



Preliminary Ecological Appraisal Report

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Town Sports & Entertainment Group

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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.



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Summary

This report is produced to inform Town Sports & Entertainment Group 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 February 2026.

Key Findings

The Site is an existing building forming a sports centre, attached to a sports stadium, and with a small area of sealed surface curtilage. It is of little to no ecological value.

Biodiversity Net Gain

Development would qualify for the *de minimis* exemption from BNG requirements.

Further surveys

Further surveys have not been recommended.

Introduction

1. Brooks Ecological Ltd was commissioned by Town Sports & Entertainment Group to carry out a Preliminary Ecological Appraisal (PEA) of land at Kirklees Huddersfield Stadium Hotel, grid ref. SE1548617627. The survey includes land within the red line boundary shown in Figure 1, opposite.
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 convert the existing building into an hotel.

The Site

7. The application site 'the Site' comprises a brick extension of a stadium building and associated curtilage, southwest of the town of Huddersfield. For the purposes of metric calculations, the Site area has been measured using GIS against the provided red line boundary as 0.603 ha.

Figure 1 The Site (red line boundary).



Desk Study

Landscape

8. The Site is located in the grounds of the Accu Stadium in Huddersfield. It is bound by a carpark and curtilage to the north, east and west, the stadium to the southwest and a large woodland block to the southeast.
9. The River Colne runs parallel to the Site, c. 50m northwest. Beyond this is an expanse of residential and commercial development.
10. The Site overlies the grey mudstone, siltstone and pale grey sandstones of the Pennine Coal Measures Group, likely to give rise to acidic sandy, well-drained soil conditions.

Wildlife Corridors

11. There are large woodland blocks to the south and east, c.13m from the Site which connect to the River Colne, creating a wildlife corridor which spans c.5km throughout the landscape, however this is not functionally linked to the Site due to the current land use.

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
Dalton Bank	1.65km NE	Local Nature Reserve	A mix of conifer plantations and native woodlands. Grassland provides habitat for insects and fungi.

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

SSSI Impact Risk Zones (IRZs)

15. The Site lies within the IRZ one SSSI but does not fall into any of the highlighted categories which require the LPA to consult with Natural England in relation to potential impacts.

Non-Statutory Designations

16. There are four Local Wildlife Sites in the search area. Of the two below are of potential relevance to the application:
- Huddersfield Narrow Canal
 - Sir John Ramsden Canal
17. Given the distance from canal, and the nature of the works, direct or indirect impacts on these sites are unlikely to be of significance.
18. Direct and indirect impacts on all remaining sites as a result of this development are unlikely due to the Site's separation and distance.

Nature Improvement Area

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

Wildlife Habitat Network

20. The Site is not within any mapped Wildlife Habitat Network, however areas of Kirklees Wildlife Habitat Network are mapped parallel on the north and south sides of the Site, forming part of its southeastern boundary.

Granted EPSM Licences

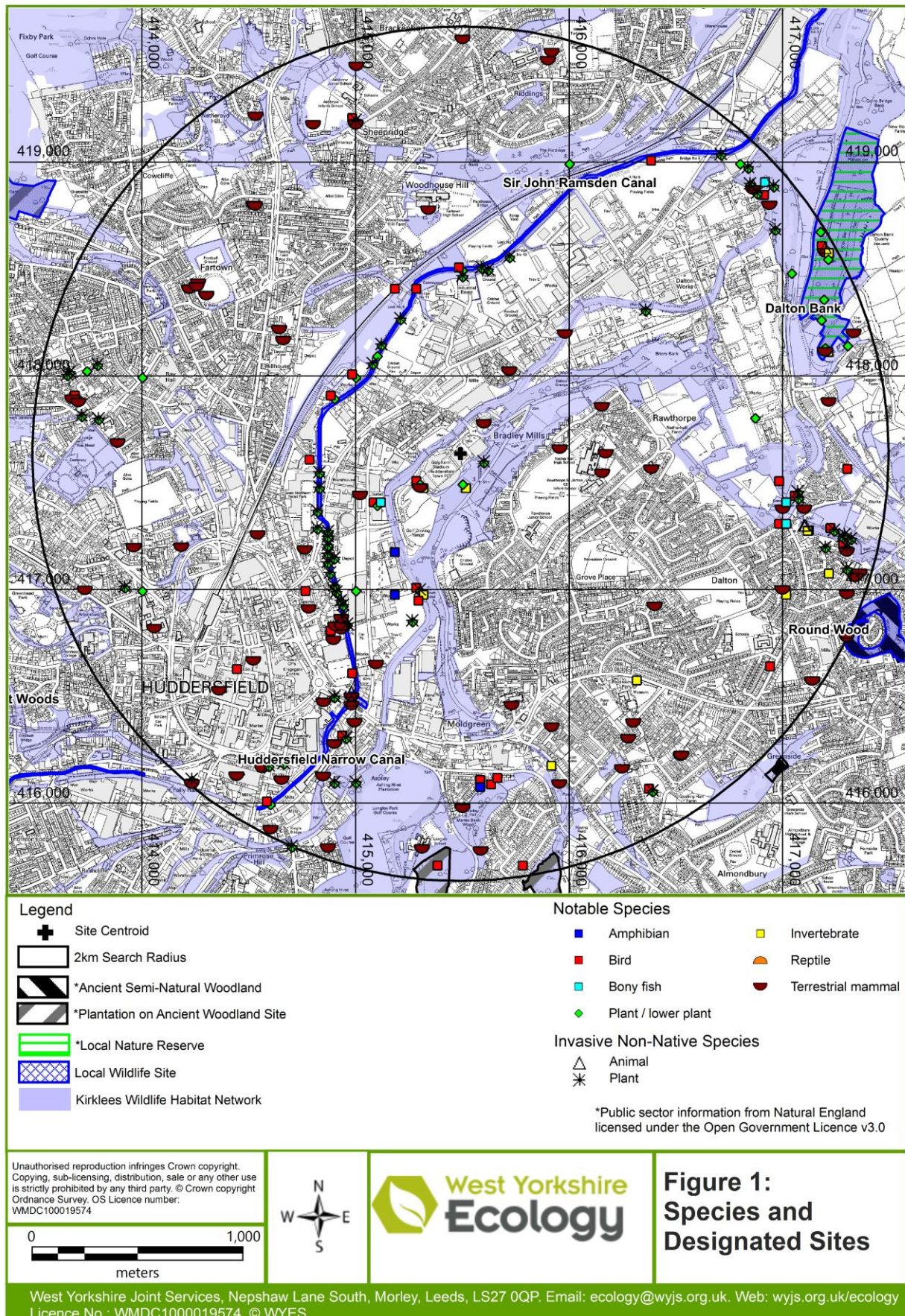
21. There are no granted European Protected Species Mitigation (EPSM) licences shown within 1km of the Site.

Mapped Ancient Woodland and Trees

22. There is no mapped ancient woodland (AW) or Plantation on an Ancient Woodland Site (PAWS) within 15m of The Site, the nearest being Ancient Replanted Woodland at Oaken Bank, 1.8km south of the Site.
23. Records of Ancient and Veteran Trees have been returned the nearest being a veteran ash tree c.2km west of the Site.

Mapped Priority Habitat

24. Priority deciduous woodland is found c. 130m southeast of the Site, with a block of mixed and coniferous woodland bridging the gap between this and the Site.

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

Survey

25. The survey was carried out during February 2026¹ and followed the principles of Extended Phase 1 Habitat Survey methodology (JNCC, 2010).
26. 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.
27. Enough time was afforded the surveyor to carry out the survey. The survey was not constrained by poor weather.

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 February 2026 following a visit to the Site in the same month, and our findings are based on the conditions of the Site that were reasonably visible and accessible at that date. We accept no liability for any areas that

were not reasonably visible or accessible, nor for any subsequent alteration, variation, or deviation from the Site conditions which affect the conclusions set out in this report.

Habitats of Low/Very Low Distinctiveness

Figure 4 Approximate location and extent of these habitats.

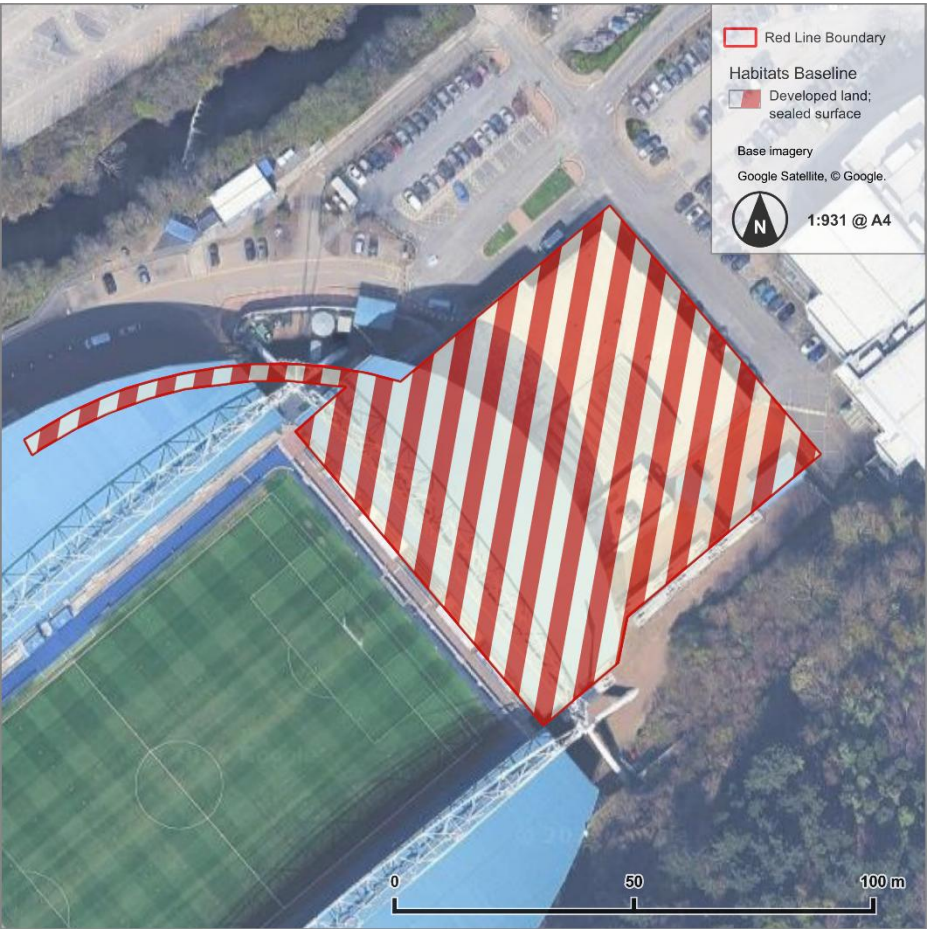


Table 2 Summary – Habitats of Low/Very Low Distinctiveness.

UK Habitats	Label Ref	Summary Description
Developed land; sealed surface	N/A	Building and sealed hardstanding surface. Devoid of any vegetation.

Figure 5 view of building & curtilage from north



Figure 6 view of building from south



Figure 7 view of building from northwest



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. No ponds have been mapped within 500m of the Site.
39. There are no records of great crested newt (GCN) returned for the area. There are two records of common frog and three records of common toad. The most recent relates to common toad in 2021, c.600m southwest of the Site. The closest record relates to common toad c.500m southwest of the Site in 2008.

Field Evidence

40. Due to the slope of the woodland parallel to the Site, it is unlikely that there would be suitable wet areas for breeding amphibians. Similarly, the river is fast flowing and is unsuitable for breeding amphibians.

Summary Evaluation

41. There is no suitable breeding habitat for amphibians within 500m of the Site.

Further Surveys and Recommendations

42. No further surveys or precautions are considered necessary.

Birds

Desk Evidence

43. There are 83 records of birds returned for the search area. These relate to species that are congruent with the river, woodland and urban habitat nearby.
44. Species of note include kingfisher and peregrine (schedule 1 species), house sparrow and swift (red listed) and bullfinch, dunnock, grey wagtail and tawny owl (amber listed species).

Field Evidence

45. Due to the Site being developed land, the only possible habitat for breeding birds is the roof of B1. The roof was viewed from a window in B2 and no evidence of nesting was observed. Nesting is concluded unlikely due to the exposure of the area. A nest, likely pigeon, was observed in vegetation the Site's immediate south.
46. A small number of common bird species were noted during the survey including robin in an adjacent car park.

Summary Evaluation

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

Further Surveys and Recommendations

48. No further surveys are considered necessary to demonstrate current baseline in respect of birds.
49. Standard precautions apply in respect of restrictions on clearing any adjacent vegetation during the nesting season.

Bats

Desk evidence

50. There are 132 records of bat returned for the search area, relating to common pipistrelle, soprano pipistrelle, indeterminate pipistrelle species, noctule, Leisler's, brown long-eared bat, Daubenton's bat, indeterminate myotis species and indeterminate vesper species.
51. Of these records, 19 refer to confirmed roosts and 11 relate to possible roosts. The closest roost record relates to a confirmed roost in 2007, c.170m northeast of the Site and relates to an indeterminate number of indeterminate pipistrelle species. The most recent recorded roost is from May 2023, 1km northwest of the Site and relates to up to two common pipistrelle.

Field Evidence (Roosting)

52. There are three buildings on Site; one brick building with metal cladding (B1) which is connected to the stadium building (B2) and a shelter structure which covers the turnstiles to the stadium (B3)
53. No trees are present on Site.

Table 3 Bat Roost Suitability Assessment.

Ref	Notes	Suitability
B1	A two-storey building constructed of brick, with a flat roof and enclosed overhanging balcony to the second floor. Second floor upwards with metal cladding. Access to the underside of balcony cladding, however of negligible suitability due to lack of crevices within.	Negligible
B2	Short section of the adjacent stadium, construction is entirely clad in metal and appears well-sealed.	None
B3	Turnstile shelter not suitable due to lack of features	None

Field Evidence (foraging and commuting)

54. The Site itself presents no commuting and extremely limited foraging opportunities, likely only being accumulations of insects beneath lighting. Bats are likely to make more use of nearby riparian corridor and structured habitat

Summary Evaluation

55. The Site's size and location suggest that it will not be important to this group.

56. Surrounding habitats are likely to be of more importance.

Further Surveys and Recommendations

57. Further surveys are not recommended. There would be opportunities to provide new roost sites in buildings at the Site.
58. Any increase in current levels of light spill from within the Site onto the woodland edge to the south should be avoided.

Figure 8 Building plan.



Bat Roost Suitability Assessment

Roof of B1



Well-sealed bargeboard around B1



Gap beneath overhanging balcony of B1



View inside balcony void



View of B3



Badgers

Desk evidence

59. There is one record of badger in the area, c.2km from the Site.

Field Evidence

60. The Site provides no potential habitat for sett building, being entirely comprising sealed surface and buildings.
61. The adjacent woodland presents some opportunity for sett building, however the steepness of the slope suggests any badgers potentially here are unlikely to result in setts extending towards the Site.

Summary Evaluation

62. A likely absence of badger from Site can be concluded.

Further Surveys and Recommendations

63. No further surveys required at this stage.

Hedgehogs (NERC Act 2006/Local BAP)

Desk evidence

64. Hedgehogs are recorded within the search area.

Field Evidence

65. No evidence of hedgehogs was found on site, nor any suitable habitat for foraging or refuge.

Summary Evaluation

66. Hedgehogs are unlikely to be present on Site.

Further Surveys and Recommendations

67. No further survey required.

Riparian Mammals

Desk evidence

68. One record of Eurasian otter has been returned for the search area, observed c.700m.

Field Evidence

69. No suitable habitat is present within the Site boundary.
70. The river Colne to the north of the Site presents suitable habitat for use by otter.

Summary Evaluation

71. No riparian habitat within the Site boundary, and a likely absence of this group can be concluded.

Further Surveys and Recommendations

72. No further survey required at this stage.

White-clawed crayfish

Desk evidence

73. No records were returned for white-clawed crayfish within the search radius. Two records, recorded in 2008, were returned for the non-native invasive American signal crayfish, located within Lees Head Beck, a tributary of the Colne converging some 1.5km downstream.

Field Evidence

74. No suitable habitat is present within the Site boundary.
75. The river Colne to the north of the Site presents suitable habitat for use by crayfish.

Summary Evaluation

76. No riparian habitat within the Site boundary, and a likely absence of this group can be concluded.

Further Surveys and Recommendations

77. No further survey required at this stage.

Invasive Non-Native Species (INNS)

78. 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.

79. No INNS were noted during survey².

Survey constraints

80. Although no INNS have been identified in this preliminary survey, 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.

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

- Potential for tipping of material

82. 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 & Opportunities

Habitat Value

83. The Site lacks entirely any habitat of biodiversity value and would qualify for an exemption to Biodiversity Net Gain under the *de minimis* rule.

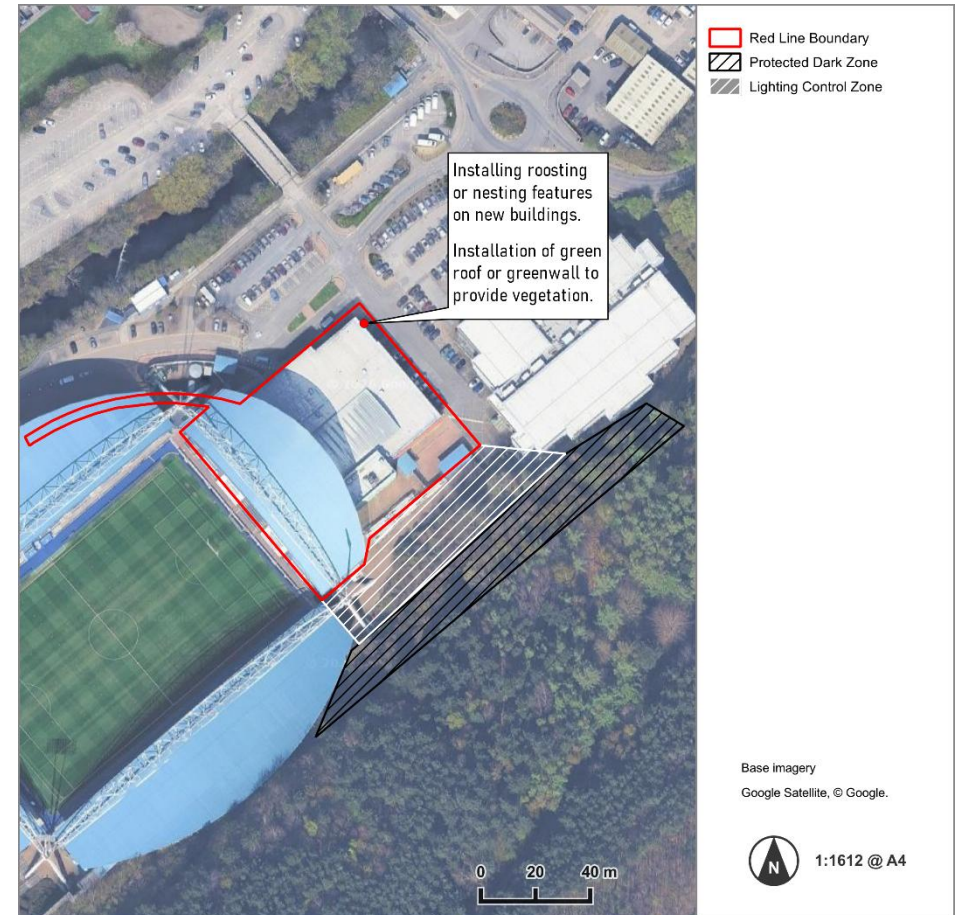
Faunal constraints

84. Faunal constraints have not been identified directly on Site.
85. Adjacent habitats are likely to be used by wildlife and should be protected from additional impacts during and after construction.

Opportunities

86. Opportunities to add value to wildlife relate to:
- Installing roosting or nesting features on new buildings.
 - Installation of green walls or roofs to provide vegetation.

Figure 9 Building plan



Conclusions and Recommendations

Planning considerations		
Recommendation	Rationale	When
R1 Additional Surveys		
None		
R2 Design	Make sure your design team follows ecological advice to and make sure there are no design conflicts.	During the design process
R3 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
R4 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 • Nesting bird management if adjacent vegetation to be impacted	Delivery report Suitable for planning condition

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Appendix 2 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 are used to inform this appraisal.

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

Bats

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

Bat Roosting Suitability of Buildings

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

Bat Roosting Suitability of Trees

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

Evaluation

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

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

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

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

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

Appendix 4 Bat Activity Survey Rationale

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

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

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

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

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

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

The Site is small, not strategically located and does not contain any potential key habitat features for bats, its use by this group can be easily predicted making any requirement for additional survey disproportionate.

This assessment was made by Courtney Halstead BSc (Hons).

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 SitesStatutory 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 SpeciesEuropean Protected Species

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

UK Protected Species

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

nesting bird species are protected from damage or destruction of their nests – whilst active.

Invasive speciesSchedule 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/GuidanceThe 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.