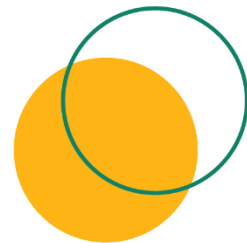




Preliminary Ecological Appraisal & Preliminary Roost Assessment



Mohammed Saleem
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1. Introduction

1.1. Background

The client, Mohammed Saleem, has instructed ACP Consultants Ltd to conduct a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA). The survey was commissioned to accompany the planning application to the Kirklees Council for a “church conversion into a multi-use space comprising of food court, hotel, and restaurant” (hereafter referred to as ‘the proposed development’) at 2 Trinity Street, Huddersfield HD1 4DA (hereafter referred to as ‘the site’). The site is currently a derelict commercial building and will be converted to commercial and residential. The proposed development plan is provided in **Appendix 1**.

The site has previously been subject to survey. The following survey reports are of relevance:

- Preliminary Roost Assessment (PRA) (Brooks Ecological, 2024) – Multiple potential roosting features were highlighted. Precautionary working methods were recommended as non of the highlighted features were due to be altered.

1.2. Scope of Report

A Preliminary Ecological Appraisal records the baseline ecological conditions within the red line boundary or suitable survey area, and evaluates the habitats present within the context of the wider area and assesses the suitability of the baseline habitats for protected species. Possible ecological constraints resulting from the proposed development are identified, and recommendations for further surveys and mitigation measures required to obtain planning permission or other statutory consent, as well as comply with wildlife legislation are established.

A Preliminary Roost Assessment records all features suitable for roosting, foraging, and commuting bats and evaluates those features present on site within the context of the wider area. Any physical evidence of roosting bats present at the site is recorded or collected. Possible ecological constraints regarding bats, resulting from the proposed development, are identified and recommendations for further bat surveys and mitigation measures required to obtain planning permission or other statutory consent, as well as comply with wildlife legislation.

The following actions were undertaken to achieve these aims:

- Desk study research was carried out.
- A field survey was undertaken to record the baseline ecological information on site, including habitat types classified under the UK Habitat Classification V2.0 (UK Hab Ltd, 2023) and their suitability for protected species.
- Any invasive plant or animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.
- Potential impacts on habitats and features of value to protected species, resulting from the proposed development, were identified.
- Recommendations for further surveys and appropriate mitigation were made.
- Opportunities for the enhancement of the site for biodiversity under the NPPF (2025) and local policies, have been set out.

This assessment has been conducted in accordance with good practice guidelines, the National Planning Policy Framework (2025) and relevant local supplementary guidance.

Relevant planning policy and legislation can be found in **Appendix 4**.

1.3. Proportionality

BS 42020:2013 – The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary, and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.

This approach is enshrined in Government planning guidance, for example, paragraph 193 of the National Planning Policy Framework for England.

The desk studies and field surveys undertaken to provide a preliminary ecological appraisal (PEA) might in some cases be all that is necessary.

1.4. Validity Statement

The survey results and recommendations contained within this report are valid for 18 months, unless works have taken place since the production of this report. An updated site visit may be required if the report is to be used any longer than 18 months after completion (CIEEM, 2019).

1.5. Limitations

The loft associated with the residential dwelling (loft 1) was not accessible. Nevertheless, loft 1 is not proposed to be modified as a result of the development.

The roof associated with the main building could not be viewed from the ground due to external walls. Nevertheless, the western elevation could be observed from the rooftop area. The tiles were well sealed along the western elevation. Additionally, the loft was well sealed internally.

To date, a biological records data (BRD) search has not been undertaken for the site. Considering the highly urban location of the site, the lack of habitats present on site, and the assessed suitability of the site for protected species, the purchase of biological records data is not expected to add any significant weight or alter the conclusions and recommendations outlined within the report.

These limitations have been taken into account and given the appropriate weighting during the evaluation of the site and the requirement for further surveys and mitigation.

2. Methodology

To achieve the objectives set out in the scope of the report, a desk study was completed, followed by a site visit. This site visit assessed the dominant habitat types and their suitability for protected species and recorded any field signs of protected species. This report has been written in line with the *Guidelines for Ecological Report Writing 2nd edition* (CIEEM, 2017a).

2.1. Desk Study

The desk study is undertaken by reviewing the Multi-Agency Geographic Information for the Countryside (MAGIC; Defra, 2026). Statutory designated sites local to the site (usually 2km radius) and European designated sites within influencing distance of the site (usually 10km radius) are noted. Landscape value is assessed by recording the presence of notable and priority habitats and viewing satellite imagery (Google Earth, OS Maps) of the site for connectivity to the local landscape. Where relevant, historical satellite imagery has also been referred to. Granted European Protected Species Licences (EPSL) and other notable species records within influencing distance of the site are obtained and considered, either from MAGIC or, where relevant, the Local Environmental Record Centre (LERC). If data has been obtained from the LERC, this data has been analysed and summarised in the report owing to confidentiality and the raw data not being suitable for release into the public domain.

2.2. Site Survey

Preliminary Ecological Appraisal

An extended phase 1 habitat survey was undertaken, which followed the current best practice (CIEEM, 2017). All habitat parcels recorded were described, classified, and mapped on site. Baseline habitats were classified in accordance with the *UK Habitat Classification User Manual* (UK Hab Ltd, 2023). The condition of baseline habitats was assessed with the relevant condition assessment sheets found in *The Statutory Biodiversity Metric – Technical Annex 1: Condition Assessment and Sheets and Methodology* (DEFRA, 2025). Where appropriate, target notes provide supplementary information. Botanical species lists were recorded using the relative abundance DAFOR scale (Dominant, Abundant, Frequent, Occasional, Rare).

During the survey, habitats were assessed for suitability to support protected species, and field observations indicating protected species presence were recorded and mapped. The on-site habitat conditions are considered in the context of the wider landscape and the desk study research, as well as the species ecology, and are evaluated for their likelihood to provide commuting, foraging, sheltering, roosting, nesting, and basking habitat for protected species.

Ponds on and adjacent to the site were assessed for their suitability to support great crested newts using the *ARG UK Advice Note 5* (ARG UK, 2010) based on the *Habitat Suitability Index (HSI) Assessment Methodology* (Oldham, Keeble, Swan, & Jeffcote, 2000).

While every effort has been made to describe the baseline conditions and evaluate features within the survey area, this assessment provides a preliminary view of the likelihood of protected species being present based on the above methodology and is not a complete characterisation of the site.

Preliminary Roost Assessment

The Daytime Bat Walkover (DBW; PRA) comprised a visual, non-invasive appraisal of built structures from the ground to inspect external features which bats could use for roosting or as egress points, and signs of bat usage such as fur staining, droppings, urine, scratch marks, and feeding remains. Where necessary, binoculars were used to view the features up close.

The internal inspection of built structures included lofts and cellars, and comprised a detailed, up-close visual inspection using a torch and binoculars where necessary. The internal areas were

searched for roosting bats themselves, and features which bats could use for roosting, access points, and evidence of bat usage such as fur staining, droppings, urine staining, scratch marks and feeding remains.

A Ground Level Tree Assessment (GLTA) was undertaken for any trees, which comprised a visual appraisal from ground level using binoculars to identify potential roosting features (PRF) and where possible, an up-close inspection of PRFs using a ladder and torch.

Habitat suitable for bats was categorised in line with Tables 4.1, 4.2 and 6.2 of the *Bat Surveys for Professional Ecologists – Good Practice Guidelines 4th edition* (Collins, 2023).

Equipment

- A high-powered torch with focusing beam.
- Laser distance measurer.
- Binoculars.
- Anemometer.
- Ruler.
- Measuring tape.
- Dropping sample vials.
- FFP2 unvented mask.

3. Results

3.1. Desk Study

The site is located at National Grid Reference SE 14209 16766 and has an approximate area of 0.07ha. A site location plan is provided in **Appendix 3**.

3.1.1. Local Landscape

Site and Surrounds

The site is located within the large urban town of Huddersfield. As such, urban developments, including main roads, encompass the site. Greenhead Park is located ~500 m west of the site. Containing amenity grassland, woodland, and an ornamental pond. The Longley Woods Nature Reserve is also present ~1km southeast of the site, consisting mainly of woodland. Nevertheless, the lack of natural corridors prevents connectivity between the site and these areas. There is one river located ~750m to the south, the River Colne.

3.1.2. Designated Sites & Priority Habitats

There is one designated site within 2km of the site, shown in Table 1 below. Additionally, there is one European designated site within 10km. The presence of non-statutory designated sites cannot be determined without purchasing BRD from the local records centre. The site is located within the Peak District Moors – South Pennine Moors Special Protection Area (SPA) Impact Risk Zone, yet the proposed development is not listed as a potential constraint to the designated site.

Priority habitats within 2km of the site include wood pasture and parkland, traditional orchard, deciduous woodland and ancient woodland. These habitats provide valuable resources for wildlife such as invertebrates and bats. Table 2 below summarises the priority habitats present.

Table 1: Designated sites within a reasonable buffer from the site

	Designated Site Name	Distance & Direction	Reasons for Notification
National Network Sites (10km)	Peak District Moors – South Pennine Moors (SPA)	~9km southwest	Characterised by inland water bodies, bogs, marshes, heathland, scrubland, grassland, and woodland. Primary reason for notification Annex I habitats include European dry heaths, Blanket bogs, and old sessile oak woods with Ilex and Blechnum in the British Isles. Further Annex I habitats include Northern Atlantic wet heaths with <i>Erica tetralix</i> and transition mires and quaking bogs.
Statutory Designated Sites (2km)	Gledholt Woods Local Nature Reserve (LPA)	~900m west	Supports birds including tawny owl, kingfisher, chiff chaff, as well as bats.

Table 2: Priority habitats within 2km from site

Habitat	Distance & Direction of Closest Parcel
Wood pasture and parkland	~370m west
Traditional orchard	~500m west
Deciduous woodland	~540m southwest
Ancient woodland	~1.9km southeast

3.1.3. Protected Species

There are three granted European Protected Species Licences (EPSLs) for bats within 2km of site. Details of the records are listed in Table 3 below.

There are no great crested newt (GCN) EPSLs, pond surveys, or class licence returns within 2km of the site. Additionally, there are no protected species records for reptiles or dormice within 2km of the site.

Table 3: Species records within 2km from site

Ref	Distance & Direction	Species	Impacts Allowed
2014-856-EPS-MIT 10/2014-10/2014	~600m southeast	Common Pipistrelle (<i>Pipistrellus pipistrellus</i>)	Destruction of a resting site
EPSM2011-3176 08/2011-08/2013	~800m southeast	Common Pipistrelle	Destruction of a resting site
EPSM2010-1750 02/2010-02/2012	~1.4km southeast	Common Pipistrelle Soprano pipistrelle (<i>Pipistrellus pygmaeus</i>) Brown long eared (<i>Plecotus auritus</i>)	Destruction of a resting site

3.2. Site Survey

The survey was undertaken by Tabitha Beesley (Accredited Agent on Natural England Level 2 Bat Licence for Level 1 activities) on 3rd September 2026.

Table 4: Summary of conditions during survey

Factor	Recorded Value
Temperature (° Celsius)	19
Humidity (RH%)	68
Wind (mph)	14
Cloud Cover (%)	100
Precipitation	None

3.2.1. Habitats on site

The site consists of a building with surrounding area of hard standing ground including a car park. The habitats on site comprise buildings (u1b5), with associated areas of hardstanding and a car park (u1b 804), and unmanaged sparsely vegetated urban land (u1f 521).

Buildings (u1b5); Developed Land - Sealed Surface with a car park (u1b 804)

The building, B1, was previously used as a community hall, dance studio and residential flat. A planning application was approved in 2024, changing the building's usage to a place of worship with a residential flat. Nevertheless, the building appeared to have been derelict for some time. The building is described in detail within the bat appraisal (section 3.2.2.1) below. North of the site is a car park which is largely made up of sealed surface.



Building B1 (u1b5)



Buildings B1 and car park (u1b5 u1b 804)

Sparsely Vegetated Urban Land – Unmanaged (u1f 521)

Two small areas of sparsely vegetated land are located north and west of the building. These areas appear largely unmanaged and dominated by buddleia (*Buddleja davidii*) and valerian (*Valeriana* sp.). Notable species also include rare bramble (*Rubus fruticosus*) and Oxford ragwort (*Senecio squalidus*).



Sparsely vegetated urban land (u1f 521)



Sparsely vegetated urban land (u1f 521)

3.2.2. Protected Species

3.2.2.1. Bats

Only 1 building, B1, was subject to assessment as the building will be modified as a result of the proposed development.

Building B1

Exterior:

B1 is a three-storey commercial building made up of stone brick and mortar. The windows are made up of timber and uPVC and appear largely well sealed. A tower forms the eastern elevation, with a residential flat forming the top floor. Atop the residential flat is a hexagonal hipped roof with concrete flat tiles. The main roof is hipped, with external walls covering the eaves.



Northern elevation.



Western elevation.



Eastern elevation.



Southern elevation.

The top floor of the building is open with a concrete floor. The residential dwelling is made up of stone bricks and mortar. Structural walls are situated around the dwelling, supporting the hexagonal hipped roof, which overhangs the dwelling. The overhanging ceiling is made up of concrete, which is well sealed. The top floor also contains a small storage building with a flat roof. The external walls and roof tiles of these buildings were well sealed. As such, no apparent roosting features were observed. Flat concrete roof tiles of the main hipped roof were observed from this area, which were well sealed.



Eastern elevation of residential dwelling



Storage building and stairs



Roof tiles of residential dwelling



Roof tiles of main hipped roof

Mortar was missing from the western elevation of the main building. This has the potential to support individual crevice-dwelling bats.



Missing mortar along the western elevation.

Interior:

The interior of the residential dwelling was well sealed. A loft hatch was observed, which was not accessible at the time of the survey. The small storage building contained a deceased bird, indicating that the internal area of this storage building is accessible to birds. However, the interior appeared well sealed, and no nests were observed to indicate recent usage. Extensive spider webs and an abundance of spiders were present throughout. As such, it is believed that birds have not had access to this building for some time.



Inaccessible loft hatch leading to loft 1



Deceased bird observed in storage building

The loft void of the main hipped roof (Loft 2) is an open space with mineral wool insulation. Metal beam framing supports the roof, with timber framing lining the roof. The roof was well sealed with no apparent gaps or light ingress. A small amount of light ingress could be seen, entering the eastern area of the loft. However, this light ingress was later found to be from a hole in the ceiling of the floor beneath, and not an external gap.



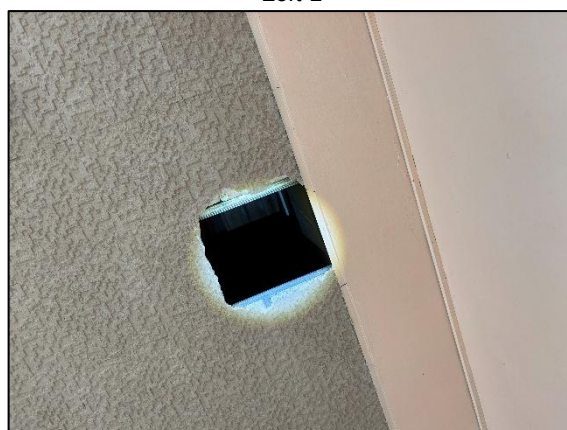
Loft 2



Loft 2



Holes in ceiling panelling leading to Loft 2



Holes in ceiling panelling leading to Loft 2

The interior spaces of B1 were well sealed, with high light ingress from windows throughout. As such, these areas are unlikely to support roosting bats. Deceased pigeons were present throughout the building. Although this could highlight access into the building by birds and bats, the client informed that the birds had entered via open windows, which had since been closed. No living birds or active nests were found at any point.

Several of the first-floor rooms were dark, with exposed brick walls and concrete ceilings and floors. One such room contained a grate on the southern elevation wall. Gaps in this grate are large enough to enable bats to enter this room. Additionally, butterflies had taken advantage of these gaps, which were observed within a small cupboard space on the northern side of this room. The presence of butterflies within this room may indicate potential bat hibernation value. A lifted timber board surrounding pipes and wires was also observed adjacent to the butterflies, which could support bats. Nevertheless, due to the presence of the grate, bats may be unlikely to utilise this space to hibernate as the room lacks a clear flight path to the observed features. Additionally, the highly urbanised location of the site may also deter bats.



Third floor interior of B1



Second floor interior of B1



First floor interior of B1



First floor interior of B1



Butterflies indicating hibernation value



Small gap from lifted board adjacent to butterflies

The building B1 is assessed as having **low value** for roosting bats due to the presence of features which could support bats.

The site is assessed as having **negligible value** for foraging and commuting bats due to the urban nature of the surrounding landscape and lack of connectivity to optimal habitats.

3.2.2.2. Birds

No habitats for Schedule 1 birds were observed.

Deceased birds were observed throughout. However, no living birds or active nests were observed. No features were observed which are likely to support small passerine species.

3.2.2.3. Amphibians

The presence of Great Crested Newts (GCN) and common amphibians on site is unlikely due to the lack of suitable habitats. Additionally, the urban nature of the surrounding habitats and lack of ponds locally makes their presence within the surrounding landscape unlikely.

3.2.2.4. Reptiles

Although sparsely vegetated land may be suitable for reptiles, the lack of connectivity and urbanised nature of the land surrounding the site makes the presence of reptiles on site unlikely.

3.2.2.5. Badgers

The surrounding urban landscape is not suitable habitat for badgers. Additionally, the habitats on site are not suitable for badgers. No evidence of badgers or setts were identified on site or in the immediate surrounding landscape.

3.2.2.6. Invertebrates

The site is unlikely to support notable invertebrate species due to the lack of suitable habitats.

3.2.2.7. Hazel Dormice

Habitats on site and the surrounding land do not contain suitable dormice nesting, breeding, and commuting value due to a lack of hedgerows and connectivity between natural habitats. Additionally, the site is located outside of the known distribution range for dormice.

3.2.2.8. Riparian Mammals

There are no suitable watercourses for riparian mammals such as otters or water voles on or adjacent to the site.

4. Impact Assessment, Recommendations and Enhancements

This section includes further work to commission (if any) to obtain planning permission or comply with legislation for other consent. Impacts as a result of the proposed development are assessed, and recommendations for mitigation and further survey work are given below.

4.1.1. Designated sites

Impacts:

The site is located within the Peak District Moors – South Pennine Moors Special Protection Area (SPA) Impact Risk Zone, yet the proposed development is not listed as a potential constraint to the designated site. Additionally, the proposed development is not expected to cause a significant increase in recreational pressure to the site.

Recommendations:

No further recommendations.

4.1.2. Habitats

Impacts:

Existing areas of sparsely vegetated land are not expected to be removed to facilitate the development.

Recommendations:

None.

4.1.3. Bats

The proposed development involves the full modification of the building's interior, as well as removal of the main hipped roof (Loft 2) in place of a flat roof atop a restaurant. Loft 2 was well sealed, with no apparent roosting features observed. Loft 1 will not be modified; however, the proposed restaurant walls will cover existing external walls of the residential dwelling. All external walls and the overhanging roof lip associated with the residential dwelling were well sealed with concrete. As such, proposed external walls are unlikely to block any potential roost entrances. Missing mortar along the western elevation is proposed to be covered with white rendering, which could block bats from accessing this feature.

Roosting Impacts:

Building B1

Bats are unlikely to be roosting within this building, owing to the urban location of the site and limited roosting features observed. However, there is a small possibility that bats may utilise the ground floor room to hibernate or roost, as well as missing mortar on the western elevation.

Roosting Recommendations:

Features observed within the ground floor room, as well as missing mortar along the western elevation, should be inspected in full via endoscope by a licensed ecologist.

If these features cannot be inspected in full, **one** bat emergence survey will be required **on B1** during the active bat season (mid-May to September inclusive, with September surveys considered optimal if prevailing weather conditions are optimal) to confirm the presence or likely-absence of bat roosts within the building. **Four surveyors and two additional cameras** are required to fully cover the

building. Night Vision Aids (NVA) must be used. The survey must be led by a suitably qualified ecologist.

If bat roosts are confirmed in the building, roost characterisation surveys will be required to inform an EPSL application to Natural England, to legally permit the works. Mitigation will be determined following the results of the bat emergence surveys.

Foraging and Commuting Impacts:

The proposed development is not expected to impact bat foraging or commuting habitats as the existing habitats on site do not support these behaviours. Additionally, the proposed development is not expected to significantly increase light levels on site or in the surrounding areas as the site is situated amongst existing street lighting and surrounding buildings.

Foraging and Commuting Recommendations:

None.

4.1.4. Birds

Impacts:

No living birds or active nests were observed within the building. Additionally, deceased birds were believed to have entered via open windows, which have since been closed. No features were observed which could support small passerine species.

Recommendations:

None.

4.1.5. Amphibians

Impacts:

There are no suitable habitats on site which could support GCN or common amphibians. Additionally, no ponds are located within 500m of the site. As such, no impacts are expected on GCN or common amphibians as a result of the development.

Recommendations:

None.

4.1.6. Reptiles

Impacts:

There are no suitable habitats on site which could support reptiles due to limited connectivity to suitable habitats. As such, no impacts are expected on reptiles as a result of the development.

Recommendations:

None

4.1.7. Badgers

Impacts:

There are no suitable habitats on site which could support badgers or other terrestrial mammals due to limited connectivity to suitable habitats. As such, no impacts are expected as a result of the development.

Recommendations:

None.

4.1.8. Invertebrates

Impacts:

There are no suitable habitats on site which could support notable invertebrate species.

Recommendations:

None.

4.1.9. Hazel Dormice

Impacts:

There are no suitable habitats on site which could support dormice.

Recommendations:

None.

4.1.10. Riparian Mammals

Impacts:

There are no suitable habitats on site which could support riparian mammals

Recommendations:

None.

4.2. Enhancements

The following are opportunities for enhancement which could be incorporated into the proposed plans to improve the site's biodiversity post-development.

Enhancements for species that require further survey are dependent on the outcome of further survey and will be detailed in subsequent reports.

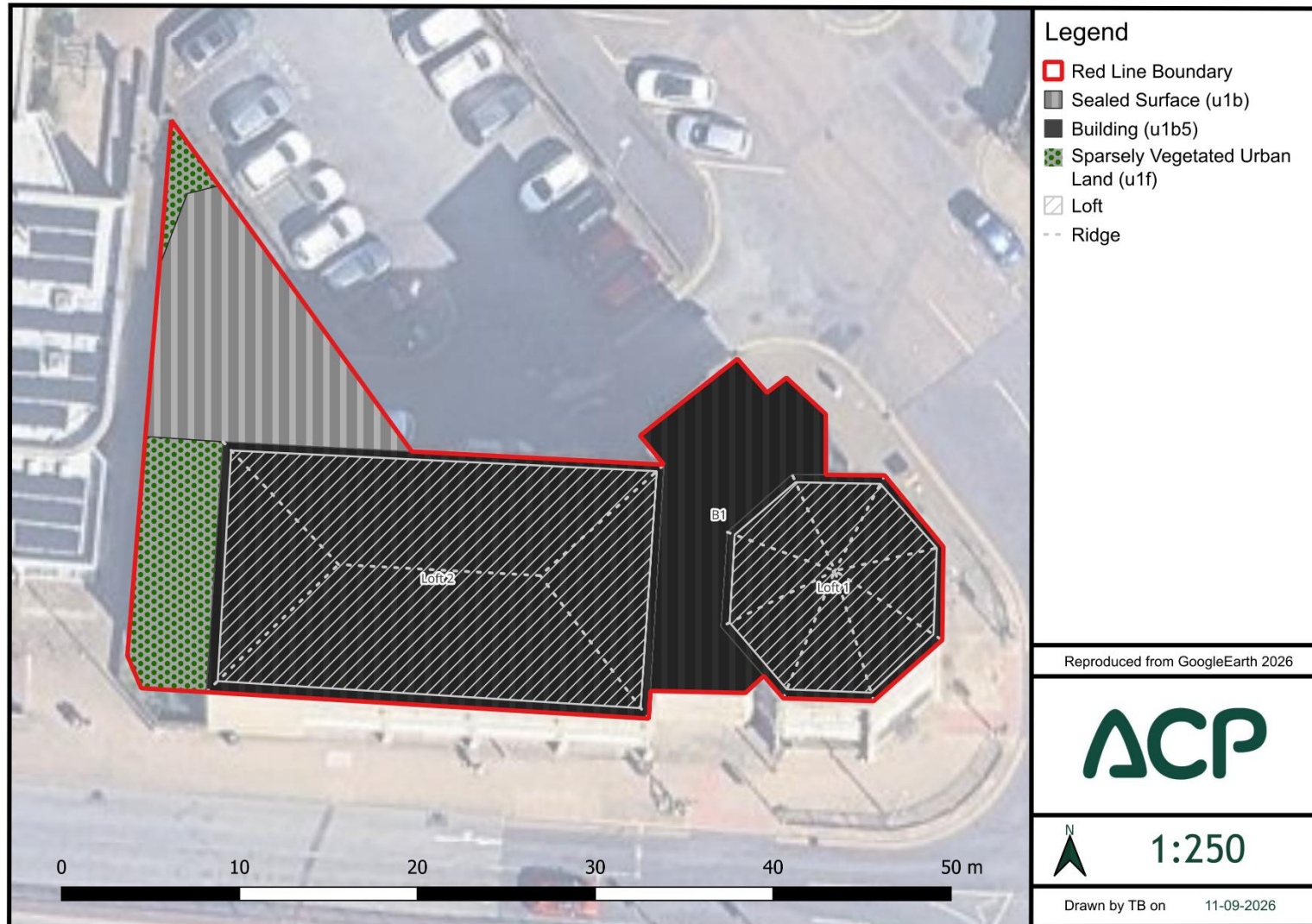
Bats

The installation of two bat boxes at the site will provide additional roosting habitat for bats. The bat boxes will be adhered to the existing building. They will be suitable for pipistrelles (which have been identified locally through EPSL data). Boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light.

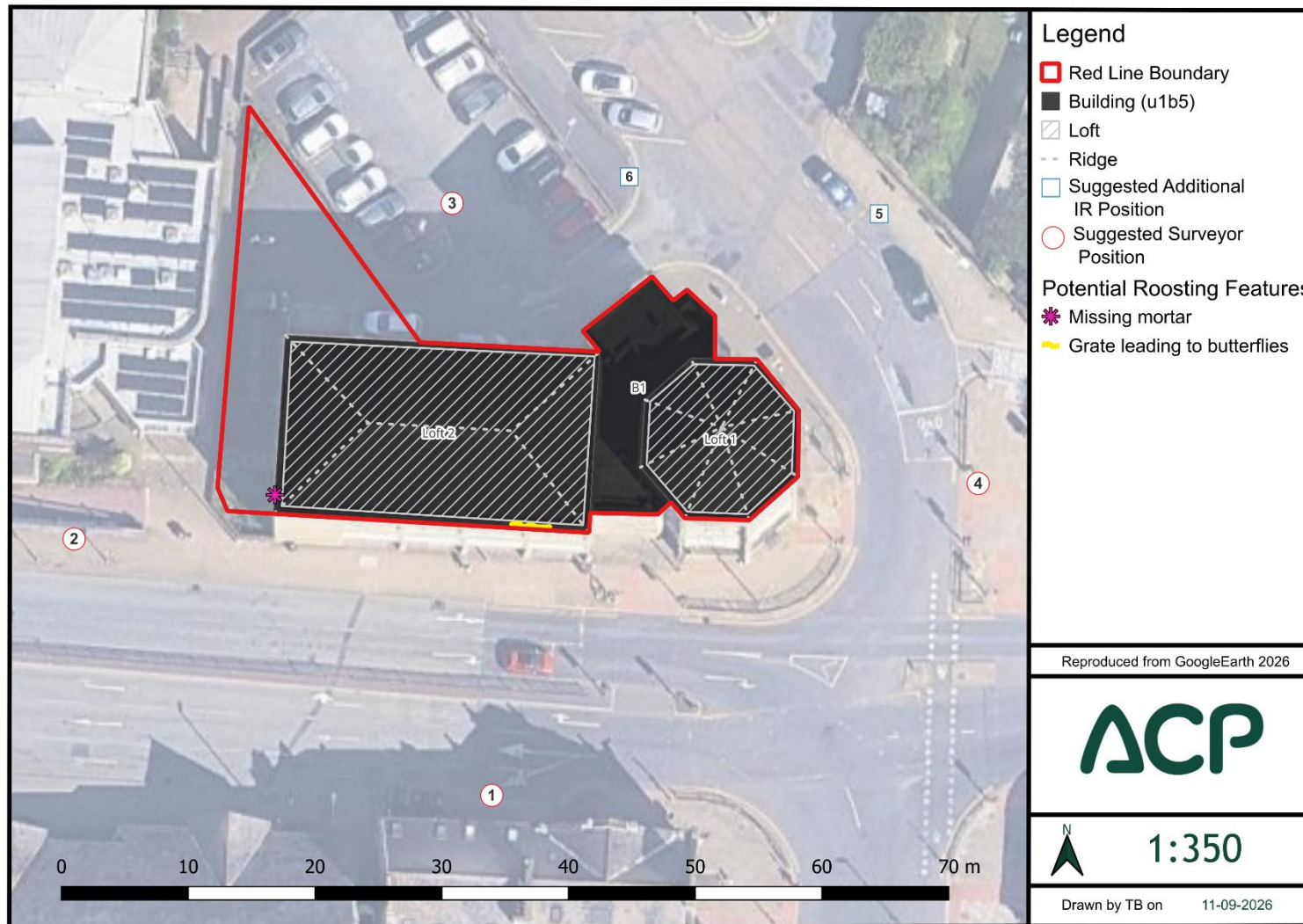
Appendix 1: Proposed plans



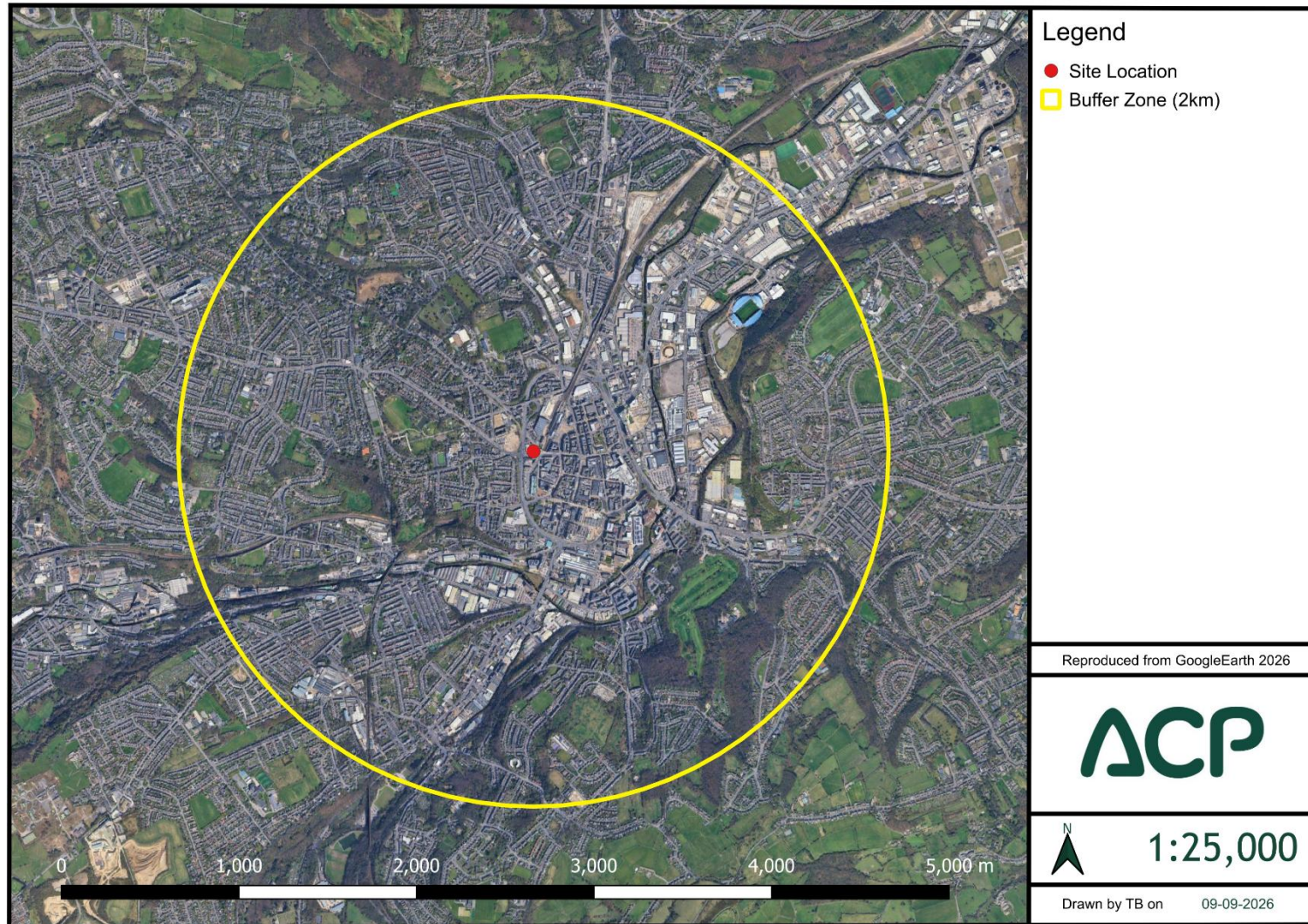
Appendix 2a: PEA Map



Appendix 2b: PRA Map



Appendix 3: Site location map



Appendix 4: Planning Policy & Legislation

This section summarises the relevant national and local legislative and policy background, statutory and non-statutory guidelines relevant to the potential commercial development.

National Policy

National Planning Policy

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied in plan-making and decision-making. The current NPPF was published on 17 August 2026 and replaced the previous December 2024 Framework. National decision-making policies within the NPPF are material considerations in the determination of planning applications and should be read alongside the relevant development plan.

Chapter 19 of the NPPF addresses the conservation and enhancement of the natural environment. Policies of particular relevance to ecological assessment and bats include Policies N1, N2 and N6. Policy P3 is also relevant where artificial lighting could affect bats or habitats used by them.

Policy N1 – Identifying Environmental Opportunities and Safeguards

Policy N1 relates primarily to plan-making and requires development plans to safeguard and enhance the natural environment and recognise the wider benefits provided by natural capital and ecosystem services.

Development plans should identify opportunities for the conservation, enhancement and recovery of landscapes, habitats and priority or threatened species, including through habitat restoration, nature-based solutions and the creation and strengthening of ecological networks.

The policy also gives increased prominence to Local Nature Recovery Strategies (LNRS) and requires these to be taken into account when identifying opportunities for nature recovery and when planning the location of development.

Policy N2 – Improving the Natural Environment

Policy N2 is directly relevant to the consideration of development proposals.

Development should contribute positively to the natural environment and support nature recovery. Among other matters, development proposals should:

- consider the existing environmental qualities of the land and opportunities to conserve or enhance them;
- take suitable opportunities to connect to and strengthen ecological networks;
- conserve and enhance existing natural features of nature conservation value where possible;
- use green infrastructure and nature-based solutions where appropriate;
- minimise adverse impacts on biodiversity;
- incorporate features that support priority or threatened species, including bats; and
- ensure that features provided for nature are appropriately located, designed and capable of effective long-term management.

Policy N2 also establishes that development proposals should incorporate integrated nest boxes, commonly referred to as swift bricks, unless compelling technical reasons prevent their use or would make them ineffective. This requirement sits alongside the broader expectation to incorporate features supporting species including bats, swifts and hedgehogs.

Policy N2 applies the mitigation hierarchy to biodiversity impacts. Where significant harm to biodiversity would result from development, impacts should first be avoided. Where avoidance cannot be achieved, impacts should be adequately mitigated and, as a last resort, compensated for. Where significant harm cannot be satisfactorily addressed through this hierarchy, the policy provides that the development should be refused.

For bats, this approach generally means that retention and protection of existing roosts, access points and important habitat should be considered before mitigation or compensation for their loss or modification.

Policy N6 – Areas of Particular Importance for Biodiversity and Geodiversity

Policy N6 provides additional safeguards for internationally, nationally and locally important biodiversity and geodiversity sites.

Where development could affect a designated site, the level of protection and assessment required will depend upon the status of the site and the nature of the potential effect. Internationally designated habitats sites are subject to the requirements of the Habitats Regulations, while Sites of Special Scientific Interest and locally designated sites are considered in accordance with their respective levels of protection.

This policy may be relevant to bat assessments where a development site lies within or close to a designated site that supports bats, or where development could affect ecological connectivity between a bat population and a designated site.

Policy P3 – Living Conditions and Pollution

Artificial lighting can affect the use of buildings, vegetation, commuting routes and foraging habitats by bats.

Policy P3 requires development proposals to consider the effects of pollution on the natural environment. It specifically requires development to limit adverse effects from artificial light on nature, alongside consideration of other forms of pollution.

Where external lighting forms part of a development that could affect bats, lighting should therefore be considered as part of the ecological impact assessment and designed to avoid or minimise illumination of bat roost access points and important commuting or foraging habitat where appropriate.

Environment Act 2021

Available at: <https://www.legislation.gov.uk/ukpga/2021/30/contents>

Effective 2024, the statutory mandate for Biodiversity Net Gain (BNG), as established by Schedule 14 of the Environment Act 2021, requires all developments subject to Schedule 7A of the Town and Country Planning Act 1990 to provide a minimum +10% gain in biodiversity value. This requirement is a mandatory condition of planning permission, applicable to all new developments except those expressly excluded under the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Pursuant to the statutory framework established by Schedule 14 of the Environment Act 2021, every grant of planning permission is subject to a biodiversity gain condition under Schedule 7A of the Town and Country Planning Act 1990. This condition mandates that the biodiversity gain objective be satisfied via a minimum +10% net increase in biodiversity value relative to the pre-development baseline. This requirement serves as a condition precedent; accordingly, a Biodiversity Gain Plan must be submitted to and discharged by the Local Planning Authority (LPA) in writing prior to the commencement of development. Any material operations initiated in the absence of such approval

shall constitute a breach of planning control under Section 171A of the Town and Country Planning Act 1990.

Statutory provision requires that significant on-site biodiversity enhancements be maintained for a duration of no less than 30 years following the development's conclusion. This requirement is satisfied through the imposition of a planning condition, a planning obligation, or a conservation covenant. Under the Town and Country Planning Act 1990, LPAs are empowered to utilise section 106 (s106) agreements to facilitate the delivery of on-site enhancements, the transfer of registered off-site biodiversity gains, or the use of statutory credits, while ensuring compliance through rigorous monitoring and reporting frameworks.

Species and Habitats Legislation

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

Available at: <https://www.legislation.gov.uk/ukxi/2017/1012/contents>

The Conservation of Habitats and Species Regulations 2017 (as amended) consolidates all various amendments made to The Conservation (Natural Habitats & c.) Regulations 1994, in respect of England and Wales. The 1994 Regulations transposed the EC Habitats Directive 1992 (Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora) into national law.

Annexes I and II of the Habitats Directive list (respectively) habitats and species for which member states are required to establish and monitor SACs. The EC Birds Directive provides a similar network of sites (SPAs) for all rare or vulnerable species listed in Annex I and all regularly occurring migratory species, with particular focus on wetlands of international importance.

Together with SACs, SPAs form a network of pan-European protected areas known as 'NATURA 2000' sites.

The Habitats Regulations also make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade on the animals listed in Schedule 2, or pick, cut, uproot, destroy or trade in the plants listed in Schedule 4.

This legislation was amended in January 2021: The main changes to the 2017 Regulations are:

- “the creation of a national site network within the UK territory comprising the protected sites already designated under the Nature Directives, and any further sites designated under these Regulations
- the establishment of management objectives for the national site network (the ‘network objectives’)
- a duty for appropriate authorities to manage and where necessary adapt the national site network as a whole to achieve the network objectives
- an amended process for the designation of Special Areas of Conservation (SACs)
- arrangements for reporting on the implementation of the Regulations, given that the UK no longer provides reports to the European Commission
- arrangements replacing the European Commission’s functions with regard to the imperative reasons of overriding public interest (IROPI) test where a plan or project affects a priority habitat or species
- arrangements for amending the schedules to the Regulations and the annexes to the Nature Directives that apply to the UK.”

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

Available at: <https://www.legislation.gov.uk/ukpga/1981/69?view=extent>

The WCA is the primary UK mechanism for statutory site designation (Sites of Special Scientific Interest [SSSIs]) and the protection of individual species listed under Schedule 1,2,5 and 8 of the Act, each subject to varying levels of protection.

Bats are fully protected under Schedule 5 and as such in England and Wales it is an offence under the Wildlife & Countryside Act 1981 (as amended) to:

- Deliberately capture, injure or kill a bat
- Damage or destroy a bat roost
- Deliberately or recklessly disturb a bat
- Deliberately or intentionally obstruct access to a roost
- Possess, transport or sell a bat or parts of bats (dead or alive)

The consequences are outlined as 6 months in prison and/or an unlimited fine.

The Countryside and Rights of Way Act 2000 (CROW 2000)

Available at: <https://www.legislation.gov.uk/ukpga/2000/37/contents>

This legislation strengthens the provision of the 1981 WCA (as amended), both in respect of statutory sites such as SSSIs and protected species. It also places a statutory obligation on Local Authorities and other public bodies to further conservation of biodiversity in the exercise of their functions, thus providing a statutory basis to the Biodiversity Action Plan (BAP) process, which began in 1994. Section 74 of the Act lists the habitat types and species of principal importance in England. The UK Biodiversity action Plan has now been superseded by the 'UK Post-2010 Biodiversity Framework' (July 2012), however, many of the species and habitats in the UK and local BAPs have not been updated and are still considered relevant to date.

A Bill to amend the Countryside and Rights of Way Act 2000 to extend the right of public access to the countryside, including to woodlands, the Green Belt, waters and more grasslands; and for connected purposes is currently in second reading in the House of Commons (November 2022).

Natural Environmental and Rural Communities Act 2006 (NERC 2006)

Available at: <https://www.legislation.gov.uk/ukpga/2006/16/contents>

The act places a duty of public authorities regarding the conservation of English wildlife and biodiversity. Section 41 sets out a list of species “of principal importance for the purpose of conserving biodiversity”. Such species include but are not restricted to:

- Barbastelle
- Bechstein's
- Noctule
- Brown long eared
- Greater horseshoe
- Lesser horseshoe

Wild Mammals (Protection) Act (1996)

Available at: <https://www.legislation.gov.uk/ukpga/1996/3/enacted>

Because of the Wild Mammals Act, UK mammal species are protected from any unnecessary cruel acts. Such acts include any actions which may cause unnecessary suffering to the animal. As such, all UK bat species are protected under this law.

The Protection of Badgers Act 1992

Available at: <https://www.legislation.gov.uk/ukpga/1992/51/contents>

Under the Protection of Badgers Act 1992, it is illegal to intentionally harm, injure, kill, and treat badgers with cruelty. The law also protects their setts from damage, destruction, or obstruction, and from having dogs sent into them. The Act consolidates previous laws, making it an offence to dig for badgers, sell, possess or control them without a licence, and badger baiting.

Appendix 5: Reference List

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