carried out using the online interactive mapping tools on the MAGIC (Multi-Agency Geographic Information for the Countryside) website to identify any statutory designated sites and European Protected Species licence returns within the search radius.

2.2 Surveyors

The survey was undertaken on 12th November 2024 by Senior Ecologist Jenny Hills MSc BSc (Hons) and Ecologist Niamh Sherborne BSc (Hons) ACIEEM. Jenny holds a Natural England Level 2 Class Licence for bats (2018-37790-CLS-CLS) and is experienced in undertaking scoping assessments for bats. Both surveyors are appropriately qualified for this type of survey based on the CIEEM competencies guidance (CIEEM, 2013).

2.3 Habitat Survey

Following standard methodology (Butcher *et al*, 2020), the survey comprised a walkover of the site to classify and map the extent of recognised habitat types under the UK Habitat Classification (UKHab Ltd, 2023), based on the identification of individual plant species. Any evidence of invasive plants such as Japanese knotweed *Reynoutria japonica* was also noted. Nomenclature for vascular plant species follows the New Flora of the British Isles (Stace, 2019).

The extent of the habitats recorded is illustrated on the Habitat Plan in Figure 2, with target notes to provide supplementary information regarding any features of particular ecological interest.

The fine-scale Minimum Mapping Unit (MMU) was used throughout the survey area to allow the capture of small features and present any finer grain or mosaic of habitats. Minimum mapping units used were:

- 25m² for areas of habitat; and
- 1m wide and 5m length for linear habitat.

Features smaller than the MMU are denoted as point or line features, and assigned secondary codes or target notes.

2.4 Preliminary Bat Roost Assessment

Following current good practice guidelines (Collins (ed) 2023), the assessment comprised a visual inspection of each of the built structures including any internal areas such as roof voids or cellars where appropriate.

The location and description of any features such as crevices that could potentially be used by roosting bats was recorded and a search was made for any evidence of bat presence such

as droppings or feeding remains. Binoculars, ladders, and high-powered torches were used where necessary to facilitate more detailed inspection of individual features.

Based on the number, location and type of any potential roost features, structures were categorised as having negligible, low, moderate or high potential for roosting bats, or confirmed roost where direct evidence of bat presence was encountered. Evaluation of roost potential is necessarily subjective and relies on the professional judgment of the surveyor; however, the table below provides a useful guide to how this is informed.

Table 1: Examples of characteristics that inform assessment of roost potential

Status	Typical characteristics
Negligible potential	• Modern construction / immature trees • Lack of access points for bats • Situated within very poor quality foraging habitat • High levels of external lighting
Low potential	• Small number of minor hole / crevice features suitable for opportunistic roosting • Lack of roof voids or small cluttered roof spaces • Features obscured by dense cobwebs • Unlikely to support breeding or hibernating bats • Situated within poor quality foraging habitat
Moderate potential	• One or more hole / crevice features suitable for roosting, e.g. damaged soffits, uneven roof tiles • Access into large, dark internal spaces such as roof voids • Trees with small fissures and crevices in dead wood suitable for day roosting • Situated within or near to moderate/good quality foraging habitat
High potential	• Old buildings / mature or veteran trees • Trees with woodpecker holes or deep fissures and crevices in dead wood • Structures with large, uncluttered roof voids • Traditional brick, stone or timber framed barns • Features suitable for large numbers of bats and/or several different species • Types of structure suitable for hibernation, e.g. caves, tunnels, ice houses etc • Low level of disturbance by humans • Little / no external lighting • Situated within good quality foraging habitat

Status	Typical characteristics
Confirmed Roost	• Bats seen or heard within the roost feature during the survey • Bat droppings, particularly if piled rather than scattered • Feeding remains such as moth wings • Existing record of roost at that location

Table 2: Guidance for assessing the overall value of potential development sites for bats (Collins (ed), 2023)

Site Status	Description
Increasing site value for bats ↓	• No features likely to be used by bats • Small number of potential roost sites but unlikely to be suitable for maternity roosts or hibernacula • Isolated habitat that could be used by foraging bats • Isolated site not connected by prominent linear features to suitable other/adjacent foraging habitats • Several potential roost sites in buildings, trees or other structures • Habitat suitable for foraging bats (e.g. trees, water, scrub, grassland present) • Site is connected with the wider landscape by features that could be used by foraging/commuting bats (e.g. gardens backed by scrub or line of trees) • Buildings, trees or other structures (e.g. caves or underground structures) of particular significance for roosting bats • Site includes high quality foraging habitat (e.g. broadleaved woodland, tree-lined watercourses, parkland with mature trees and rough grass) • Site is connected with the wider landscape by strong linear features that could be used by commuting bats (e.g. hedgerows, river valleys) • Site is close to known roosts • Bats recorded or observed using an area for foraging or commuting close to a potential roost

2.5 Limitations

2.5.1 *3rd Party Data*

Desk study data obtained for this assessment is provided and validated by third parties therefore Peak Ecology has no control over any errors within the dataset. The data represents the information available at the date of request and a lack of records for any particular species does not necessarily indicate absence from the local area, as many species are under-recorded.

2.5.2 *Survey Methods*

Scoping surveys should be considered a means of assessing the suitability of a site for use by protected species and determining the scope for any more detailed follow-up surveys; it

should not be interpreted as providing a comprehensive presence/ likely absence survey for any individual species.

It should be noted that if there were no records or observations of bats, this does not preclude their presence on site. There is always a risk of species being overlooked; either owing to the timing of the survey or the scarcity of the species occupying the site.

2.6 Lifespan of Data

The results and recommendations contained within this report are considered to be valid for up to two years from the date of survey, assuming that there are no significant changes to the site condition or management within this period. After this period, or should the site conditions change, an update may be required in order to inform ecological constraints to development proposals and/or accompany a planning submission.

3 RESULTS

3.1 Desk Study

3.1.1 *Designated Sites*

There were no statutory designated sites identified within the 2km search area. The site does fall within the Impact Risk Zone (IRZ) for Dark Peak SSSI.

3.1.2 *Protected and Priority Species*

Three granted EPS licenses for bats were found within 2km of the site and are detailed in the table below.

Table 3: Summary of granted EPS licences

Reference	Species	Licence allowed	Approximate distance & Direction from site
2014-856-EPS-MIT	Common pipistrelle	Destruction of a resting place	0.96km SE
EPSM2011-3176	Common pipistrelle	Destruction of a resting place	1.28km SE
EPSM2010-1750	Common pipistrelle, Soprano pipistrelle *Pipistrellus pygmaeus*, Brown long-eared bat *Plecotus auritus*	Destruction of a resting place	1.77km SE

The table below provides a summary of the species records received from the West Yorkshire Ecology Service within the last ten years that are considered most relevant to the site and/or proposals. The full dataset is not included here but is available on request.

Table 4: Summary of bat records within 2km search radius

Species	Approximate location of closest record	Date of most recent record	Total No. of Records	Designation
Myotis sp	0.92km N 2018		2	WCA5, HabsDir
Leisler's Bat *Nyctalus leisleri*	1.00km WSW 2015		2	WCA5, HabsDir
Noctule *Nyctalus noctula*	0.59km to E 2014	1.75km N 2022	10	WCA5, HabsDir, UKBF
Common pipistrelle	0.36kim SW 2020	1.33km S 2023	39	WCA5, HabsDir
Soprano pipistrelle	0.92km to N 2018		5	WCA5, HabsDir
Brown long-eared bat	0.97km to NNW 2017		2	WCA5, HabsDir, UKBF

Legislation Key:

WCA Sch5: Wildlife and Countryside Act (1981) Schedule 5	UKBF: UK Post-2010 Biodiversity Framework	HabsDir: Annex IV European Habitats Directive

3.1.3 *Priority Habitats*

Priority Habitats are habitats of principal importance in England, originally included under the UK Biodiversity Action Plan (UK BAP), identified as under threat and requiring specific

conservation action. The UK Post-2010 Biodiversity Framework succeeded the UK BAP; however, the Priority Habitats remain as a published list for reference, as required under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.

There were no Priority Habitats on or adjacent to the site. Two different Priority Habitat types were present within the wider search area around the site; these included Deciduous Woodland, and Woodpasture and Parkland. The closest Priority Habitat to the site was a small area of Deciduous Woodland approximately 0.15km west of the site.

3.2 Site Survey

The individual components recorded at the site are described under the sub-headings below following UK Habitat Classification methodology (Butcher *et al*., 2020) with the location and extent of each illustrated on the Habitat Plan (Figure 2). Representative photographs of the site are provided in Appendix D.

No evidence of invasive plant species was recorded onsite.

3.2.1 *u1b5 815 – Buildings, Commercial building*

One large retail building was present on site, which was split into three stores internally. The lower third of the building was covered by stone facing, and the top two-thirds with riveted corrugated metal sheet facing. The storefronts had large glass windows and doorways. The roof of the building comprised a number of different elevations, all of which were covered by corrugated metal sheeting. At the rear of the building was a loading yard with large roller doors.

Buildings are described in further detail in relation to their suitability for use by roosting bats in Section 3.3.

3.2.2 *u1b6 804 – Developed land, sealed surface, Car park*

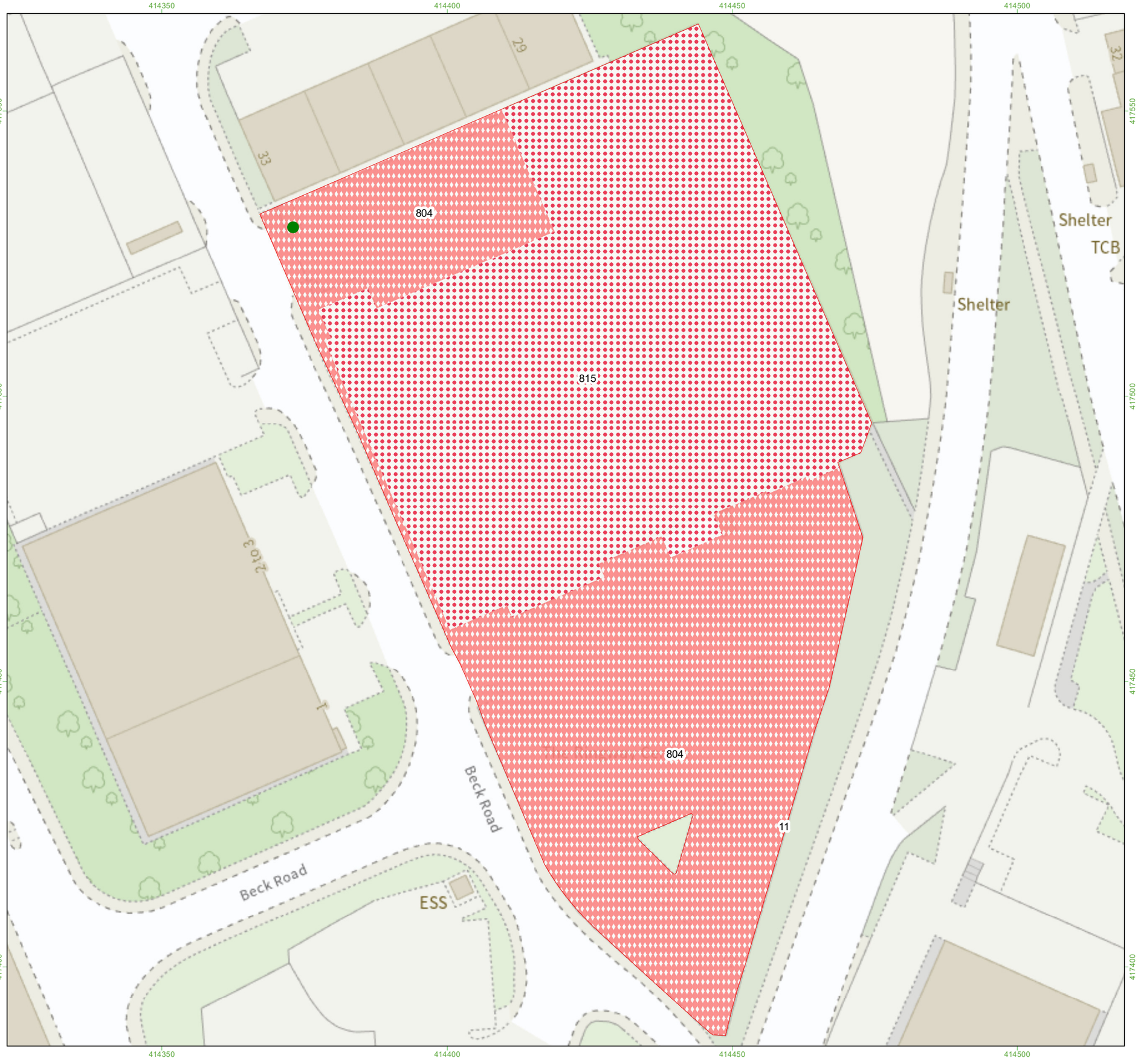
The car park south of the buildings comprised a hardstanding surface. A small area of ornamental planting (approximately 45m^2) was present at the centre of the car park; however this is not included within the site development boundary.

3.2.3 *200 – Tree*

A single semi-mature silver birch *Betula pendula* tree was present in the north-western corner of the site amongst a small area of ornamental planting (approximately 15m^2, below the MMU).

<u>Offsite habitats</u>

Adjacent to the east of the car park was an ornamental hedgerow comprising almost entirely *cotoneaster*, with three semi-mature London plane *Platanus x hispanica* spaced evenly along. Additionally, along the east side of the building was a strip of bramble *Fruticosus rubus agg.* scrub and tall ruderal vegetation and a line of silver birch and sycamore *Acer pseudoplantus* trees which extended north into a small copse of woodland



Survey Information	
	Site boundary (10,658.0m^2)
UKHab Habitat Survey	
	u1b5 - Building (5,652.5m^2)
	u1b6 - Other developed land (5,005.5m^2)
	200 - Tree (1)

Secondary Codes:

11 - Hedgerow with trees
804 - Car ParK
815 - Commercial building

N

0 5 10 20
Metres

PROJECT TITLE

HUDDERSFIELD RETAIL PARK

DRAWING TITLE

Figure 2. UKHab Habitat Plan

VER	DATE	REMARKS	Drawn	Checked
1.1	20/11/24	UKHab	MP	NS

DRAWING NUMBER:
PeakEcology/HuddersfieldRetailPark/UKHab

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DATUM	OSGB
PROJECTION	BNG
PLOT SIZE	A3
SCALE	1:650

3.3 Bats

3.3.1 *Bat Roosts*

The building on site was well sealed throughout, with no crevice features noted, such as missing mortar in the stone render, or lifted/overlapping metal sheeting on the walls of the building. The roof was also well sealed, and the corrugated metal sheeting was of limited suitability for roosting bats. A number of advertising signs were attached to the front of the building, and because the stone facing was not flat this created narrow gaps behind the signage boards, however these were not considered suitable for roosting bats as the gaps were too open and exposed with high levels of disturbance from constant activity and lighting.

Due to the nature of the building, there were no internal roof voids within which bats could roost.

The semi-mature silver birch tree on site did not hold any potential to support roosting bats.

3.3.2 *Bats – Foraging and Commuting*

The site itself holds limited suitability for foraging and commuting bats due to a lack of vegetation and the floodlighting present across the car park and surrounding urban area.

Off-site adjacent to the east of the building was a corridor of tall ruderal vegetation, bramble scrub and a line of trees which extended north into a small copse of woodland. This connected habitat provided greater foraging potential than the on-site habitats.

3.4 Breeding Birds

The corrugated metal sheeting on the roof could offer some limited potential for nesting birds such as sparrows. The boundary hedgerow and trees could also provide some suitable nesting habitat.

3.5 Badgers

As the site comprised entirely hardstanding there was no suitable habitat available for foraging or sett building, and the urban nature of the site surrounded by busy roads reduces the likelihood that badgers will pass through the site. Badgers are not considered further within this report.

3.6 Amphibians and Reptiles

As the site comprised entirely hardstanding, there was no suitable habitat available for foraging, commuting or sheltering amphibians and reptiles. The site has limited connectivity to more suitable habitats in the wider area. Amphibians and reptiles are not considered further within this report.

4 EVALUATION AND RECOMMENDATIONS

4.1 Designated Sites

No designated sites were present within 2km of the search area. The site falls within the SSSI Impact Risk Zone for the Peak Dales SSSI, however the proposed development does not fall within any of the impact categories and therefore Natural England do not need to be consulted.

No impacts to designated sites are anticipated as result of the proposed development.

4.2 Habitats & Botanical Interest

The majority of the site comprised of hardstanding and building and so no impacts to terrestrial habitats are expected. It is our understanding that the individual birch tree and ornamental shrubs in the loading yard will remain unaffected by the proposed works.

The site qualifies for a de minimis exemption in relation to statutory Biodiversity Net Gain, as there are no impacts to any Priority Habitats and less than 25 square metres of onsite habitat or 5 metres in length of onsite linear habitat are to be affected by the proposed development.

4.3 Bats

4.3.1 *Roosting*

The majority of the building will remain unchanged during the development, and will continue to be used for retail purposes. The footprint of the building will not change. The change in roof elevation is the only significant external work proposed as part of this development.

The building was assessed to have **negligible** potential to support roosting bats as the walls and roof were all well sealed with no crevice features available, and no roof voids were present.

No further survey work is required.

4.3.2 *Foraging and commuting*

The site itself holds limited suitability for foraging and commuting bats; however, the adjacent habitat to the east of the building was considered to hold high suitability. Records of at least six species of bats were returned in the desk study, and so it is likely that bats will forage and commute in the vicinity of the site.

The proposals have the potential to impact the suitability of the adjacent habitat for foraging and commuting bats by increasing lighting onsite. Recommendations for foraging and commuting bats are provided in Section 5.

During the reconfiguration of the car park, a sensitive lighting scheme should be incorporated to avoid illuminating habitats used by bats, such as adjacent hedgerows, in accordance with guidance set out in Bats and Artificial Lighting at Night (ILP, 2023). Consideration should also be given to the times automatic lighting will be on; to maximise the amount of time the area is in darkness where possible. Low intensity bulbs (sodium lamps) should be used, with lamps fitted with spill accessories to avoid upward spill.

4.4 Breeding Birds

The building itself holds limited potential for nesting birds, with greater suitability in the adjacent hedgerow and trees present outside of the site boundary.

It is our understanding that the trees and hedgerow will be unaffected by the proposals as they are outside of the site boundary, and therefore no impacts to breeding birds are expected. If pruning works or vegetation removal is required then this has potential to cause harm to breeding birds. All wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981 (as amended). It is recommended that vegetation removal or pruning works are undertaken outside of the main breeding bird season, which is generally considered to be March to September (inclusive), to minimise the risk of damaging active nests. If this is not possible, a suitably experienced ecologist should search all areas for active nests prior to building works, preferably immediately prior to, and no more than 48 hours before removal. Any identified active nests must be protected from disturbance until the nest is complete and no longer in use, using suitable barriers where necessary.

4.5 Ecological Enhancement

National planning policy recommends that all developments incorporate ecological enhancement in order to "pursue opportunities for securing measurable net gains for biodiversity" (NPPF, 2023), therefore consideration should be given to the following suggestions, where appropriate.

- Integrate suitable bird boxes to the building's structure, targeted at species most likely to use them, such as house sparrow, starling, house martin and tit species. The addition of a small number of bird boxes attached to suitable trees would also be beneficial. See https://www.livingwithbirds.com/nest-boxes for suitable examples.

- Integrate suitable bat boxes to the building's structure, targeting species such as pipistrelle and brown long-eared. Preferably a mixture of box types should be installed, including hibernation and maternity roost boxes. Alternatively, boxes could be positioned on to suitable trees within the site boundary. See https://www.livingwithbirds.com/nest-boxes for suitable examples.

- Use native species within any soft landscaped areas, many native plants are suitable for inclusion in planting areas, including herbaceous perennials, annual plants, trees and shrubs. Suitable species are listed on the RHS website: https://www.rhs.org.uk/science/pdf/conservation-and-biodiversity/wildlife/plants-for-pollinators-wildflowers.pdf

- If native species are not practical it is recommended that species with known benefit to wildlife are considered as an alternative, suitable species are listed on the RHS website: (https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators)

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APPENDICES

APPENDIX A: Protected and Priority Species

Legal protection is afforded to particular habitats and species (as well as designated sites), see Appendix B. The legislation, and the habitats and species listed, vary between the different jurisdictions. Certain habitats and species are also considered to have some level of nature conservation importance, due to factors such as their rarity, vulnerability or declining population/status. This document uses the term 'priority habitats' and 'priority species', as they are those which should be considered as priorities for conservation (it should not be confused with priority habitats and species as listed in the EU Habitats Directive). Priority habitats and species are defined as those which are:

1) listed as a national priority for conservation (such as those listed as habitats and species of principal importance for the conservation of biodiversity);
2) listed as a local priority for conservation, for example in the relevant local Biodiversity Action Plan (BAP);
3) Red Listed using International Union for the Conservation of Nature (IUCN) criteria (e.g. in an all-Ireland Red List, in one of the UK Species Status Project reviews, in the Species of Conservation Concern Red List, Birds of Conservation Concern in Wales, or BWI/ RSPB Red List for Ireland and Northern Ireland (Birds of Conservation Concern in Ireland 2014 to 2019) or, where a more recent assessment of the taxonomic group has not yet been undertaken, listed in a Red Data Book);
4) listed as Near Threatened or Amber Listed e.g. in an all-Ireland Red List, in one of the UK Species Status Project reviews, in Birds of Conservation Concern in Wales, in the Species of Conservation Concern Amber List or BirdWatch Ireland (BWI)/RSPB Amber List for Ireland and Northern Ireland (Birds of Conservation Concern in Ireland 2014 to 2019);
5) listed as a Nationally Rare or Nationally Scarce species (e.g. in one of the Species Status Project reviews) or listed as a Nationally Notable species where a more recent assessment of the taxonomic group has not yet been undertaken; and/or
6) endemic to a country or geographic location (it is appropriate to recognise endemic sub-species, phenotypes, or cultural behaviours of a population that are unique to a particular place).

Most protected species are also considered to be priority species, although there are some exceptions. There are numerous priority habitats and species which do not receive any legal protection.

Note that the terms 'priority habitat' and 'priority species' used in this document differ from the following uses of the same terms:

a) These terms were previously used to denote those habitats and species afforded the highest level of priority for conservation under the UK BAP; this has been superseded by the lists of habitats and species of principal importance for the conservation of biodiversity in England under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, Section 7 of the Environment (Wales) Act 2016, or their equivalents in Scotland (Nature Conservation (Scotland) Act 2004, Scotland's Biodiversity Strategy and the Scottish Biodiversity List15) and Ireland (Actions for

Biodiversity – Ireland's National Biodiversity Plan 2017 -202116; and Valuing Nature – A Biodiversity Strategy for Northern Ireland to 2020).

b) The terms 'Priority Natural Habitat Type' and 'Priority Species' are used to denote specific lists of habitats and species under The Conservation of Habitats and Species Regulations 2017; these are defined in Articles 1(d) and 1(h) respectively of the Habitats Directive.

APPENDIX B: Relevant Legislation

The following text provides information on the key legislation, which is applicable to this survey.

The main wildlife legislation in the UK is as follows:

European Legislation

The relevant sections of the EC Directives and international conventions are summarised below:

- EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (Habitat Directive 1992) as amended (92/43/EEC)

The Directive requires Member States to introduce a range of measures including the protection of species listed in the Annexes. The 189 habitats listed in Annex I of the Directive and the 788 species listed in Annex II, are to be protected by means of a network of sites. Once adopted, these are designated by Member States as Special Areas of Conservation (SACs), and along with Special Protection Areas (SPAs) classified under the EC Birds Directive. The Habitats Directive introduces the precautionary principle; that disturbance to the designated sites can only be permitted having ascertained no adverse effect on the integrity of the site.

- EC Directive on the Conservation of Wild Birds (Birds Directive 1979) as amended (79/409/EEC)

The main provisions of the Directive includes; the maintenance of the favourable conservation status of all wild bird species across their distributional range.

- Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979)

The Convention imposes legal obligations on contracting parties, protecting over 500 wild plant species and more than 1000 wild animal species.

UK Legislation

The sections of UK legislation considered to be of relevance include:

- The Conservation (Natural Habitats, and c.) Regulations 2017 (as amended)

This transposes the Habitats Directive into national law. The Regulations provide for the designation and protection of 'European sites', and the protection of 'European protected species.

- The Wildlife and Countryside Act 1981 (as amended) (WCA)

This consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive) in Great Britain.

- The Countryside and Rights of Way Act 2000 (CRoW)

This act strengthens wildlife enforcement legislation.

- The Protection of Badgers Act 1992

Species-Specific Legislation

Species specific legislation is provided in the Table below:

Species-Specific Wildlife Legislation

Feature/Species	Legislation	It is an offence to:
Breeding birds	Wildlife and Countryside Act 1981 (as amended). Countryside and Rights of Way Act 2000.	• Kill; • Injure; or • Take Any wild bird, their eggs or nest (with the exception of those on Sch. 2).
Bats	Sch. 5 Wildlife and Countryside Act 1981 (as amended). Conservation of Habitats and Species Regulations 2017 (as amended).	• Intentionally kill, injure or take a bat; • Possess or control a live or dead bat; • Damage, destroy or obstruct access to a roost; • Disturb a bat (whether in a roost or not); • Sell or advertise for sale a live or dead bat.

In addition, species and habitats listed on the UK Post-2010 Biodiversity Framework (formally the UK BAP) are also considered. Details on these species and habitats can be found at: http://jncc.defra.gov.uk/page-5705.

Protected Sites

A network of protected sites, at varying levels, have been put in place across the UK. Further details are provided below;

International importance

- Natura 2000

Natura 2000 is the name of the European Union-wide network of nature conservation sites established under the EC Habitats and Birds Directives. This network will comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

- Special Areas of Conservation (SAC)

SACs are designated under the EC Habitats Directive. The Directive applies to the UK and the overseas territory of Gibraltar. SACs are areas which have been identified as best representing the range and variety within the European Union of habitats and (non-bird) species listed on Annexes I and II to the Directive. SACs in terrestrial areas and territorial marine waters out to 12 nautical miles are designated under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). New and/or amended Habitats Regulations

are shortly to be introduced to provide a mechanism for the designation of SACs and SPAs in UK offshore waters (from 12-200 nm).

National importance

- Sites of Special Scientific Interest (SSSI)

The SSSI series has developed since 1949 as the national suite of sites providing statutory protection for the best examples of the UK's flora, fauna, or geological or physiographical features. Most SSSIs are privately-owned or managed; others are owned or managed by public bodies or non-government organisations. The SSSIs designation may extend into intertidal areas out to the jurisdictional limit of local authorities, generally Mean Low Water in England and Northern Ireland; Mean Low Water of Spring tides in Scotland. In Wales, the limit is Mean Low Water for SSSIs notified before 2002, and, for more recent notifications, the limit of Lowest Astronomical Tides, where the features of interest extend down to LAT. There is no provision for marine SSSIs beyond low water mark. Originally notified under the National Parks and Access to the Countryside Act 1949, SSSIs have been renotified under the Wildlife and Countryside Act 1981. Improved provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000 (in England and Wales) and the Nature Conservation (Scotland) Act 2004.

Regional/local importance

- Wildlife Sites

Local authorities for any given area may designate certain areas as being of local conservation interest. The criteria for inclusion, and the level of protection provided, if any, may vary between areas. Most individual counties have a similar scheme, although they do vary. These sites, which may be given various titles such as 'Listed Wildlife Sites' (LWS), 'County Wildlife Sites' (CWS), 'Local Nature Conservation Sites' (LNCS), 'Sites of Importance for Nature Conservation' (SINCs), or Sites of Nature Conservation Importance' (SNCIs), together with statutory designations, are defined in local and structure plans under the Town and Country Planning system and are a material consideration when planning applications are being determined.

APPENDIX C: Site Photographs

No.	Description	Photograph
1	Car park and existing retail building	
2	Line of trees adjacent to the east of the building (outside of the site)	
3	Ornamental hedgerow on eastern boundary (outside of the site)	

No.	Description	Photograph
4	Single birch tree within the loading yard	
5	Well-sealed stone and metal sheet facings	
6	Small gap behind signage boards on the store front