



13th October 2025

Chidswell Action Group

Objection to Draft (Engrossment) Section 106 Agreement (Leeds Road) for 2020/60/92331/E

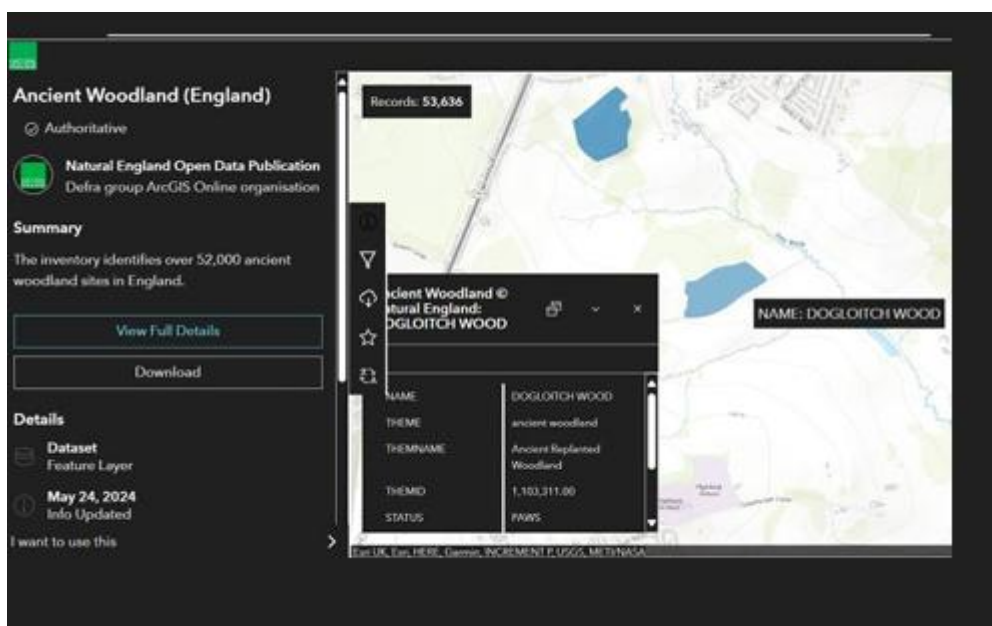
The document defines 'Offsite BNG Land' as 'the Ancient woodland land' in paragraphs 6 (6.1 & 6.2). As stated in Counsel relating to the adjacent application for 2020/60/92350/E for Heybeck Lane, this means that any BNG which cannot be achieved on site will need to be achieved within the ancient woodland. For this application this would be ancient Dogloitch Wood.

Ancient Dogloitch Wood

Dogloitch Wood is protected by:

- Area based TPO: Dogloitch Wood TPO/01/87/w3;
- Ancient woodland status, on the Natural England, Ancient Woodland Inventory

<https://naturalengland-defra.opendata.arcgis.com/datasets/Defra::ancient-woodland-england/explore?location=53.705803%2C-1.579061%2C14.57>



- Lowland Deciduous Woodland that is a UK Habitat of Principal Importance.

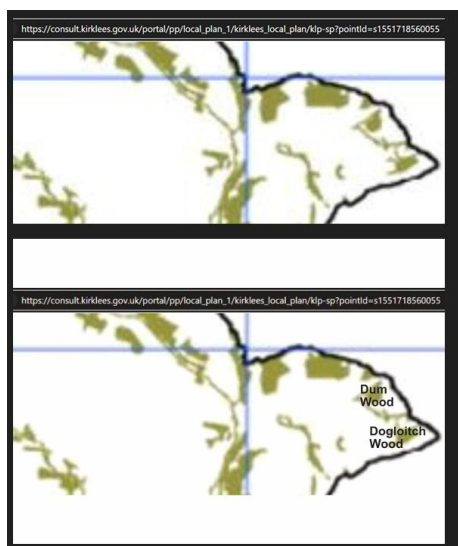
- Local Wildlife Site status due to extensive bluebell cover. Local Wildlife Sites are classed as locally designated sites of importance for biodiversity in the NPPF December 2024.

Dogloitch Wood Extensive Bluebell Cover



- Part of the strategic Kirklees Wildlife Habitat Network, in the 2019 Local Plan. Therefore of strategic importance.

https://consult.kirklees.gov.uk/portal/pp/local_plan_1/kirklees_local_plan/klp-sp?pointId=s1551718560055



(Woodland names inserted by CAG for identification purposes)

- Within the Kirklees Pennine Foothills Biodiversity Opportunity zone;

Ancient woodlands are classed as irreplaceable in the NPPF December 2024.

Dogloitch Wood is irreplaceable and has 3 notable trees listed on the ancient tree inventory and has unique characteristics. It has an unique irreplaceable character and ecosystem. Dogloitch Wood is not a park, it is an ancient woodlands. It should retain its natural character of ancient woodland accorded the protections listed above.

According to Natural England, Irreplaceable habitat is some of the country's most ecologically valuable habitat.

Tree cover in Kirklees is below the national average with the percentage for North Kirklees being even lower. Using Kirklees Draft Trees & Woodland Strategy figures, tree cover national average is 9.9%, Kirklees as a whole has 8.2% and North Kirklees, Dogloitch Wood is in North Kirklees, is 6%.

There is 12.4ha of woodland per thousand people in South Kirklees, whereas North Kirklees has only 3ha per thousand people.

North Kirklees woodland is depleted. It is vitally important the woodlands we have are preserved and conserved for health & wellbeing, habitat, ecology, nature and climate resilience in a time of a nature emergency and a climate emergency and for the ecosystem services and irreplaceable benefits they provide. Dogloitch Wood becomes even more important considering only 2.6% of the whole district's woodland cover is ancient woodland.

Dogloitch Wood is intrinsic to sense of place, is highly valued and loved by the many surrounding local communities. Its character and ability to self-sustain must not be diminished.

Biodiversity Net Gain (BNG)

Natural England states 'In England, BNG is mandatory under [Schedule 7A of the Town and Country Planning Act 1990 \(as inserted by Schedule 14 of the Environment Act 2021\)](#).

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. '

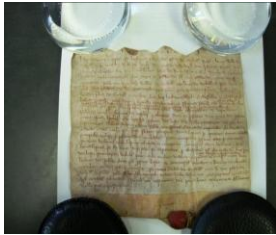
The BEMP is inadequate and gives no indication how the uplift in BNG is to be achieved.

Irreplaceable features, such as ancient woodlands cannot be compensated for or traded. Ancient woodland cannot be used for BNG compensation, which must be targeted at lands of minimal existing biodiversity value. Either on-site or off-site, BNG cannot be produced through the use of areas of existing high value.

Ancient woodland is classified in the NPPF as irreplaceable. Its biodiversity value is unique and complex. Therefore, it appears that the proposal to shift BNG obligations onto our ancient woodland risks giving the impression that it can be "traded" for development loss, which undermines its protected status in planning policy.

Numerous issues remain unaddressed on the issues of BNG as highlighted previously by Yorkshire Wildlife Trust and these issues remain unaddressed.

As ancient woodlands, these woods have been developing their ecology for hundreds of years. Below is a document from the Archive of Lord Savile's, reference DD/SR/26/37 showing a request to undertake work to the woods dated 1309-1310.



Biodiversity gains in the ancient woodland would be extremely difficult to quantify and measure and any proposed 'enhancements' cannot realistically balance losses of habitat on the development site. Using the ancient woodland as a BNG offset risks undermining confidence in the credibility of the measuring and process itself.

Existing Habitat & Biodiversity

Breeding birds include (not comprehensive): tawny owl (amber list due to declines), songthrush (amber list due to declines), nuthatch, treecreeper, chiffchaff, wren, robin, blue tit, great tit, long tailed tit, blackbird & jay. These are all breeding populations. Redwing in full breeding plumage was captured on camera at Hey Beck in July 2024. It is possible that Redwing could be nesting here. Redwing were last recorded breeding in England in the 19th century.

Dogloitch Wood is home to many mammals including hedgehogs (protected in the UK under the Wildlife & Countryside Act 1981, Priority Species under the UK Post 2019 Biodiversity Framework (IUCN Red List for British Mammals – vulnerable to extinction); brown hares (protected in the UK under the Wildlife & Countryside Act 1981, Priority species under the UK Post – 2010 Biodiversity Framework).

CAG's citizen science bat survey has found extensive readings particularly at dawn and dusk suggesting breeding colonies. Any of the many crevices in the trees in Dogloitch Wood could be bat roosts. In Britain, all bat species and their roosts are legally protected by both domestic and European legislation. This means that under Regulation 43 of the Conservation of Habitats and Species Regulations 2017 (as amended) you may be committing a criminal offence if you damage or destroy a breeding site or resting place of a bat (bats do not have to be in occupation at the time.)

Also, under Section 9 of the Wildlife & Countryside Act 1981 (as amended) you may be committing a criminal offence against bats if you intentionally or recklessly disturb a bat occupying a structure or place used for shelter or protection; intentionally or recklessly obstruct access to any structure or place used for shelter or protection by bats.

The presence of bats has been downplayed by the applicant to date. It is vital that bats are properly considered and all due diligence undertaken to avoid criminal activity or harming and impacting colonies of bats.

The woodland layer habitats are essential for fledging & providing all year round roosting, habitat for the food chain and sites for water.

Standing deadwood is increasingly rare. Dogloitch wood contains standing deadwood. Deadwood is vital for the ecology, integrity and sustainable life cycle of woodlands. It provides important habitat for insects which form a vital part of the food chain. It provides nesting and

feeding sites. These trees are home to insects which are a food source for many breeding birds. These woods are a priority habitat & a self-sustaining ecosystem including dead wood that could be home to saproxylic insects protected by EU legislation. Dogloitch Wood has been developing its own unique ecology for hundreds of years.

Removal of deadwood would impact the ecology, soil, self-sustainability & quality of the remaining woodland. Reducing the quality of these woodlands reduces the quality of the broader environment that is also vitally important for the health of the community as well as in combating climate change. The importance of deadwood is well documented and a high diversity of species live in deadwood covered in the Woodland Trust publication wood wise-autumn-2019-life-in-deadwood.pdf pg 8).

CAG's citizen science fungi survey undertaken in Dogloitch Wood in 2023 and into 2024 is not comprehensive but has evidenced many of the species listed on the JNCC SSSI guidelines for oak deadwood fungal assemblage species, ancient woodland indicator species and rare species, each is referenced to CAG's iNaturalist project.

JNCC Guideline SSSI category species found in Dogloitch Wood: • *Fistulina Hepatica* (Beefsteak) • *Grifola Frondosa* (Hen of the Woods - uncommon & rather localised) • *Laetiporus sulphureus* (Chicken of the Woods) • *Mycena Inclinata* (Clustered bonnet) • *Gymnopus fusipes* (Spindleshanks).

Dogloitch Wood is an established ancient ecosystem and not an appropriate habitat to offset lost biodiversity. It should not be disturbed.

Both woodlands are essential natural capital & fulfil a green infrastructure role in the wider environment for nature and the community.

The woodlands provide:

- Habitats for wildlife
- Recreation and wellbeing
- Flood storage and protection
- Urban cooling
- Air cleaning
- Water filtration

It is essential the ecology of the woodlands are maintained. New planting is important, however, the role of older trees cannot be replaced. Reducing the quality of these woodlands reduces the quality of the broader environment that is also vitally important for the health of the community as well as in combating climate change.

Compliance, Regulation & Enforcement

The Draft (Engrossment) Section 106 Agreement (Leeds Road) refers to the Management Plan.

CAG draws the LPAs attention to works undertaken by the developer's agents despite permission being refused by the LPA for the same.

In 2024 & 2025 the landowner applied to fell in Dogloitch Woods & Dum Woods. The community voiced their concerns to the Council about the impact on these much loved ancient woodlands. Multiple and many concerns were raised about the negative impacts on the sustainability and integrity of the woods. Expert witness was submitted by the Woodland Trust.

The 2024/91423 decision by the Kirklees' Officer refused any work that wasn't on a formal footpath:

'THE COUNCIL HEREBY REFUSES TO CONSENT TO THE CARRYING OUT OF THE FOLLOWING OPERATIONS TO THE PROTECTED TREE(S) TPO No. 01/87 At: Woodland lying to the South East of Leeds Road, Dewsbury The removal, monolith or reduction of any, dead or alive, trees. The REASONS for the Council's decision to refuse to grant consent are:

1. The application was too vague to know precisely which trees will be removed or monolithed as part of the 10m clearance from the footpath.
2. There was not an arboricultural survey submitted to show precisely which individual trees required removal and the justification for such a large area.
3. These trees are a prominent landscape feature in the locality and as such contribute significantly to public amenity consequently the grounds for their removal must be weighed against the amenity they provide.
4. There was no evidence from an appropriate expert submitted with the application to show that the trees are dangerous as required in section 8 of the application.
5. There was insufficient evidence submitted with application with regards to investigation into alternative methods of remedial action.
6. These trees are an integral part of the woodland and their unnecessary/premature removal would be detrimental to visual amenity and the composition of the woodland, potentially exposing other trees in the vicinity to increased wind pressure which could lead to wind throw and further erosion of the mature woodland.

Even though the application was subject to this refusal, works were still undertaken by the landowner's agent in 2024 in Dum Wood. Using Woodland Trust guides a cautious estimate of the oak that were over 120 years old. There was damage to surrounding living trees.

Photographic evidence in appendix 1.

In our objection to 2024/91423, CAG highlighted a suspected bat roost in a standing dead oak in Dum Wood, owned by the same applicant, which was also felled to the ground when these Dum Wood works were undertaken. Photographic evidence in Appendix 2.

There was felling of other living and dead standing wood after permission had been refused. Photographic evidence in appendix 3.

Under section 40 of the Natural Environment & Rural Communities Act 2006 (NERC Act) Local Authorities have a statutory obligation to have regard to the conservation of biodiversity, including restoring habitats & species populations, while exercising their functions. Further statutory protection to species associated with trees & woodlands are conferred by the Wildlife & Countryside Act 1981 & European Protected Species legislation. Of particular note is legislation relating to bats & their roosts & nesting birds. Bats & bat roosting habitats are fully protected by both the Wildlife & Countryside Act 1981 & the Habitats Regulations.

CAG informed the Council's Arboricultural Team of this activity immediately sending contemporaneous photographic evidence. Photographic evidence can also be viewed in CAG's objection to the applicants 2025 application to fell in Dum & Dogloitch Wood, 2025/TWA/90781/E submitted to the KMC on 06.06.2025.

CAG has reported to the police the felling of the suspected bat roost in Dum Wood as a potential wildlife crime.

In 2025, a second, more detailed application 2025/TWA/90781/E was made and emergency work done to one oak in Dum Wood more sensitively. This was still partially refused by the Arboricultural Officer who visited the site.

How is any work proposed and undertaken going to be enforced? No parameters or how this is to be enforced are given in the BEMP. This is inadequate and risks irreversible harm to this unique & irreplaceable habitat.

It is imperative that all the protections for Dogloitch Wood, the hedgerows and trees on the proposed site are enforced and that any works are applied for approval as required. Should this document be approved, it should not be interpreted as a 'blanket approval' for all works. Any works must be evaluated on their own merits to ensure compliance with all the protections and regulations.

It is the developments itself that should contribute positively to the environment in which it occurs. Attempting to shift gains offsite to Dogloitch Wood detaches responsibility from the development, allowing environmental harm locally, and strategically while suggesting that it can be compensated in our ancient woodlands.

Management Plans

The ancient woodlands, hedgerows, water courses, soil, fungi and the wildlife that maintains the habitat and ecosystems in turn maintain the air, soil & water quality. Existing natural capital is essential to maintain climate resilience and acts as a cool zone. This is not addressed.

Water supply to the woods to prevent desiccation is unaddressed.

Landscape is only considered in the context of SuDS. The SuDS may not be possible. There is no agreement regarding landscape. This is not acceptable.

Previous documents submitted by the applicant have stated it is impossible to mitigate damage to the ancient woodlands and that there will be toxic pollution into the watercourses.

The draft (Engrossment) Section 106 agreement (Leeds Road) is inadequate in how it addresses public open space. This approach risks reducing community benefits and local services, such as air quality, flood management, green recreation health and wellbeing.

Chidswell is currently a destination location for green recreation. Chidswell and Heybeck are one site and should not be treated otherwise.

Any development should directly contribute to ecological and community value, not take it away.

Chidswell is a highly valued high value amenity. When Natural England is looking to enhance access to local public space via the Local Nature Recovery Strategy, this proposal seeks to remove green open space with no commitment to remediation for loss of biodiversity on site. Well used, definitive public rights of way traverse within the red line boundary. Chidswell forms a vital open, green space for health, green recreation and well being.

How are the surrounding communities to be protected from noise, dust, vibration and construction operations?

While paragraph 5 “On-site Biodiversity Net Gain” prevents the occupation of more than 90% of dwellings until the works of habitat creation and or/enhancement set out in the BEMP have been completed , this means that 90% occupancy could be in place before this is completed. The Chidswell application has been proposed to have a lifetime of 20 years. This is not acceptable.

The BEMP does not adequately address the loss of green space for green recreation , health and wellbeing and access to public open space.

Biodiversity

Regarding “Biodiversity Assessment” Any management plan must take into account endangered and protected species. CAG has evidence of many protected species that will be impacted by these developments, submitted to the official record at West Yorkshire Ecological Services, that, to date are not included in any management plan and have not been considered.

In the EIA and supporting documents, it is stated that pollution, including toxic chemicals, of the watercourses will be inevitable during construction but this is not of importance due to there being no protected species.

To grant permission without prior consideration that mitigation against harm for the protected and endangered species that have not yet been considered or viable is unacceptable.

Appendix 1

Work to mature oak at least 120 years old undertaken in Dum Wood after permission was refused.

Extensive cutting back to a mature living oak on the western border:

Before:



After



Chidswell Action Group Objection to Draft (Engrossment) Section 106 Agreement (Leeds Road)

Extensive cutting back to a mature living oak on the eastern border - before & after pictures below.

Before (photo taken 05.10.2024):



After (photo taken 30.10.2024) showing damage to surrounding holly. There was an adjacent young birch that was felled to the ground photo in point 3:

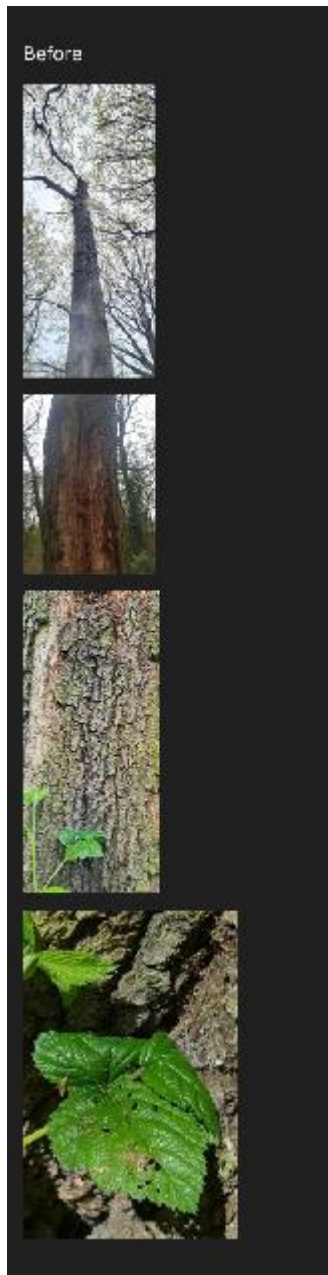


Damage to surrounding holly:



Appendix 2

Evidence of Suspected Bat Roost felled to the ground after permission was refused.



Potential Bat Roost After Felling:



Appendix 3

Young, living silver birch adjacent to the heavily cut back mature oak on the east border of Dum Wood

Before:



After, formerly standing living birch:



Formerly standing Dead Oak on eastern side of Dum Wood:



Formerly standing dead oak in Dum Wood with *Laetiporus sulphureus* at its base, this was standing to the east/next to the other formerly standing oak on the eastern side of Dum Wood above, which in turn was next to the cut back tree in the holly on the east side pictured below. This is therefore, 3 trees in close proximity to each other in the same section of the wood.

Before (photo taken September 24):



After (photo taken 13.10.2024, it is possible to see some remaining *Laetiporus sulphureus* at the base):



Standing dead tree within a holly, the first picture is just after the felling, the second taken on 18.05.2025 showing damage to the surrounding holly:

After - taken just after the felling:



After - taken on 18.05.2025 showing negative impact to the surrounding mature holly:



Formerly standing dead silver birch in Dum Wood:



All the above work was done in 2024 after the Decisions for 2024/TWA/90781/E refusing permission.