

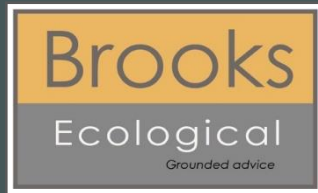


Preliminary Ecological Appraisal Report

Report Ref. ER-7498-01

18/04/2024

McArdle Sport Tec Ltd



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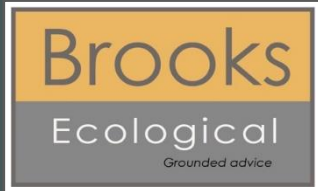


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Contents

Introduction.....	1
Desk Study	2
Designations.....	3
Survey.....	4
Habitat Appraisal.....	4
Faunal Appraisal.....	6
Conclusions and Recommendations	10
References.....	11
Appendix 1 List of species recorded	13
Appendix 2 Explanatory Notes and Resources Used	14
Appendix 3 Bat Activity Survey Rationale.....	17
Appendix 4 Wildlife Legislation, Policy and Guidance	18



Summary

This report is produced to inform McArdle Sport Tec 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 March 2024.

Key Findings

The Site is a grass turf sports pitch of low ecological value.

Biodiversity Net Gain

Details on measurement of the Site's biodiversity and the implications of complying with the requirement to provide a net gain for biodiversity are provided in our separate report ER-7498-02.

Further surveys

Further surveys have not been recommended.

Introduction

1. Brooks Ecological Ltd was commissioned by McArdle Sport Tec Ltd to carry out a Preliminary Ecological Appraisal (PEA) of land at Dorothy Hyman Sport Centre, grid ref. SE391088. The survey includes land within the red line boundary shown in Figure 1, opposite, with a total area of 0.67ha.
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 re-surface this grass pitch as 3G synthetic grass and some small areas of hardstanding for seating.

The Site

7. The application site 'the Site' comprises a grass football pitch within the Dorothy Hyman Sports Centre which sits along Syndale Road in the village of Cudworth.

Figure 1 The Site (red line boundary).



Desk Study

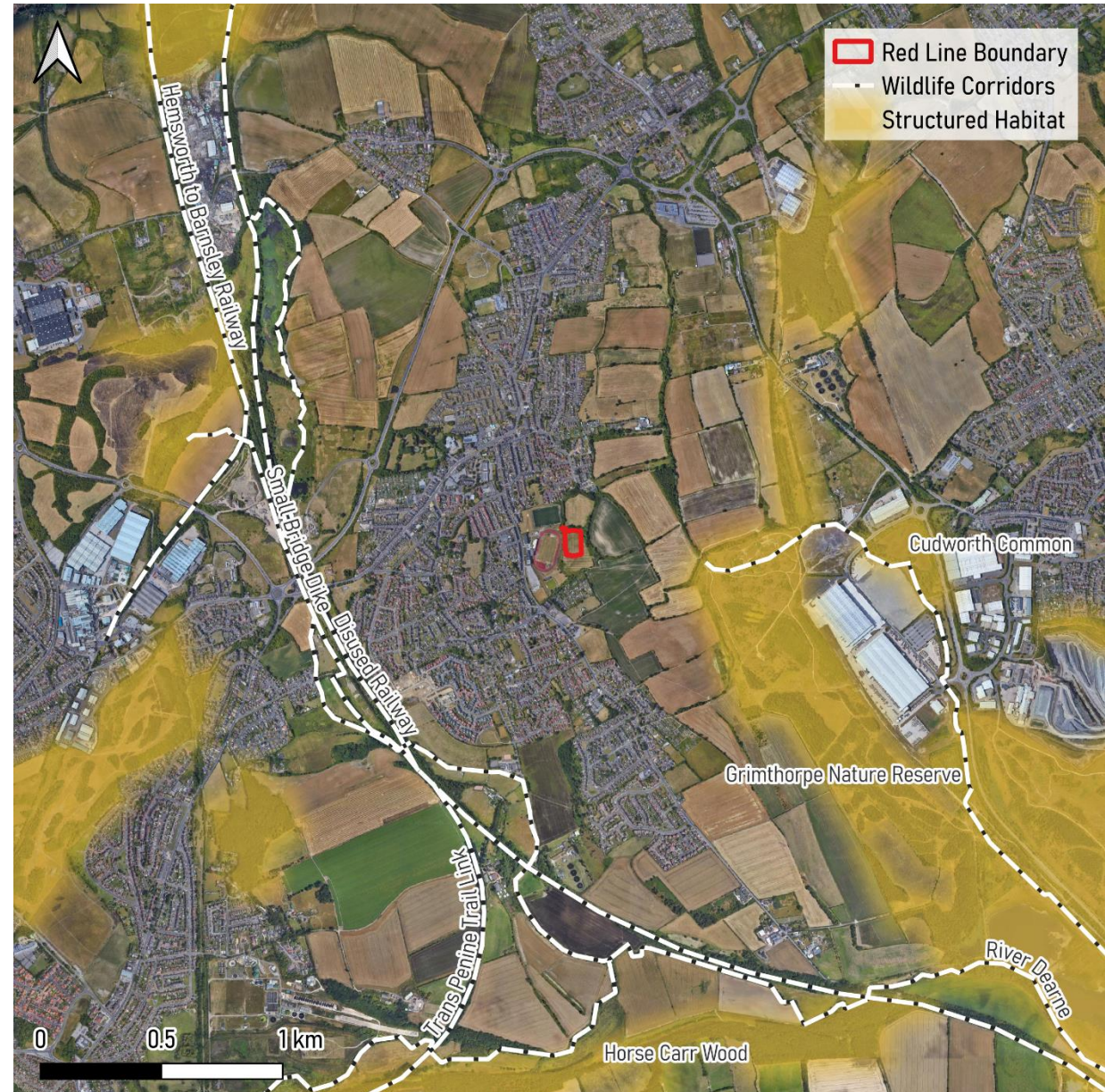
Landscape

8. The Site is located within the wider site of Dorothy Hyman sports centre on the outskirts of the village of Cudworth, Barnsley, South Yorkshire.
9. The Site is bordered by sports pitch on the western and southern sides. Arable fields are present to the east and north, separated by treelines.
10. The Site overlies the sandstones of the Mexborough Rock bedrock. Due to the heavily modified nature of the Site, there is not likely to be any affect from the bedrock geology.

Wildlife Corridors

11. The Site is not linked to any obvious wildlife corridors.
12. The River Dearne is located c 1km southwest of the Site, but is separated by an expanse of developed land.
13. A less significant network of treelines and hedgerows loosely connect the Site to wider structured habitat to the southeast.

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



Designations

- 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

- 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
Carlton Marsh	1.2km NW	Local Nature Reserve (LNR)	Mixture of open wetland, woodland, grassland and scrub, hosting a wide variety of wildlife, notable birds.
Carlton Main Brickworks	2km SE	Site of Special Scientific Interest (SSSI)	Geological interest: operational clay pit displaying Coal Measures Strata including the Top Marine Band.
Dearne Valley Wetlands	1.2km NW and 1.7km SE	SSSI	National important wetland, comprising of lowland damp grasslands, lowland scrub, lowland open waters and water margins and lowland fen. Supports diverse assemblages of breeding and non-breeding birds including: gadwall, shoveler, garganey, pochard, bittern, black-headed gull, willow tit.

- The Site is indirectly connected to the Carlton Main Brickworks and Dearne Valley Wetlands through a network of treelines and hedgerows that adjoin the Grimthorpe Nature Reserve. The Site is separated from Carlton Marsh by an expanse of developed land. Direct and indirect impacts on any of these sites as a result of this development are unlikely due to its separation and the scale of development.

SSSI Impact Risk Zones (IRZs)

- The Site lies within the IRZ for several SSSI's including the Dearne Valley Wetlands and Carlton Main Brickworks. The Site may fall under the infrastructure category, where by if any pipelines, underground or overhead cables or pylons are to be built into the development then the LPA would be required to consult with Natural England in relation to potential impacts.

Non-Statutory Designations

- There are no Local Wildlife Sites within the 2km search radius from the Site.

Nature Improvement Area

- The Site sits within the Dearne Valley Green Heart Nature Improvement Area (DVGH). The DVGH aims to create and restore floodplain habitat, and restore woodland and farmland habitats in low ecologically functioning areas. As the Site does not sit within any of the target areas (floodplain, woodland and farmland) it is unlikely to have a direct impact on the nature improvement area objectives, however these should be considered as a part of the Biodiversity Net Gain process.

Wildlife Habitat Network

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

Granted EPSM Licences

- There is one granted European Protected Species Mitigation (EPSM) licence shown within 1km of the Site. This is for the destruction of a resting place of a common pipistrelle bat from 2009-2010, c. 600m northwest of the Site.

Mapped Ancient Woodland

- No part of the Site sits within 15m of Ancient Woodland.

Survey

23. The survey was carried out during March 2024¹ and followed the principles of Extended Phase 1 Habitat Survey methodology (JNCC, 2010).
24. The timing of the survey meant that it was possible to confidently classify the type and condition of habitats present on this Site.
25. Although out of the main growing season, the nature of habitats present here, and the expertise and training of the surveyor meant that it was still possible to confidently classify the type and condition of habitats present on this Site.
26. Enough time was afforded the surveyor to carry out the survey. The survey was not constrained by poor weather.

Habitat Appraisal

27. 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.
28. 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

29. 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

30. 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

31. 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

32. 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

33. 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.
34. 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.

Condition Assessment

35. Our condition assessment for each habitat described references where available the criteria set out in DEFRA (2023) Statutory Biodiversity Metric Condition Assessments. A completed version of this spreadsheet is provided digitally with the Biodiversity Gain Report which accompanies this report.

¹ This Report has been prepared during April 2024 following a visit to the Site in March 2024, and our findings are based on the conditions of the Site that were reasonably visible and accessible at that date. We accept no liability for any areas that were not

reasonably visible or accessible, nor for any subsequent alteration, variation, or deviation from the Site conditions which affect the conclusions set out in this report.

Habitats of Low/Very Low Distinctiveness

Figure 3 Approximate location and extent of these habitats.



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

UK Habitats	Label Ref	Summary Description
Modified Grassland	Low	Heavily managed and mown sports pitch turf covers almost the entire Site. The grass is dominated by perennial rye grass with some annual meadow grass and common bent also present. A sparse cover of competitive forbs are present, including white clover and creeping buttercup. There are an average of 2-3 species per m ² .
Developed land; sealed surface	Very Low	Pathways and steps within the northwestern corner.

Figure 4 Sports pitch



Figure 5 Developed land



Faunal Appraisal

36. 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

37. There are no waterbodies within 500m of Site.
38. There are 18 records of great crested newt (GCN) returned for the area from 2013 and 2020. Majority of these are located c. 1.8km southeast of the Site, in a pond in the Grimsthorpe Nature Reserve.
39. There are many records of other amphibians within the search radius including a single palmate newt, 39 smooth newt, 17 unconfirmed lissotriton spp., 32 common frog and 36 common toad. All of these are also concentrated in and around the Grimsthorpe Nature Reserve.

Field Evidence

40. No suitable habitat is present on Site and the Site is not connected to waterbodies.

Summary Evaluation

41. The Site is not expected to be of importance to local amphibian populations.

Further Surveys and Recommendations

42. No further surveys or precautions are considered necessary.

Bats

Desk evidence

43. There are two records of bats within the search radius. These relate to unidentified vesper species, noted in 2020, c. 1.8km southeast of the Site.

Field Evidence (Roosting)

44. There are no buildings on Site.
45. There are no trees on Site.

Field Evidence (foraging and commuting)

46. The Site itself does not have suitability for foraging and commuting bats, however structured habitat is present directly north and east of Site. Adjacent trees were assessed as having Negligible suitability.

Summary Evaluation

47. The Site has no suitability for roosting bats. The Site is connected to adjacent suitable foraging and commuting habitat, meaning the development has the potential to indirectly impact on these habitats.

Further Surveys and Recommendations

48. Further surveys are not recommended in regard to roosting.
49. The adjacent suitable habitat isolated and potential bat activity is easily predictable, therefore further survey in relation to bat activity is not recommended.
50. Bats need to be considered in relation to proposed lighting. A sensitive lighting plan should be produced to protect these sensitive adjacent habitats through the construction and post-development phases.

Birds

Desk Evidence

51. Over 2000 records have been returned for birds within the search. These include birds of conservation concern such as barn owl, black-headed gull, bullfinch, house sparrow and willow warbler.

Field Evidence

52. The grass is mown short, providing no cover for birds and limited foraging opportunities. More suitable habitat is present in the individual trees and boundary vegetation of the wider club.
53. A small number of common bird species were noted during the survey including carrion crow.

Summary Evaluation

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

Further Surveys and Recommendations

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

Badgers

Desk evidence

56. There are no records of badgers within the search radius.

Field Evidence

57. The Site provides potential habitat for foraging, however its location makes their presence here somewhat unlikely.
58. No evidence of badger was found on Site or within the adjacent habitat to the east.

Summary Evaluation

59. Badger setts are unlikely to be present at the Site.

Further Surveys and Recommendations

60. No further surveys or precautions are considered necessary.

Hedgehogs (NERC Act 2006/Local BAP)

Desk evidence

61. There are two records of hedgehog within the search area. The first was noted in 1991, c. 700m west of the Site, and the second was noted in 2020, c. 1.8km southeast of the Site.

Field Evidence

62. No evidence of hedgehogs was found on site.

Summary Evaluation

63. The Site provides limited foraging habitat for this species but no cover. Hedgehogs are not expected to be significantly affected by the works.

Further Surveys and Recommendations

64. Incidental presence assumed; no further surveys are considered necessary.

Invasive Non-Native Species (INNS)

65. 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.
66. No INNS were noted during survey within the red line boundary². However, this cannot be taken for confirmation of absence owing to the season at which the survey was undertaken, the potential for undisclosed management or tipping of extraneous material.
67. 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 and Opportunities

Habitat Value

68. The usual approach to development is to minimise any net loss of biodiversity towards a gain in biodiversity value where this is possible on-Site. [Our separate report on Biodiversity Gain sets out the position of the Site in terms of measured biodiversity.](#)
69. The plan opposite shows the Site in the context of mapped habitat distinctiveness. It shows that the entire Site is Very Low / Low distinctiveness. Habitats do not impose any particular design constraints. Loss of habitat of this nature are not of the order which (outside of Biodiversity Net Gain) would require specific mitigation or compensation as they are common locally.
70. The adjacent tree line and vegetation to the north and east should be protected through the construction and development phases.

Faunal constraints

71. Faunal constraints have not been identified.

Opportunities

72. Ecological opportunities at the Site relate to:
- Potential to improve connectivity locally by enhancing the adjacent vegetation to the north and east with new planting.

Figure 6 Distinctiveness of habitat.



Conclusions and Recommendations

Planning considerations		
Recommendation	Rationale	When
R1 Additional Surveys	Not required	n/a
R2 Produce a layout which minimises loss of biodiversity	Engage with the Constraints and Opportunities set out above, involve your ecologist in designs at an early stage. The proposals will need to consider the NPPF hierarchy of Avoid–Mitigate–Compensate in minimising any loss of biodiversity. The LPA is likely to be seeking at least a no-net-loss situation and could request that a contribution is made to address any residual loss here, off-Site. Your layout may need to change to accommodate your findings from R1 surveys.	During the design process
R3 Design	Make sure your design team follows ecological advice to and make sure there are no design conflicts.	During the design process
R4 Biodiversity Net Gain (BNG)	Carry out a BNG Assessment using the Statutory Biodiversity Metric Calculation Tool and accompanying Condition sheets produced by Defra. It is important that the baseline survey is undertaken during the appropriate season for the habitat type being assessed, so as to ensure the accuracy of habitat mapping and calculating condition scores. Where an initial survey is undertaken at a sub-optimal time of year, it is recommended that updating surveys be carried out during the optimal season for that habitat, prior to the BNG assessment being finalised. Failure to do this could mean that the final Biodiversity score calculated for a project is incorrect, which could then impact on any financial contribution that has been budgeted for to address Biodiversity Offsetting.	During the design process. Baseline survey to be completed during the appropriate season.

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Appendix 1 List of species recorded

Common bent	<i>Agrostis capillaris</i>
Dandelion	<i>Taraxacum officinale</i> agg.
Annual meadow grass	<i>Poa annua</i>
Nettle	<i>Urtica dioica</i>
Perennial rye grass	<i>Lolium perenne</i>
Red fescue	<i>Festuca rubra</i> agg
White clover	<i>Trifolium repens</i>

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

18/04/2024

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.

Local Biodiversity Action Plan

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

Species/Group	Habitat
Hedgehog	Mixed deciduous woodland
Bats	Upland oakwood
Water vole	Wet woodland
Otter	Parkland and wood pasture
Grey partridge	Traditional orchard
Bittern	Scrub
Kestrel	Hedgerows
Little ringed plover	Arable field margins
Lapwing	Acid grassland
Barn owl	Neutral grassland
Skylark	Amenity grassland and verges
Tree sparrow	Floodplain grazing marsh
Twite	Reedbeds
Great crested newt	Lowland fen
Salmon	Upland flushes, fens and swamps
Bullhead	Rush pastures
White-clawed crayfish	Blanket bog
Glow worm	Standing water and ponds
Dingy skipper	Running water, rivers & streams
Bluebell	Upland heathland
	Lowland heath
	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 (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>	A tree with at least one PRF present.

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 3 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 Joanna Bertwistle BSc (Hons) ACIEEM. Joanna has over 6 years of experience conducting bat surveys in a professional capacity.

Appendix 4 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/Guidance

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework was updated in December 2023. 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" (P124).

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 (P180). 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" (P181).

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" (P185).

It is made clear in P186 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.