

Ecological Assessments

Environmental Statements
(Biodiversity)

Species Surveys

Phase I Habitat Survey

National Vegetation
Classification

Planning Guidance

Habitat Regulation Assessment

Protected Species Licensing

42020 CEMP: Biodiversity

BREEAM LE01 - 05

Preliminary Ecological Appraisal

Rose Kiln Service Station, Reading, RG2 0HP



Cover Photo: The Site at Rose Kiln Service Station, Reading, RG2 0HP

REPORT STATUS

Issue/revision	DRAFT	FINAL I	FINAL II
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Prepared by	SC	SC	
Signature			
Reviewed by	VM/CLIENT	VM	
Signature			

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CONTENTS

1	INTRODUCTION	1
1.1	BACKGROUND.....	1
2	METHODS.....	1
2.1	DESKTOP.....	1
2.2	FIELDWORK	1
2.3	PERSONNEL.....	2
2.4	CONSTRAINTS	2
3	DESKTOP RESULTS.....	3
3.1	DESIGNATED SITES	3
3.2	HABITATS.....	4
3.3	SPECIES	5
3.4	PLANNING POLICY	6
4	FIELDWORK.....	11
4.1	UK HABITAT CLASSIFICATION	11
4.2	HABITAT CONFORMITY TO OTHER CATEGORIES	12
4.3	BATS AND NESTING BIRDS	12
4.4	OTHER	12
4.5	SITE PHOTOGRAPHS	13
5	ASSESSMENT.....	18
5.1	MITIGATION SUMMARY	18
5.2	HABITATS.....	20
5.3	NESTING BIRDS.....	20
5.4	HEDGEHOGS.....	21
5.5	BIODIVERSITY NET GAIN.....	22
5.6	ECOLOGICAL ENHANCEMENTS.....	23
6	APPENDIX A.....	24
6.1	LEGISLATION.....	24

FIGURES

Figure 1 Location 5

Figure 2 Proposals 6

Figure 3 Statutory Designations 8

Figure 4 Non-Statutory Designations 9

Figure 5 Priority Habitats..... 10

Figure 6 Habitat Map..... 17

TABLES

Table 1: Personnel 2

Table 2: Summary of Recommendations 18

Table 3: Features Not Assessed Further 19

1 INTRODUCTION

1.1 BACKGROUND

Rationale

- 1.1.1 This report has been commissioned by JMS Planning Ltd to provide a Preliminary Ecological Appraisal (PEA) to support a full planning application of proposals at Rose Kiln Service Station, Rose Kiln Lane, Reading, Berkshire, RG2 0HP (hereafter referred to as the Site).
- 1.1.2 This Preliminary Ecological Appraisal follows guidance from CIEEM (2017¹) and complies with recommendations in BS42020² and BS8683³. It is informed by a desk study (Section 3) and a field survey (Section 4).
- 1.1.3 Survey information is valid for a maximum of 18 months, after which updated surveys will be required.

Site Details

- 1.1.4 The Site is located at Rose Kiln Service Station, Rose Kiln Lane, Reading, Berkshire, RG2 0HP (Grid reference SU 71184 72129). The Site is bordered by the service station and commercial buildings to the north, a parcel of scrub, trees and Rose Kiln Lane to the east and south, and a retail building to the west. The wider landscape consists of residential property and a playing field to the north and west, arable land and the A33 dual carriageway to the west and south, and commercial units are present to the east of the Site. Holly Brook flows southwest to northeast c.130m northwest of the Site and The River Kennet watercourse runs from the south to the north, c.170m east of the Site. Refer to Figure 1 for more details.

¹ **Chartered Institute for Ecology and Environmental Managers (2017)** Guidelines for Preliminary Ecological Appraisal. Second Edition (December 2017). Chartered Institute of Ecology and Environmental Management, Winchester.

² **The British Standards Institution 2013** BS 42020:2013 Biodiversity - Code of practice for planning and development. Published by BSI Standards Limited 2013. ISBN 978 0 580 77917 6

³ **The British Standards Institution 2021** BS 8683 Process for designing and implementing Biodiversity Net Gain – specification. Published by BSI Standards Limited 2021. ISBN 978 0 539 01986 5

Proposals

- 1.1.5 The proposals include the construction of six EV charging bays with canopies, an LV panel, a substation and associated infrastructure. Refer to Figure 2 for more details.

1.2 REGULATORY FRAMEWORK

Legislation

- 1.2.1 This report has been prepared with regard to relevant legislation and statutory instruments relating to biodiversity and nature conservation. Further details are provided in Appendix A. Principal legislation relevant to this assessment includes:

- The Environment Act 2021;
- The Conservation of Habitats and Species Regulations 2017 (as amended);
- The Wildlife and Countryside Act 1981 (as amended);
- The Protection of Badgers Act 1992; and
- The Natural Environment and Rural Communities (NERC) Act 2006.

Priority Habitats and Species

- 1.2.2 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on public authorities to conserve and enhance biodiversity. Section 41 of the Act requires the Secretary of State to publish a list of habitats and species considered to be of principal importance for the conservation of biodiversity in England. These Habitats and Species of Principal Importance, hereafter referred to as Priority Habitats and Priority Species, have been considered as part of this assessment.

National Planning Policy Framework (NPPF)

- 1.2.3 National planning policy in England is provided by the National Planning Policy Framework (NPPF)⁴, most recently revised in August 2026.
- 1.2.4 Section 15 of the NPPF, *Conserving and enhancing the natural environment*, requires the planning system to protect and enhance biodiversity and minimise impacts upon the natural environment. Development should seek opportunities to provide net gains for biodiversity and incorporate features that support priority and threatened species.
- 1.2.5 The NPPF also requires planning decisions to consider the hierarchy of internationally, nationally and locally designated sites, protect ecological networks and habitats, and avoid, mitigate or compensate for significant harm to biodiversity.
- 1.2.6 ODPM Circular 06/2005: Biodiversity and Geological Conservation.

Biodiversity Net Gain (BNG)

- 1.2.7 Biodiversity Net Gain (BNG) is a statutory requirement in England under Schedule 7A of the Town and Country Planning Act 1990, as inserted by the Environment Act 2021. Subject to relevant exemptions, development is required to achieve a minimum 10% increase in biodiversity value compared with the pre-development baseline.
- 1.2.8 From 6th of August 2026, development where the total area within the red-line application boundary is 0.2ha or less is exempt from mandatory BNG, provided that the development does not negatively impact an onsite Priority Habitat.
- 1.2.9 Notwithstanding the exemption from mandatory BNG, opportunities to conserve and enhance biodiversity should be incorporated into the proposals where possible, in accordance with national and local planning policy.

⁴ **Ministry of Housing, Communities and Local Government (2026).** *National Planning Policy Framework*. Published 17 August 2026. Ministry of Housing, Communities and Local Government, London

Biodiversity Gain Objective

- 1.2.10 Part 1 of Schedule 14 states “The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage”.
- 1.2.11 In England, developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development. DEFRA has produced a Metric tool to measure the biodiversity losses and gains that result from development projects, updated in 2024 to The Statutory Biodiversity Metric (Natural England 2024⁵).

UK Biodiversity Policy

- 1.2.12 The Natural Environment and Rural Communities (NERC) Act 2006, as amended by the Environment Act 2021, places a general biodiversity duty on public authorities in England to consider what they can do to conserve and enhance biodiversity.
- 1.2.13 Section 41 of the NERC Act 2006 requires the Secretary of State to publish a list of habitats and species of principal importance for the conservation of biodiversity in England. These Habitats and Species of Principal Importance, referred to within this assessment as Priority Habitats and Priority Species, are material considerations within the planning process and have been considered within this assessment.

⁵ **Natural England 2024.** The Statutory Biodiversity Metric: Auditing and accounting for biodiversity – User Guide. Natural England Joint Publication JP039. ISBN: 978-1-7393362-1-9. First published February 2024.

Figure 1
Location



Application Site

Grid Reference

SU 71184 72129

Grid Reference (6 figure)

SU711721

X (Easting) , Y (Northing)

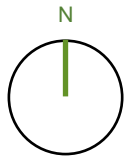
471184 , 172129

Latitude , Longitude (decimal)

51.443688 , -0.97715199

Latitude , Longitude (degs, mins, secs)

51°26'37"N , 000°58'38"W



Do not scale

Client



Project title

Rose Kiln Service Station

Project ID

318-28

Subject

Preliminary Ecological Appraisal

Drawing number

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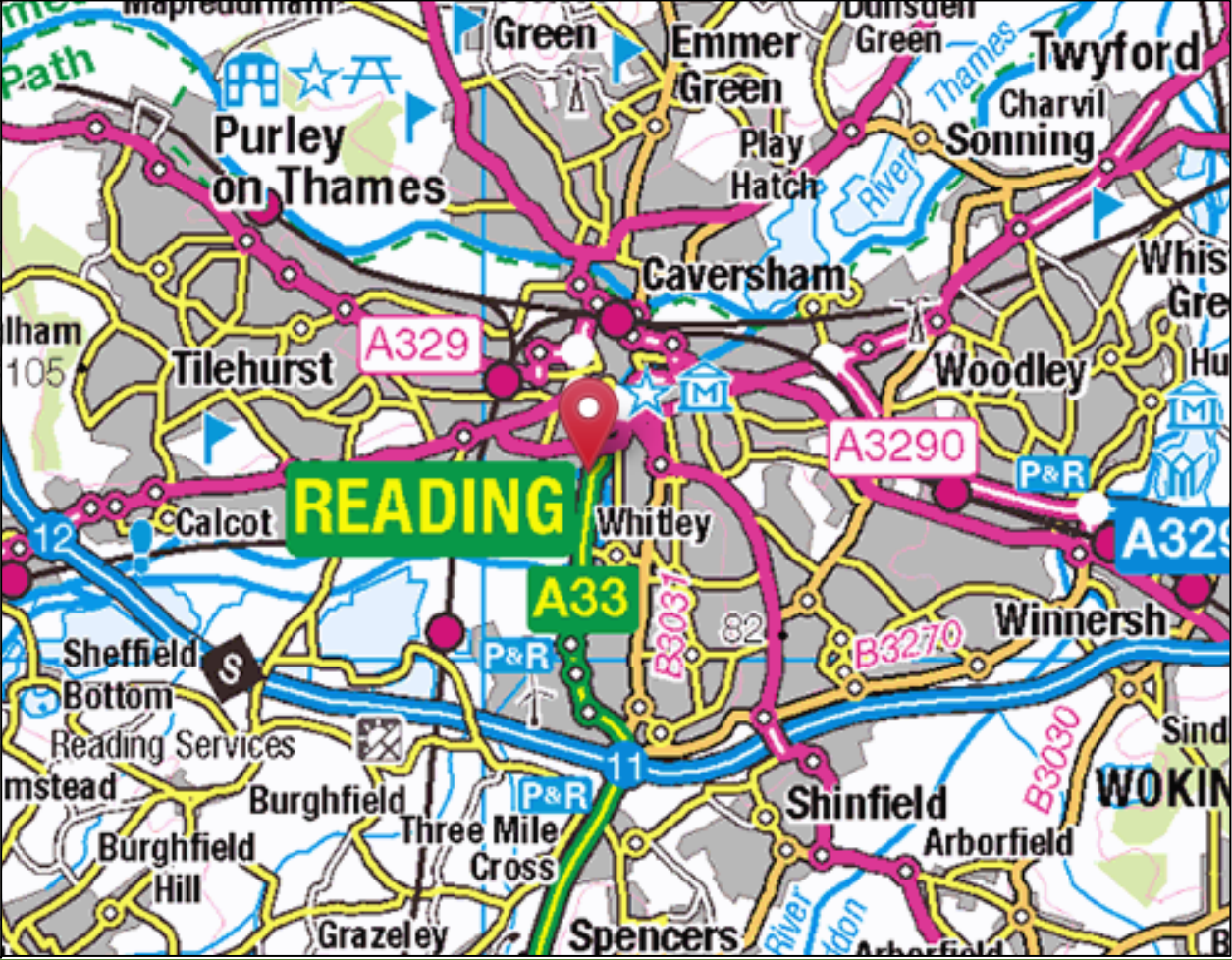
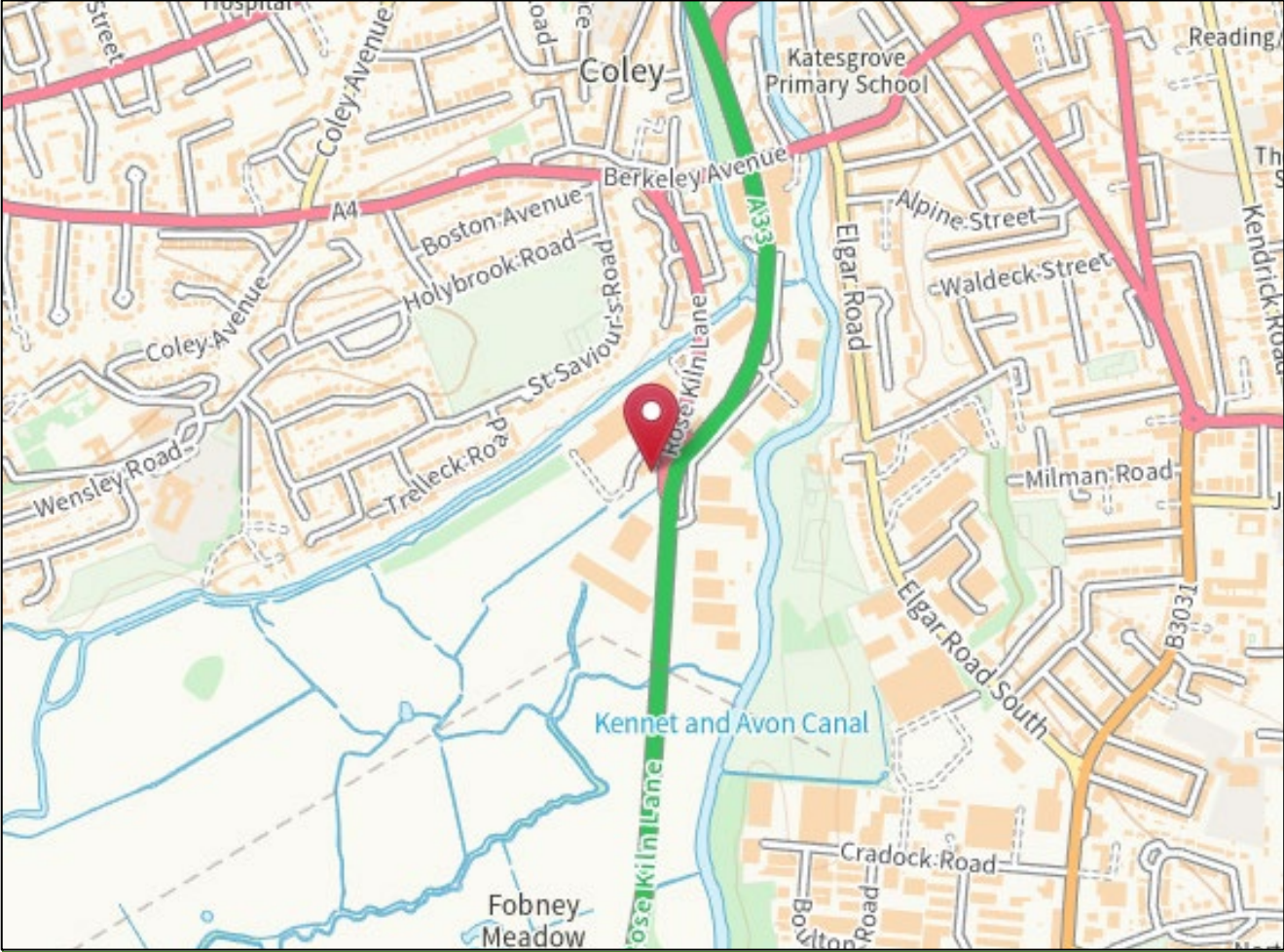
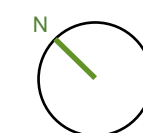
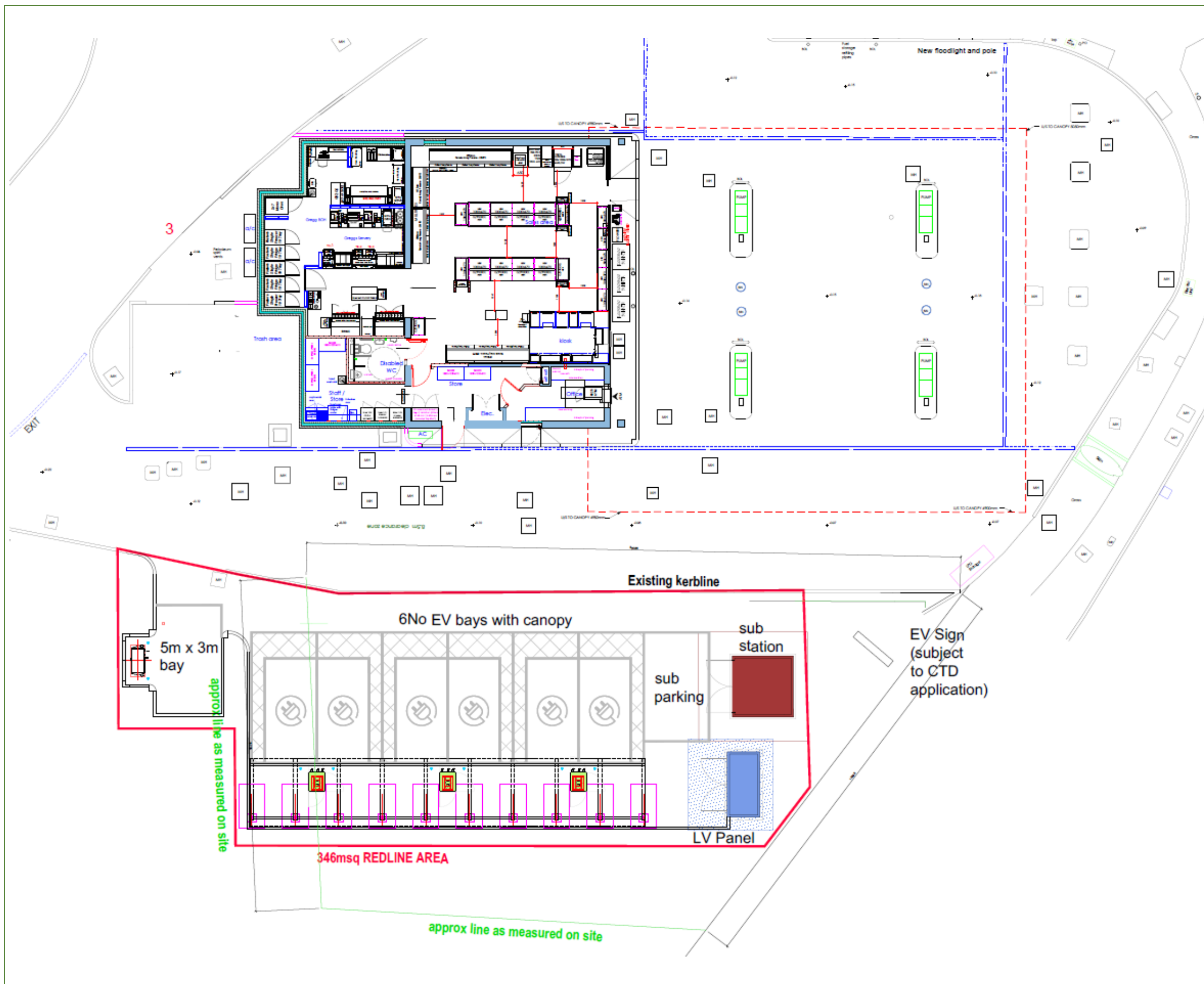


Figure 2 Proposals



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2 METHODS

2.1 DESKTOP

2.1.1 A desk study was carried out by collecting records within a 1km Area of Search (AoS). Data was collected from Thames Valley Environmental Records Centre (TVERC). The data trawl provided records for statutory and non-statutory sites and details of priority and notable species.

2.1.2 The Department of the Environment and Rural Affairs (DEFRA) Map and Geographic Information Centre (MAGIC) website⁶ was searched for information on:

- Statutory designations within 5km of the Site,
- Distribution of Priority Habitats in a 1km AoS
- Relevant European Protected Species licensing data (2km).

2.1.3 Planning policies with respect to Biodiversity for this Site have been reviewed so that recommendations comply.

2.2 FIELDWORK

UK Habitat Classification

2.2.1 A site visit was carried out on the 29th of July 2026.

2.2.2 A habitat survey was carried out following the methodology of the UK Habitat Classification system (UKHAB) V2.01 (July 2023).

2.2.3 The survey and assessment involved walking the site and mapping all land parcels in accordance with UK habitat classification, with primary codes and secondary codes where necessary. Target notes provide supplementary information such as presence of invasive species, features too small to map, and presence of suitable habitat for protected species.

⁶ <https://magic.defra.gov.uk/>

- 2.2.4 Dominant plant species were noted (including aliens), as were any uncommon species or species indicative of habitat types, but not all species would have been visible and there was no attempt to compile exhaustive species lists.

2.3 PERSONNEL

Table 1: Personnel

Name	Contribution	Qualification
Steven Cresswell	Site Visit, Report	BSc.
Vix Moughal	Technical Review	BSc., MSc., MEnvSc

2.4 CONSTRAINTS

- 2.4.1 There were no constraints to the survey.

3 DESKTOP RESULTS

3.1 DESIGNATED SITES

Statutory Designations

International Sites

- 3.1.1 The data search revealed no internationally designated sites within the 5km Area of Search (AoS). Refer to Figure 3 for more details.

National Sites

- 3.1.2 The data search revealed eight Local Nature Reserves (LNRs) and one Area of Outstanding Natural Beauty (AONB) within the 5km Area of Search (AoS). Refer to Figure 3 for more details.
- 3.1.3 Lousehill Copse LNR is located c.2.8km northwest of the Site. The reserve protects a semi-ancient woodland, including mature oak and hazel woodland with some coppice.
- 3.1.4 All other LNRs within the AoS are more than c.3.5km from the Site and separated from the Site by urban development such as residential and commercial buildings and urban infrastructure, such as roads and railway lines.
- 3.1.5 The Chilterns AONB is located c.3.8km northwest from the Site. The area is important for biodiversity due to its unique geology, rare habitats, and traditional land management. It contains some of the UK's rarest ecological networks, including chalk streams and internationally significant ancient woodlands.

Non-Statutory Designations

- 3.1.6 The data search revealed four Local Wildlife Sites (LWS) within the 1km Area of Search (AoS).
- 3.1.7 Holy Brook LWS is located c.120m southwest of the Site. The brook is lined by alder and willow, and a variety of wetland species are found along the banks

with stands of reed sweet-grass, hemlock waterdropwort and occasional water dock. A number of notable invertebrates have been recorded in Holy Brook and water vole has been recorded in the central and western sections.

3.1.8 River Kennet / Kennet & Avon Canal LWS is located c.220m east of the Site. The river is an important wildlife corridor running into Reading and provides valuable riverine habitat. It is known to support a population of water vole (2020) and a rich invertebrate assemblage. The site supports good populations of damselflies and dragonflies; 22 species have been recorded in the past 10 years.

3.1.9 Fobney & Kennet Valley Meadows LWS is located c.250m south southwest of the Site. A large area of permanent pasture with some wet grassland and patches of swamp vegetation. Dragonflies and damselflies seen here include the common darter, banded demoiselle and common hawker. The meadows flood regularly in winter providing an attractive area for overwintering wildfowl.

3.1.10 Kennet Valley East LWS is located c.250m south southwest of the Site. The River Kennet which flows through this LWS is an important chalk river and is notified as an SSSI as far as Woolhampton. This LWS protects important habitats such as reedbeds, fens, wet woodlands, and lowland meadow.

3.2 HABITATS

Priority Habitat

3.2.1 The data search revealed parcels of deciduous woodland and coastal and floodplain grazing marsh within the 1km Area of Search (AoS).

3.2.2 The closest parcel of deciduous woodland to the Site is an area of 0.52ha of woodland, located c.20m southwest of the Site at its closest point.

3.2.3 The closest areas of coastal and floodplain grazing marsh to the Site include a 15.88ha parcel located c.75m to the west, a 52.81ha parcel located c.190m to the south and a 2.77ha parcel located c.140m to the southeast of the Site at their closest points.

3.3 SPECIES

3.3.1 The desk study provided by Thames Valley Environmental Records Centre identified multiple records of protected and notable species within the Area of Search (AoS). Key records relevant to this assessment include:

- There are numerous records of Schedule 1 species including avocet, barn owl, black restart, black tern, black-tailed godwit, black-winged stilt, brambling, cetti's warbler, Dartford warbler, fieldfare, firecrest, garganey, green sandpiper, hobby, kingfisher, marsh harrier, merlin, oystercatcher, peregrine, pintail, red kite, redwing and wood sandpiper.
- Various records of red- and amber-listed bird species were returned within the AoS, including black headed gull, bullfinch, cattle egret, common gull, common sandpiper, common tern, cuckoo, dunlin, dunnock, gadwall, grasshopper warbler, great black backed gull, great white egret, greenfinch, greenshank, grey wagtail, greylag goose, herring gull, house martin, house sparrow, kestrel, lapwing, linnet, meadow pipit, mistle thrush, nightingale, redshank, reed bunting, sedge warbler, skylark, song thrush, sparrow hawk, starling, swift, tawny owl, whitethroat, wren and yellow wagtail.
- Records of amphibians returned within the AoS include common frog, the most recent is dated from 2018.
- Numerous recent records of badger were returned in the data search; the most recent record is from 2025.
- Several records of hedgehog were returned in within the AoS, the most recent record is from 2023.
- A number of records of water vole were returned, the most recent is dated from 2020.
- Records of reptile within the AoS include grass snake and slow worm, the most recent records of each are from 2020 for both species.
- Recent records of otter most recently dated from 2024 and of water vole dated from 2020 were returned within the AoS.
- Multiple records of stag beetles were returned within the AoS, the most recent record was returned dated from 2023.

- Numerous records of bat were returned with the AoS, the species and the most recent records include brown long-eared bats (2024), common pipistrelle (2024), Daubenton's bat (2023), serotine (2017), nathusius pipistrelle (2024), noctule (2024) and soprano pipistrelle (2024).

European Protected Species

- 3.3.2 The data search revealed a that there are no currently active European Protected Species licences within the Area of Search (AoS).
- 3.3.3 Eleven expired licences were returned which were active in the last 10 years covering species of bat including common pipistrelle (*Pipistrellus pipistrellus*) and soprano pipistrelle (*Pipistrellus pygmaeus*), Daubenton's bat (*Myotis daubentonii*) and brown long-eared bat (*Plecotus auritus*).
- 3.3.4 The closest expired license to the Site is for common pipistrelle (*Pipistrellus pipistrellus*), start date 04/12/2017 and end date 29/11/22, located c.0.6km northwest of the Site. All other expired licences are greater than c.1.2km from the Site.
- 3.3.5 An expired license for great crested newts was returned, start date 09/06/2010 and end date 12/06/12, located c.1.7km southeast of the Site. This expired license is separated from the Site by urban development and infrastructure such as roads.

3.4 PLANNING POLICY

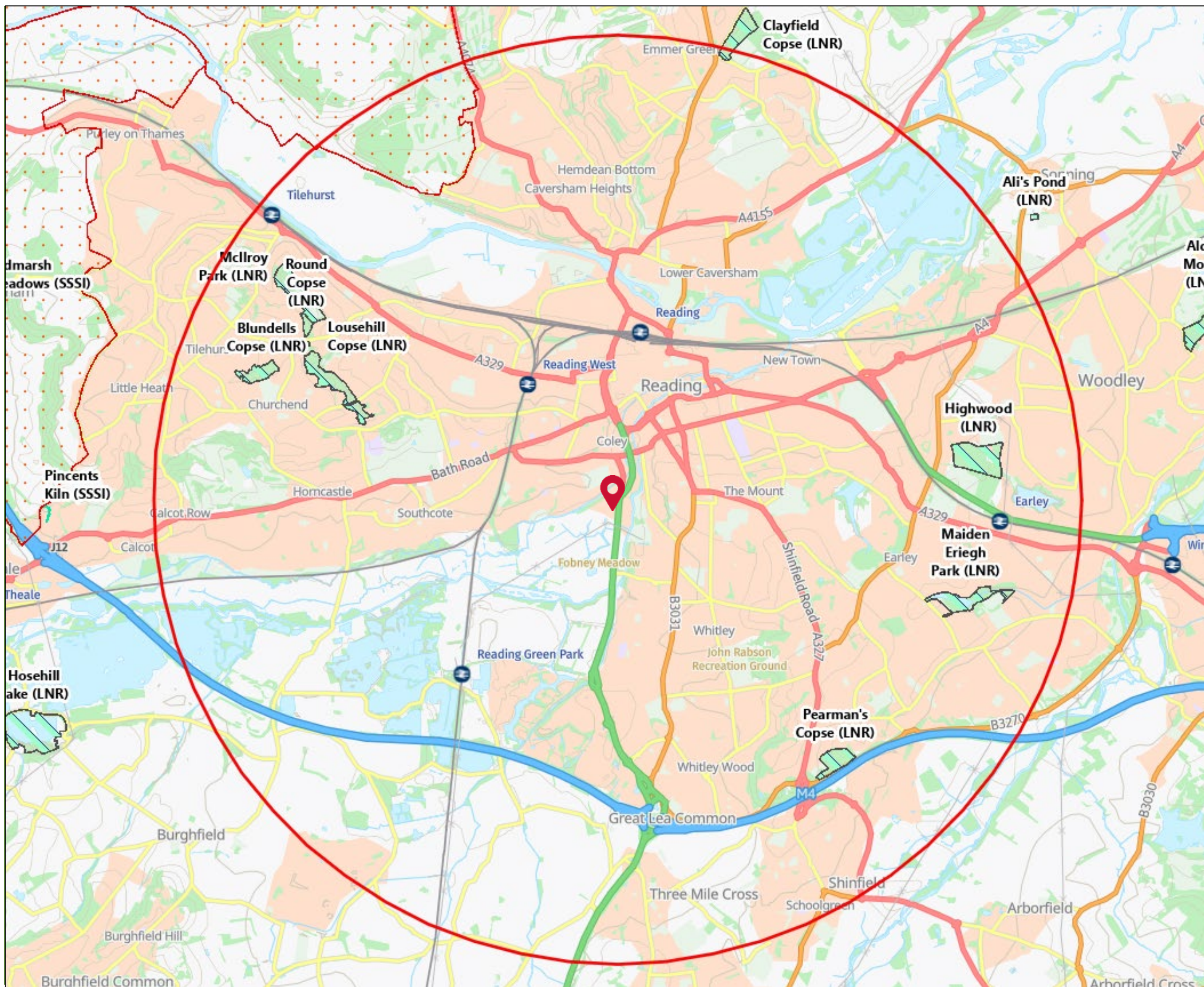
- 3.4.1 Development is the responsibility of Reading Borough Council and is guided by the Reading Borough Local Plan, adopted on the 4th of November 2019.
- 3.4.2 In relation to biodiversity the following policies are relevant:
- Policy EN1 – Protection and Enhancement of the Historic Environment
 - Policy EN3 – Enhancement of Conservation Areas
 - Policy EN7 – Local Green Space and Open Public Space
 - Policy EN12 – Biodiversity and the Green Network

- Policy EN13 – Major Landscape Features and Areas of Outstanding Natural Beauty
- Policy EN11 – Trees, Hedges and Woodland

3.4.3 Of particular relevance to the proposed development is Policy EN12 – Biodiversity and the Green Network, which seeks to protect and enhance biodiversity and geological features, maintain and enhance ecological networks and secure opportunities for biodiversity enhancement through development.

3.4.4 Policy EN11 – Trees, Hedges and Woodland is also relevant to the Site due to the presence of trees immediately adjacent to the Site boundary. The policy seeks to retain and protect important trees, groups of trees, hedgerows and woodland and encourages appropriate replacement and new planting where relevant.

Figure 3 Statutory Designations



Application Site



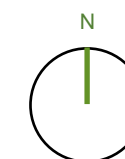
5km AoS



LNR



AONB



Do not scale

Client



Project title

Rose Kiln Service Station

Project ID

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Subject

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Drawing number

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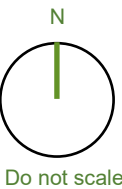
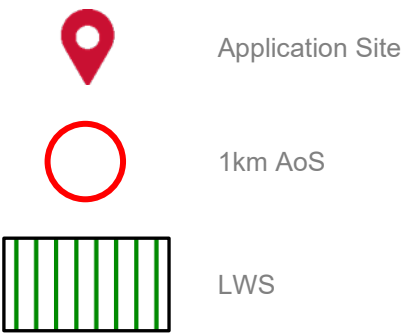
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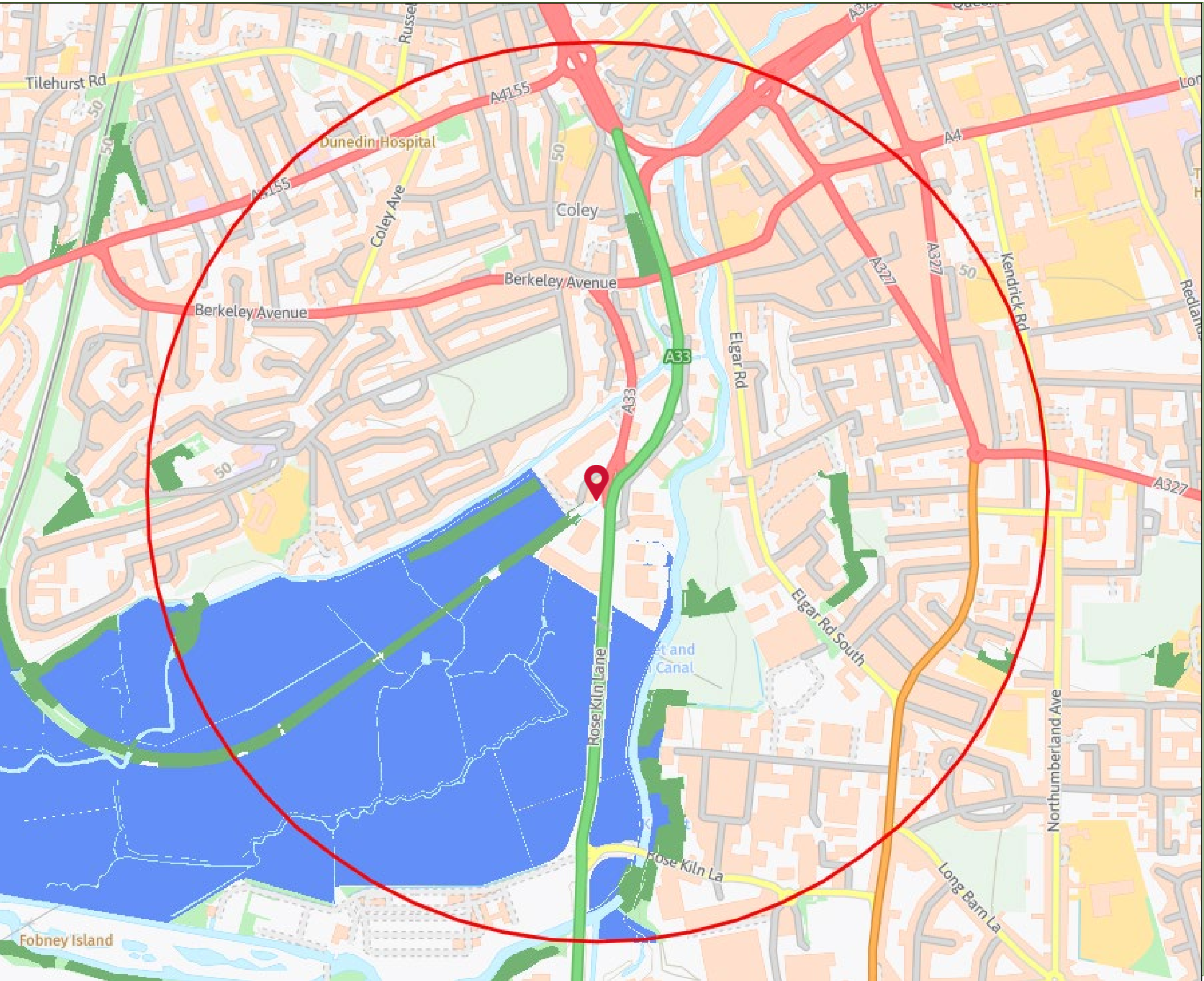
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Figure 4
Non-Statutory
Designations



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Figure 5
Priority Habitats



Application Site



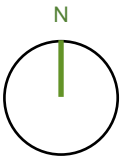
1km AoS



Coastal and
Floodplain
Grazing Marsh



Deciduous
Woodland



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4 FIELDWORK

4.1 UK HABITAT CLASSIFICATION

Site Summary

- 4.1.1 The Site comprises a small parcel of land associated with the existing Rose Kiln Service Station and is predominantly characterised by sparsely vegetated urban land, with a small area of bramble scrub present along the northern/northeastern boundary.
- 4.1.2 Immediately outside the Site boundary, vegetation includes stands of buddleia and young poplar to the south, with three mature/semi-mature willow trees present to the west. These off-site habitats were also considered during the survey where relevant to the proposed development.

u1f – sparsely vegetated urban land

- 4.1.3 The majority of the Site comprises sparsely vegetated urban land. Vegetation is relatively open and includes frequent bramble (*Rubus fruticosus agg.*) and cock's-foot (*Dactylis glomerata*), with occasional mugwort (*Artemisia vulgaris*), oxeye daisy (*Leucanthemum vulgare*), buddleia (*Buddleja davidii*) and thistle (*Cirsium sp.*), Lilac (*Syringa vulgaris*) and Spanish broom (*Spartium junceum*) were recorded rarely.

h3d – bramble scrub

- 4.1.4 A small area of bramble scrub, approximately 1m in height, is present along the northern/northeastern edge of the Site. The habitat is dominated by bramble (*Rubus fruticosus agg.*), with occasional Spanish broom (*Spartium junceum*), buddleia (*Buddleja davidii*), thistle (*Cirsium sp.*) and mugwort (*Artemisia vulgaris*).

Individual Trees

- 4.1.5 No individual trees are present within the Site boundary. Three willow trees, comprising two large mature specimens and one medium-sized specimen, are present immediately off-site to the west. These trees were inspected from

ground level during the survey and no potential roost features suitable for bats were identified.

4.2 HABITAT CONFORMITY TO OTHER CATEGORIES

International Qualifying Features

- 4.2.1 No habitats associated with internationally designated sites or their qualifying features were identified within the Site.

Priority Habitats

- 4.2.2 No Priority Habitats were identified within the Site.

4.3 BATS AND NESTING BIRDS

Bats

Preliminary Roost Assessment

- 4.3.1 No buildings are present within the Site and, therefore, no Preliminary Roost Assessment of buildings was required.

Ground Level Tree Assessment

- 4.3.2 No trees are present within the Site. However, three willow trees, comprising two large mature trees and one medium-sized tree, are present immediately off-site to the west and were inspected from ground level during the survey.

Nesting Bird Activity

- 4.3.3 No active or old bird nests were recorded within the Site during the survey.
- 4.3.4 The bramble scrub within the Site provides suitable nesting habitat for common bird species. In addition, the stands of buddleia and young poplar immediately south of the Site provide further suitable nesting habitat.

4.4 OTHER

- 4.4.1 No field evidence of badger, hedgehog, reptiles, amphibians or other protected or notable species was recorded within the Site during the survey.

- 4.4.2 A small accumulation of brash/woody material is present immediately south of the Site boundary and provides potential sheltering habitat for hedgehog.
- 4.4.3 No watercourses or other aquatic habitats are present within the Site.
- 4.4.4 The Site is predominantly characterised by sparsely vegetated urban land and is subject to existing disturbance associated with the operational service station. The limited areas of vegetation present provide relatively limited opportunities for protected and notable species.

4.5 SITE PHOTOGRAPHS



Photo 1: A small section of h3d – bramble scrub is located on the northern edge of the Site.



Photo 2: The majority of the Site consists of h3d – bramble scrub.



Photo 3: An offsite stand of buddleia and poplar which can offer a suitable habitat for nesting birds to the south of the Site.



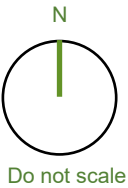
Photo 4: An offsite pile of brush to the south of the Site could offer suitable habitat for hedgehog.



Photo 5: A large willow tree located offsite to the west of the Sites boundary.

Figure 6
Habitat Map

-  Site Boundary
-  h3d – bramble scrub
-  u1f – sparsely vegetated urban land



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5 ASSESSMENT

5.1 MITIGATION SUMMARY

5.1.1 The following is a summary of the impacts that are likely at the Site and how mitigation has been proposed, together with some explanation why some features presents have been discounted from further assessment.

5.1.2 This summary has been included to ensure the complexity of mitigation does not overshadow any item, but each subject of mitigation should be carefully read in full in later sections to avoid missing any detail.

Table 2: Summary of Recommendations

Feature	Mitigation Summary
Habitats	The proposed development will result in the loss of areas of sparsely vegetated urban land and a small area of bramble scrub. Vegetation outside the Site boundary should be retained and protected during construction.
Nesting Birds	The bramble scrub within the Site and scrub/young trees immediately adjacent to the Site provide suitable nesting habitat. Where vegetation clearance is required, this should preferably be undertaken outside the main nesting bird season (March to August inclusive). Where this is not possible, vegetation should be checked by a suitably experienced ecologist prior to clearance.
Biodiversity Enhancement	Opportunities should be incorporated into the development to provide proportionate ecological enhancement, including native and wildlife-beneficial planting where possible.
Hedgehog	The Site provides limited habitat for hedgehog; however, suitable sheltering habitat, including a small accumulation of brash/woody material, is present immediately

Feature	Mitigation Summary
	south of the Site and hedgehog records were returned within the desk study. Precautionary working methods should therefore be adopted during vegetation clearance and construction.

Table 3: Features Not Assessed Further

Feature	Reason for Omission
Internationally Designated Sites	No internationally designated sites were identified within the 5 km Area of Search
Nationally Designated Sites	The closest nationally designated site identified during the desk study is Lousehill Copse LNR, located approximately 2.8 km northwest of the Site. The Site is separated from this and the other nationally designated sites by extensive existing urban development and infrastructure. Given the small scale and nature of the proposals, no adverse effects are anticipated.
Priority Habitats	No Priority Habitats were identified within the Site. Priority Habitats identified during the desk study occur outside the Site boundary and will not be directly affected by the proposals.
Bats	No buildings or trees are present within the Site. Three willow trees immediately west of the Site were inspected from ground level and no potential roost features suitable for bats were identified. No further assessment for roosting bats is considered necessary.
Badger	No evidence of badger was recorded during the survey. Although recent records of badger were returned within the desk study, the Site provides limited suitable habitat and the proposals are not considered likely to affect badger or their setts.

Feature	Reason for Omission
Amphibians	No aquatic habitat is present within or near the Site.
Otter and Water vole	No water course and other suitable habitat is present within the Site's boundary.

5.2 HABITATS

Status

- 5.2.1 The Site is predominantly characterised by sparsely vegetated urban land, with a small area of bramble scrub present along the northern/northeastern boundary. No Priority Habitats were identified within the Site.

Unmitigated impacts

- 5.2.2 In the absence of appropriate protection during construction, there is potential for accidental damage to retained vegetation immediately outside the Site boundary through machinery movements, storage of materials or other construction activities.

Recommendations

- 5.2.3 Vegetation outside the Site boundary should be retained and protected throughout construction. Construction activities, including machinery movements, storage of materials and temporary compounds, should be confined to the Site and existing areas of hardstanding wherever possible.
- 5.2.4 Standard pollution prevention measures should be implemented during construction to minimise the risk of accidental pollution, sediment or contaminated run-off affecting habitats beyond the Site boundary.

5.3 NESTING BIRDS

Status

- 5.3.1 No active or old bird nests were recorded during the survey but the bramble scrub within the Site provides suitable nesting habitat for common bird species. Further suitable nesting habitat is present immediately outside the Site boundary within stands of buddleia and young poplar.

Unmitigated Impacts

- 5.3.2 The proposals will result in the removal of a small area of bramble scrub. If vegetation clearance is undertaken during the nesting bird season, there is potential for active nests to be damaged or destroyed and for nesting birds to be disturbed.
- 5.3.3 In the absence of appropriate protection, construction activities could also result in disturbance to nesting birds should active nests be present within vegetation immediately adjacent to the Site.

Recommendations

- 5.3.4 Where possible, vegetation clearance should be undertaken outside the main nesting bird season, generally considered to extend from March to August inclusive.
- 5.3.5 Where vegetation clearance is required during the nesting bird season, the affected vegetation should be inspected by a suitably experienced ecologist immediately prior to clearance. Where an active nest is identified, an appropriate exclusion zone should be established around the nest and retained until the ecologist confirms that the young have fledged and the nest is no longer active.
- 5.3.6 Vegetation immediately outside the Site boundary should be retained and protected during construction.

5.4 HEDGEHOGS

Status

- 5.4.1 Several records of hedgehog were returned within the desk study, with the most recent record dating from 2023.
- 5.4.2 No evidence of hedgehog was recorded within the Site during the field survey. The Site provides limited opportunities for this species due to the predominance of sparsely vegetated urban land and its location within an operational service station.

Unmitigated impacts

- 5.4.3 The proposals will result in the loss of a small area of vegetation that could potentially be used by hedgehog for foraging or movement. Given the limited extent and suitability of habitat affected, the proposals are not considered likely to result in a significant loss of habitat for this species.
- 5.4.4 In the absence of precautionary measures, there is a risk of individual hedgehogs being injured or killed during vegetation clearance and construction activities, should they be present at the time of works.

Recommendations

- 5.4.5 Any brash piles or similar features that require removal should be dismantled carefully by hand. If a hedgehog is encountered during the works, works in the immediate area should cease and the animal should be allowed to move away into suitable retained habitat of its own accord.
- 5.4.6 Any excavations left open overnight should be covered or provided with a suitable means of escape, such as a roughened plank positioned at an angle. Open pipes should be capped when not in use to prevent animals from becoming trapped.

5.5 BIODIVERSITY NET GAIN

- 5.5.1 The Site is less than 0.2ha in area and comprises sparsely vegetated urban land and a small area of bramble scrub. No Priority Habitats were identified within the Site.
- 5.5.2 The proposals will result in the loss of a small area of sparsely vegetated urban land and bramble scrub to facilitate the proposed development.
- 5.5.3 Given the small scale of the Site and the absence of Priority Habitat, the proposed development falls within the de minimis exemption from mandatory Biodiversity Net Gain. As such, a Statutory Biodiversity Metric calculation and delivery of the mandatory 10% Biodiversity Net Gain are not required.
- 5.5.4 Notwithstanding the exemption from mandatory Biodiversity Net Gain, proportionate opportunities to enhance biodiversity should be incorporated

into the development in accordance with relevant national and local planning policy.

5.6 ECOLOGICAL ENHANCEMENTS

- 5.6.1 The Site currently provides limited opportunities for wildlife, being predominantly characterised by sparsely vegetated urban land within an operational service station. A small area of bramble scrub provides some habitat for invertebrates, birds and other wildlife.
- 5.6.2 Although the development is exempt from mandatory Biodiversity Net Gain requirements, opportunities remain to provide proportionate biodiversity enhancements as part of the proposals.
- 5.6.3 Where landscaping is proposed, planting should comprise native species and/or species of recognised wildlife value, with an emphasis on species providing nectar, pollen, fruit and other resources for invertebrates and birds.
- 5.6.4 Where possible, new planting should be incorporated around the margins of the development to increase the diversity and ecological value of vegetation within the Site.
- 5.6.5 At least one integrated or externally mounted bird nesting feature should be incorporated within a suitable structure associated with the development, where possible. The feature should be positioned away from areas of high disturbance and artificial lighting.
- 5.6.6 Any new external lighting should be designed to avoid unnecessary illumination of retained vegetation along the Site boundaries, particularly the off-site trees and scrub.

6 APPENDIX A

6.1 LEGISLATION

The Environment Act 2021

6.1.1 The Act deals with targets to improve air quality, biodiversity, water, and waste reduction and resource efficiency. Nature and Biodiversity is dealt with directly in Part 6, which is aimed at:

- Strengthened biodiversity duty.
- Biodiversity net gain to ensure developments deliver at least 10% increase in biodiversity.
- Local Nature Recovery Strategies to support a Nature Recovery Network
- Duty upon Local Authorities to consult on street tree felling.
- Strengthen woodland protection enforcement measures.
- Conservation Covenants
- Protected Site Strategies and Species Conservation Strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature
- Prohibit larger UK businesses from using commodities associated with wide-scale deforestation
- Requires regulated businesses to establish a system of due diligence for each regulated commodity used in their supply chain, requires regulated businesses to report on their due diligence, introduces a due diligence enforcement system

Conservation of Habitats and Species Regulations 2017 (as amended)

6.1.2 These Regulations consolidate the Conservation (Natural Habitats, &c.) Regulations 1994 and amend the 2010 Regulations, and together they transpose the European Habitats Directive into domestic law. The Regulations provide for the designation and protection of 'European sites' (referred to in this assessment as international sites), the protection of 'European protected

species', and the adaptation of planning and other controls for the protection of such.

- 6.1.3 Under the Regulations, UK competent authorities have a general duty to have regard to the EC Habitats and Birds Directives. They require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Under Regulation 63, where any proposed plan or project is likely to have an effect on a Natural 2000 site or qualifying feature for a site, then the competent authority (normally the local planning authority) will carry out an Appropriate Assessment of those effects, referred to as a Habitats Regulations Assessment (HRA).

Species

- 6.1.4 The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority, including the planning authority, is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild populations of the species concerned: these three elements form the basis of the three derogations 'tests' to be applied to satisfy European legislation.

Wildlife and Countryside Act 1981

- 6.1.5 The principle statutory instrument that governs nature conservation in England is the Wildlife and Countryside Act 1981 as amended (WCA 1981).
- 6.1.6 The WCA 1981 consolidates and amends existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and the Birds Directive in Great Britain. It

is complimented by the Wildlife and Countryside (Service of Notices) Act 1985, which relates to notices served under the 1981 Act, and the Habitats Regulations 2017 (as amended), which implement the Habitats Directive.

6.1.7 Containing four Parts and seventeen Schedules, the Act covers protection of wildlife (birds, and some animals and plants), the countryside, National Parks, and the designation of protected areas, and public rights of way.

6.1.8 Amendments to the Act have been made and there is a statutory quinquennial review of Schedules 5 and 8 (protected wild animals and plant respectively), undertaken by the country agencies and co-ordinated by the Joint Nature Conservation Committee. There have been 6 reviews with the 7th commenced in 2021.

Protection of Badgers Act 1992

6.1.9 There are very few Acts of Parliament that are dedicated to one species with conservation as part of the aim. This Act supplements the WCA 1981 by affording protection to badgers against disturbance and their setts against unlawful damage and destruction. It provides a licensing system to allow works to proceed in a sensitive manner.

Countryside and Rights of Way (CRoW) Act 2000

6.1.10 The CRoW Act 2000 places a duty on Government Departments and the National Assembly for Wales to have regard for the conservation of biodiversity and maintain lists of species and habitats for which conservation steps should be taken or promoted, in accordance with the 1992 Rio Convention on Biological Diversity. The Act makes various amendments to the WCA 1981 including increasing SSSI protection, management and policing.

6.1.11 DEFRA published the first 'list' in 2002 under Section 74 of the CRoW Act 2000, which was identical with the UK BAP list at the time, now superseded by the Natural Environment and Rural Communities Act 2006 Section 41 list (see below).

Natural Environment and Rural Communities (NERC) Act 2006

- 6.1.12 The NERC Act 2006 makes provision in respect of biodiversity, pesticides harmful to wildlife and the protection of birds, and in respect of invasive non-native species.
- 6.1.13 Section 40 of the Act lays a duty on authorities to have regard to the purpose of conserving biodiversity in compliance with the UN Biodiversity Convention in 1992. This is otherwise known as the 'Biodiversity Duty' and refers in particular to those Habitats & Species of Principle Importance listed in Section 41 of the Act. Guidance for local authorities on implementing the Biodiversity Duty is provided in DEFRA (2007).

Section 41 List

- 6.1.14 For the purposes of conserving biodiversity, habitats and species of principle importance are listed through the provisions set out in Section 41 of this Act (replacing Section 74 of the CRow Act 2000), referred to in this chapter as the Section 41 List. DEFRA 2007 references the UK and local Biodiversity Action Plans (BAPs) (see below) as the source of data for the Section 41 List. This assessment uses the List, as updated by the UK BAP, as a key guide for identification of ecological features to be affected by proposals, and to guide and weigh recommendations and mitigation.
- 6.1.15 The Section 41 List has been further refined by DEFRA 2007, where seven sectors have been selected where public bodies and other stakeholders can make a significant contribution to biodiversity conservation, through their Biodiversity Duty. Habitats and species relevant to each sector have been identified to help non-conservation professionals consider where the List might apply to them. Of these seven, two are relevant to this assessment i.e. Land Use Planning and Regional & Local Government. The List was last updated in 2010 and referenced here as Natural England 2010.

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