Brooks Ecological
Grounded advice

West House, Gomersal



Preliminary Ecological Appraisal Report

Report Ref. ER-7560-01C

11/05/2025

Empire Real Estate Development Ltd

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Report duration	In accordance with CIEEM (2019), unless otherwise stated the findings of this report remain valid for a period of 18 months. After this period advice should be sought on the scope of any updating work required.

Ref.	**Date**	**Amended by**	**QA**	**Notes**
ER-7560-01A	26/11/2025	CF	CS	Changes to red line boundary
ER-7560-01B	12/12/2025	CF	-	Minor amendments to red line boundary
ER-7560-01C	06/01/2025	CF	JB	Amendments to red line boundary

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Summary

This report is produced to inform Empire Real Estate Development Ltd of potential ecological constraints associated with their proposed development site and the need for further reporting or output to support a planning application.

This report is based on a desk study of designated wildlife sites and records of protected or notable species, and an extended Phase 1 Habitat Survey carried out in April 2024.

Key Findings

The Site encompasses the grounds of West House. No habitats of higher distinctiveness have been identified, with medium distinctiveness habitats concentrated along the Site boundaries.

Biodiversity Net Gain

Details on measurement of the Site's biodiversity and the implications of complying with the requirement to provide a net gain for biodiversity are provided in our separate report ER-7560-04A.

Further surveys

Surveys have been recommended, and since carried out, for great crested newt. Further survey will be required to determine the presence or likely absence of roosting bats within any trees should they be impacted by proposals.

Introduction

1. Brooks Ecological Ltd was commissioned by Empire Real Estate Development Ltd to carry out a Preliminary Ecological Appraisal (PEA) of land at West House, Gomersal, grid ref. SE204269.

2. This report is produced with reference to British Standard BS:42020 'Biodiversity Code of Practice for Planning and Development' and the CIEEM (2017) Guidelines for Preliminary Ecological Appraisal.

Purpose of a PEA

3. A PEA is an *initial assessment* of the baseline for a proposed development site and establishes whether the Site is likely to be constrained by ecology, and whether more information is needed to identify the ecological baseline.

4. The subsequent Preliminary Ecological Appraisal Report (PEAR) is intended to give guidance to a developer and assist with the early stages of project planning and design. Where a site is not complex or constrained, and no additional ecological input is necessary, the PEAR *may* be sufficient and suitable to support a planning application.

5. Biodiversity Accounting metrics are used separately to quantify the value of a Site in Biodiversity Units, which helps in the later stage of assessing the ecological impacts of the proposed development. This process is set out separately in the Biodiversity Gain Report which accompanies this PEAR.

Proposals/Reason for PEA

6. The PEA has been commissioned to inform proposals to develop this Site for housing.

The Site

7. The application site 'the Site' comprises the grounds of West House. For the purposes of metric calculations, the Site area has been measured using GIS against the provided red line boundary as 1.02ha, along with an additional 0.60ha within the wider blue line boundary.

Figure 1 The Site (red and blue line boundaries).



Desk Study

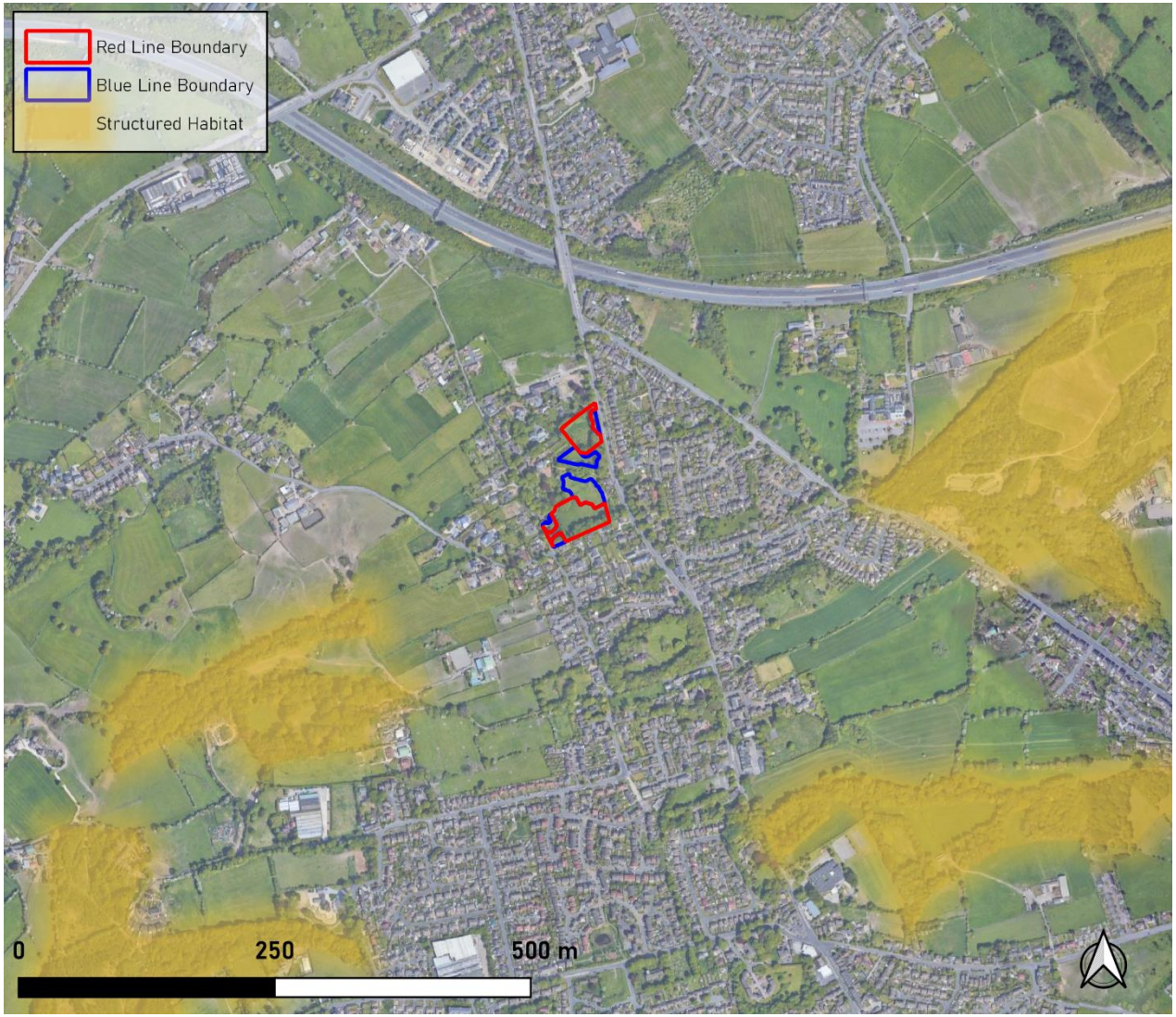
Landscape

8. The Site is bound to the north, west and south by housing, with the busy A651 to the east. Beyond these immediate boundaries, to the north, residential development and agricultural fields give way to the M62, a major barrier to dispersal from the wider landscape beyond. Elsewhere urban development associated with Gomersal leads onto mixed-use farmland, interspersed with woodland pockets and small hamlets.
9. Given the improved nature of the Site, underlying ground conditions are unlikely to have an impact of habitats present.

Wildlife Corridors

10. The Site does not form part of, nor does it lie adjacent to, any large-scale potential wildlife corridors.
11. The local network of hedgerows forms linear features that could provide scope for faunal dispersal throughout the surrounding landscape, though these share no functional links with the Site.

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



Designations

12. The assessment uses a 2km area of search around the Site for records of protected and notable species and locally or nationally designated wildlife sites.

Statutory Designations

13. A search has been made to identify any nationally designated sites within a 2km radius of the Site, or internationally designated sites within a 10km radius. The results are shown in the below table.

Table 1 Statutory Designated Sites.

Site Name	Distance from Site	Designation	Summary Interest
Oakwell Park	540m E	Local Nature Reserve (LNR)	An urban fringe site, designated for its woodland and wildflower grassland, partly established on reclaimed colliery.

14. Impacts on Oakwell Park LNR, as a result of this development, are considered unlikely given the sites distance and separation.

SSSI Impact Risk Zones (IRZs)

15. The Site does not fall into any SSSI IRZs.

Non-Statutory Designations

16. There are two Local Wildlife Sites (LWS) within the search area:
    - Oakwell Park LWS – Also a designated LNR, located 540m east.
    - Hunsworth Little Wood LWS – located c.1.8km west.
17. Direct and indirect impacts on these sites as a result of this development are unlikely due to the Site's separation and distance.

Nature Improvement Area

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

Wildlife Habitat Network

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

Granted EPSM Licences

20. Two granted European Protected Species Mitigation (EPSM) licences appear within 1km of the proposed development, both of which permit the destruction of common pipistrelle resting places.
    - EPSM2012-5116 – located c.500m north (2012-13).
    - 2014-6160-EPS-MIT – located c.900m northwest (2015-20).

Mapped Ancient Woodland and Trees

21. There is no mapped ancient woodland (AW), Plantation on an Ancient Woodland Site (PAWS) or Ancient or Veteran Tress within proximity the Site.

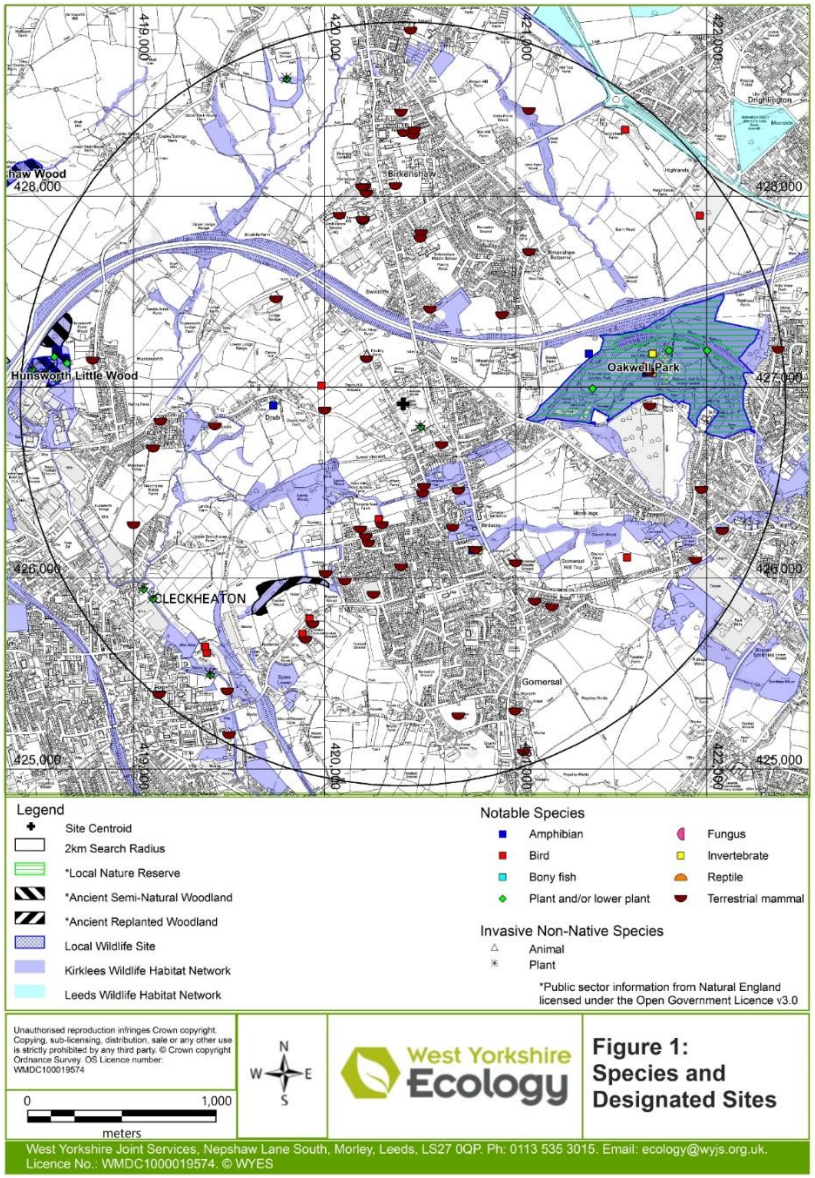
Mapped Priority Habitat

22. Habitat in the following categories is mapped within the Site boundaries:
    - Deciduous Woodland
23. Its mapped extent is shown in Figure 3 overleaf. The habitat appears to have been mapped according to satellite imagery, not following any particular habitat features or reflecting the situation on the ground. Its mapped extent includes primarily modified grassland, a handful of trees and tree lined avenue, none of which represent the priority habitat Deciduous Woodland. Habitats are discussed further in the Habitat Appraisal section of this report.

Figure 3 Priority Habitat Inventory mapped in relation to the Site; Defra's Magic Map Application.



Figure 4 Records of designated sites and notable species within 2km of the Site; West Yorkshire Ecology.



Survey

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

25. Although out of the main growing season, the nature of habitats present here, and the expertise and training of the surveyor meant that it was still possible to confidently classify the type and condition of habitats present on this Site.

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

27. Whilst the majority of the Site was accessible, at least 10% of the Site was inaccessible due to very dense vegetation, which could not be closely inspected. This could have concealed invasive species or protected species evidence.

Habitat Appraisal

28. The Site's habitats are described in order on the following pages. In line with the requirement to provide information on Biodiversity Net Gain (BNG), habitats are named in accordance with the UK Habitats classification system. We have used the UK Habitats v2.01 guidance in identifying habitats. Habitat descriptions are divided into the 'distinctiveness' categories used in the calculations presented in the Biodiversity Gain Assessment, with more weight being afforded the more distinctive/important habitats.

29. Generally, the following apply to each tier of distinctiveness, although some authorities might highlight some lower distinctiveness habitats as having a higher importance locally. Where relevant we have highlighted these.

Very Low Distinctiveness Habitats

30. Habitats of little or no habitat value, i.e., lacking any significant native vegetation, but could still provide supporting habitat for protected or notable fauna such as birds or bats. In the context of BNG, their areas are included in calculations, but mitigation or compensation is not required.

Low Distinctiveness Habitats

31. Habitats which are ubiquitous, often which have been created or modified intentionally. They tend to lack diversity of species and structure. They are unlikely to support notable flora but could still provide supporting habitat for protected or notable fauna. In the context of BNG, they are included in calculations, but compensation/mitigation needs only to provide habitat of similar or higher distinctiveness.

Medium Distinctiveness Habitats

32. Habitats which are common but provide a higher level of structural and species diversity. Though unlikely to support more notable assemblages, species of interest could be present here and they are more likely to be important supporting habitat to fauna. In the context of BNG, mitigation needs to provide habitat of the same broad habitat type, or that of higher distinctiveness.

High Distinctiveness Habitats

33. Habitats which are more natural and contain more important assemblages of plants and potentially species which are rare in their own right. They will provide good habitat for fauna. These habitats are likely to be targeted as conservation priorities and will be the subject of additional policy guidance or legislation. In the context of BNG, whilst mitigation or compensation for loss or damage is possible, provision of more of the same type of habitat would be required, which (with a few exceptions) is likely to be difficult.

Very High Distinctiveness Habitats

34. These are the UK's rarest/best habitats. They will be present in very particular locations and a range of rare or important plant and animal species will depend on the particular conditions they provide. These habitats will be the subject of restrictive policy guidance or legislation. Whilst the BNG metric does not preclude mitigation or compensation in respect of these habitats, creation of the same habitat type would be required, and this would range between very difficult/expensive and impossible.

Irreplaceable Habitats

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

36. Each habitat is mapped and an area for each type is provided in the format of the Statutory Biodiversity Metric Calculation Tool. The areas can be used to quantify the impacts of development in an Ecological Impact Assessment if this is required by the Local Planning Authority.

[1] This Report has been prepared during May 2025 following a visit to the Site in April 2024, and our findings are based on the conditions of the Site that were reasonably visible and accessible at that date. We accept no liability for any areas that were not reasonably visible or accessible, nor for any subsequent alteration, variation, or deviation from the Site conditions which affect the conclusions set out in this report.

On-site - Habitats

Figure 5 Approximate location and extent of these habitats.



Table 2 Summary – On-site Habitats

UK Habitats	Label Ref	Summary Description	Distinctiveness
Developed land; sealed surface	-	Pavement along Oxford Road.	Very Low
Modified grassland	MG	Two moderately sized fields of species poor semi-improved neutral grassland bisected by the access road. The sward is maintained to a relatively uniform height and hadn't been cut for some time prior to survey. Perennial rye-grass is abundant, alongside Yorkshire fog, cock's-foot, red fescue and creeping bent, with less frequently encountered meadow foxtail. Forbs include abundant creeping buttercup, bulbous buttercup, ribwort plantain, white clover, ragwort, common sorrel, broadleaved dock, spear thistle and forget me not. An average of 6 species per m^2 are recorded. Beneath the shade of adjacent woodland, species include wood avens, burdock, wild garlic and fringe cups.	Low
Tall forbs	TF1	A strip of tall forbs that have established beneath the canopy of oversailing trees. Species include frequent bramble and nettle, alongside locally abundant wild garlic, cleavers, wood avens, cow parsley, hogweed and occasional bluebell.	Low
Urban trees	-	A number of trees distributed along the Site boundaries. Ages range from young to mature with species including sycamore, lime, beech, oak, cherry and horse chestnut. All appeared to be in fine condition with no adverse impacts on tree health by human activities. Cavities were noted in some mature specimens.	Medium
Other woodland; broadleaved	W1	Set along the Site's eastern boundary with the A651. Canopy species include beech, sycamore, horse chestnut and cherry. The woodland lacks an understory, with ground flora consisting of locally abundant wild garlic, frequent nettles and bramble, wood avens, ivy, cleavers, rosebay willowherb, cow parsley and occasional bluebell. No coppice regrowth is noted with only a single age class present. Trees appear healthy with no browsing pressure. Deadwood is found rarely.	Medium
	W2	Located along the Site's southern boundary. Largely consistent with W1. Signs of nutrient enrichment are more pronounced here, with dense stands of nettle found frequently. Burdock, fringe cups and green alkanet are noted within the ground layer.	Medium

On-site - Habitats

Figure 6 Typical view of MG habitat.



Figure 7 Typical view of TF habitat.



Figure 8 Typical view of individual trees found across the Site.



Figure 9 Typical view of W1.



Figure 10 Typical view of W2.



Off-site - Habitats

Figure 11 Approximate location and extent of these habitats.



Table 3 Summary – Off-site Habitats.

UK Habitats	Label Ref	Summary Description	Distinctiveness
Modified grassland	MG	As described in Table 2.	Low
Urban trees	-	As described in Table 2.	Medium
Other Woodland; broadleaved	W2	As described in Table 2.	Medium
	W1	As described in Table 2.	
Ponds (non-priority habitat)	P1	A naturalised pond established in the grounds of West House, surrounded by modified grassland and partly shaded by adjacent trees. Water quality appears fine with low turbidity. The pond is not connected to other waterbodies, being naturally fed. Marginal vegetation is dominated by reedmace along with occasional rosebay willowherb and yellow iris, and rarely marsh marigold and cuckoo flower. No duckweed, filamentous algae or invasive species are noted.	Medium

Figure 12 View of Pond 1 (P1).



Faunal Appraisal

37. The following pages discuss only the groups and species that could be reasonably expected to be found on the type of habitats present on, or adjacent to, the Site.

Amphibians

Desk evidence

38. Five ponds appear on mapping within 500m of the proposed development, Ponds 1 & 2 set within the grounds of West House, Pond 3 within gardens to the north and Ponds 4 & 5, located c.250m northeast and c.500m southwest respectively.

39. Records have been returned for common frog, common toad and smooth newt, none of which relate directly to the Site. Two field records have been returned for great crested newt (GCN), located c.650m west (2018) and c.950m east (2015).

Field Evidence

40. Pond 1 provides suitable breeding habitat within the Site's blue line boundary, with Ponds 2 & 3 nearby offering suboptimal habitat being ornamental and likely stocked with fish. Ponds 4 & 5 are considered suitably separated from the Site by urban development.

41. The Site offers suitable terrestrial habitat within unkept tall grassland and boundaries, with stored construction materials and brash piles providing suitable refugia/hibernacula.

Summary Evaluation

42. The Site offers both suitable breeding and terrestrial habitat for GCN, recorded within 650m of the Site. Further survey will be required to establish their presence/likely absence from the-site.

Further Surveys and Recommendations

43. eDNA survey of Ponds 1 & 2, carried out in May 2024 (report ref. SI-7560-01), returned a negative result for GCN DNA in both. As such, it can be reasonably concluded that GCN are likely absent from the Site.

Figure 13 Ponds and GCN records mapped in relation to the Site.



Bats

Desk evidence

44. Just under one hundred bat records have been returned for the search area, thirty-five of which relate to roosts of common pipistrelle, noctule, Leisler's and several unspecified species. The majority of roost records originate over 500m from the Site, with the closest being a vesper species roost of 35 adults, located c.490m north along Swincliffe Crescent (2005).

45. Additional species recorded as active in the area include Brandt's, Daubenton's, brown long-eared bat and soprano pipistrelle.

Field Evidence (Roosting)

46. There are no buildings on-site.

47. Due to the number of trees on-site it was not feasible to undertake detailed roost suitability assessment of these individually at this stage.

Field Evidence (foraging and commuting)

48. The Site presents a relatively isolated parcel of land, set within Gomersal. Activity is likely to be predictable, limited to small numbers of urban tolerant species, foraging along tree lined boundaries.

49. The Site does not form part of any apparent network of habitat which could provide key commuting habitat locally, with the immediately surrounding area being built up. The woodland boundaries will however facilitate the movement of bats on a smaller scale.

Summary Evaluation

50. The Site's location, surrounded by residential development, suggests that it will not be important to this group, with activity likely limited to small numbers of bats forging along the wooded boundaries.

Further Surveys and Recommendations

51. It is recommended that once plans are fixed, and the full extent of tree works are known, a dedicated bat roost suitability assessment is undertaken on any trees scheduled for removal or major pruning works.

52. Bat activity on-site is predictable, likely to be limited to low-level foraging activity along tree lined boundaries. Given this and Site's isolated nature, being surrounded by built development, no further survey is deemed necessary to demonstrate the current baseline with regards to bats.

53. A sensitive lighting plan should be implemented showing how light spill will be avoided/limited on boundary habitats favoured by bats.

Birds

Desk Evidence

54. A number of records have been returned, the majority relating to farmland and woodland pockets surrounding Gomersal. No records relate to the Site or its zone of influence.

Field Evidence

55. The Site provides suitable nesting habitat. It is likely to support a small number of garden/urban fringe bird territories, the displacement of which will not be significant.

56. A small number of common bird species were noted during the survey including wood pigeon, blackbird and blue tit.

Summary Evaluation

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

Further Surveys and Recommendations

58. No further surveys are considered necessary to demonstrate current baseline in respect of birds.

59. Standard precautions apply in respect of restrictions on clearing vegetation during the nesting season.

Badgers

Desk evidence

60. There are no badger records within 200m of the Site, with the closest known sett being over 1.5km away.

61. The Site falls outside the area of increased probability of badger activity.

Field Evidence

62. The Site provides some potential habitat for sett building within boundary woodland, however the Site's location makes their presence here somewhat unlikely.

63. No evidence of badger was found during survey.

Summary Evaluation

64. Given the lack of records locally and Sites isolated location, subject to regular disturbance, it is deemed unlikely that badger will establish setts on-site

Further Surveys and Recommendations

65. No further surveys are considered necessary.

Hedgehogs (NERC Act 2006/Local BAP)

Desk evidence

66. Hedgehogs are recorded within the search area.

Field Evidence

67. No evidence of hedgehogs was found on site.

Summary Evaluation

68. The Site provides suitable habitat for this species and measures to allow them to access gardens need to be planned for.

Further Surveys and Recommendations

69. Presence assumed; no further surveys are considered necessary.

Reptiles

Desk evidence

70. No reptile records have been returned for the search area.

Field Evidence

71. The Site provides some marginal cover habitat but lacks the mosaic of habitats favoured by this group.
72. No field evidence was found.

Summary Evaluation

73. Given the lack of records locally and suboptimal habitat present on-site, reptiles are assessed as likely absent from the Site.

Further Surveys and Recommendations

74. No further surveys or precautions are considered necessary.

Invasive Non-Native Species (INNS)

75. INNS are species listed on Schedule 9 of the Wildlife and Countryside Act (1981), for which it is an offence to cause or allow it to grow in the wild.

76. The following INNS were noted during survey[2]:

    - Rhododendron species – Found within gardens off-site to the west.

Survey constraints

77. This survey is constrained by the presence of areas that were inaccessible due to the density of vegetation.

78. It is not always possible to conclude absence from preliminary survey alone due to factors such as season, accessibility, third-party attempts to hide evidence, or undisclosed treatment programmes. For this reason, this report should not be relied upon as definitive evidence of absence of INNS.

79. This site presents a small risk of supporting undetected INNS based on the following factors:

    - Areas of site inaccessible to survey
    - Potential for recent earthworks or management which may have obscured viable material

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

[2] Whilst our ecologists are trained in the identification of invasive species, this report is not a dedicated invasive species survey. Detectability of invasive plant species can be affected by several factors, and conclusive determination status, or extent, is not possible through preliminary survey alone. As the presence of invasive species can generate significant costs to development, the client may wish to instruct a dedicated invasive species survey prior to entering into contracts.

Ecological Constraints

Habitat Value

81. The usual approach to development is to minimise any net loss of biodiversity towards a gain in biodiversity value where this is possible on-Site. Our separate report on Biodiversity Gain sets out the position of the Site in terms of measured biodiversity.

82. Irrespective of the Biodiversity Gain process, development should still seek to retain what is best about the Site.

83. The plan opposite shows the Site in the context of mapped habitat distinctiveness[3], with the aim of informing the design of any layout. It shows that there are no targets of higher distinctiveness or irreplaceable habitat which would need to be avoided by the proposals.

84. Habitats of Medium distinctiveness, consisting of individual trees and woodland, should (where possible), be retained and protected throughout development. Given the extent of these features, retention in their entirety is unlikely to be possible here alongside development. Where retention cannot be achieved, justification for their loss will be required, and ideally mitigated for on-site.

85. In terms of structure and connectivity, the Site's wooded boundaries will contribute to the disjointed local network. This is of higher value in a local context and should ideally be retained.

86. A Construction Environmental Management Plan (CEMP: Biodiversity) would be useful to define protection measures for retained habitats and notable fauna throughout development and ca be secured by standard condition.

87. Rhododendron was noted occasionally within off-site gardens. This should be contained within gardens and not be allowed to spread onto Site or into the wild.

Faunal constraints

88. Great crested newt (GCN) eDNA survey carried out in May 2024 (report ref. SI-7560-01) returned a negative result. GCN are deemed likely absent from the Site with no further survey recommended at this time.

89. Should they be impacted by proposals any trees scheduled from removal is recommended to ascertain the status of roosting bats.

90. Standard precaution applies with regards to clearing vegetation during the nesting bird season.

Figure 14 Ecological constraints.

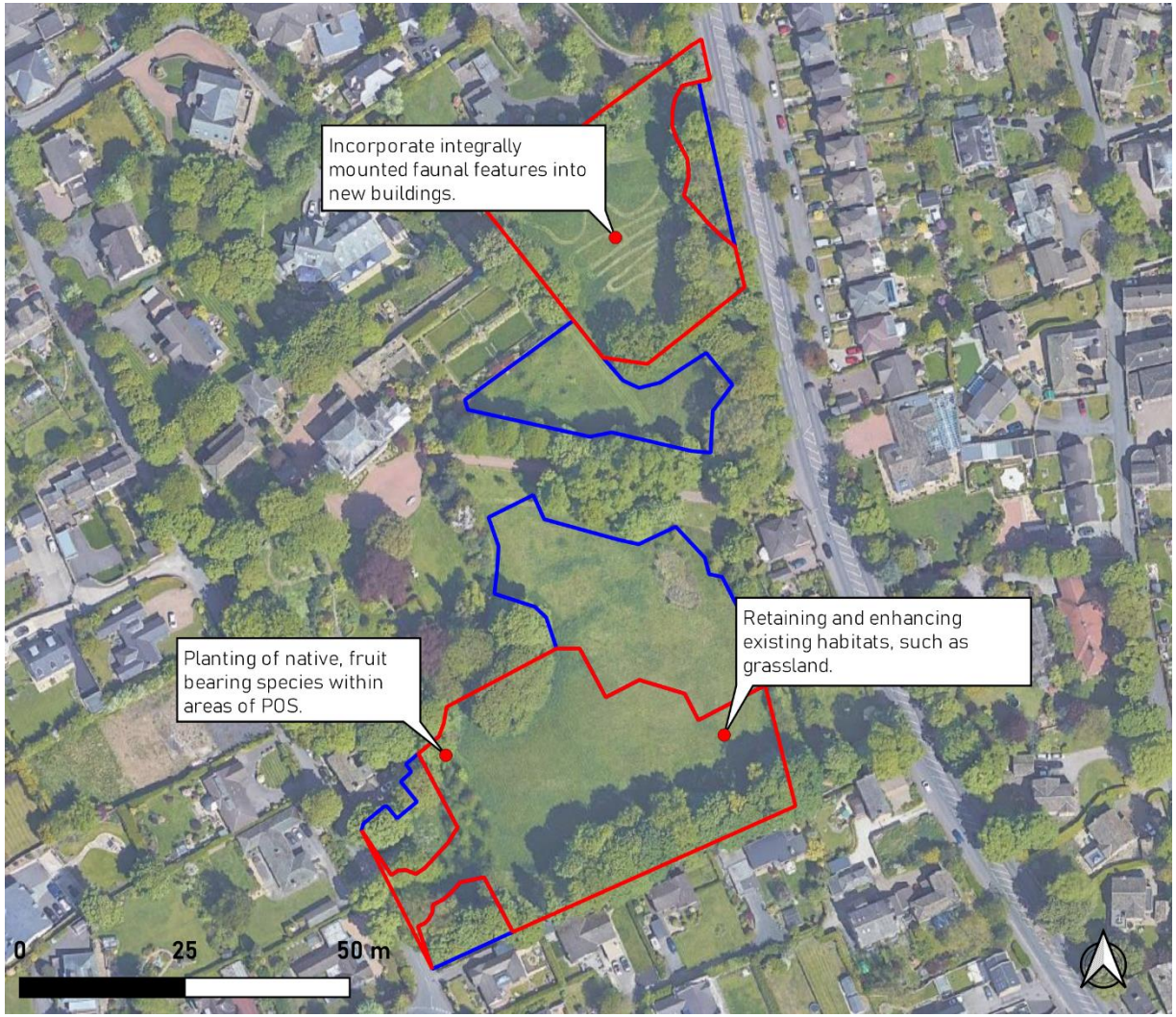


[3] This represents our assessment of the habitat type and condition at the time of survey. This may change if the survey was carried out in sub-optimal season or growing conditions. Where this is the case, we will recommend updating surveys during the optimal season.

Ecological Opportunities

91. Ecological opportunities at the Site relate to:
    - Retaining and enhancing existing habitats, such as grassland, increasing structure, diversity and contributing to the disjointed local network.
    - Planting native, fruit bearing species within areas of POS.
    - Installing roosting or nesting features on new buildings.
92. A Biodiversity Management Plan would be useful in defining these enhancements and can be secured by standard condition.

Figure 15 Ecological Opportunities.



Conclusions and Recommendations

Planning considerations		
Recommendation	**Rationale**	**When**
R1 Additional Surveys		
R1.1 Fauna	GCN eDNA survey of Ponds 1 & 2	Carried out May 2024 (see SI-7560-01)
R2 Produce a layout which minimises loss of biodiversity	Engage with the Constraints and Opportunities set out above, involve your ecologist in designs at an early stage. The proposals will need to consider the NPPF hierarchy of Avoid–Mitigate–Compensate in minimising any loss of biodiversity. Biodiversity Net Gain (BNG) policy mandates a minimum 10% Net Gain in Biodiversity Units, and the LPA may request additional gains. Your layout may need to change to accommodate your findings from R1 surveys.	During the design process
R3 Design	Make sure your design team follows ecological advice to and make sure there are no design conflicts. Produce a habitat retention plan at an early stage which can be used to inform BNG and maximise scores. A habitat retention plan should identify areas which can be excluded from any impacts of clearance and construction. In producing a plan you should consider the need to provide (amongst other things) Site compounds, to store and move materials, to install drainage, flood storage, access and services, all with suitable easements. Decide on the extent of red-line vs blue/black-line land. Minimising the extent of your red line can limit exposure to BNG, but can also leave you needing separate legal agreements to use off-Site land for BNG delivery. Work out at an early stage what is right for your project. Your planning consultant should be able to help with this decision.	During the design process
R4 Biodiversity Net Gain (BNG)	Carry out a BNG Assessment using the Statutory Biodiversity Metric Calculation Tool and accompanying Condition sheets produced by Defra. It is important that the baseline survey is undertaken during the appropriate season for the habitat type being assessed, so as to ensure the accuracy of habitat mapping and calculating condition scores. Where an initial survey is undertaken at a sub-optimal time of year, it is recommended that updating surveys be carried out during the optimal season for that habitat, prior to the BNG assessment being finalised. Failure to do this could mean that the finial Biodiversity score calculated for a project is incorrect, which could then impact on any financial contribution that has been budgeted for to address Biodiversity Offsetting.	During the design process. Baseline survey to be completed during the appropriate season.
R5 Produce a Biodiversity Management Plan	To specify in detail how the development will cater for biodiversity on-Site and to show how habitats incorporated will be managed.	Delivery report Suitable for planning condition
R6 Produce a CEMP (Biodiversity)	To show how the site will be built without affecting surrounding habitats and minimising risk of affecting protected or notable fauna. The CEMP will detail the following protection measures: • Location of Biodiversity Protection zones or fences • Dealing with known or discovered invasive species • Pre- or during- clearance ecology checks for protected species. • Protected/notable species method statements where licensing in not needed. • Nesting bird management	Delivery report Suitable for planning condition

References

Guidelines and Best Practice

British Standards Institution (BSI). 2013. *BS42020 Biodiversity – Code of practise for planning and development.* London: BSI Standards Limited.

Chartered Institute of Ecology and Environmental Management (CIEEM). 2019. *Advice note: on the lifespan of ecological reports and surveys.* Winchester: Chartered Institute of Ecology and Environmental Management. [Online]. Available from: https://cieem.net/resource/advice-note-on-the-lifespan-of-ecological-reports-and-surveys/

Chartered Institute of Ecology and Environmental Management (CIEEM). 2017. *Guidelines for Preliminary Ecological Appraisal (2nd edition).* Winchester: Chartered Institute of Ecology and Environmental Management. [Online]. Available from: https://cieem.net/resource/guidance-on-preliminary-ecological-appraisal-gpea/

Hill, D. et al. 2005. *Handbook of Biodiversity Methods: Survey, Evaluation and Monitoring*. Cambridge: Cambridge University Press.

Institute of Environmental Assessment. 1995. *Guidelines for baseline ecological assessment.* London: E & FN Spon.

Joint Nature Conservation Committee (JNCC). 2010. *Handbook for Phase 1 habitat survey – A technique for environmental audit (revised).* Peterborough: Joint Nature Conservation Committee (JNCC). [Online]. Available from: https://hub.jncc.gov.uk/assets/9578d07b-e018-4c66-9c1b-47110f14df2a

Ratcliffe, D.A. 1977. *A Nature Conservation Review.* Cambridge: Cambridge University Press on behalf of the Nature Conservancy Council and the Natural Environment Research Council.

UK Hab Ltd. 2023. *The UK Habitat Classification Version 2.0*. Stockport : UKHab Ltd. [Online]. Available from: https://ukhab.org/ukhab-documentation/

Desk Study

Bat Tree Habitat Key (BTHK). 2018. *Bat Roosts in Trees – A Guide too Identification and Assessment for Tree-Care and Ecology Professionals.* Exeter: Pelagic Publishing.

Collins, J. 2023. *Bat Surveys for Professional Ecologists: Good Practise Guidelines (4th edition).* London: The bat Conservation Trust.

English Nature. 2001. *Great Crested Newt Mitigation Guidelines.* Peterborough: English Nature. [Online]. Available from: https://mokrady.wbs.cz/literatura_ke_stazeni/great_crested_newt_mitigation_guidelines.pdf

Fay, N. 2007. *Defining and Surveying Veteran and Ancient Trees.* [Online]. Available from: https://www.treeworks.co.uk/downloads/publications/DEFINING_AGE_AND_SURVEYING_VETERAN_AND_ANCIENT%20TREESa.pdf

Gent, T. and Gibson, S. 2003. *Herpetofauna Workers' Manual (revised reprint).* Peterborough: Joint Nature Conservation Committee (JNCC). [Online]. Available from: https://hub.jncc.gov.uk/assets/9d7da8c4-9d76-4b65-8263-6b925b3433a4

Mitchell-Jones, A.J. and McLeish, A.P. 2004. *Bat Workers Manual (3rd Edition).* Peterborough: Joint Nature Conservation Committee (JNCC). [Online]. Available from: https://hub.jncc.gov.uk/assets/e5888ae1-3306-4f17-9441-51a5f4dc416a

Natural England. *MAGiC.* [Online]. [Accessed 16th January 2024]. Available from: https://magic.Defra.gov.uk/MagicMap.aspx

Oldham, R.S., Keeble, J., Swan, M.J.S. & Jeffcote, M. 2000. Evaluating the suitability of habitat for the Great Crested Newt (Triturus cristatus). *Herpetological Journal.* **10**(4), pp. 143-155. [Online]. Available from: https://www.thebhs.org/publications/the-herpetological-journal/volume-10-number-4-october-2000/1617-03-evaluating-the-suitability-of-habitat-for-the-great-crested-newt-triturus-cristatus/file

Reason, P.F. and Wray, S. 2023. *UK Bat Mitigation Guidelines: a guide to impact assessment, mitigation and compensation for developments affecting bats*. Version 1.1. Ampfield: Chartered Institute of Ecology and Environmental Management. [Online]. Available from: https://cieem.net/wp-content/uploads/2023/09/Bat-Mitigation-Guidelines-2023-V1.1.pdf

West Yorkshire Ecology Service. 2024. *West House Gomersal Cleckheaton BD19 4AU*: West Yorkshire Joint Services.

Legislation and Strategy

Department for Environment, Food and Rural Affairs (DEFRA). 2011. *Biodiversity 2020: A strategy for England's wildlife and ecosystem services.* London: Her Majesty's Government. [Online]. Available from: https://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services

Kirklees Council. 2024. *Other policies and strategies: Biodiversity.* Huddersfield, West Yorkshire: Kirklees Council. [Online]. Available from: https://www.kirklees.gov.uk/beta/delivering-services/policies-and-strategies.aspx

Joint Nature Conservation Committee (JNCC). *UK Biodiversity Indicators 2023.* Peterborough: Joint Nature Conservation Committee (JNCC). [Online]. Available from: https://jncc.gov.uk/our-work/uk-biodiversity-indicators-2023/

Government Circular 06/05: Office of the Deputy Prime Minister (ODPM) 2005. *Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System.* London: Her Majesty's Government. [Online]. Available from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7692/147570.pdf

House of Commons, Environment, Food and Rural Affairs Committee. 2011. *Natural Environment White Paper.* London: Her Majesty's Government. [Online]. Available from: https://www.parliament.uk/globalassets/documents/commons-committees/environment-food-rural-affairs/NEWPConsolidatedWrittenEvidenceNov11.pdf

Ministry of Housing, Communities & Local Government. 2024. *National Planning and Policy Framework.* London: Her Majesty's Government. [Online]. Available from: https://assets.publishing.service.gov.uk/media/675abd214cbda57cacd3476e/NPPF-December-2024.pdf

Natural Environment and Rural Communities Act 2006. (c.61, Part 3, Section 41). London: Her Majesty's Government. [Online]. Available from: https://www.legislation.gov.uk/ukpga/2006/16/section/41#:~:text=41Biodiversity%20lists%20and%20action%20(England)&text=(1)The%20Secretary%20of%20State,%5BF1or%20enhancing%5D%20biodiversity

The Conservation of Habitats and Species Regulations 2010. (No. 490). London: Her Majesty's Government. [Online]. Available from: https://www.legislation.gov.uk/uksi/2010/490/contents/made

The Statutory Biodiversity Metric User Guide. 2024. London: Department for Environment, Food and Rural Affairs (Defra). [Online]. Available from: https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides

UK Statutory Nature Conservation Bodies (SNCBs). 2018. *Favourable Conservation Status : UK Statutory Nature Conservation Bodies Common Statement.* Peterborough: Joint Nature Conservation Committee (JNCC). [Online]. Available from : https://hub.jncc.gov.uk/assets/b9c7f55f-ed9d-4d3c-b484-c21758cec4fe

Wildlife and Countryside Act 1981. (c.69, Schedule 9). London: Her Majesty's Government. [Online]. Available from: https://www.legislation.gov.uk/ukpga/1981/69/schedule/9

Appendix 5 Legislation (where not stated above)

Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (EC Habitats Directive). London: Her Majesty's Government. [Online]. Available from: https://www.legislation.gov.uk/eudr/1992/43/contents

Council Directive 79/409/EEC on the Conservation of wild birds (EC Birds Directive). London: Her Majesty's Government. [Online]. Available from: https://www.legislation.gov.uk/eudr/1979/409/pdfs/eudr_19790409_1994-07-20_en.pdf

Hedgerows Regulations (1997). London: Her Majesty's Government. [Online]. Available from: https://www.legislation.gov.uk/uksi/1997/1160/contents/made

Natural Environment and Rural Communities Act 2006 (NERC). London: Her Majesty's Government. [Online]. Available from: https://www.legislation.gov.uk/ukpga/2006/16/contents

Protection of Badgers Act (1992). London: Her Majesty's Government. [Online]. Available from: https://www.legislation.gov.uk/ukpga/1992/51/contents

The Countryside and Rights of Way Act 2000 (CRoW). London: Her Majesty's Government. [Online]. Available from: https://www.legislation.gov.uk/ukpga/2000/37/contents

The Ramsar Convention on Wetlands of International Importance (1971). Switzerland: Convention on Wetlands Secretariat. [Online]. Available from: https://www.ramsar.org/sites/default/files/documents/library/original_1971_convention_e.pdf

The Wildlife and Countryside Act (1981) as amended. London: Her Majesty's Government. [Online]. Available from: https://www.legislation.gov.uk/ukpga/1981/69/contents

Appendix 1 Habitats and Ecological Features



Red Line Boundary
Blue Line Boundary

Individual tree Baseline
Existing Large Urban Tree
Existing Medium Urban Tree
Existing Small Urban Tree

Habitat Baseline
Developed land; sealed surface
Modified grassland
Other woodland; broadleaved
Ponds (non-priority habitat)
Tall forbs

Project: West House, Gomersal
Title: Extended Phase 1 Habitat Plan

Drawing Number: DR-7560-01
Date: 06/01/2026
Revision: C

Unit A, 1 Station Road
Guiseley, Leeds
LS20 8BX
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Appendix 2 List of species recorded

Bamboo	*Bambusa sp.*
Beech	*Fagus sylvatica*
Bluebell	*Hyacinthoides non-scripta*
Bracken	*Pteridium aquilinum*
Bramble	*Rubus fruticosus*
Broad leaved dock	*Rumex obtusifolius*
Bulbous buttercup	*Ranunculus bulbosus*
Burdock	*Arctium sp.*
Cherry laurel	*Prunus laurocerasus*
Chickweed	*Stellaria media*
Cleavers	*Galium aparine*
Cock's-foot	*Dactylis glomerata*
Comfrey	*Symphytum officinale*
Common ivy	*Hedera helix*
Common ragwort	*Jacobaea vulgaris*
Common sorrel	*Rumex acetosa*
Cow parsley	*Anthriscus sylvestris*
Creeping bent	*Agrostis stolonifera*
Creeping buttercup	*Ranunculus repens*
Cuckoo flower	*Cardamine pratensis*
Cypress	*Cupressus sp.*
Dandelion	*Taraxacum officinale agg.*
Dogwood	*Cornus sanguinea*
Elder	*Sambucus nigra*
Forget me not	*Myosotis sp.*
Fringe cups	*Tellima grandiflora*
Goat willow	*Salix caprea*
Greater periwinkle	*Vinca major*
Green Alkanet	*Pentaglottis sempervirens*
Hawthorn	*Crataegus monogyna*
Herb robert	*Geranium robertianum*
Hogweed	*Heracleum sphondylium*
Holly	*Ilex aquifolium*
Horse chestnut	*Aesculus hippocastanum*
Marsh marigold	*Caltha palustris*
Meadow foxtail	*Alopecurus pratensis*
Meadowsweet	*Filipendula ulmaria*
Nettle	*Urtica dioica*
Ornamental rose species	*Rosa sp.*
Perennial rye grass	*Lolium perenne*
Perennial sow thistle	*Sonchus arvensis*
Red fescue	*Festuca rubra agg.*
Reedmace	*Typha latifolia*
Rhododendron	*Rhododendron ponticum*
Ribwort plantain	*Plantago lanceolata*
Rosebay willowherb	*Chamerion angustifolium*
Silver birch	*Betula pendula*
Snowberry	*Symphoricarpos albus*
Soft rush	*Juncus effusus*
Spear thistle	*Cirsium vulgare*
Sycamore	*Acer pseudoplatanus*
Timothy	*Phleum pratense*
Tree lily	*Liliaceae sp.*
White clover	*Trifolium repens*
Wild cherry	*Prunus avium*
Wild garlic	*Allium ursinum*
Wild raspberry	*Rubus idaeus*
Wood avens	*Geum urbanum*
Yellow iris	*Iris pseudacorus*
Yew	*Taxus baccata*
Yorkshire fog	*Holcus lanatus*

Appendix 3 Explanatory Notes and Resources Used

Site Context

Aerial photographs published on commonly used websites were studied to place the site in its wider context and to look for ecological features that would not be evident on the ground during the walkover survey. This approach can be very useful in determining if a site is potentially a key part of a wider wildlife corridor or an important node of habitat in an otherwise ecologically poor landscape. It can also identify potentially important faunal habitat (in particular ponds) which could have a bearing on the ecology of the application site. Ponds may sometimes not be apparent on aerial photographs so we also refer to close detailed maps that identify all ponds issues and drains.

Designated Sites

A search of the MAGIC (Multi-Agency Geographic Information for the Countryside) website was undertaken. The MAGIC site is a Geographical Information System that contains all statutory (e.g. Sites of Special Scientific Interest [SSSIs]) as well as many non-statutory listed habitats (e.g. ancient woodlands and grassland inventory sites). It is a valuable tool when considering the relationship of a potential development site with nearby important habitats. In addition, information from the local record holders was referred to on locally designated sites.

Functional linkage with off-Site habitats

When assessing these we consider whether the Site could be functionally linked to them, considering links such as:

- Hydrological links – is the Site upstream downstream, or could ground water issues affect it?
- Physical links – is the site in close proximity and could it be directly or indirectly affected by construction and operational effects? Conversely it may be that despite proximity major barriers separate the two.
- Recreational links – do footpaths and roads make it likely that increased recreational pressure could be felt?
- Habitat links – is the site part of a network of similar habitat types in the wider area? These could be joined by linear corridors or could simply be 'stepping stones' of habitat of similar form or function.

Method

Phase 1 habitat survey methodology (JNCC, 2010). This involves walking the site, mapping and describing different habitats (for example: woodland, grassland, scrub). The survey method was "Extended" in that evidence of fauna and faunal habitat was also recorded (for example droppings, tracks or specialist habitat such as ponds for breeding amphibians). This modified approach to the Phase 1 survey is in accordance with the approach recommended by the Guidelines for Baseline Ecological Assessment (IEA, 1995) and Guidelines for Preliminary Ecological Appraisal (CIEEM 2017).

Faunal Appraisal

This section first looks at the types of habitat found on Site or within the sphere of influence of potential development, then considers whether these could support protected, scarce, or NERC Act 2006 Section 41 species (referred to collectively as 'notable species').

Records of notable species supplied from a 2km area of search by West Yorkshire Ecology Service are used to inform this appraisal.

We discuss further only notable species or groups which could be a potential constraint due to the presence of suitable habitat and their presence (or potential presence) in the wider area. We screen out and do not present accounts of notable species or groups which do not meet these criteria – in some cases it may be necessary to explain this reasoning.

Consideration is given to the Local Biodiversity Action Plan (LBAP), which for this site is the 'Kirklees Biodiversity Action Plan'.

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

Bats

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

Bat Roosting Suitability of Buildings

Suitability	Criteria
None	No habitat features on site likely to be used by any roosting bats at any time of the year (i.e. a complete absence of crevices/suitable shelter at all ground/underground levels).
Negligible	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site, but could be used by individual hibernating bats).
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts, e.g. maternity or classic cool/stable hibernation site.

Bat Roosting Suitability of Trees

Suitability	Criteria
None	Either no PRFs in the tree, or highly unlikely to be any.
FAR	Further assessment required to establish if PRFs are present within the tree.
PRF-I	Potential roost feature suitable to support individual or low numbers of bats
PRF-M	Potential roost feature suitable to support multiple bats and possibly be used by a maternity colony

Evaluation

In evaluating the Site, the ecologist will take into account a number of factors in combination, such as:

- the baseline presented above,
- the Site's position in the local landscape,
- its current management and
- its size, rarity or threats to its integrity.

There are a number of tools available to aid this consideration, including established frameworks such as Ratcliffe Criteria or concepts such as Favourable Conservation Status. Also of help is reference to Biodiversity Action Plans in the form of the Local BAP and Section 41 of the NERC Act (2006) to determine if the Site supports any Priority habitats or presents any opportunities in this respect.

The assessment of impacts considers the generic development proposals from which potential effects include:

- Vegetation and habitat removal
- Direct effects on significant faunal groups or protected species
- Effects on adjacent habitats or species such as disturbance, pollution and severance
- Operation effects on wildlife such as noise and light disturbance

Appendix 4 Bat Activity Survey Rationale

The Bat Conservation Trust Guidelines (BCTG) (Collins 2023) is now widely accepted as providing a basis and rationale for scoping and conducting bat surveys. It is acknowledged that the guidelines provide a wealth of background and are a very useful tool in standardising approaches to survey, it is also felt that an over reliance on some of the guidelines within this document can result in the provision of complicated surveys where they have significant consequences for the cost, or timescale of a large project, but could never deliver positives for bat conservation.

Taking the BCTG document as a whole, Chapter 2 helps the reader understand whether or not surveys are required, and that in the context of planning and development survey is required in relation to ensure;

- the avoidance of legal offences, and;
- the provision of a sufficient level of information – such that will allow the Local Planning Authority to make an informed decision on the proposals and their potential impacts on the Favourable Conservation Status (FCS) of bats.

Attendance at seminars presented by, and discussions with, those involved in production of the BCTG document has emphasised the point that it is within the remit of the consultant ecologist to make a decision on the necessity and scope of surveys – they will use the guidelines in doing so but are not in any way bound by them: this is reflected in Section 1.1 of the guidelines –

'The Guidelines do not aim to either override of replace knowledge and experience. It is accepted that departures from the guidelines (e.g. either decreasing or increasing the number of surveys carried out or using alternative methods) are often appropriate. However, in this scenario an ecologist should provide documentary evidence of (a) their expertise in making this judgement and (b) the ecological rationale behind the judgement. '

Such decisions require a consideration of the potential of the project to impact on bat habitat, alongside analysis of the value of habitat on and around the site and of local records and the likelihood that bats might occur in significant numbers. Our reports aim to present information on how we have arrived at our decision on the Site, what assumptions we have based this on, and where further survey is recommended we indicate what the objective of this survey should be and how best this would be achieved.

Bat activity on-site is predictable, likely to be limited to low-level foraging activity along wooded boundaries. Given this and Site's isolated nature, being surrounded by built development, no further survey is deemed necessary to demonstrate the current baseline with regards to bats.

This assessment was made by Charlie Foreman BSc (Hons) ACIEEM. Charlie has over 6 years of experience carrying out bat surveys in a professional capacity.

Appendix 5 Wildlife Legislation, Policy and Guidance

This is not an exhaustive list but sets out briefly the relevance of Legislation, Policy and Guidance in terms of planning applications and this assessment.

Legislation

Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (EC Habitats Directive).

Provides framework at an international (EU) level for the consideration/protection of European Protected Species (EPS), and habitats through the designation of sites.

Council Directive 79/409/EEC on the Conservation of wild birds (EC Birds Directive) and The Ramsar Convention on Wetlands of International Importance (1971)

Provides framework at an international (EU) level for the consideration/protection of important bird populations and the sites on which they are dependant.

The Conservation of Habitats and Species Regulations (2010)

This transposes the EC Habitats Directive into UK law and provides the basis on which all EPS are protected and impacts on them can be licensed in the UK.

The Wildlife and Countryside Act (1981) as amended

This provides the basis on which UK species are legally protected or restricted and confers protection on Sites of Special Scientific Interest SSSIs. It contains annexes of plants and animals which are legally protected as well as those which are considered to be invasive or harmful. It provides the basis on which impacts on such species can be licensed in the UK and provides controls on work on or near SSSIs.

The Countryside and Rights of Way Act 2000 (CRoW)

Provides a statutory basis for nature conservation, strengthens the protection of SSSIs and UK protected species and requires the consideration of habitats and species listed on the UK and Local Biodiversity Action Plans (UKBAP/LBAP).

Natural Environment and Rural Communities Act 2006 (NERC)

Sets out the responsibilities of Local Authorities in conserving biodiversity. Section 41 of the Act requires the publishing of lists of habitats and species which are "of principal importance for the purpose of conserving biodiversity". At present these largely reflect those making up the UKBAP lists.

Hedgerows Regulations (1997)

Define and provide protection for Important Hedgerows.

Protection of Badgers Act (1992)

Protects badgers from persecution, this includes excavation/development in the proximity of setts.

Protected Sites

Statutory EU/International Protected Sites

Special Areas of Conservation (SACs); and Special Protection Areas (SPAs) and Ramsar Sites contain examples of some of the most important natural ecosystems in Europe. Work on or near these sites is strictly protected and Local Authorities will be expected to carry out 'Appropriate Assessment' of development in proximity of them. In this case there is often an increased burden on the developer in relation to provision of information and assessment.

Statutory UK Protected Sites

Local Nature Reserves (LNRs); National Nature Reserves (NNRs); Sites of Special Scientific Interest (SSSIs) all receive strict protection under UK legislation. Work in or in proximity to these sites would be restricted with any needing to be agreed with Natural England. Natural England now provide guidance on the nature of development which could impact on SSSIs through Impact Risk Zones.

Locally Protected Sites

Local Authorities have a variety of protected wildlife sites designated at a local or regional level. These are gradually being brought under the banner of Local Wildlife Sites (LWS) but at present a plethora of different designations exist – all subject to local policy.

Protected Species

European Protected Species

A number of species (most relevantly bats, great crested newts [GCN], and otters) receive strict protection from killing, injury and disturbance under The Conservation of Habitats and Species Regulations (2010). Protection is also conferred on the habitats on which they rely such as roost space in the case of bats and ponds and fields etc. in the case of GCN.

UK Protected Species

A number of species (including bats, GCN, watervole and white clawed crayfish) are strictly protected under The Wildlife and Countryside Act (1981) as amended, from killing, injury, disturbance and damage or destruction of their resting places etc. Certain species (such as reptiles) and some birds (such as barn owl) receive partial protection e.g. at certain times of the year or form certain activities only. All nesting bird species are protected from damage or destruction of their nests – whilst active.

Invasive species

Schedule 9 of the Wildlife and Countryside Act (1981) as amended,

Lists these species and makes it an offence to cause or allow their spread in the wild. This often has impacts on development and planning in relation to the presence of invasive plant species such as: Himalayan balsam (*Impatiens glandulifera),* Japanese knotweed (*Reynoutria japonica*), and giant hogweed *(Heracleum mantegazzianum*).

Planning Policy/Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework was updated in December 2024. The most relevant paragraphs from the NPPF are set out below.

The approach to assessing the natural environment is now embedded within the definition of what 'sustainable development' is and this falls under one of three objectives of the planning system – the 'environmental objective' applying in this case. Paragraph 8c (P8c) of the NPPF states that sustainable development should "protect and enhance our natural, built and historic environment", including "improving biodiversity". P10 sets out the Framework's presumption in favour of sustainable development.

Section 11 of the NPPF details making effective use of land. The Framework states that planning policies and decisions should take "opportunities to achieve net environmental gains – such as developments that would enable new habitat creation" and should "recognise that some undeveloped land can perform many functions, such as for wildlife" (P125).

Section 15 details conserving and enhancing the natural environment; policies and decisions should be "protecting and enhancing valued landscape [and] sites of biodiversity […] value", "recognise the intrinsic character and beauty of the countryside" and contribute to conserving and enhancing the natural environment and reducing pollution (P187). Allocations of land for development should, "allocate land with the least environmental or amenity value, where consistent with other policies in this Framework" and "take a strategic approach to maintaining and enhancing networks of habitats" (P188).

The Framework sets out ways to minimise the impacts on biodiversity through plans which "identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity" and promote the "conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity" (P192).

It is made clear in P193 that local planning authorities should apply a set of principles when determining planning applications. Planning permission should be refused "if significant harm to biodiversity resulting from development cannot be avoided […], adequately mitigated, or, as a last resort, compensated for". Development should not normally be permitted where an adverse effect on a SSSI is likely, and "opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity".

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

The UK Biodiversity Indicators 2023 provide updates to the indicators set out in Biodiversity 2020 including new species abundance targets as set out in the Environment Act 2021. Biodiversity 2020 builds on the Natural Environment White Paper (June 2011) – Setting out the current UK Government's approach to nature conservation. It promotes a more coherent and inclusive approach to conservation and the valuing in economic and social terms of economic resources.

The strategy promotes initiatives such as Biodiversity Offsetting, Nature Improvement Areas and a focus on well-connected natural networks and introduces the concept of securing a 'no net loss' situation with regard to UKBAP/Section 41 habitats and species.

ODPM circular 06/05 (2005) Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System
Provides guidance to Local Authorities on their obligations to biodiversity – particularly in relation to assessing planning applications and ensuring the adequacy of information.

BSI (2013) British Standards Institute BS 42020:2013 Biodiversity – Code of Practice for Planning and Development

Provides a standard for the biodiversity assessment and development industries and decision makers such as Local Planning Authorities to work to.