

Preliminary Ecological Appraisal & Biodiversity Net Gain Assessment

Land at Batley Bulldogs RLFC

March 2025

For and on behalf of
Bench Marks Design

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Disclaimer

This report has been prepared by Beamsley Ecology Ltd, with all reasonable skill, care and diligence within the terms of the Contract with the client, incorporation of our General Terms and Condition of Business and taking account of the resources devoted to us by agreement with the client.

We disclaim any responsibility to the client and others in respect of any matters outside the scope of the above.

This document does not constitute legal advice.

1.0 INTRODUCTION

- 1.1 Beamsley Ecology Ltd was commissioned by Bench Marks Design (the 'Client') to produce a Preliminary Ecological Appraisal (PEA) report and Biodiversity Net Gain (BNG) Assessment relating to land at Batley Bulldogs RLFC, 7 Heritage Road, Batley, WF17 7NZ (hereafter referred to as the 'Site').
- 1.2 The Site is approximately 0.19 hectares (ha) in total area (centred on Ordnance Survey Grid Reference SE 24342 23408) and comprises a former bowling green enclosed by ornamental hedge.
- 1.3 The Site location is shown in **Figure 1**.

Proposals

- 1.4 A planning application will be submitted detailing the construction of padel courts (the 'Proposals').

Aims & Objectives

Preliminary Ecological Appraisal

- 1.5 The report provides an initial assessment of the ecological 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 establish an ecological baseline and determine the potential impacts arising from development.
- 1.6 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.

Biodiversity Net Gain

- 1.7 This report provides an estimate of the anticipated losses or gains in Biodiversity Units (BUs) arising as a result of the Proposals and makes recommendations for how the project can achieve 10% BNG as mandated by the Environment Act (2021).
- 1.8 As detailed within industry guidance¹, a BNG design stage report should be used to identify the BNG predicted to be achieved for a proposed development, based on the scheme design to be submitted with planning documents which accompany a planning application.
- 1.9 The report aims to -
 - Provide an indicative assessment of the BNG score for the Project.
 - Demonstrate an illustrative strategy for the project to achieve 10% Biodiversity Net Gain.

¹ CIEEM (2021). Biodiversity Net Gain Report and Audit Templates Chartered Institute of Ecology and Environmental Management, Winchester, UK

2.0 METHODOLOGY

- 2.1 Details of the methodologies relevant to this assessment can be found in **Appendix 2**.

3.0 LIMITATIONS & ASSUMPTIONS

- 3.1 The survey was undertaken in March, outside of what is considered the optimum botanical survey season. Given the nature and complexity of the habitat present this is not considered a significant constraint, and it was possible to determine the baseline habitat types and condition with sufficient certainty to inform this assessment.
- 3.2 This report does not specify the complete methodology for BNG assessment; relevant guidance documents should be consulted as needed.

4.0 RESULTS

Desk Study

Site Context

- 4.1 The Site is located in the town of Batley amongst an area of sports facilities, woodland and amenity grassland which is encircled by development (predominantly residential). In the wider area, conurbations of Leeds, Bradford, Dewsbury and Wakefield dominate the landscape, interspersed with area of mixed farmland and woodland.

Potential Wildlife Corridors

- 4.2 The Site is not connected to, nor does it form part of any significant potential wildlife corridors in the local landscape. Connectivity through the local area is limited by the dense development and roads.

Statutory Designations

- 4.3 A search has been made to identify any nationally or internationally designated sites within 2km. None are found within this search radius.

SSSI Impact Risk Zones (IRZs)

- 4.4 The Site lies within the IRZ for Denby Grange Colliery Special Scientific Interest (SSSI) however the Local Planning Authority (LPA) is not required to consult with Natural England in relation to potential impacts of development of the scale and nature proposed.

The proposed development is unlikely to have a harmful effect on any terrestrial Sites of Special Scientific Interest (SSSIs) and the Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Non-statutory Designations

- 4.5 Given the scale and nature of the proposals, information on non-statutory designations was not considered necessary to support the assessment.

Granted EPSM Licences

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

Mapped Ancient Woodland

- 4.7 No ancient woodland is mapped within 15m of the Site.

Waterbodies

- 4.8 No waterbodies are found on Site or on mapping within 250m of the Site.

Extended Phase 1 Habitat Survey

- 4.9 The survey was carried out on the 5th of March 2024² and followed the principles of Extended Phase 1 Habitat Survey methodology (JNCC, 2010). Habitats are classified according to the UK Habitat Classification System (UKHab Ltd, 2023), with secondary codes used where appropriate.
- 4.10 The survey was carried out by Daniel Ross BSc (Hons) ACIEEM on behalf of Beamsley Ecology Ltd. Daniel has over 10 years of experience carrying out habitat survey and assessment.
- 4.11 Although carried out outside the optimal period for habitat surveys, a sufficiently robust assessment of all habitats present on site was possible, allowing for a sufficiently robust assessment of the baseline ecological value of the Site to be made.
- 4.12 Sufficient time was afforded for the surveyor to carry out the survey. The survey was not constrained by poor weather.

Habitats

- 4.13 The following habitat types, described in more detail below, were identified on the Site during the 'Extended' Phase 1 Habitat Survey:
- Modified Grassland
 - Non-Native & Ornamental hedgerow

- 4.14 The habitat descriptions provided below should be read in conjunction with **Figure 2** and the photographs presented in **Appendix 3**.

Modified Grassland, g4

- 4.15 The Site comprises entirely of species poor grassland formerly used as a bowling lawn.
- 4.16 The condition assessment for this habitat is found in **Appendix 5**.

Non-native & Ornamental Hedgerow h2b

- 4.17 Ornamental hedgerow dominated by planted privet *Lingustrum* sp.

² This Report has been prepared during March 2025 following a visit to the Site in March 2025, 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.

Faunal Appraisal

Amphibians

- 4.18 The habitats on Site are of negligible value to amphibians and are not connected to any potential breeding habitat in the local area.
- 4.19 The likely absence of great crested newt from the Site can be reasonably concluded.

Bats

- 4.20 The Site supports habitat of negligible value to commuting or foraging bats. Given the urban location of the Site, activity is likely to be largely restricted to common and widespread species, and dominated by pipistrelle species.
- 4.21 The buildings were inspected to determine their suitability to support roosting bats. The buildings are constructed from a combination of solid brick walls and wood, with double pitched and flat roof elements. The buildings are not in current use and their condition has deteriorated. The exterior of the buildings was searched for potential roost features – any openings in the external fabric were open and exposed and did not offer conditions of significant value for roosting crevice dwellers.
- 4.22 The buildings are considered to offer negligible suitability for roosting bats.

Birds

- 4.23 The habitats on Site are not considered of significant value to any protected or otherwise notable bird species or assemblages.
- 4.24 The hedgerow on the Site's boundaries has the potential to support nesting birds in the period March – September (inclusive).

Badgers

- 4.25 No evidence of badger activity was found on, or adjacent to the Site boundary.

Water Vole & Otter

- 4.26 No habitat suitable for water vole or otter is found on Site, and the absence of these species can be concluded.

Reptiles

- 4.27 The habitats on Site are of negligible value to this group, and the Site is not well connected to any higher value habitats in the local areas.
- 4.28 The likely absence of reptile populations from the Site can be reasonably concluded.

Hedgehog

- 4.29 Although hedgehog may be present in the local area, the Site is of negligible value to this species.

Invasive Non-Native Species (INNS)

- 4.30 No species listed on Schedule 9 of the Wildlife & Countryside Act (1981 as amended) were found on Site.

5.0 BIODIVERSITY NET GAIN

- 5.1 The assessment of the Biodiversity Net Gain (BNG) score for the Site has been established based on the baseline habitats as presented above and in **Figure 2** (baseline habitats). The proposals will require the loss of on-Site area habitats. The hedgerow will be retained.
- 5.2 An assessment is made for area and linear BUs only - the Site supports no watercourses.
- 5.3 The Statutory Metric (**BE0040.XLS.01.1**) provides full details of the BNG score.

6.0 DISCUSSION & RECOMMENDATIONS

Designations

- 6.1 Given the distance from statutory protected sites and scale of the development, the proposals are unlikely to have an adverse effect on any designated sites.

Habitats

- 6.2 Modified grassland and hedgerow on Site are not considered a constraint to the development (notwithstanding the value attributed to it through BNG). Hedgerow will be retained.

Biodiversity Net Gain

- 6.3 The project will be required to demonstrate delivery of a minimum 10% net gain in biodiversity under the Environment Act (2021).
- 6.4 The Site supports 0.24 habitat Biodiversity Units (BUs), and 0.16 linear BUs.
- 6.5 Currently no landscape proposals are available for the Site, and as such for the purposes of this assessment it is assumed that proposals will not include any planting of biodiversity value. As such the development is anticipated to result in a loss of 0.24 area BUs.
- 6.6 The hedgerow on the Site boundaries will be retained.
- 6.7 There is limited scope in the proposals to incorporate enhancements to contribute to the BNG score. As such, to achieve 10% BNG the project is likely to require the purchase of (BUs). An effort should be made to source BUs from providers in the local area, as far as possible based on the current availability.

Biodiversity Gain Plan

- 6.8 A 'Biodiversity Gain Plan' will be required to be submitted which demonstrates how the development will achieve 10% BNG, which will include confirmation of the BU purchase where required.
- 6.9 The Biodiversity Gain Plan will be submitted and approved by the LPA prior to the commencement of development to discharge the statutory BNG condition applied to the permission.

Protected and Notable Fauna

- 6.10 The habitats on Site are not considered likely to support any protected or otherwise notable species or assemblages.
- 6.11 The hedgerow located off-site along the Site's boundary has some potential to support nesting of common and widespread bird species. As a precaution, any works required to this hedge should be carried out in the period October – February (inclusive), or else preceded by a nesting bird check by a suitably qualified ecologist.

Opportunities

- 6.12 There is limited opportunity for ecological enhancement on Site. The following enhancements are considered of an appropriate scale and scope given the context of the Site -
- Enhancement of the existing hedgerow through planting of native species, including fruit bearing species such as hawthorn, blackthorn and damson.
 - Erection of invertebrate boxes³ along the site boundary.

³ [Insect Boxes | NHBS Practical Conservation Equipment](#) or similar.

FIGURES

Figure 1: Site Location

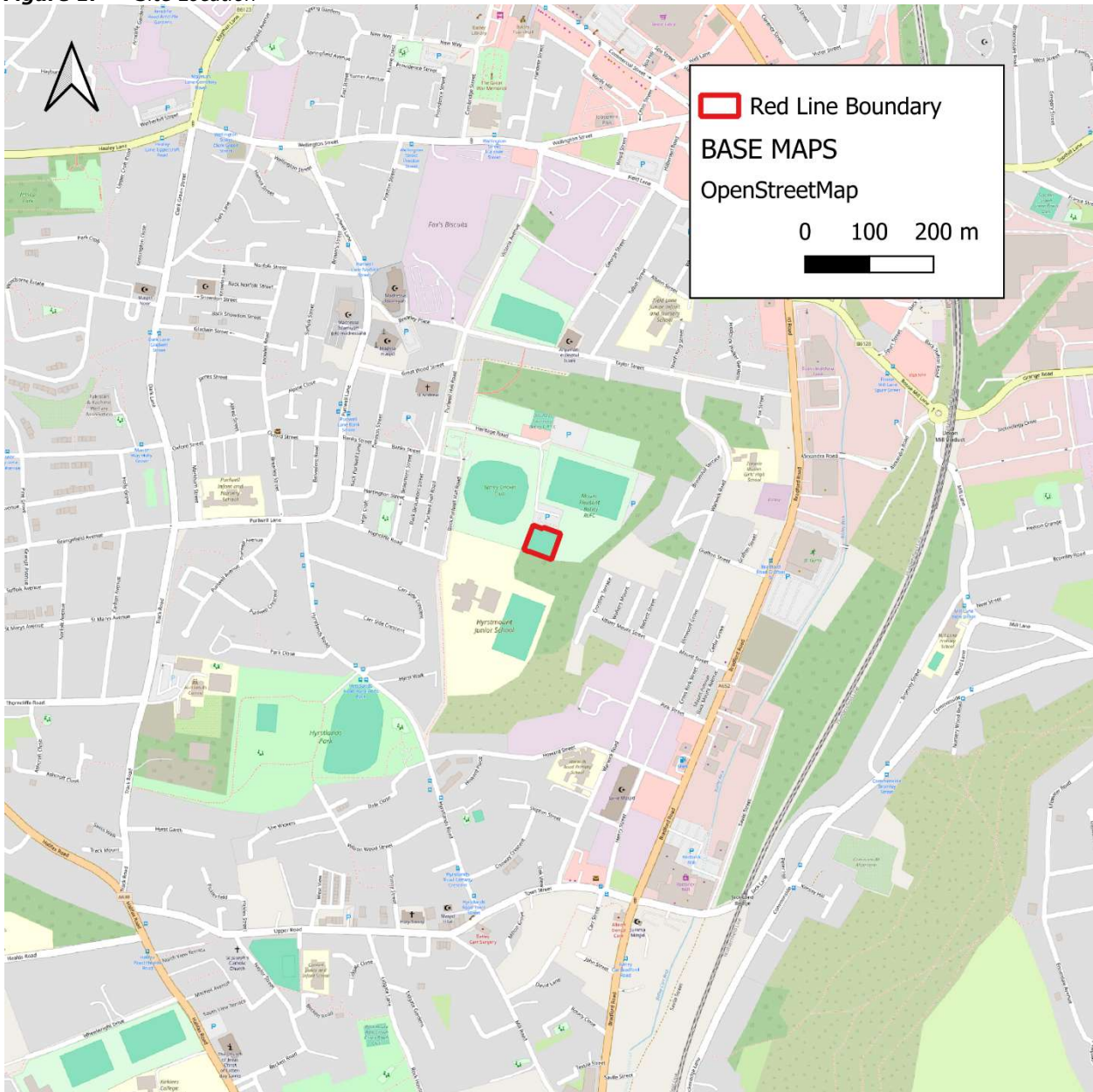
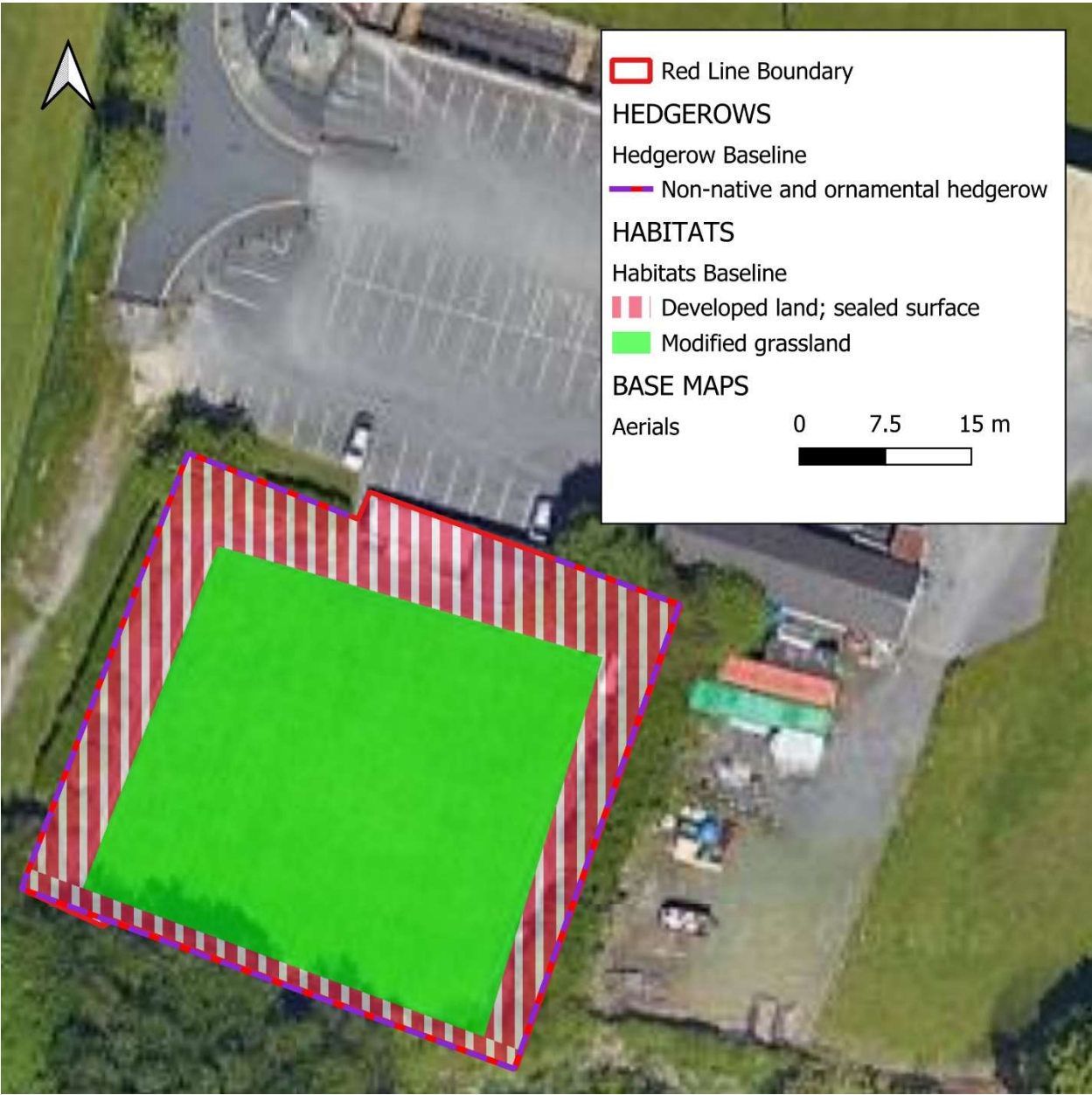


Figure 2: Baseline Habitat Features



APPENDICES

APPENDIX 1 METHODOLOGY

Ecological Data Search

The aim of the ecological data search is to collate existing ecological records for the Site and adjacent areas. Obtaining existing records is an important part of the evaluation process, as it provides additional information that may not be apparent during a site survey.

Records of important statutory and non-statutory sites designated for their nature conservation value within 10km of the Site were also searched for on the Multi-Agency Geographic Information for the Countryside (MAGIC)⁴.

In addition, Habitats of Principle Importance (HoPI) and Species of Principle Importance (SoPI) listed under Section 41 (S41) of the NERC Act, as well as Habitat Action Plans (HAPs) and Species Action Plans (SAPs) were consulted.

'Extended' Phase 1 Habitat Survey

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 habitats 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 Telford Ecological Data Service (TEDS) 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.

Bats

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

⁴ Magic.defra.gov.uk. (2014). Magic. [online] Available at: <http://magic.defra.gov.uk/> [Accessed March 2025].

Suitability	Criteria
Negligible	Negligible habitat features on site likely to be used by roosting bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. 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 a larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential.
Moderate	A structure or tree with one or more potential roost sites that could be used 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 – the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure or tree 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, protections, conditions and surrounding habitats.

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
- Operational effects on wildlife such as noise and light disturbance

Biodiversity Net Gain Statutory Metric (BNG)

The Biodiversity Net Gain (BNG) assessment provides a prediction of the Site's Biodiversity Net Gain score using the Natural England (NE) Statutory Metric (the 'Metric') and associated methodologies. The assessment calculates the baseline value according to habitat data collected as part of the habitat survey and compare this to the predicted post

development habitat types and conditions according to the most developed landscape design.

The summary below outlines the key assessment criteria employed in Biodiversity Net Gain (BNG) calculations.

Habitat Survey

The type and condition of on-site habitats was determined through habitat survey carried out on the 7th of March 2025 and followed the principles of Extended Phase 1 Habitat Survey methodology (JNCC, 2010). Habitats were classified according to the UK Habitat Classification System (UKHab Ltd, 2023), with secondary codes used where appropriate.

Biodiversity Net Gain Statutory Metric

The Biodiversity Net Gain (BNG) assessment provides a prediction of the Site's Biodiversity Net Gain score using the Natural England (NE) Statutory Metric (the 'Metric') and associated methodologies. The assessment calculates the baseline value according to habitat data collected as part of the habitat survey and compare this to the predicted post development habitat types and conditions according to the most developed landscape design.

The Metric provides a standardised framework for assessing biodiversity impacts of development projects in England, aligning with the BNG requirements established by the Environment Act (2021).

The metric is supported by key guidance documents⁵ outlining the methodologies for BNG assessment, including –

- Statutory Biodiversity Metric User Guide
- Statutory Biodiversity Metric: Condition Assessments

Biodiversity is measured in Biodiversity Units (BUs) of three distinct types: Area BUs, Linear BUs and Watercourse BUs. These three BUs are not interchangeable and are assessed separately. To achieve BNG a 10% net gain is required in all BU types (where applicable).

The summary below outlines the key assessment criteria employed in Biodiversity Net Gain (BNG) calculations.

Habitat Distinctiveness

Distinctiveness represents the inherent biodiversity value of a habitat type based on its rarity, conservation priority, and ecological role. The metric categorises habitats into distinctiveness levels, including Very High, High, Medium, Low, and Very Low. Each category has a set score that directly impacts biodiversity calculations, particularly regarding compensatory requirements. High and very high distinctiveness habitats demand specific measures for compensation, as these are more sensitive to biodiversity losses and harder to replace with similar ecological value.

Condition Assessment

The condition of a habitat is assessed based on how close it is to its ecological optimum, influenced by factors such as past and current management practices. Habitat condition is scored on a scale from Poor to Good, with intermediate conditions like Fairly Good and Fairly Poor also available. These scores contribute directly to the biodiversity unit calculation, reflecting the habitat's current quality and resilience. Specific methodologies apply depending on the habitat type, with unique criteria for assessing watercourse conditions.

⁵ See <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides> : Accessed 30/10/2024

Strategic Significance

Strategic significance evaluates a habitat's local or regional importance, particularly regarding its alignment with conservation priorities set out in Local Nature Recovery Strategies (LNRS) or similar planning documents. Strategic significance is classified as Low, Medium, or High. A High designation applies to habitats that are directly linked to local conservation goals or mapped as priority areas in LNRS. This factor adjusts biodiversity units, giving greater weight to habitats that serve key roles in broader ecological networks.

Habitat Size

The size of each habitat, measured in hectares for area-based habitats and kilometres for linear features like hedgerows and watercourses, is a core factor in determining biodiversity units. Habitat size directly contributes to the total biodiversity score of a site and influences calculations for habitat loss, creation, and enhancement. This quantitative aspect ensures that both the extent and ecological quality of habitats are accounted for in BNG assessments.

Risk Multipliers

Risk multipliers address various factors that could affect the successful establishment of compensatory habitats. Spatial risk adjusts biodiversity units based on the distance between the site of habitat loss and the location of compensatory habitats, with penalties applied for habitats situated further from the impacted area. Temporal risk considers the time it takes for newly created or enhanced habitats to reach their intended condition, accounting for any ecological delays in achieving the desired biodiversity outcome. These multipliers refine the BNG calculations, ensuring a realistic measure of biodiversity value over time and space.

By systematically applying these criteria, the statutory biodiversity metric provides a structured and quantifiable approach to calculating biodiversity gains and losses, enabling effective planning and compensatory actions across diverse development projects.

APPENDIX 2 PLANNING POLICY AND LEGISLATION

National Planning Policy

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012. Section 11 (outlined below) of the NPPF, 'Conserving and Enhancing the Natural Environment', effectively replaces former Planning Policy Statement 9: Biodiversity and Geological Conservation. However, Government Circular 06/2005 - Biodiversity and Geological Conservation: Statutory Obligations and Their Impact within the Planning System, remains valid and is referenced within the NPPF.

The NPPF encourages the planning system to contribute to and enhance the natural and local environment. This should be achieved by:

- "protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate".
- The NPPF also stipulates that Local Planning Authorities (LPAs), when determining planning applications, should seek to conserve and enhance biodiversity, by applying the following principles:
- "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused
- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest".

- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- development whose primary objective is to conserve or enhance biodiversity should be supported; while 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 or enhance public access to nature where this is appropriate."

National Planning Practice Guidance, 2023

The Government's National Planning Practice Guidance (NPPG) is intended to provide guidance to local planning authorities and developers on the implementation of the planning policies set out within the NPPF. The guidance of most relevance to ecology and biodiversity is the Natural Environment Chapter, which explains key issues in implementing policy to protect biodiversity, including local requirements.

UK Post-2010 Biodiversity Framework

The Environment Departments of all four governments in the UK work together through the Four Countries Biodiversity Group. Together they have agreed, and Ministers have signed, a framework of priorities for UK-level work for the Convention on Biological Diversity. Published on 17 July 2012, the 'UK Post-2010 Biodiversity Framework' covers the period from 2011 to 2020. This now supersedes the UK Biodiversity Action Plan (UK BAP). However, many of the tools developed under UK BAP remain of use, for example, background information about the lists of priority habitats and species. The lists of priority species and habitats agreed under UK BAP still form the basis of much biodiversity work in the countries.

Although the UK Post-2010 Biodiversity Framework does not confer any statutory legal protection, in practice many of the species listed already receive statutory legal protection under UK and / or European legislation. In addition, the majority of Priority national (English) BAP habitats and species are now those listed as Habitats of Principal Importance (HoPI) and Species of Principal Importance (SoPI) in England listed under Section 41 (S41) of the NERC Act 2006. For the purpose of this report, habitats and species listed under S41 of the NERC Act are referred to as having superseded the UK BAP. All public bodies have a legal obligation or 'biodiversity duty' under Section 40 of the NERC Act 2006 to conserve biodiversity by having particular regard to those species and habitats listed under S41.

Guidance

Biodiversity 2020: A strategy for England's wildlife and ecosystem services

In October 2010, over 190 countries signed an historic global agreement in Nagoya, Japan to take urgent and effective action to halt the alarming global declines in biodiversity. This agreement recognised just how important it is to look after the natural world. It established a new global vision for biodiversity, including a set of strategic goals and targets to drive action. England's response to this agreement was the publication of 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services'. The mission for this strategy is:

"to halt overall biodiversity loss, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people."

BS 42020: 2013 Biodiversity: Code of Practice for Planning and Development

The UK commitment to halt overall loss of biodiversity by 2020 in line with the European Biodiversity Strategy and UN

Aichi targets⁶, is passed down to local authorities to implement, mainly through planning policy. To assist organizations affected by these commitments, BSI has published BS 42020 which offers a coherent methodology for biodiversity management.

This British Standard sets out to assist those concerned with ecological issues as they arise through the planning process in matters relating to permitted development and activities involved in the management of land outside the scope of land use planning, which could have site-specific ecological implications.

The standard has been produced with input from a number of organisations including the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Association of Local Government Ecologists (ALGE) and provides:

- Guidance on how to produce clear and concise ecological information to accompany planning applications;
- Recommendations on professional ethics, conduct, competence and judgement to give confidence that proposals for biodiversity conservation, and consequent decisions/actions taken, are sound and appropriate; and
- direction on effective decision-making in biodiversity management a framework to demonstrate how biodiversity has been managed during the development process to minimize impact.

Legislation

Specific habitats and species receive legal protection in England under various pieces of legislation, including:

- The Conservation of Habitats and Species Regulations 2017⁷;
- The Wildlife and Countryside Act (WCA) 1981 (as amended)⁸;
- The Natural Environment and Rural Communities Act 2006⁹;
- The Hedgerow Regulations 1997¹⁰;
- The Protection of Badgers Act 1992¹¹; and
- Wild Mammals (Protection) Act 1996¹².

Further details of legislation in respect of legally protected and notable flora and fauna of relevance to the Site are provided below.

Flora

Certain wild plants are protected under the WCA 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. In summary, the legislation prohibits the collecting or cutting of certain wild plants, in addition to the

⁶ <https://www.cbd.int/sp/targets/>

⁷ HMSO (2017) The Conservation of Habitats and Species Regulations 2017

⁸ HMSO (1981) 'Wildlife and Countryside Act 1981 (as amended)'

⁹ ODPM (2006) 'Natural Environment and Rural Communities Act (2006)'

¹⁰ ODPM (1997) 'The Hedgerow Regulations'

¹¹ ODPM (1992) 'The Protection of Badgers Act'

¹² HMSO. (1996). Wild Mammals (Protection) Act.

picking, uprooting, destroying, selling or transporting of such wild plants.

The legislation also prohibits the uprooting of any wild plant, unless the uprooting is carried out by the owner or occupier of the land on which the plant is growing, or by someone having their permission to do so, or unless the action is authorized in writing by the appropriate local authority. It is a defence if the damage done to a protected plant is the result of an otherwise lawful action and could not reasonably have been avoided.

A number of non-native invasive species are also listed under the WCA 1981 (as amended). Under the Act it is an offence to plant or otherwise cause the species to grow in the wild. In addition, any soil or plant material containing these species is likely to be classed as controlled waste.

Amphibians

Common species of amphibian (smooth newt *Lissotriton vulgaris*, palmate newt *L. helveticus*, common frog *Rana temporaria* and common toad *Bufo bufo*) are partially protected by the WCA 1981. This prohibits the trade (i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy) of these species.

Great crested newts *Triturus cristatus* are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and the WCA 1981 (as amended). In summary, taken together, it is an offence to deliberately, intentionally or recklessly:

- Kill, injure or capture a great crested newt;
- Disturb great crested newts in such a way as to be likely significant to affect:
 - the ability of any significant group of great crested newts to survive, breed, or rear / nurture their young; or
 - the local distribution of great crested newts;
- Damage or destroy any breeding or resting place used by great crested newts; or
- Obstruct access to any place used by great crested newts for shelter or protection and disturbing great crested newts while occupying such as place.

Badger

The Protection of Badgers Act, 1992 aims to protect badgers from persecution, rather than being a response to an unfavourable conservation status. As well as protecting the animal itself, the 1992 Act makes the intentional or reckless destruction, damage, or obstruction of a badger sett an offence. A sett is defined as “any structure or place which displays signs indicating current use by a badger”. In accordance with Natural England guidance, ‘current use’ is not synonymous with current occupation. In addition, the intentional elimination of sufficient foraging area to support a known social group of badgers may, in certain circumstances, be construed as an offence by constituting ‘cruel ill treatment’.

Bats

In summary, all UK bat species are protected by the Conservation of Habitats and Species Regulations 2017 and by the WCA 1981 (as amended). Taken together it is an offence to deliberately, intentionally or recklessly:

- Kill, injure or capture a bat;
- Disturb bats in such a way as to be likely significant to affect
 - the ability of any significant group of bats to survive, breed, or rear / nurture their young; or
 - the local distribution of that species;
- Damage or destroy any breeding or resting place used by bats; or
- Obstruct access to any place used by bats for shelter or protection and disturbing bats while occupying such as place.

Birds

The level of protection afforded to birds under the law varies from species to species. A few game and pest species may lawfully be hunted and killed, usually under licence, whilst the rarest species are listed on Schedule 1 of the WCA 1981 and are protected by special penalties for offences.

All of the native bird species of Britain are additionally covered by the European Union (EU) Directive on the Conservation of Wild Birds 2009¹³ ('The Birds Directive'). The Birds Directive applies to all wild birds, their eggs, nests and habitats, and provides for the protection, management and control of all species of birds naturally occurring within each member state of the European Union. It requires the UK to take measures to ensure the preservation of sufficient diversity of habitats to maintain populations of all wild birds at ecologically and scientifically sustainable levels. The requirements of the Birds Directive are implemented in the UK primarily through the WCA 1981 (as amended) and Conservation of Habitats and Species Regulations 2017.

Statutory protection is given to all nesting birds in the UK under the WCA 1981 (as amended), which makes it an offence to intentionally kill, injure or take any wild bird, take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition to this, for species listed on Schedule 1 of the WCA 1981 (as amended), it is an offence to intentionally or recklessly disturb birds while they are nest building, or at or near a nest with eggs or young, or to disturb the dependent young of such a bird.

In addition to statutory protection, the bird species of Britain are also subject to various conservation designations intended to indicate their rarity, population status and conservation priority. These do not have statutory force but may be instrumental in determining local, regional and national planning and development policy. The main categories of designation comprise the British Trust for Ornithology (BTO) 'Species Alert' lists, the Royal Society for the Protection of Birds (RSPB) 'Birds of Conservation Concern' lists and species listed under Section 41 of the NERC Act 2006 and local Biodiversity Action Plans (BAPs).

The BTO Conservation Alert System lists of 'Birds of Conservation Concern' include a 'Red List' for birds of high conservation concern and an 'Amber List' for birds of medium conservation concern. Red List species are those that are globally threatened and Amber List species are those with an unfavourable conservation status in Europe, according to the International Union for Conservation of Nature (IUCN) criteria¹⁴. An updated list of 'Red' and 'Amber List' species

¹³ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds

¹⁴ IUCN (2000): 'The revised Categories and Criteria (IUCN Red List Categories and Criteria version 3.1)'.

was published in 2009 (Eaton et al., 2009)¹⁵.

Invertebrates

Most invertebrate species are not legally protected. However, a total of seventy-two terrestrial and aquatic invertebrate species are protected under the WCA 1981 (as amended). Certain species of invertebrate are also protected under the Conservation of Species and Habitats Regulations 2017.

Reptiles

All native British reptiles are protected in accordance with the WCA 1981 (as amended). There are two levels of protection afforded to reptiles through the WCA 1981 (as amended); these result from different parts of the Act applying to the different species.

In summary, common species of reptile such as common lizard *Zootoca vivipara*, slow worm *Anguis fragilis*, grass snake *Natrix natrix* and adder *Vipera berus* are partially protected under the WCA 1981 (as amended); this prohibits the intentional killing and injuring and trade (i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy). It is not an offence under the WCA 1981 (as amended) to disturb or possess these species.

Otter

In summary otters receive protection under both the Conservation of Habitats and Species Regulations 2017 and WCA 1981 (as amended). Taken together it is an offence to deliberately, intentionally or recklessly;

- Kill, injure or capture an otter;
- Disturb an otter in such a way as to be likely significant to affect
 - the ability of otters to survive, breed, or rear / nurture their young; or
 - the local distribution of otter;
- Damage or destroy any breeding or resting place used by otter; or
- Disturb or obstruct access to any place used by otter for shelter or protection and disturbing otter while occupying such as place.

Biodiversity Net Gain

Under the Environment Act (2021), planning permissions granted in England, with a few exemptions, must deliver at least 10% biodiversity net gain, using the DEFRA biodiversity metric and associated methodologies to demonstrate this.

National policy sets out that planning should provide biodiversity net gains where possible. National Planning Policy Framework (NPPF) Paragraphs 170(d), 174(b) and 175(d) refer to this policy requirement and the Natural Environment Planning Practice Guidance (PPG) provides further explanation on how this should be done.

¹⁵ Eaton et al (2015): 'Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man'. British Birds 108, 708–746.

APPENDIX 3 PHOTOGRAPHS



Photo 1: Former bowls lawn and existing buildings.



Photo 2: Typical view of Ornamental hedgerow on Site boundaries.



Photo 2: Existing changing facilities.

APPENDIX 4 REFERENCES

- Andrews H. L. (2011) A habitat key for the assessment of potential bat roost features in trees.
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APPENDIX 5 CONDITION ASSESSMENT SHEETS

Condition Sheet: GRASSLAND Habitat Type (low distinctiveness)			
UK Habitat Classification (UKHab) Habitat Type			
Grassland - Modified grassland			
Condition Assessment Criteria		Criterion passed (Yes or No)	Notes (such as justification)
A	There are 6-8 vascular plant species per m² present, including at least 2 forbs (these may include those listed in Footnote 1). Note - this criterion is essential for achieving Moderate or Good condition. Where the vascular plant species present are characteristic of medium, high or very high distinctiveness grassland, or there are 9 or more of these characteristic species per m² (excluding those listed in Footnote 1), please review the full UKHab description to assess whether the grassland should instead be classified as a higher distinctiveness grassland. Where a grassland is classed as medium, high, or very high distinctiveness, please use the relevant condition sheet.	No	The grassland has grown from a tightly managed grass dominated bowling lawn, and supports only recently seeded competitive species. Less than 6 species per m².
B	Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm) creating microclimates which provide opportunities for vertebrates and invertebrates to live and breed.	No	
C	Any scrub present accounts for less than 20% of the total grassland area. (Some scattered scrub such as bramble <i>Rubus fruticosus</i> agg. may be present). Note - patches of scrub with continuous (more than 90%) cover should be classified as the relevant scrub habitat type.	Yes	No Scrub Present
D	Physical damage is evident in less than 5% of total grassland area. Examples of physical damage include excessive poaching, damage from machinery use or storage, erosion caused by high levels of access, or any other damaging management activities.	Yes	No physical damage.
E	Cover of bare ground is between 1% and 10%, including localised areas (for example, a concentration of rabbit warrens) ² .	No	No bare ground.
F	Cover of bracken <i>Pteridium aquilinum</i> is less than 20%.	Yes	No bracken
G	There is an absence of invasive non-native plant species ³ (as listed on Schedule 9 of WCA ⁴).	Yes	No invasive species.

Essential criterion achieved (Yes or No)			No
Number of criteria passed			
Condition Assessment Result (out of 7 criteria)	Condition Assessment Score	Score Achieved x/√	
Passes 6 or 7 criteria including passing essential criterion A	Good (3)	x	
Passes 4 or 5 criteria including passing essential criterion A	Moderate (2)	x	
Passes 3 or fewer criteria; OR Passes 4 - 6 criteria (excluding criterion A)	Poor (1)	√	Essential criterion failed



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