

**PRELIMINARY ECOLOGICAL  
APPRAISAL REPORT**

at  
**Clough Hey  
Manchester Road  
Huddersfield  
West Yorkshire  
HD7 6DW**

**Client:  
SB Homes Limited**

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**JCA Ref:  
23127/RPS**

**Date of Report:  
08/10/2025**



**JCA** Limited  
Arboricultural & Ecological Consultants

## Quality Assurance

Version	Desktop Survey Completed:		Site Surveyed:		Report Completed:		Checked:	
	Date	Name	Date	Name	Date	Name	Date	Name
1	03/10/25	Rebecca Petch-Smith	03/10/25	Rebecca Petch-Smith	06/10/25	Rebecca Petch-Smith	08/10/25	Alex Donovan

This report has been prepared and provided in accordance with the *British Standard 42020: Biodiversity – Code of practice for planning and development 2018* and the *CIEEM's Code of Professional Conduct*.

This Assessment is only valid for the named client and the project described. JCA Limited. accepts no responsibility or liability for the consequences of this document being used for a purpose other than the purpose for which it was commissioned. If the scope of works or timing of the project are altered the advice given in this report may not be valid. Information and data provided within this report is considered accurate at the time of writing.

Provided no significant changes are made to the proposals or on the site (e.g. significant changes to management practices or habitats present) subsequent to the report's issue; this report can be considered valid for 18 months from the date of issue.

As part of membership to our professional body (CIEEM) and EPS licence reporting we are required to provide our biological results to applicable biological record centres. As such, it is our intention to supply biological data collected as part of this assessment, where recorded, to the relevant BRC. If the project is sensitive in nature, we may be able to delay submitting the records until the project enters the public domain, however, this must be discussed with JCA Limited and agreed in writing.



## Summary

A report is required for **Clough Hey, Manchester Road** to assess the ecological value of the site by documenting the habitat types present and the site's potential for supporting rare and protected species. The development proposed on this site is the construction of a single residential dwelling.

A desktop study was undertaken in order to obtain any relevant ecological records that may be present within a 2km radius of the site, including protected and notable species records and nature conservation designations.

The site was surveyed on the 3<sup>rd</sup> October 2025 by Rebecca Petch-Smith (Graduate Ecologist). A thorough site assessment was undertaken following the guidelines set out in the UK Habitat Classification System (v2.01, 2023).

### **Recommendations:**

- A Nesting Bird Survey if works within nesting bird season (1st March and 31st August).
- An Ecological Clerk of Works present during works to check for protected species.
- A Biodiversity Enhancement Plan (BEP) to advise on post-development enhancements.
- All lighting installed as part of the development will be in line with Guidance Note 08/23 Bats and Artificial Lighting at night.
- Any excavations created during the development stage must be covered at night or appropriate escape routes implemented. A plank of wood (or similar) is to be placed at a 45-degree angle to prevent an animal getting trapped. Any pipes left open overnight must also be capped.
- Deciduous priority woodland habitat is present on site. The site is also located within the Wildlife Habitat Network. Consultation with the local council is required to detail potential impacts to this habitat and incorporate mitigation measures into the development.



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## 1. Introduction and Terms of Reference

### 1.1 Background

1.1.1 JCA Limited was instructed by **SB Homes Limited** to visit the site and conduct a Preliminary Ecological Appraisal (PEA) of the site located at **Clough Hey, Manchester Road, Huddersfield, HD7 6DW** hereafter referred to as 'the site' in August 2025. The purpose of the survey is to establish a baseline of ecological information and assess whether the proposed works, hereafter referred to as 'the scheme', have the potential to adversely affect any protected or notable habitats or species.

### 1.2 Site Description

1.2.1 The site is situated to the southwest of Huddersfield, at grid reference: **SE045115**.

1.2.2 The site is divided into grassland, scrub, woodland and previously developed land. The site is bordered to the north and west by residential dwellings and gardens, with the River Colne beyond, to the east by woodland, and to the south by Manchester road with residential dwellings and agricultural land beyond.

1.2.3 The development proposed on this site is the construction of a single residential dwelling.

### 1.3 Scope of the Report

1.3.1 The purpose of the Preliminary Ecology Appraisal (PEA) is to identify habitats currently present within and around the site in order to obtain baseline ecological information for the site. The PEA also assessed the potential of the site to support species which receive legal protection (at a UK Level) and species that are otherwise notable including Species of Principal Importance and Birds of Conservation Concern (BoCC).

1.3.2 The PEA comprises two main elements a) a desktop review of the ecology and policy context and b) a field survey of the proposed development site, and where possible, other areas to be affected.

1.3.3 Where relevant, legislative and policy considerations are highlighted including:

- The Conservation of Habitats and Species Regulations 2017 (as amended);
- The Wildlife and Countryside Act (WCA) 1981 (as amended);
- The Countryside and Rights of Way (CROW) Act 2000;
- The Natural Environment and Rural Communities (NERC) Act 2006;
- The Protection of Badgers Act 1992;
- Hedgerow Regulations 1997;
- Wild Mammals (Protection) Act 1996;
- The National Planning Policy Framework (NPPF) (2023); and
- Kirklees Local Plan 2013 – 2031 (Kirklees Council, Adopted February 2019)



1.3.4 In addition to the above, biodiversity objectives detailed in the following documents have been considered:

- Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services;
- Biodiversity and Geodiversity Supplementary Planning Document (2019); and
- Kirklees Biodiversity Action Plan (KBAP)



## 2. Methodology

### 2.1 Zone of Influence

2.1.1 The study area encompassed the Zone of Influence of the Project. The Zone of Influence is defined as "... the area over which ecological features may be impacted by biophysical changes as a result of the proposed project and associated activities" (CIEEM, 2018). Further information regarding classification for the Zone of Influence is provided in Appendix 4.

2.1.2 The Zone of Influence and the study area is broadly considered to extend across the site, or just beyond the site boundary in most cases, with the potential for up to or exceeding 5 kilometres with regards to designated sites. A summary of predicted changes is provided in Table 1.

Table 1: Summary of predicted changes and Zone of Influence

Predicted Change	Zone of Influence
Vegetation/habitat clearance	Site
Generation of dust during site clearance and construction	Site and immediate surrounds (200m)
Acoustic disturbance and vibration from construction activities	Site and immediate surrounds (Typically up to 300m)
Increased traffic related air pollution and potential to impact upon sensitive habitats during both construction and operational phase	Habitats within approximately 200m of affected roads
Lighting (during construction and in long term)	Site and immediate surrounds
Changes to local hydrology; including surface water runoff and groundwater	Likely to include watercourses that receive surface water discharges, and downstream habitats
Landscape planting and habitat creation / green infrastructure creation	Site

### 2.2 Desktop Study Methodology

2.2.1 A desktop study was undertaken in order to obtain any relevant ecological records that may be present within a 2km radius of the site. This includes protected and notable species records, as well as nature conservation designations. For this information, the local ecological records centre was contacted: West Yorkshire Ecology Service (WYES) and West Yorkshire Bat Group (WYBG).

2.2.2 The search buffer of 2km from the central site grid reference is considered to be sufficient in order to cover the potential zone of influence of the proposed development.

2.2.3 The Multi-Agency Geographic Information for the Countryside (MAGIC) website was used to locate any designated sites, both statutory and non-statutory, such as Local



Nature Reserves (LNRs), Ramsar Sites, Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Sites of Special Scientific Interest (SSSIs) that may be present within 2km of the survey site.

## 2.3 Site Assessment Methodology

A thorough site assessment was undertaken on 03/10/2025 by Rebecca Petch-Smith (Graduate Ecologist).

### *Habitats*

The survey employed techniques based on the UK Habitat Classification System (v2.01, 2023). Botanical information was collected focussing on the dominant and/or key indicator species for each habitat to enable allocation of habitats to hierarchy levels 3 and/or 4, and where relevant to identify any priority habitats which are present on site. The conditions of the habitats on the site were assessed in line with the technical sheets supplied alongside Defra Metric 4.0. This is to inform future Biodiversity Metric Calculations if required. A map of the baseline habitats is provided in Appendix 1.

In the context of this report, rare, protected or notable species are those listed under the following: UK or European legislation, UK Biodiversity Framework Priority Species (including, but not limited to LBAP species), nationally rare or scarce flora/fauna/habitats, Species of Conservation Concern (JNCC Red List, RSPB/BTO Amber Lists).

Non-native, invasive species, as listed under Schedule 9 of the Wildlife and Countryside Act (1981) as amended have been noted and mapped, where present as under the Wildlife and Countryside Act (1981) as amended it is an offence to release or allow to escape into the wild any flora/fauna not ordinarily a resident of the UK, which has been categorised as potential harmful to the UK flora and/or fauna.

### *Protected Species*

Whilst conducting the site walk-over, any features that may be of value to or have the potential to support protected species were noted and photographic evidence taken (please refer to **Appendix 3**). Such protected species include, but are not limited to the following:

#### 2.3.1 Amphibians

Consideration was given to the presence of habitat potentially suitable for supporting amphibians including water bodies (ponds, ditches), woodland, scrub, rough grassland and features such as log piles that might provide hibernation areas. Where appropriate, effort to gather direct evidence of amphibians was undertaken using a preliminary search for eggs by examining vegetation within reach of the margins of water bodies, and for resting animals on land by looking under potential refuges such as stones, wood and rubbish near to water bodies.

Great crested newts are known to forage up to at least 500m from their breeding water



bodies and suitable habitats that fall within 250m must be considered even in situations where the breeding site itself will not be affected.

### 2.3.3 Bats

The site was surveyed by Rebecca Petch-Smith (Graduate Ecologist) for foraging, commuting and roosting potential. A detailed search of the trees on site was conducted during daylight hours in order to identify potential bat roosting sites and look for evidence of bat activity and photographic evidence was taken.

The survey was conducted by an experienced surveyor using the following equipment to ensure an accurate assessment; a printed site map, camera, a 1 million candlelight torch, binoculars, and ladders.

Signs that bats have previously or are currently using a potential roost site include:

- Droppings, carcasses and/or food remains found around the site.
- Bats observed within the building or tree.

The absence of signs of a potential bat roost cannot be treated as conclusive evidence that bats are not using the trees.

#### *Trees*

Bats often roost in trees. Features such as old woodpecker holes, splits, cavities and rot holes, loose or flaking bark and ivy creepers can be exploited by bats to roost. Any trees present on site were therefore assessed for their potential to support roosting bats by searching for suitable features. The presence of roosting bats can be spotted through signs such as accumulations of moth or butterfly wings, staining, bat droppings, or bats themselves.

The absence of these cannot, however, be treated as conclusive evidence that bats are not present, and therefore an assessment was made of the potential of the trees to support bats based on the scale presented in Table 2 below, in accordance with Collins (2023).



Table 2: Guidelines used for assessing the bat roosting suitability of trees (taken from Collins, 2023)

Roosting Suitability	Potential Roosting Features (PRFs) Present
None	Either no Potential Roosting Features (PRFs) in the tree, or highly unlikely to be any
FAR	Further assessment required to establish if PRFs are present in the tree.
PRF	A tree with at least one PRF present.

The category of roosting suitability assigned to a building/tree is used to determine what further survey effort is required to ascertain the presence/likely absence of bats within that feature, as shown in Table 3 below:

Table 3: Recommended minimum number of survey visits for presence/likely absence surveys (taken from Collins, 2023).

Negligible roost suitability	Low roost suitability	Moderate roost suitability	High roost suitability
No further survey required	One survey visit. One dusk emergence survey, May to August (structures). No further surveys required (trees).	Two separate dusk emergence survey visits. May to September, with at least one survey between May and August.	Three separate dusk emergence survey visits. May to September, with at least two surveys between May and August
<p>September surveys are both weather- and location-dependent. Conditions may become more unsuitable in these months, particularly in more northerly latitudes, which may reduce the length of the survey season. September surveys are likely to miss maternity roosts due to dispersal before this time but may pick up mating roosts.</p> <p>Multiple survey visits should be spread out to sample as much of the recommended survey period as possible; it is recommended that surveys are spaced out at <b>least three weeks apart</b>, preferably more. Survey timings <b>should consider the prevailing conditions in the year of survey, which will vary geographically</b>. In years with a cold spring, the surveys should not be started in early May, or all completed in May. The surveys should maximise the possibility of detecting maternity roosts, which can switch roosts between pregnancy and lactation, and the <b>optimum coverage includes the pre-parturition, post-parturition, and mating periods</b>.</p> <p>Structures that have been categorised as low potential can be problematic, and the number of surveys required should be judged on a case-by-case basis. In some cases, more than one survey may be needed, particularly where there are several buildings in this category.</p>			

### Habitats

A preliminary evaluation was also undertaken of the habitat on the site for the quality of potential commuting and foraging habitat for the local bat populations. Bats navigate using linear features in the landscape such as hedgerows and these can be important features for local roosts. The site itself may also provide important foraging habitat and support local bat roosts.

An assessment was therefore made of the potential of the habitat to offer suitable flight



paths and foraging habitats based on the scale presented in Table 4 below, adapted from the Survey Guidelines (Collins, 2023):

Table 4: Site suitability for foraging and commuting bats (taken from Collins, 2023).

Site Suitability	Habitat features present
High	<p>Continuous, high quality habitat that is well connected to the wider landscape and likely to be regularly used by bats for flight-paths, such as river valleys, streams, hedgerows, lines of trees and woodland edge.</p> <p>High quality habitat that is well connect to the wider landscape that is likely to be used regularly by foraging bats such as broadleaved woodland, tree lined watercourses and grazed parkland.</p> <p>Site is connected to a known roost.</p>
Moderate	<p>Continuous habitat connected to the wider landscape that could be used by bats for flight-paths such as lines of trees and scrub, or linked back gardens.</p> <p>Habitat that is connected to the wider landscape that could be used by bats for foraging such as trees, scrub, grassland or water.</p>
Low	<p>Habitat that could be used by small numbers of bats as flight-paths, such as a gappy hedgerow or unvegetated stream, but isolated i.e. not very well connected to the surrounding landscape by other habitat.</p> <p>Suitable, but isolated habitat that could be used by small numbers of foraging bats such as a lone tree (not in a parkland situation) or a patch of scrub.</p>
Negligible	<p>No obvious habitat features on site likely to be used as flight paths or by foraging bats; however, a small element of uncertainty remains in order to account for non-standard bat behaviour.</p>
None	<p>No habitat features on site likely to be used by any commuting or foraging bats at any time of year) i.e. no habitats that provide continuous lines of shade/protection for flight-lines, or generate/shelter insect populations available to foraging bats).</p>

#### 2.3.4 Birds

Any birds seen whilst carrying out the survey were recorded and the type and quality of habitats available for birds was considered, including vegetation suitable for nesting and habitat with the potential to support valued species including breeding and wintering birds.

#### 2.3.5 Dormouse

The habitat on the site was assessed for the potential to support dormice which are found in habitats such as woodlands, scrub and hedgerows with good connectivity and suitable food plants. Satellite images were used to assess the connectivity of any suitable habitat present on the site to other areas of woodland and hedgerow networks.

#### 2.3.6 Reptiles

Habitat considered potentially suitable for supporting reptiles was recorded. This



includes areas providing basking and foraging areas, hibernation and breeding sites such as rough grassland and scrub, banks, burrows, rubble piles, compost heaps, hedge banks and water bodies.

## 2.4 Limitations:

2.4.1 Despite the weather conditions detailed in Table 5; there were no perceived limitations that would significantly impact on the conclusions and recommendations given within this report.

Table 5: Weather conditions of the survey completed on 03/10/2025.

Temperature (°C)	Wind speed (mph)	Cloud cover (%)	Precipitation (mm)	Humidity (%)
15	14 SW	100	3 - 4	90



## 3. Results

### 3.1 Designated sites

#### *Statutory Nature Conservation Sites*

#### 3.1.1 Internationally important sites

There are 3 internationally important sites, Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) within the search area:

- South Pennine Moors Phase 2 (SPA) – located approximately 553 m west of the site.
- Peak District Moors (South Pennine Moors Phase 1) (SPA) – located approximately 968 m southeast of the site.
- South Pennine Moors (SAC) – located approximately 553 m west of the site.

All SPAs and SACs are within the zone of influence of the site. However, due to the small scale of the development and retention of the woodland, the site will not have an impact on the SAC's and SPA's. No further recommendations are required.

#### 3.1.2 Nationally important sites

There are 3 nationally important Sites of Special Scientific Interest (SSSIs) within the search area:

- Park Clough (SSSI) – located approximately 1694 m northwest of the site.
- Dark Peak (SSSI) – located approximately 968 m southeast of the site.
- South Pennine Moors (SSSI) – located approximately 553 m west of the site.

The South Pennine Moors (SSSI) and Dark Peak (SSSI) is considered to be within the Zone of Influence of the Site. However, due to the small scale of the development and retention of the woodland, the site will not have an impact on the SSSI's. No further recommendations are required.

#### 3.1.3 County important sites

There are 7 locally important Local Geological Sites (LGS) or Local Wildlife Sites (LWSs) within the search area:

- Huddersfield Narrow Canal (LWS) – located approximately 573 m northeast of the site.
- Butterley Cutting (LGS) – located approximately 1260 m south of the site.
- Green Hill Clough (LWS) – located approximately 1300 m northeast of the site.



- Pule Hill (LGS) – located approximately 1520 m southwest of the site.
- Drop Clough (LWS) – located approximately 1616 m northeast of the site.
- Naze Top Wood (LWS) – located approximately 1770 m southeast of the site.
- Holme Bank Wood (LWS) – located approximately 2000 m southeast of the site.

All non-statutory designated sites are considered to be of a sufficient distance from the site that no impacts are likely to occur as a result of the development proposals and are therefore considered to be outside of the zone of influence.

## 3.2 Habitats

Descriptions of the habitats recorded on site are given below, a map of the habitats is given as **Appendix 1**, with site photographs in **Appendix 3**. There is lowland heathland, deciduous woodland and good quality semi-improved grassland priority habitat shown on MAGIC in the zone of influence.

### 3.2.1 Strategic Significance

There is deciduous woodland priority habitat on site (**Appendix 4, Figure 1**). The priority habitat on site is linked to further deciduous woodland adjacent to the eastern boundary. The site is therefore considered to be ecologically desirable.

The site is part of the Kirklees Wildlife Habitat Network (**Appendix 4, Figure 2**). It is considered to have high strategic significance (Formally Identified in local strategy).

#### *UK Habitats*

The following habitat types were recorded on site:

### 3.2.2 g, 16 – Grassland, Tall Forbs (Secondary Codes: 114 – Dry Stone Wall, 202 – Young Tree Self-Set)

There is a small strip of tall forb habitat along the southern site boundary. Along this boundary was a dry-stone wall. The dominant species in this habitat parcel was common nettle *Urtica dioica*. Frequently occurring species include perennial rye grass *Lolium perenne* and bent grass *Agrostis stolonifera*. Further occasional species include wood avens *Geum urbanum*, bramble *Rubus fruticosus*, bracken *Pteridium aquilinum*, willowherb *Epilobium spp.* and great hairy willowherb *Epilobium hirsutum*.

There was a young self-set (<7.5 DBH) beaked hazelnut *Corylus cornuta* tree within the west of this parcel.

### 3.2.3 g4 – Modified Grassland (Secondary Codes: 10 – Scattered Scrub)

The grassland on site was separated into two parcels; this was due to the substrate in which the grassland has developed. Grassland 1 (G1) was found on previously developed land, with the dominant species was perennial rye grass *Lolium perenne*. Occasionally occurring species include creeping buttercup *Ranunculus repens*,



dandelion *Taraxacum officinale* and cock's-foot *Dactylis glomerata*. Thistle *Cirsium spp.*, ragwort *Jacobaea vulgaris*, bramble *Rubus fruticosus* and wood avens *Geum urbanum*. Fungi was present in the southeast region of this parcel, this was identified as shaggy mane mushroom *Coprinus comatus*.

Grassland 2 (G2) had grown on a soil substrate and contained scattered scrub; the dominant species was perennial rye grass *Lolium perenne*. Other species identified occurred rarely across the parcel, this includes creeping buttercup *Ranunculus repens*, dandelion *Taraxacum officinale* and cock's-foot *Dactylis glomerata*, wood avens *Geum urbanum*, bracken *Pteridium aquilinum*, rush sp *Juncus spp.*, common boxwood *Buxus sempervirens* and Chinese juniper *Juniperus chinensis*.

#### 3.2.4 h3d – Bramble Scrub

There was a parcel of bramble scrub located between the modified grassland and woodland on site. The dominant species was bramble *Rubus fruticosus*. All other species occurred occasionally across the parcel, this included common nettle *Urtica dioica*, willowherb *Epilobium spp.*, broadleaved dock *Rumex obtusifolius*, and perennial rye grass *Lolium perenne*. Fungi was present in the south region of this parcel, this was identified as shaggy mane mushroom *Coprinus comatus*.

#### 3.2.5 u, 510 – Bare Ground (Secondary Codes: 12 – Scattered Bracken, 200 – Individual Tree)

There was a small area of bare ground habitat in the west of the site. This contained a large American yellowwood *Cladrastis kentukea* tree. Bramble *Rubus fruticosus*, bracken *Pteridium aquilinum*, rush sp *Juncus spp.*, little robin *Geraneum purpureum*, common nettle *Urtica dioica*, wood avens *Geum urbanum* and Chinese juniper *Juniperus chinensis*.

#### 3.2.6 u1c – Artificial Unvegetated, Unsealed Surface (81 – Ruderal/Ephemeral, 532 – Scattered Grass)

There was a small patch of artificial unvegetated unsealed surface in the west of the site. There were patches of scattered grasses and ruderal ephemeral across the parcel. Species identified include bramble *Rubus fruticosus*, perennial rye grass *Lolium perenne*, bracken *Pteridium aquilinum*, and willowherb *Epilobium spp.*

#### 3.2.7 w1g – Other Broadleaved Woodland (Secondary Code: 114 – Dry Stone Wall)

The eastern region of the site is deciduous woodland priority habitat. The understory was dominantly bramble *Rubus fruticosus* and bracken *Pteridium aquilinum*. Wood avens *Geum urbanum* and common nettle *Urtica dioica* occurred occasionally; and perennial rye grass *Lolium perenne* and broad-leaved dock *Rumex obtusifolius* occurred rarely across the parcel.

Trees identified within this parcel include grey willow *Salix cinerea*, horse chestnut *Aesculus hippocastanum*, holly *Ilex spp.*, sycamore *Acer pseudoplatanus*, and beech *Fagus sylvatica*.



### 3.3 Protected Species

#### 3.3.1 Plants

There are no species records for protected or NERC Act S41 Priority Species within the search area.

No protected or notable plant species were recorded on site.

There are species records for invasive species within the search area.

- 5 records for Himalayan Balsam.
- 1 record for Japanese Knotweed.
- 11 records for Rhododendron Ponticum.

No invasive plant species were recorded on site.

No protected or invasive plant species were recorded on site. Protected/invasive plants are not considered further in this assessment.

#### 3.3.2 Invertebrates

There are no records for stag beetle from the search area, and there is no habitat suitable for stag beetle larvae on site.

There is one species record for Small Heath Butterfly, a NERC Act S41 Priority Species butterfly within the search area.

No protected invertebrate species were recorded on site. Invertebrate species are not considered further in this assessment.

#### 3.3.3 Amphibians

There are no Natural England mitigation licenses, class licenses or eDNA pond results which appear to be present within the vicinity shown on MAGIC.

There were no records for great crested newt/other amphibians within the search area.

The site was assessed for its suitability to support great crested newt and other amphibians – in its current state the site is considered to hold negligible suitability for great crested newt due to the lack of ponds within 500 m of the site.

It is unlikely that great crested newts/other amphibians will be present on site. Amphibians are not considered further in this assessment.



### 3.3.5 Bats

There are no Natural England mitigation licences which appear to be present within the vicinity shown on MAGIC.

15 records of bats were returned by WYES within the search area.

- 3 records for unidentified Myotis bat.
- 1 record for Daubenton's bat.
- 1 record for Leisler's bat.
- 2 records for Noctule.
- 4 records for Common Pipistrelle bat.
- 1 record for Soprano Pipistrelle bat.
- 2 records for Brown Long-eared bat.

2 records of bats were returned by WYBG within the search area.

- 1 record for unidentified Myotis bat.
- 1 record for Noctule.

10 records of Common Pipistrelle bat roosts were returned by WYES within the search area.

2 records of Common Pipistrelle bat roosts were returned by WYBG within the search area.

#### *Trees*

All trees impacted by the development displayed no bat roost potential. The trees deeper within the woodland have not been surveyed for bat roosting potential as they will not be affected by the proposed development. Should the current development plans change, and the revised plans require the removal (or maintenance) of any trees on site then a BRP survey will be required on these trees prior to removal or maintenance in order to determine the bat roosting potential of these trees.



### *Foraging and Commuting Habitat*

The site contains deciduous woodland habitat suitable for foraging and commuting bats.

The site is well-connected within the wider landscape. Therefore, the habitat present on site is assessed as moderate quality.

Therefore, the bat assemblage is assessed of low importance for nature conservation. Further recommendations regarding lighting impacts are given in Section 4.

### 3.3.6 Birds

There were 11 records for protected/ priority birds within the search area.

- 3 records for Curlew.
- 1 record for Fieldfare.
- 1 record for Goldfinch.
- 2 records for Kestrel.
- 3 records for Short-eared Owl.
- 1 record for Swallow.

The site was assessed for its suitability to provide potential nesting and foraging opportunities for common species of bird in the woodland, bramble scrub and tree habitat present on site.

It is likely that nesting birds will be present on site. Further recommendations have been provided in Section 4.

### 3.3.7 Dormice

There were no records for dormice within the search area.

The site was assessed for its suitability to support dormice – in its current state the site is considered to hold no suitability for dormice due to the lack of suitable grassland habitat on site.

It is unlikely that dormice will be present on site. Dormice are not considered further in this assessment.

### 3.3.8 Otter

There were no records for otters within the search area.

The site was assessed for its suitability to support otter – in its current state the site is considered to hold negligible suitability for otter due to no watercourse being present



on site, the absence of records and the lack of connectivity between the site and the watercourse.

It is unlikely that otters will be present on site. Otters are not considered further in this assessment.

### 3.3.9 Reptiles

There were no records for reptiles within the search area.

The site was assessed for its suitability to support reptiles – in its current state the site is considered to hold low suitability for reptiles. The woodland and scrubland on site provide foraging, resting and commuting opportunities for reptiles.

It is unlikely that reptiles will be present on site; however, there is suitable foraging habitat on site. Therefore, precautionary recommendations have been provided in Section 4.

### 3.3.10 Water vole

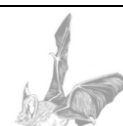
There was 1 record for water vole within the search area.

The site was assessed for its suitability to support water vole – in its current state the site is considered to hold no suitability for water vole due to the lack of a watercourse on site.

It is unlikely that water voles will be present on site. Water voles are not considered further in this assessment.

### 3.3.11 Other mammals

There were no records for West European Hedgehog within the search area. The bramble scrub and woodland on site provide suitable resting, foraging and commuting opportunities on site. This species is listed as vulnerable on the IUCN red list and is a species of Principal Importance under Section 41 of the NERC Act.



## 4. Conclusions

This section identifies and characterises potential impacts of the proposed development on each Important Ecological Feature identified in the preceding section. Measures to avoid, mitigate and compensate for these impacts are described, and any further surveys required are outlined below.

### Habitats

Deciduous priority woodland habitat is present on site. The site is also located within the Wildlife Habitat Network. Consultation with the local council is required to detail potential impacts to this habitat and incorporate mitigation measures into the development.

### Protected species

#### 4.1.1 Nesting birds

##### *Impacts*

The clearance of the individual trees, bramble scrub and deciduous woodland on site has the potential to cause killing or injury to nesting birds. A significant permanent negative effect at the site level is possible.

##### *Mitigation*

Vegetation clearance should be conducted outside of the nesting bird season to avoid disturbing the birds (the nesting season is considered to run between 1st March and 31st August).

Where this is not possible a suitably qualified ecologist should check potential nesting habitat immediately prior to clearance. Where nesting birds are encountered works must be postponed until the nestlings have fledged.

#### 4.1.2 Bat assemblage

As the site has been considered to have a negligible potential risk of supporting bat roosting sites, we recommend that the proposed development at **Clough Hey, Manchester Road** should go ahead, and that no **Bat Mitigation Licence** is required. However, the work should be carried out with care and vigilance.

Should any bats be found during any stage of the development, all work must stop immediately, and Natural England must be contacted. Natural England will provide advice on the best course of action. It must be stated that this is a legal requirement, and that bats may only be handled and their roost disturbed by an experienced ecologist holding an appropriate licence.

##### *Impacts*

Construction activity, noise and lighting would have the potential to disturb commuting



and foraging bats and may result in abandonment of roosts or core foraging areas adjacent to the Site.

The significant negative effect of disturbance during the construction phase are likely to be short-term in localised areas, and the bulk of any disturbance from construction work could be expected to take place mainly during daylight hours even in the absence of controls, when bats would not be foraging or commuting.

Therefore, disturbance from operational lighting from the new houses are a possible significant permanent negative effect at the site level.

### *Mitigation*

The production and implementation of a Construction Method Statement (CMS) will be put into place prior to the beginning of the construction phase.

The CMS being implemented will prevent any disturbance impacts to bats during the construction period.

### *Lighting*

All lighting installed as part of the development will be in line with Guidance Note 08/23 Bats and Artificial Lighting at night. The following will be required:

- LED lighting will be used, and light levels will be kept as low as possible. Metal halide, fluorescent sources will not be used.
- Lighting will be directed to where it is required.
- Only luminaires with no light output above 90 degrees and/or an upward light ratio of 0% and with good optical control will be used, luminaires will always be mounted on the horizontal, i.e. no upward tilt.
- Any external security lighting will be set on motion-sensors and short (1min) timers.
- Internal lighting within the new rooms will be recessed where installed in proximity to windows to reduce glare and light spill.
- Light sources will emit minimal ultra-violet light, peak higher than 550nm and be of a warm white spectrum (ideally <2700 Kelvin).
- The use of bollard or low-level downward directional luminaires is strongly discouraged.

Providing the Lighting Strategy is adhered to, there will be an insignificant effect on the bat assemblage from lighting during the operational phase.

#### 4.1.3 Hedgehogs, Badgers and Reptiles

To permit the migration and safe passage of these species through the site, any excavations created during the development stage must be covered at night or appropriate escape routes implemented. A plank of wood (or similar) is to be placed at a



45-degree angle to prevent an animal getting trapped. Any pipes left open overnight must also be capped.

Any vegetation clearance must be carried out under the supervision of an **ECoW**. The **ECoW** will hand search any area where any of these might be present before they are cleared. They will be encouraged offsite or captured by the **ECoW** (where appropriate) and relocated to a safe place with suitable habitat.

## 5. Enhancements

5.1.1 In line with both local and national planning policy, the opportunity has been taken to design habitat enhancements into the proposed development. These enhancements, described below, will also be of benefit to the Section 41 species (and local BAP species) known to be present within the Zol. A **Biodiversity Enhancement Plan (BEP)** should be designed pre-construction to be implemented post construction during the landscaping phase of the development. The biodiversity enhancement plan will aim to provide opportunities for local wildlife to reduce the impacts of the proposed development on locally or nationally important wildlife populations.



## 6. References

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# Appendices



## Appendix 1: UKHab Habitat Map





Site name & address  
**Clough Hey**  
**Manchester Road**  
**Marsden**  
**Huddersfield**  
**HD7 6DW**

**Key**

Red Line Boundary

UKHab Habitat -

g - grassland

g4 - modified grassland

w1g - other woodland-broadleaved

h3d - bramble scrub

u - urban

u1c - artificial unvegetated unsealed surface

Secondary Codes -

10 - scattered scrub

12 - scattered bracken

16 - tall forbs

81 - ruderal/ephemeral

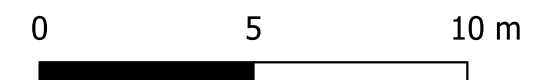
--- 114 - Dry-stone wall

200 - Individual tree

510 - bare ground

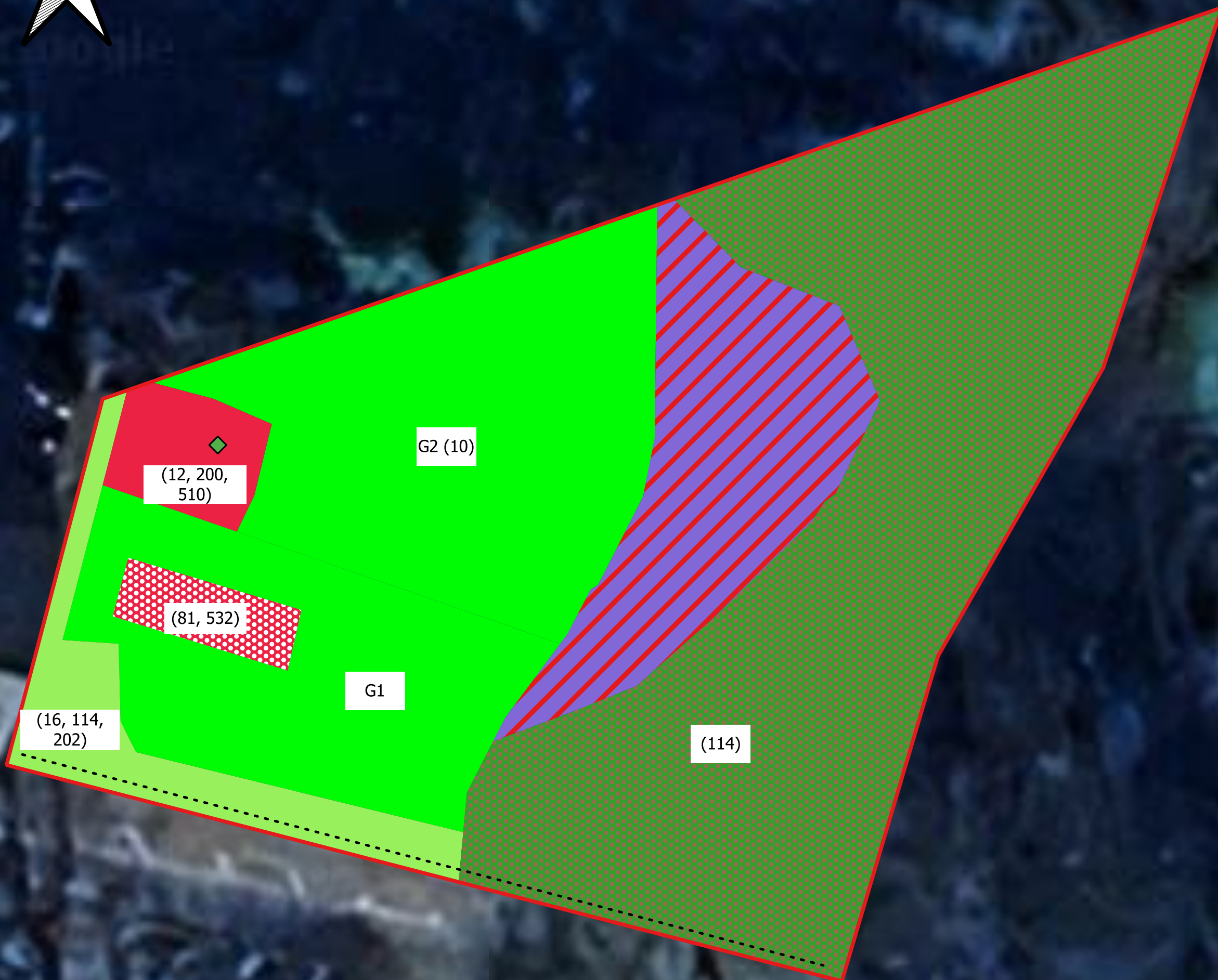
532 - scattered grass

Scale



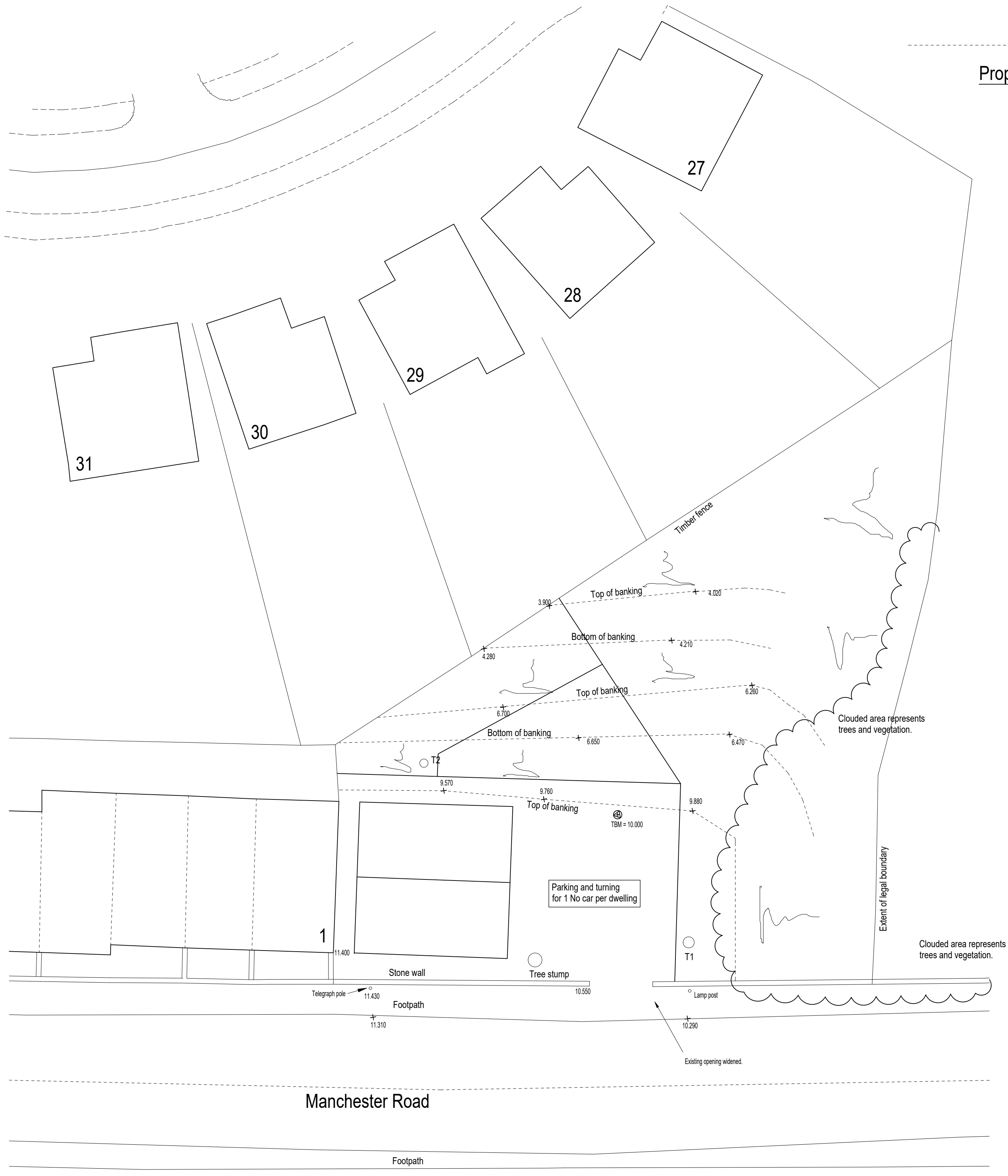
Site Clough Hey	Client SB Homes Limited
Project 23127 Preliminary Ecological Appraisal	Author RPS
Plan ref 01 B.	Revision 0

Contains Ordnance Survey data © Crown copyright and database right 2025

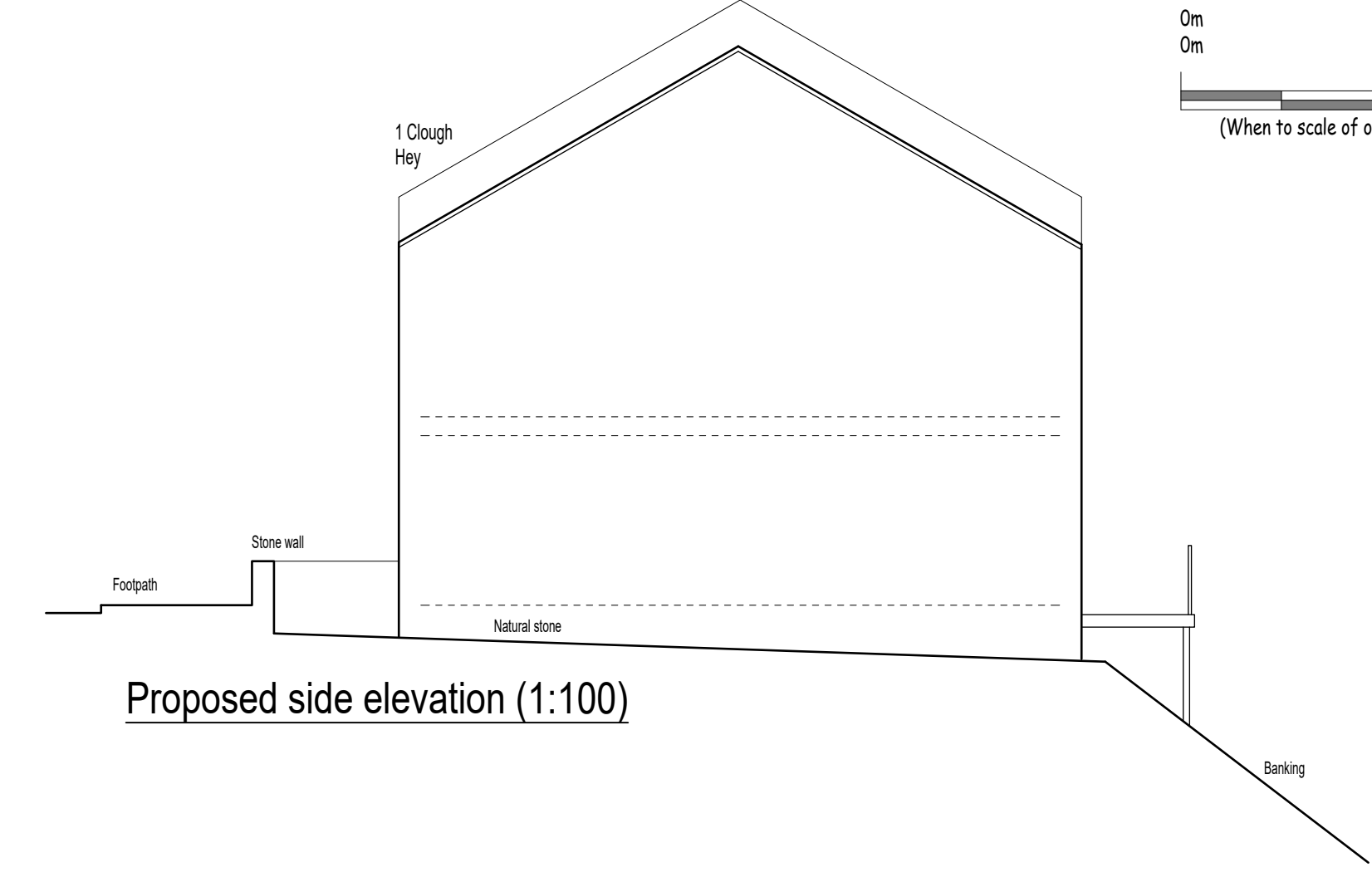


## Appendix 2: Proposed Development Plan

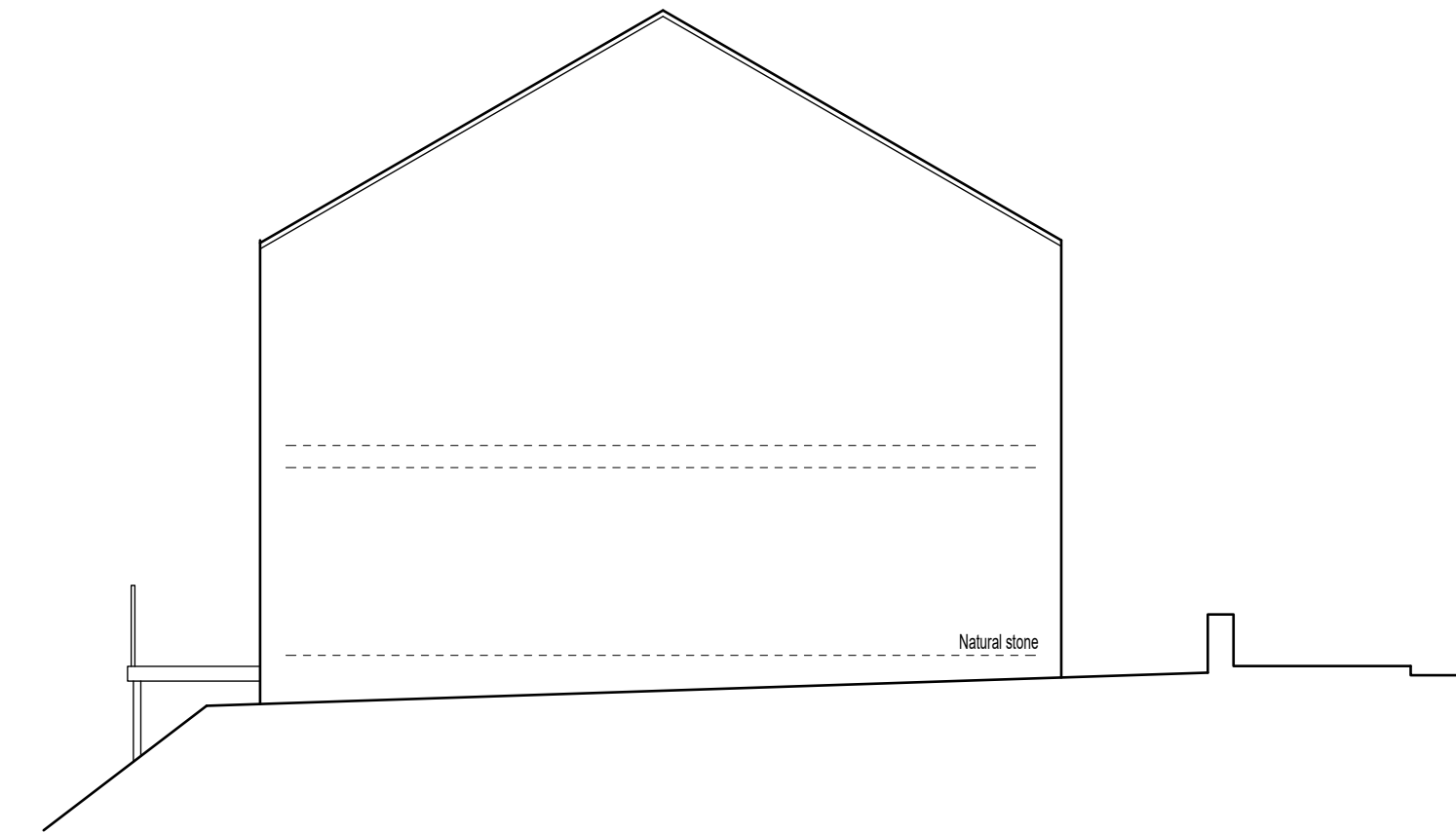




Proposed front elevation (1:100)



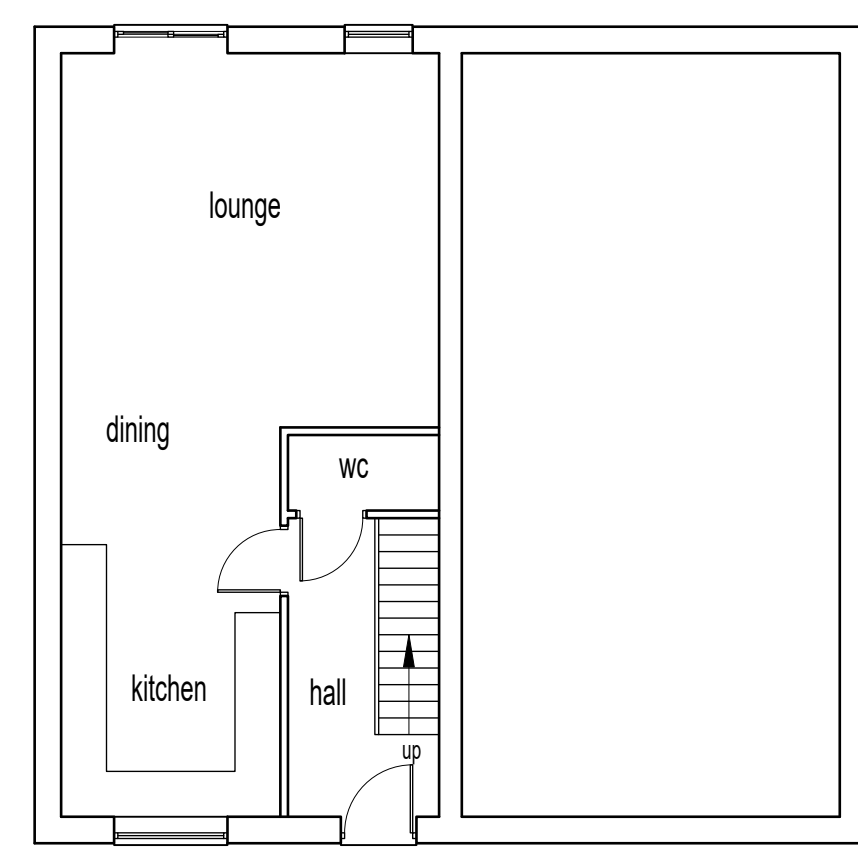
Proposed side elevation (1:100)



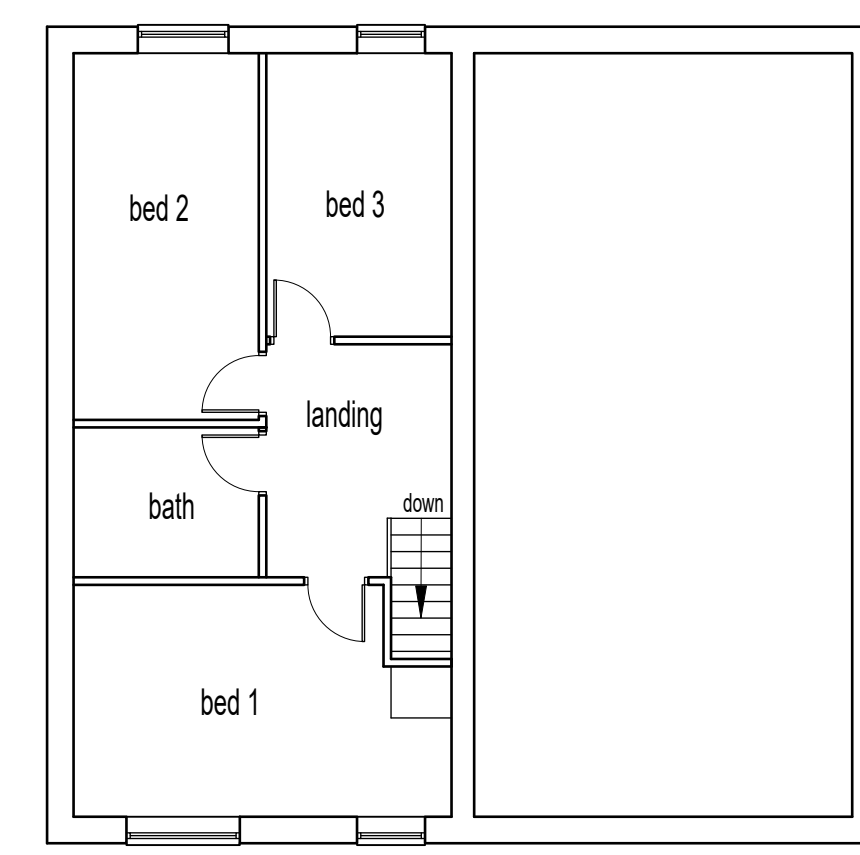
Proposed side elevation (1:100)



Proposed rear elevation (1:100)



Proposed ground floor layout (1:100)  
50 m<sup>2</sup>.



Proposed ground floor layout (1:100)  
50 m<sup>2</sup>.

Rev E 17/12/2024 General update.  
 Rev D 02/08/2017 Levels added.  
 Rev C 09/06/2017 Amended following client comments.  
 Rev B 09/05/2017 Amended following client comments.  
 Rev A 02/05/2017 Elevations added.



Colne Valley Design  
 8 Meadow Lane  
 Slaithwaite  
 Huddersfield HD7 5EX

Tel: 01484 842097  
 Mobile: 07867 803312  
 E-mail: mitchell@sbhomes.co.uk

Proprietor: S.A. Mitchell (ACIOB)

Project  
 Proposed dwelling.

For  
 Mr & Mrs A Dale.

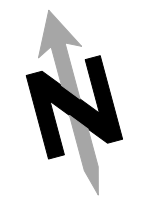
Address  
 Clough Hey  
 Manchester Road  
 Marsden.

Title  
 Proposed layouts and elevations.

Job No. ----	Drawing number 02 E.	Date April 2017.
-----------------	-------------------------	---------------------

**DRAFT 1**

Site plan (1:200)



### Appendix 3: Photographic Evidence



Photo 1: Dry stone wall and tall forbs habitat along the southern boundary.



Photo 2: Grassland 1 with the scrub and woodland beyond.



Photo 3: Grassland 2 with scattered scrub.



Photo 4: Artificial unvegetated unsealed surface.



Photo 5: Bare ground habitat.



Photo 6: Individual tree and scattered bracken in the bare ground habitat.





Photo 7: Scattered scrub from bare ground the grassland 2.



Photo 8: Tall forb habitat in the southwest of the site.

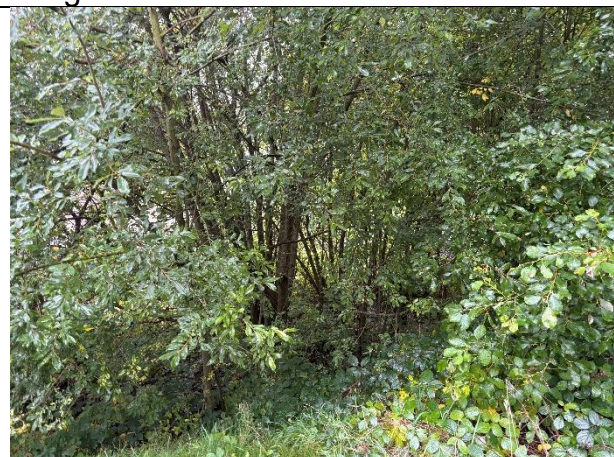


Photo 9: Woodland on site.



Photo 10: Bramble scrub on site.



Photo 11: Woodland on site,



Photo 12: Woodland to the east of the site.



## Appendix 4: Additional Maps and Figures

Figure 1: Map of the Priority Habitats within 500 m of the site, taken from Magic.

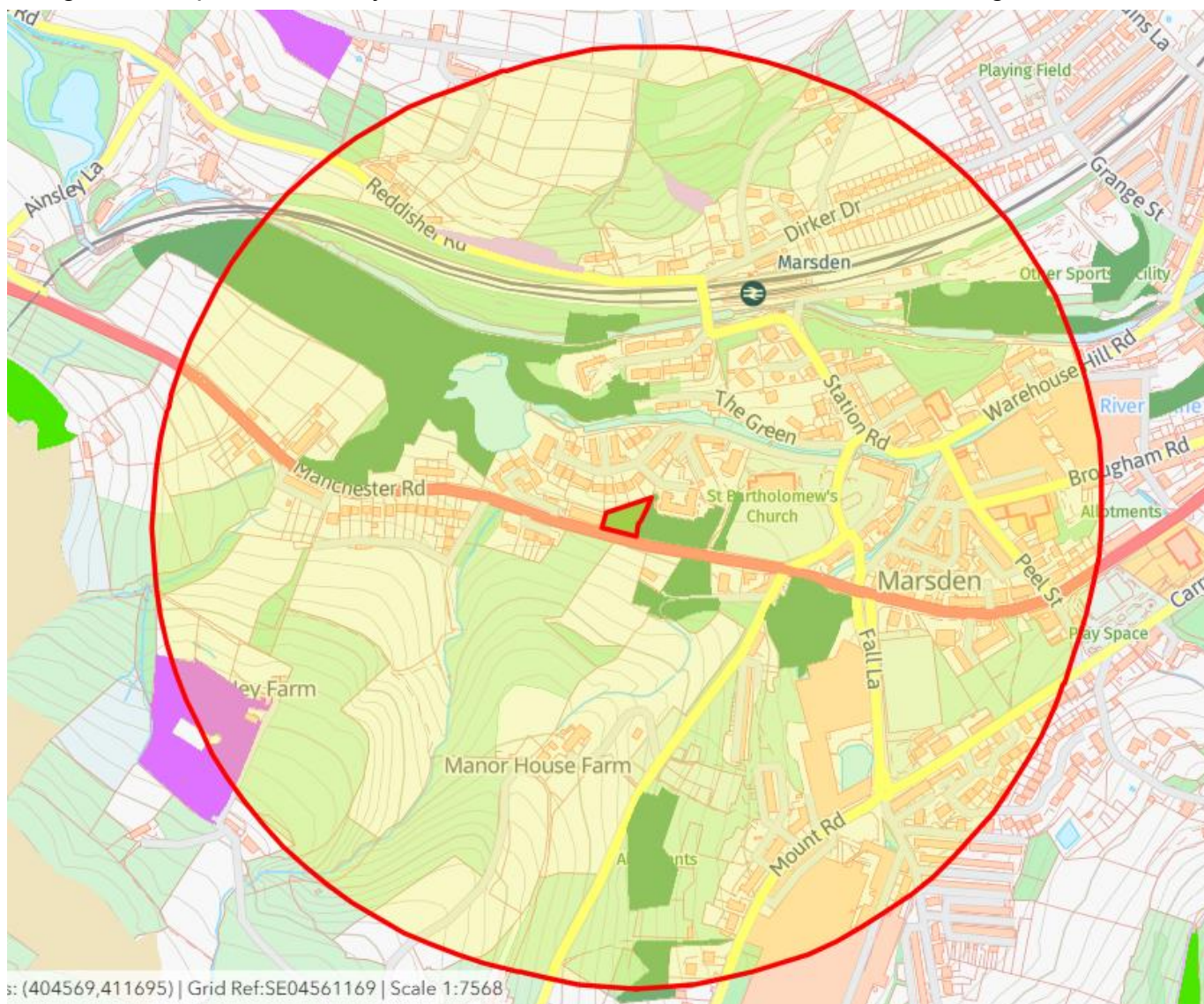


Figure 2: Map of the Kirklees Wildlife Habitat Network on and adjacent to site.



## Appendix 5: Relevant Nature Conservation Legislation and Policy

This Appendix is intended to provide an overview of the main features of legislation and policy relating to nature conservation in England and the implications for development.

### KEY WILDLIFE LEGISLATION

#### ENVIRONMENT ACT 2021

The Environment Act 2021 received royal assent in November 2021 and introduces new environmental protection regimes. This includes the creation of the Office for Environmental Protection who will oversee the framework. The Act includes several measures which impact on the planning application process to provide measures to ensure developments result in a net gain in biodiversity.

The Act provides a timeframe of 2 years from receiving royal assent for the production of the required regulations to implement the mandatory requirement of 10% Biodiversity Net Gain (BNG) for new developments. This applies from the 12<sup>th</sup> February for major applications and 2<sup>nd</sup> April for small sites. In England, BNG is becoming mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

#### Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (known as the "Habitats Regulations") was recently amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The Habitats Regulations provide for the designation of both Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) in the UK. The Regulations also prohibit certain actions relating to European Protected Species (EPS), which include Hazel Dormouse *Muscardinus avellanarius*, Great Crested Newt *Triturus cristatus*, European Otter *Lutra lutra* and all native species of bat.

#### Wildlife & Countryside Act 1981 (as amended)

The Wildlife and Countryside Act 1981 is the principal mechanism for the legislative protection of wildlife in Great Britain. Certain species of bird, animal and plant (including all of the European Protected Species listed above) are afforded protection under Schedules 1, 5 and 8 of the Act. The Act also contains measures for the protection of the countryside, National Parks, Sites of Special Scientific Interest (SSSIs) and public rights of way as well as preventing the establishment of invasive non-native species that may be detrimental to native wildlife in Schedule 9.

#### Countryside & Rights of Way Act 2000

Many of the provisions of the Countryside and Rights of Way (CRoW) Act 2000 have been incorporated as amendments into the Wildlife and Countryside Act (1981) and some provisions have now been superseded by later legislation such as The Natural Environment and Rural Communities Act (2006).

The most relevant changes provided by the CRoW Act include the added protection given to SSSIs and other important sites for nature conservation. Importantly, under the Act it became a criminal offence to "recklessly disturb" Schedule 1 nesting birds and species protected under Schedule 5 of the Wildlife and Countryside Act. It also enabled heavier penalties on conviction of wildlife offences.

#### The Natural Environment and Rural Communities Act 2006

The Natural Environment and Rural Communities (NERC) Act 2006 was intended to raise the profile of biodiversity amongst all public authorities and to make biodiversity an integral part of policy and decision-making processes. The NERC Act also improved wildlife protection by amending the Wildlife and Countryside Act 1981.



Section 40 (S40) of the Act places a 'Biodiversity Duty' on all public bodies to have regard to the conservation of biodiversity when carrying out their normal functions. This includes giving consideration to the restoration and enhancement of species and habitats.

Section 41 (S41) of the Act requires the Secretary of State to publish a list of habitats and species which are of Principal Importance for the conservation of biodiversity in England. This was published in 2007 and is commonly referred to as the "S41 list". Public authorities have a responsibility to give specific consideration to the S41 list when exercising their normal functions.

## PLANNING POLICY & GUIDANCE

Listed below is the main planning policy and government guidance that relates to the conservation of nature and development at all levels of government.

### National Level

#### National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied in local-level policy and decision making. The National Planning Framework was re-issued in July 2018 and updated in February 2019, July 2021 and September 2023. Key points relevant to the Natural Environment are given below.

*8. Re: Sustainable development. The NPPF recognizes "that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).*

These are the economic objective, the social objective, and the environmental objective; the full text of paragraph c) relating to this third objective reads as follows:

*"to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."*

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) Protecting and enhancing valued landscapes, sites of biodiversity ... (in a manner commensurate with the statutory status or identified quality in the development plan)
- b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- d) minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

175. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value.

176. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale



and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

177. permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

180. When determining planning applications, local planning authorities should apply the following principles:

*a) 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;*

*b) 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;*

*c) 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*

*d) 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.*

181. The following should be given the same protection as habitats sites:

*a) potential Special Protection Areas and possible Special Areas of Conservation;*

*b) listed or proposed Ramsar sites; and*

*c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.*

182. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”



## Local Level

### Kirklees Local Plan 2013 – 2031 (Kirklees Council, Adopted February 2019)

Policy LP24: Design, Policy LP30: Biodiversity and Geodiversity and Policy LP31: Strategic Green Infrastructure Network, of the Kirklees Local Plan apply to the Proposed Development.

#### Policy LP24: Design

Good design should be at the core of all proposals in the district and should be considered at the outset of the development process, ensuring that design forms part of pre-application consultation of a proposal. Development briefs, design codes and masterplans should be used to secure high quality, green, accessible, inclusive and safe design, where applicable. Where appropriate and in agreement with the developer schemes will be submitted for design review.

Proposals should promote good design by ensuring:

- a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;
- b. they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary;
- c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;
- d. high levels of sustainability, to a degree proportionate to the proposal, through:
  - i. The re-use and adaptation of existing buildings, where practicable;
  - ii. design that promotes behavioural change, promoting walkable neighbourhoods and making walking and cycling more attractive;
  - iii. considering the use of innovative construction materials and techniques, including reclaimed and recycled materials;
  - iv. Where practicable, minimising resource use in the building by orientating buildings to utilise passive solar design. This includes encouraging the incorporation of vegetation and tree planting to assist heating and cooling and considering the use of renewable energy;
  - v. providing charging points to encourage the use of electric and low emission vehicles;
  - vi. incorporating adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste;
  - vii. designing buildings that are resilient and resistant to flood risk, where such buildings are acceptable in accordance with flood risk policies and through incorporation of multi-functional green infrastructure where appropriate;
  - viii. designing places that are adaptable and able to respond to change, with consideration given to accommodating services and infrastructure, access to high quality public transport facilities and offer flexibility to meet changing requirements of the resident / user.



- e. the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features;
- f. the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places; any new open space is accessible, safe, overlooked and strategically located within the site and well integrated into wider green infrastructure networks;
- g. development contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure;
- h. the retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits; and
- i. the provision of public art where appropriate.

#### Policy LP30: Biodiversity and Geodiversity

Proposals the council will support proposals that seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network. that protect and enhance features of ecological and geological interest and provide net gains in biodiversity will be supported.

Proposals will be required to:

- result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;
  - ix. minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;
  - x. 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;
  - xi. establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and
- incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.

#### Policy LP31: Strategic Green Infrastructure Network

Within the Strategic Green Infrastructure Network identified on the Policies Map, priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide.

Development proposals within and adjacent to the Strategic Green Infrastructure Network should ensure:-

- i. the function and connectivity of green infrastructure networks and assets are retained or replaced;
- ii. new or enhanced green infrastructure is designed and integrated into the development scheme where appropriate, including natural greenspace, woodland and street trees;
- iii. the scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the



Core Walking and Cycling Network, by providing new connecting links where opportunities exist;

- iv. (iv) the protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.

The council will support proposals for the creation of new or enhanced green infrastructure provided these do not conflict with other Local Plan policies.

#### Kirklees Biodiversity Action Plan (KBAP)

The BAP for Kirklees (Kirklees Metropolitan Council, No Date) concentrates on species and habitats that had national action plans produced or are of local conservation concern. These include semi natural grassland, riverine habitats, ancient woodland, water vole *Arvicola amphibius* and great crested newt *Triturus cristatus*.

### **BIODIVERSITY PLANS AND STRATEGIES**

An overview of the key biodiversity plans and strategies in the UK, and their implications for development, are set out below.

#### **National level**

The UK Biodiversity Action Plan 2007 (UK BAP) has been superseded by the *UK Post-2010 Biodiversity Framework* and individual national biodiversity strategies. The UK framework sets out the overarching vision, strategic goals and priority activities for the UK. The Framework's overall vision is that "by 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people." In England, *Biodiversity 2020: A strategy for England's wildlife and ecosystem services* is the national biodiversity strategy, which has the stated mission "(...)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."

Note some local plans and government guidance documents/circulars still refer to the UK BAP and 'UK BAP priority habitats and species'. These habitats and species are listed under Section 41 of the NERC Act, and **remain a material consideration in the planning process**. They are now described as 'Species/Habitats of Principal Importance', though they are also commonly referred to as 'Section 41 Species/Habitats' or simply 'Priority Species/Habitats'. Further guidance is given in the relevant sections below.

#### **Local level**

Despite the changes to national level biodiversity policy described above, county and district level BAPs still apply. The local BAP is the Kirklees BAP.

#### **Delivering Biodiversity Opportunities**

Where practicable, opportunities should also be sought to achieve a **net gain** (i.e. enhancement) of biodiversity. Support for biodiversity enhancement is provided in the Public Authority 'Biodiversity Duty' under the NERC Act 2006 and in the key principles of the NPPF, as described above.

### **SITES DESIGNATED FOR THE CONSERVATION OF NATURE**

#### **Statutory Sites**

#### **Internationally Important Sites**

*Ramsar Sites, Special Areas of Conservation (SAC) and Special Protection Areas (SPA)*



The Conservation of Habitats and Species Regulations 2017 (as amended) provide the primary legal basis for the protection of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in Great Britain. Ramsar sites are, as a matter of national planning policy, subject to the same strict protection. Any plan or project considered likely to affect a SAC, SPA or Ramsar site must be subject to an assessment.

Ramsar sites are wetlands of international importance. The majority of terrestrial Ramsar sites in England are also notified as SPAs and/or Sites of Special Scientific Interest (SSSIs).

SACs are sites which support internationally important habitats and/or species listed as being of Community. SPAs are sites which support internationally important numbers of bird species. Together, SACs and SPAs make up the National Site Network.

Any plan or project considered likely to affect a SAC, SPA or Ramsar site must be subject to a Habitats Regulations Assessment (HRA), as set out under Regulation 63 of the Habitats Regulations 2017(as amended).

The Local Authority (or other 'competent authority') carries out the HRA, but the onus is on the developer to provide the necessary information to inform this process.

Under the Habitats Regulation 2017(as amended), the competent authority must determine in the first instance whether a proposed development is likely to have a significant effect on the National Site Network site either alone or in combination with other plans and projects. The stage of the HRA is known as 'screening'.

If a likely significant effect cannot be screened out, then an 'Appropriate Assessment' must be undertaken to assess the implications against the site's conservation objectives.

## **Nationally Important Sites**

### *Sites of Special Scientific Interest (SSSI)*

The Wildlife and Countryside Act 1981 (as amended) and the CRoW Act 2000 provide the primary legal basis for the protection of Sites of Special Scientific Interest (SSSI). These sites have been designated to capture the best examples of England's flora, fauna, geological or geographical diversity.

### *National Nature Reserve (NNR)*

NNRs are declared under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981, as amended by Environmental Protection Act 1990. They are managed to conserve their habitats or to provide special opportunities for scientific study of the habitats communities and species represented within them. NNRs represent the very best parts of England's SSSIs. The majority of NNRs also have European nature conservation designation.

## **Regionally & Locally Important Sites**

### *Local Nature Reserves*

Local Nature Reserves are declared by local authorities under the National Parks and Access to the Countryside Act 1949 as living green spaces in towns, cities, villages and countryside. They provide opportunities for research and education, or for simply enjoying and having contact with nature. LNRs are usually protected from development through local planning documents which may be supplemented by local by-laws.

## **Non-Statutory Sites**

### *Local Wildlife Sites*



Local authorities may designate non-statutory sites for their nature conservation value based on important, distinctive and threatened habitats and species within a national, regional and local context. These sites are not legally protected but are given some protection through the planning system. These sites may be declared as 'County Wildlife Sites', 'Sites of Importance for Nature Conservation' (SINCs), or 'Sites of Nature Conservation Importance' (SNCIs) in local and structure plans. Non-statutory sites are a material consideration when planning applications are being determined.

#### *Nature Conservation in Areas Outside Designated Sites*

Various other features exist outside designated sites that are important for the conservation of nature and which are a material consideration in the planning system.

#### *Habitats of Principal Importance in England*

Fifty-six habitat types have been identified as Habitats of Principal Importance in England for the conservation of biodiversity under Section 41 of the NERC Act 2006. The NPPF, Government Circular 06/05, good practice guidance and the NERC Act place a clear responsibility on planning authorities to further the conservation of these habitats. They can be a material consideration in planning decisions, and so developers are advised to take reasonable measures to avoid or mitigate impacts to prevent their net loss and to enhance them where possible. Additional guidance to developers is typically provided in local level planning policy.

## **SPECIES PROTECTION**

### **Legally Protected Species**

#### Mammals

All wild mammals are protected against cruelty under the Wild Mammals (Protection) Act 1996, which makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

The following species of mammal are protected further by law in England:

#### *Bats*

There are 18 species of bat in the UK, seven of which are Species of Principal Importance in England. All bats and bat roosts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Bats are also protected under the Habitat Regulations 2017 as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, where protection is retained under UK domestic legislation. It is an offence to:

- Intentionally or deliberately kill, injure or capture bats;
- Intentionally, deliberately or recklessly disturb bats in such a way as to be likely to significantly affect the ability of any significant group of bats to survive, breed, or rear or nurture their young or the local distribution of or abundance of a species of bat;
- Intentionally, or recklessly damage, destroy or obstruct any place used for shelter or protection (i.e. bat roosts) or intentionally or recklessly disturb a bat whilst it is occupying such a place;
- Damage or destroy a breeding site or resting place of a bat; and
- Possess, sell or transport a bat, or anything derived from it.



Development proposals affecting bats or their roosts require a Protected Species licence from Natural England. It should be noted that a licence is enacted under the Habitat Regulations 2017 and will continue to apply in UK Law through the Conservation of Habitats and Species (amendment) (EU Exit) Regulations 2019 and the European Union Withdrawal Act 2018 following the implementation of Brexit.

### *Dormouse*

The Dormouse *Muscardinus avellanarius* is a Species of Principal Importance in England. It is legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and is afforded significant further protection as a European Protected Species under the Habitats Regulations 2017 (as amended). Collectively, this legislation makes it an offence to:

- Intentionally or deliberately kill, injure or capture Dormice;
- Intentionally, deliberately or recklessly disturb Dormice in such a way as to be likely to significantly affect the ability of any significant group of Dormice to survive, breed, or rear or nurture their young or the local distribution of or abundance of the species;
- Intentionally or recklessly damage, destroy or obstruct access to places used by Dormice for shelter or protection (whether occupied or not) or intentionally or recklessly disturb a Dormouse whilst it is occupying such a place;
- Damage or destroy a breeding site or resting place of a Dormouse;
- Possess or transport a Dormouse (or any part thereof) unless under licence; and
- Sell or exchange Dormice.

Development proposals affecting the Dormouse require a European Protected Species licence from Natural England.

### *Badger*

The Protection of Badgers Act 1992 offers considerable protection to both badgers and badger setts. This legislation was enacted to protect the Badger *Meles meles* against baiting and not as a means of species recovery for it is common in England. It is an offence to cruelly treat, kill or take Badgers, but it is also illegal to intentionally or recklessly damage or disturb a badger sett whilst it indicates signs of current use by a Badger.

Natural England has issued guidance to help developers and their proponents avoid sett disturbance and to identify setts that are in current use<sup>1</sup>. It is important to maintain adequate foraging territory in development proposals affecting badgers as the destruction or severance of large areas of foraging territory could also be taken to include habitat loss. Licences to disturb Badgers and their setts in respect of development may be issued by Natural England provided provisions are made to minimise disturbance.

### Birds

49 species of bird are listed as Species of Principal Importance in England. All birds are protected under the Wildlife and Countryside Act 1981 (as amended), making it an offence, with certain exceptions (e.g. game birds), to intentionally kill, injure or take any wild bird and to take, damage or destroy their nests or eggs.

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<sup>1</sup>Natural England (2009). Protection of Badgers Act 1992 (as amended) Interpretation of 'Disturbance' in relation to badgers occupying a sett. Available from:

[http://www.naturalengland.org.uk/Images/WMLG16\\_tcm6-11814.pdf](http://www.naturalengland.org.uk/Images/WMLG16_tcm6-11814.pdf)

Natural England (2009). Guidance on 'Current Use' in the definition of a Badger Sett. Available from:

[http://www.naturalengland.org.uk/Images/WMLG17\\_tcm6-11815.pdf](http://www.naturalengland.org.uk/Images/WMLG17_tcm6-11815.pdf)



Schedule 1 of the Wildlife and Countryside Act 1981 affords extra protection for a number of species and applies harsher penalties for offences. Any intentional or reckless disturbance of a Schedule 1 bird, whilst it is nesting or rearing dependant young, constitutes an offence.

Regulation 10 of the Habitat Regulations 2017 (as amended) required appropriate authorities and conservation bodies, in the exercise of their functions, to take steps to secure ' the preservation, maintenance and re-establishment of sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat..'

### Reptiles

All four of the widespread British species of reptile, including the Common Lizard *Lacerta vivipara*, Slow-Worm *Anguis fragilis*, Grass Snake *Natrix natrix* and Adder *Vipera berus*, are Species of Principal Importance in England. They are protected under Schedule 5 (Sections 9.1, 9.5a, 9.5b) of the Wildlife & Countryside Act 1981 (as amended) from intentional killing, injury and trade. The habitat of the four widespread reptiles is not legally protected; however the replacement of habitat lost through development may be required through the planning system. Mitigation for these species is not subject to licensing by Natural England but should nonetheless be planned to minimise disturbance.

The Smooth Snake *Coronella austriaca* and the Sand Lizard *Lacerta agilis* are the rarest reptile species in Britain. In addition to the protection that is afforded to the widespread species of reptile listed above, these species are protected further under Schedule 5 (Sections 9.4b and 9.4c) of the Wildlife and Countryside Act 1981 (as amended). They are also European Protected Species protected under the Habitat Regulations 2017 (as amended). This legislation makes it an offence to:

- Intentionally or deliberately kill, injure or capture Sand Lizards or Smooth Snakes;
- Intentionally, deliberately or recklessly disturb Sand Lizards or Smooth Snakes in such a way as to be likely to significantly affect the ability of any significant group of Sand Lizards or Smooth Snakes to survive, breed, or rear or nurture their young or the local distribution or abundance of either species;
- Intentionally or recklessly damage, destroy or obstruct any place used by Sand Lizards or Smooth Snakes for shelter or protection, or intentionally or recklessly disturb a Sand Lizard or Smooth Snake whilst it is occupying such a place;
- Damage or destroy a breeding site or resting place of a Sand Lizard or Smooth Snake;
- Keep, sell, or exchange Sand Lizards or Smooth Snakes or their eggs; and
- Deliberately take or destroy their eggs

Development proposals affecting Smooth Snake or Sand Lizard require a European Protected Species licence from Natural England.

### Great Crested Newt

The Great Crested Newt *Triturus cristatus* is a Species of Principal Importance in England. It is legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and is afforded significant further protection as a European Protected Species under the Habitats Regulations 2017 (as amended). Collectively, this legislation makes it an offence to:

- Intentionally or deliberately kill, injure or capture Great Crested Newts;



- Intentionally, deliberately or recklessly disturb Great Crested Newts in such a way as to be likely to significantly affect the ability of any significant group of Newts to survive, breed, or rear or nurture their young or the local distribution of or abundance the species;
- Intentionally or recklessly damage, destroy or obstruct any place used by Great Crested Newts for shelter or protection, or intentionally or recklessly disturb a Great Crested Newt whilst it is occupying such a place;
- Damage or destroy a breeding site or resting place of a Great Crested Newt; and
- Possess, sell or transport a Great Crested Newt, or anything derived from it.

Development proposals affecting the Great Crested Newt require a European Protected Species licence from Natural England. Intentional or reckless behaviour leading to an offence being committed as detailed above may result in maximum penalties of:

- Up to £5,000 fine per offence committed;
- A custodial sentence of up to six months instead of, or in addition to, a fine; and/or
- Items of equipment involved in committing the offence may be seized and detained.

In addition to the above penalties, it is likely that any European Protected Species mitigation Licence (EPSL) obtained for a site will be revoked whilst any wildlife offence is investigated. This will lead to immediate temporary and, depending on investigation outcomes, possible permanent restrictions on site works, as well as associated cost.

### **Species of Principal Importance in England**

943 species have been identified as being of Principal Importance in England for the conservation of biodiversity under Section 41 (S41) of the NERC Act 2006. This list of species includes species found in England which have been identified as requiring action under the now superseded UK Biodiversity Action Plan 2007 (plus the Hen Harrier). While these species may not be legally protected, there is a clear responsibility on planning authorities to further their conservation. These species can be a material consideration in development control decisions and so developers are advised to take reasonable measures to avoid or mitigate impacts to prevent the net loss of these species and habitats and to enhance them where possible.

### **Invasive Non-Native Species**

There are a number of species not ordinarily resident to the UK. Those which pose a significant threat to our ecology and economy are listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended). For an offence to be committed, a species must be released or allowed to escape into the wild. For example, if a plant listed on Schedule 9 is not adequately controlled by a landowner, once they are aware that it is present, and the species is allowed to spread into adjoining areas, then this could constitute an offence.



## Appendix 6: Author Qualifications

### **Adam West, Principal Ecologist**

*BSc (Hons) Animal and Wildlife Management, ACIEEM.*

Adam joined JCA to lead the expanding ecology department. Having returned to education as a mature student, Adam studied Countryside Management for two years before undertaking a Bachelor's degree in Animal and Wildlife Management, for which he was awarded First Class Honours. Adam has many years' experience in ecological consultancy, working on projects ranging from individual planning applications to national infrastructure projects. Adam holds a Natural England Level 1 great crested newt survey class licence and a Natural England Level 2 bat survey class licence.

### **Rebecca Petch-Smith, Graduate Ecologist**

*MBiol (Hons) Zoology*

Rebecca joined JCA in 2025 after spending 18 months in the teaching industry. Prior to this she graduated from the University of Leeds with a 2:1 Honours Integrated Master's degree in Zoology. As part of her degree programme, Rebecca spent time in Kenya conducting surveys on African ungulates. Rebecca began assisting on bat emergence surveys in 2024, after which, she gained employment as a Graduate Ecologist at JCA Ltd. She is currently conducting Preliminary Ecological Appraisals, Bat Scope Surveys and Biodiversity Net Gain Assessments and working towards her protected species licence.

### **Alex Donovan, Assistant Ecologist**

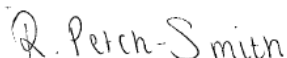
*MBiol BSc (Hons) Biology (Industrial).*

Alex joined JCA in 2023 after graduating from the University of Leeds with a First Class Honours Integrated Master's degree in Biology, including an industrial placement year working in the Uplands Research Department of the Game and Wildlife Conservation Trust. Alex is a CIEEM Qualifying Member, and a member of the BTO's Bird Ringing Scheme and Nest Record Scheme. Alex holds Natural England licences for barn owls (CL29) and great crested newts (level 1, CL08), and is working towards additional survey licences for bats and white-clawed crayfish.



The information and advice which we have prepared and provided is true and has been prepared and provided in accordance with the CIEEM's Code of Professional Conduct. We confirm that the opinions expressed are our true and bona fide opinions.

Author



.....  
Rebecca Petch-Smith *MBIOL BSc (Hons)*

06/10/2025

Reviewed by



.....  
Alex Donovan *MBIOL BSc (Hons)*

08/10/2025

For and on behalf of **JCA Ltd**

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## ECOLOGICAL SERVICES

### Ecological Pre-Planning Services

- Phase 1 Habitat Surveys
- Great Crested Newt eDNA Sampling
- Protected species: Bat, Wintering and Nesting Bird, Badger, Amphibian, Otter, Water Vole, White-Clawed Crayfish, Dormice and Reptile Surveys.
- Preparation for Environmental Impact Assessment (EIA)
- Invasive Species Surveys
- Code for Sustainable Homes
- Butterfly & Insect Surveys

### Ecological Post-Planning Services

- Biodiversity Enhancement Plans
- Protected Species Mitigation
- Ecological Management (Bat and Bird box installation and inspection)
- Planting Schemes
- Monitoring of bird or bat boxes.

## ARBORICULTURAL SERVICES

### Guidance for Architects & Developers

- British Standard 5837 Surveys
- Arboricultural Implications Assessments (AIA)
- Arboricultural Method Statements (AMS)

### Advice for Engineers, Loss Adjusters and Insurers

- Tree Surveys for Subsidence
- Heave Assessment
- Tree Root Identification

### Advice for Local Authorities and Social Housing

- Tree Safety Surveys
- Specialist Decay Detection
- Landscape and Orchard Design

### Tree Advice for the Legal Profession

- Subsidence Litigation
- Personal Injury and Accident Investigation
- Expert Witness, Planning Inquiries and Appeals

### Veteran Tree Management

- Ancient Woodland Management
- Veteran Tree Management

### Tree Health and Pest and Disease Management

- Pest and Disease Surveys
- Tree Health Checks
- Disease Mitigation and Control



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