

Brooks Ecological
Grounded advice

Preliminary Ecological Appraisal Report

Naylors Drainage, Clough Green, Cawthorne

Naylor Drainage Ltd

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13/09/2021

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Summary

This report is produced to inform Naylor Drainage 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 June 2021.

Key Findings

The Site is of negligible ecological value, with baseline habitats delivering 0.00 Habitat Units through the DEFRA Biodiversity Metric.

Given this baseline, development of the site will deliver no net loss. However, delivery of any net gain in Habitat Units will not be possible without using land outside the current redline area.

Provision of bird and bat boxes on the new building will deliver proportionate enhancements to the scale of the development.

Impacts on protected or notable species are not envisaged; further survey in support of this conclusion is not considered necessary.

Introduction

1. Brooks Ecological Ltd was commissioned by Naylor Drainage Ltd to carry out a Preliminary Ecological Appraisal (PEA) of land at Naylors Drainage, Clough Green, Cawthorne.
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.

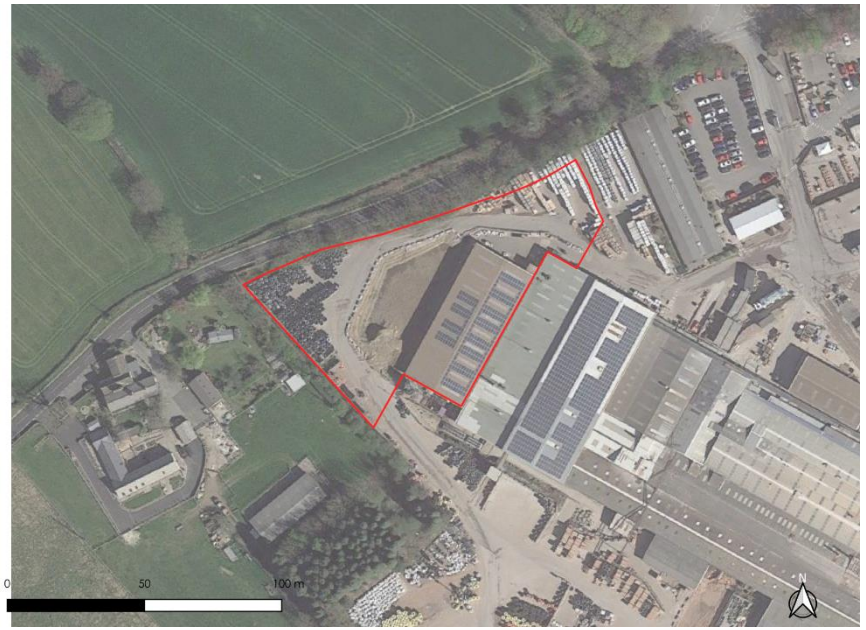
Purpose of a PEA

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 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.
6. Biodiversity Units can help to inform avoidance, or on-site mitigation levels required; or as a last resort can translate to a direct monetary value where compensation (off-site) is required. Please be aware that they *can* significantly impact on costs and viability.

The Site

7. The application site 'the Site' comprises a small area within the industrial estate adjacent to the existing Naylors Drainage extrusion factory.
8. 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.

Figure 1*the Site*



Desk Study

Landscape

9. The application Site occupies the north-western corner of an existing industrial estate found in a rural location outside the small village of Cawthorne, circa 5km west of the urban limits of Barnsley.

10. The surrounding land is characterised by agricultural use, primarily in the form of pasture. Fields are separated by a network of hedges, with a number of wooded corridors and becks passing through the area.

Wildlife Corridors

11. Tanyard Beck provides the closest wildlife corridor to the Site. this is found immediately south of the wider industrial estate but over 350m south of the proposed application area. Rons Cliff Dike provides a stronger corridor, this is found over 500m north, and does not share strong links to the site.

12. Both corridors run roughly southwest- northeast connecting occasional blocks of woodland, and in the case of Rons Cliff Dike, parkland associated with Cannon Hall and more significant areas of woodland beyond.

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



Designated 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
Pye Flatts Meadows	1.8km south	Site of Special Scientific Interest (SSSI)	Neutral hay meadow grassland
South Pennine Moors	9.6km south west	Special Area of Conservation (SAC)	Habitats that are a primary reason for selection include European dry heath, Blanket bogs and old sessile oak woods
Peak District Moors (South Pennine Moors Phase 1)	9.6km south west	Special Protection Area (SPA)	Qualifying species include merlin, golden plover and short eared owl.

14. Direct and indirect impacts on all remaining sites as a result of this development are unlikely due to the Sites separation and distance.

SSSI Impact Risk Zones (IRZs)

15. The Site lies within the 2km IRZ for the Pye Flatts Meadows 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 two Local Wildlife Sites in the search area. These being Daking Brook Barnsley Local Wildlife Site (LWS) and Wool Greaves Meadows Barnsley LWS, 740m northeast and 1.1km south respectively.

17. Due to separation by distance and absence of functional links between the proposal Site and these Local Wildlife Site's direct and indirect impacts are considered unlikely.

Nature Improvement Area

18. The Site does not fall within any Nature Improvement Areas.

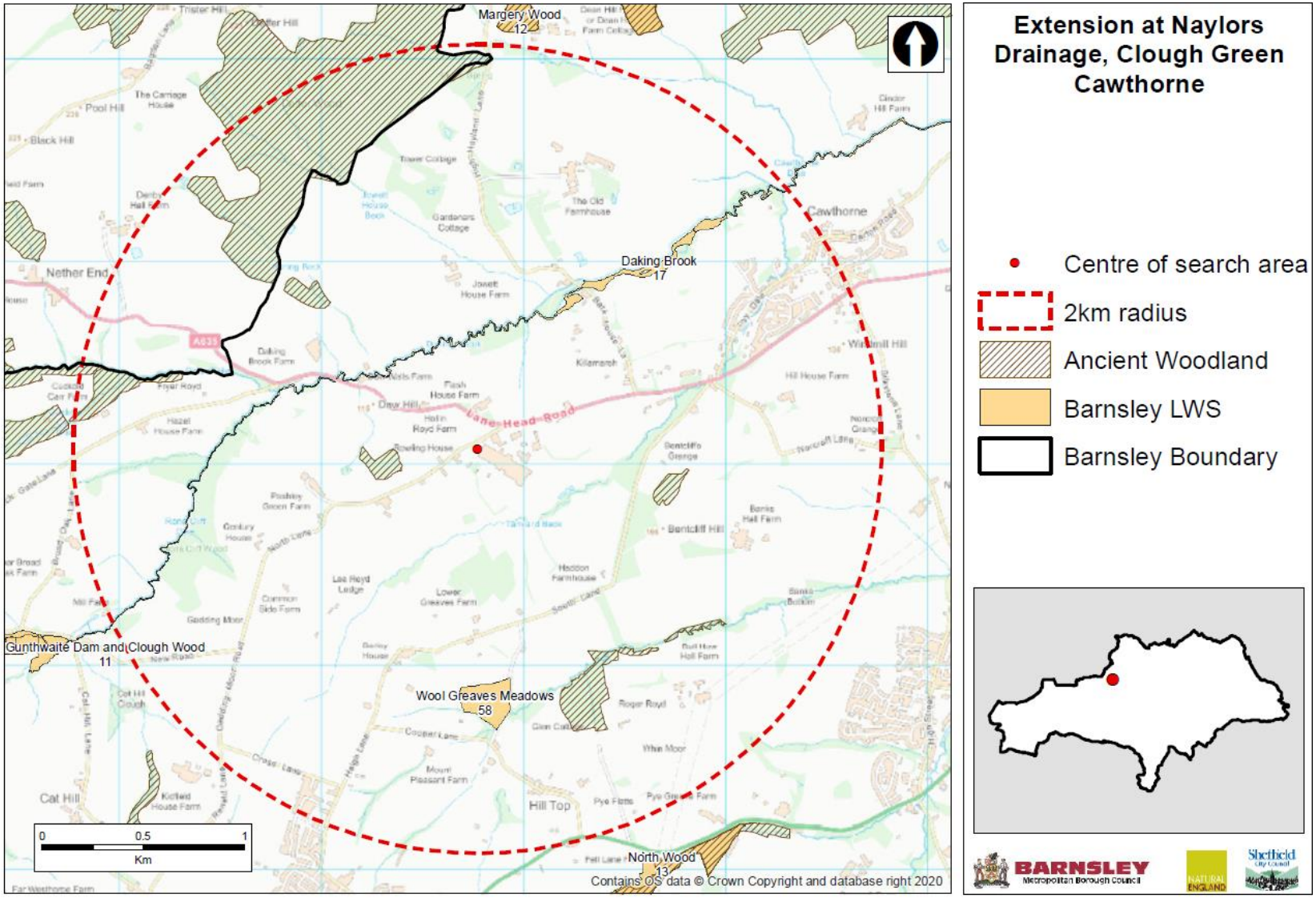
Wildlife Habitat Network

19. The Site does not fall within any Wildlife Habitat Network.

Granted EPSM Licenses

20. There are no granted European Protected Species Mitigation Licences shown on MAGIC within 1km of the application Site.

Figure 3 *Species and Designated Site's*



Survey

Method

21. The survey was carried out during June 2021[1] with a second Site visit undertaken in September following an extension to the redline area. Survey followed the principles of Extended Phase 1 Habitat Survey methodology (JNCC, 2010).

Limitations

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

23. The entire Site was visible, though a significant proportion (40%) could not be directly surveyed due to the presence of standing water or steep banks.

Habitat Appraisal

Habitats Identified

24. 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 relevant UK Habs guidance referenced at the back of the report in identifying habitats. Habitat descriptions are divided into the 'distinctiveness' categories used in the calculations - with more weight being afforded the more distinctive / important habitats.

25. 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

26. 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 calculation, but mitigation or compensation is not required.

Low Distinctiveness Habitats

27. Habitats which are ubiquitous, often which have been created or modified by man. 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.

Moderate Distinctiveness Habitats

28. 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

29. These are habitats which are more natural and by definition contain more important assemblages of plants and potentially species which are rare in their own right. They will provide good supporting 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

30. These are the UKs 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,

[1] This Report has been prepared during September 2021 following visits to the site in June and September 2021 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.

creation of the same habitat type would be required and this would range between very difficult/expensive and impossible.

31. Each habitat is mapped and an area for each type is provided in the format of the DEFRA Biodiversity Metric 3.0 Calculation Tool. In this case the Site meets the criteria to use the Small Site's Metric. 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.

Condition Assessment

32. Our condition assessment for each habitat described references where available the criteria set out in DEFRA (2021) Biodiversity Metric 3.0 Technical Supplement (1).

33. Habitats in the Very Low Distinctiveness tier do not require a condition assessment.

34. Habitats in the Low Distinctiveness tier tend to fall into the poor condition category by default. Where we feel this is not the case, we have explained our reasoning.

35. Habitats within the other higher tiers can fall into a range of conditions. We set out our reasoning based on the given criteria and guidelines.

Habitats of Low/Very Low Distinctiveness

Figure 4 *Approximate location and extent of these habitats*



Table 2 Summary - Habitats of Low / Very Low Distinctiveness

Habitat Code / Name	Summary Description	Condition
u1b Developed land; sealed surface	The majority of the Site area is occupied by existing hard standing forming part of the active industrial estate. A portion of the existing building makes up the south eastern area of the application Site.	N/A
u1c Artificial unvegetated; unsealed surface	Area of excavated material adjacent to existing building. Following period of very heavy rain approximately 2 inches of standing water occupied the hollow during the June visit, though it was dry during the September re-visit The vast majority of this area is devoid of any vegetation though common course grass and competitive forbs had begun to colonise a small area of the bank.	N/A

Figure 5 *Showing habitats on Site*





DEFRA Metric (Baseline)[2]

36. This metric sets out the baseline for the Site - proposals should seek to **Avoid** areas of higher value, **Mitigating** any loss on-Site through retention and enhancement, or habitat creation.

	Habitats and areas			Distinctiveness	Condition	Strategic significance	Suggested action to address habitat losses	Ecological baseline
Ref	Broad habitat	Habitat type	Area (hectares)	Distinctiveness	Condition	Strategic significance		Total habitat units
1	Urban	Developed land; sealed surface	0.4788	V.Low	N/A - Other	Area/compensation not in local strategy/ no local strategy	Compensation Not Required	0.00
2	Urban	Artificial unvegetated, unsealed surface	0.1014	V.Low	N/A - Other	Area/compensation not in local strategy/ no local strategy	Compensation Not Required	0.00
3								
4								
5								
			0.58					0.00

[2] Our report provides an estimate of the sites value in Biodiversity Units. This is based on thorough assessment at the time of survey and using the information available at this time. In this assessment we have used the latest version of DEFRA's Biodiversity Metric Tool, the UK Habitats Classification and relevant guidance. This assessment requires subjective judgments to be made in terms of habitat type and condition and could be open to other interpretations. Reliance on the Unit Score, or conversion of this into a monetary value, would be at the developer's own risk.

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. While a large proportion of the Site area was occupied by standing water at the time of survey this is not assessed as offering suitable amphibian breeding habitat. the survey was undertaken during a prolonged period of heavy rain. Discussion with the Site owners indicated that the feature readily dries in dry weather or is pumped out during spells of prolonged rainfall. Aquatic or marginal vegetation, which would indicate semi-permanence of any standing water there was not seen.

39. Four ponds are visible on mapping within 500m of the site boundary. Pond 1 is a woodland pond 325m south of the application Site. Pond 2 and 3 settlement features, in close proximity to one another, being found 480m south-east. Pond 4, again a surface water settlement feature is found 440m south.

40. There are 12 records of great crested newt (GCN) returned for the area – these date from between 1965 – 2016. All records relate to the same location 1.6km north-east. Common frog, common toad and smooth newt are also recorded.

Field Evidence

41. There is no suitable amphibian breeding habitat on Site. Pond 1 appears to offer suitable habitat, while ponds 2, 3 and 4 are likely of less value due to their function as attenuation / settlement features. All ponds are separated from the site by at least 325m and a significant expanse of very poor value amphibian terrestrial habitat – the existing industrial estate.

42. Habitat within the Site and its immediate surroundings offer very poor value to amphibians during their terrestrial life cycle.

Summary Evaluation

43. The application Site is considered unlikely to be of specific value to any native amphibian species and the protected GCN is considered likely absent.

Further Surveys and Recommendations

44. No further surveys or precautions are considered necessary.

Figure 6 *Ponds in relation to the Site.*



Bats

Desk evidence

45. Bats are very well recorded in the area with species including common and soprano pipistrelle, brown long eared, daubentons, natterers, whiskered, noctule and indeterminate species recorded. The two closest records 100m and 230m north relate to whiskered and brown long eared bats but do not detail roosts.

Field Evidence

Potential Roost Sites

Buildings: The southern part of the application Site area is occupied by part of the existing building to which this application proposes an extension. This building is constructed using breeze block base walls with metal cladding above approximately 2m height. The building is found in relatively sound repair and of a construction style which offers negligible value to roosting bats.

Foraging and Commuting Habitat

46. Habitats present on Site offer very little value to foraging or commuting bats.

47. Boundary trees around the wider industrial estate are likely to offer some commuting and foraging value to local populations though proposals will have no direct impact on these features.

Summary Evaluation

48. The Site offers very limited value to this group, direct impacts are considered highly unlikely.

Further Surveys and Recommendations

49. No further surveys are considered necessary.

50. While the wider industrial estate is likely to already be subject to the effects of light spill, these proposals should take care to not apply additional impacts through these means on boundary feature so as to not preclude their use by local bat populations.

Birds

Desk Evidence

51. An extensive data set of bird records has been returned. This covers a wide range of species including several red and amber list species and 8 Schedule 1 species. No records relate to land within the application Site boundary.

Field Evidence

52. No birds were seen on Site, or in the close vicinity during the course of the survey.

Summary Evaluation

53. The Site offers poor value for foraging or nesting birds and is subject to high levels of disturbance.

Further Surveys and Recommendations

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

Badgers

Desk evidence

55. Seventeen records of badger have been returned. With the exception of one, all records are dated from the 80's and 90's. The one more recent record dates from 2015 and relates to road casualty 1.9km south west of the Site.

Field Evidence

56. The Site is entirely occupied by concrete or bare rock, as such it provides no habitat suitable for sett building.

57. While land surrounding the wider industrial estate provides suitable badger habitat the value of Site and estate are minimal, subject to high levels of disturbance through traffic and illumination.

Summary Evaluation

58. No evidence of presence on Site could be seen, the site provides very limited value to badger.

Further Surveys and Recommendations

59. Further survey is not recommended.

Invasive Non-Native Species (INNS)

60. 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. No such species were found on site[3]:

Survey constraints

61. This survey is constrained by the significant areas that were inaccessible due storage of materials, standing water and the gradient of the bank.

62. 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, 3rd 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.

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

[3] 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

64. The Site contains habitat of negligible ecological value and these pose no constraint on development.

65. Most LPAs now require developments to demonstrate a 'no net loss' in biodiversity. However, in this case the Site baseline offers zero Habitat Units, as will be the case following the proposed development.

Faunal constraints

66. No specific faunal constraints have been identified at the PEA stage and no further surveys are considered necessary to inform a planning application.

67. Measures should be taken to ensure the boundary habitats of the wider industrial estate are not subject to levels of light spill beyond existing.

Ecological Opportunities

68. Given the scale and nature of the Site and associated proposals the potential for enhancement is limited.

69. Installing roosting or nesting features on new buildings will be beneficial and proportionate to the scale of development.

Conclusions and Recommendations

Planning considerations		
Recommendation	**Rationale**	**When**
R1 Additional Surveys	**Not required**	N/A
R2 Produce a layout which minimises loss of biodiversity.	Given the baseline habitats at the Site there will be no net loss in biodiversity value based on the DEFRA Metric. Should the LPA require delivery of a 10% net gain, land outside the proposed development area within the client's ownership could be used to achieve this.	During the design process

Other considerations (managing legal or financial risks)		
Issue	**Rationale**	**When**
R3 Nesting bird management	The risk of the project impacting nesting birds is considered to be minimal. Despite this, ground works contractors should be mindful of nests if works are undertaken during the nesting season which is 1st March – 31st August inclusive.	Pre- and during -clearance

Outline Biodiversity Net Gain (BNG) Implications

86. The NPPF and most aligned local policies require that development achieves a 'no net loss' or unquantified 'net gain' situation for biodiversity. The forthcoming (2020/21) Environment Bill is likely to mandate a 10% net gain position and many LPA's have pre-empted this with revised policies and SPG's, some are providing a means of developers contributing to strategic off off-Site enhancement where BNG can't be secured on Site.

87. Pre-application discussions with the LPA should aim to identify their approach to BNG from an early stage. Outline BNG Implications at this Site have been calculated below. This is based on the proposal plan provided. Figures are provided for habitat area units only.

88. **This is not the final calculation** but provides what is hoped is a useful illustration to work forward from. Proposals will still be required to work within the NPPFs mitigation hierarchy of Avoid, Mitigate, Compensate and by doing so losses are likely to reduce. Similarly, high quality landscaping proposals and provision of natural green space would also help to reduce any deficit.

Pre-development Baseline Units	Post Development Units *	Units still required to achieve No Net Loss	Units still required to achieve 10% Net Gain
0	0	0	0.1

89. BNG is very much an evolving situation and the importance of pre-application discussions is again emphasised. For purely illustrative purposes if this project was in our home district of Leeds the 'backstop' position of achieving BNG through the LPA's contribution scheme would incur a cost of £20,000 /unit plus 20% facilitation and monitoring fees https://www.leeds.gov.uk/planning/conservation-protection-and-heritage/achieving-net-gain-in-biodiversity-guidance-for-developers

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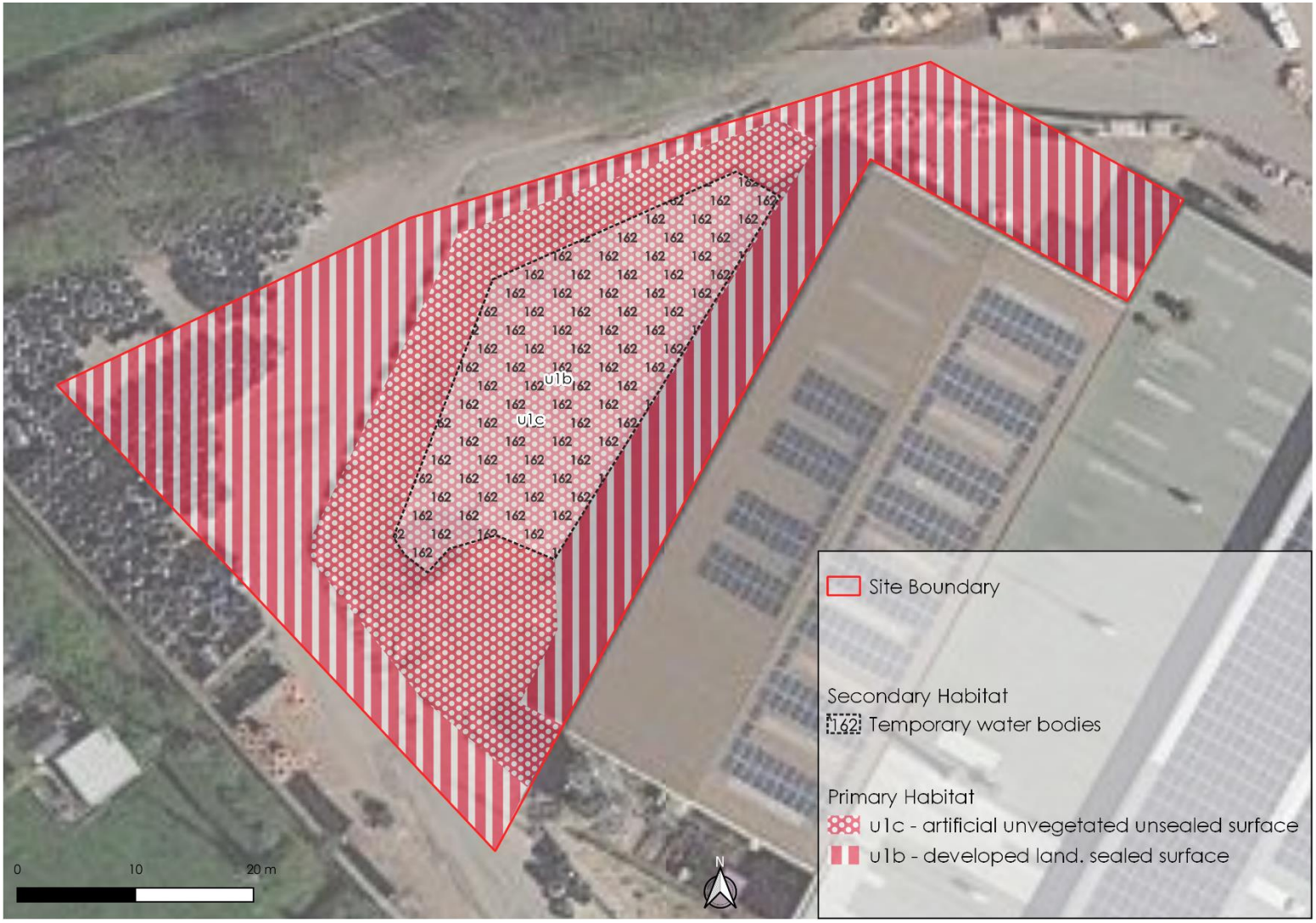
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Appendix 1 Habitats and Ecological Features



Appendix 3 List of species recorded

Common bent (Agrostis capillaris)
Creeping thistle (Cirsium arvense)
Cocksfoot (Dactylis glomerata)
Yorkshire fog (Holcus lanatus)
Broad leaved dock (Rumex obtusifolius)
Ragwort (Senecio jacobaea)
Dandelion (Taraxacum vulgare agg.)

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 [SSSI's]) 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 Sheffield Biological Records Centre 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 'Barnsley Local BAP'.

Priority Species	**Priority Habitats**
Hedgehog	Mixed deciduous woodland
Bats	Upland oakwood
Water Vole	Wet woodland
Otter	Parkland and veteran trees
Grey Partridge	Traditional orchard
Bittern	Scrub
Kestrel	Coniferous woodland
Little Ringed Plover	Hedgerows
Lapwing	Arable field margins
Barn Owl	Acid grassland
Skylark	Neutral grassland
Tree Sparrow	Floodplain grazing marsh
Twite	Amenity grassland
Great Crested Newt	Upland heathland
Salmon	Lowland heath
Bullhead	Reedbeds
White-clawed Crayfish	Lowland fen
Glow Worm	Upland flushes, fens and swamps
Dingy Skipper	Rush pasture
Bluebell	Blanket bog
	Standing water and ponds
	Running water, rivers & streams
	Open Mosaic Habitats on Previously Developed Land
	Built environment and gardens

Bats

Bat roosting potential is classified according to the following criteria set out below, taken from the Bat Conservation Trust Good Practice Guidelines (2016).

Bat Roosting Suitability of Buildings and Trees

Suitability	Criteria
Negligible	Negligible habitat features on site likely to be used by roosting bats.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions, and/or suitable surrounding habitat to be used on a regular basis or by a larger numbers of bats (i.e. unlikely to be suitable for maternity or hibernation). A tree of sufficient size and age to contain PRFs but with none seen from the ground or features seen with only very limited roosting potential.
Moderate	A structure or tree with one or more potential roost sites that could be used due to their size, shelter, protection, conditions, and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only - the assessments in this table are made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure or tree with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protections, conditions and surrounding habitats.

Evaluation

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

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

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

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

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

Appendix 4 Bat Activity Survey Rationale

The Bat Conservation Trust Guidelines (BCTG) (Collins 2016) 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.

The Site offers very poor value to bats, as such, their use or lack thereof is easy to predict. Further survey to inform a planning application is not considered necessary.

This assessment was made by Sam Kitching BSc (Hons) MIEEM. Sam is registered to use the Class Survey Licence WML CL18 (Level 2) and has been assessing bat habitat and planning surveys in a professional capacity for 9 years.

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 1) 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 (*Fallopia japonica*) and giant hogweed *(Heracleum mantegazzianum*).

Planning Policy / Guidance

The National Planning Policy Framework (NPPF):
The National Planning Policy Framework was updated in February 2019. 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 "*contribute to protecting and enhancing our natural environment*" and "*help to improve 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 functions for wildlife*" (P118).

Section 15 details conserving and enhancing the natural environment; policies and decisions should be "*protecting and enhancing 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 (P170). Allocations of land for development should, "*prefer land of lesser environmental value, where consistent with other policies in this Framework and take a strategic approach to maintaining and enhancing networks of habitats*" (P171).

The Framework sets out ways to minimise the impacts on biodiversity through "*identifying, mapping and safeguarding 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 the "*conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and (the need to) identify and pursue opportunities for securing measurable net gains for biodiversity*" (P174).

It is made clear in P175 that local planning authorities should apply principles when determining planning applications. Planning permission should be refused "*if significant harm to biodiversity resulting in 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 incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity*".

Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services.
This strategy 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.