



# Yorkshire Wildlife Trust

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Yorkshire Wildlife Trust is registered  
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Victor Grayson  
Kirklees Council  
Investment and Regeneration  
Civic Centre 3  
Huddersfield  
HD1 2EY

27<sup>th</sup> August 2020

## BY EMAIL ONLY

Dear Victor,

**Planning application:** Outline planning application for demolition of existing dwellings and development of phased, mixed use scheme comprising residential development (up to 1,354 dwellings), employment development (up to 35 hectares of B1(part a and c), B2, B8 uses), residential institution (C2) development (up to 1 hectare), a local centre (comprising A1/A2/A3/A4/A5/D1/D2 uses), a 2 form entry primary school including early years provision, green space, access and other associated infrastructure / Outline application for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure

**Location:** Land east of, Leeds Road, Chidswell, Shaw Cross, Dewsbury / Land south of, Heybeck Lane, Chidswell, Shaw Cross, Dewsbury

**Reference:** 2020/60/92331/E / 2020/60/92350/E

Thank you for consulting Yorkshire Wildlife Trust on the above application. Yorkshire Wildlife Trust works across the Yorkshire and Humber region managing more than 100 reserves and with a membership of over 44,000. Yorkshire Wildlife Trust is the second oldest of the 46 Wildlife Trusts which work in partnership to cover the whole of the UK. The Trust's principal vision is to work for a Yorkshire rich in wildlife, valued and enjoyed by people.

We note that applications 2020/60/92331/E and 2020/60/92350/E are closely linked and cover the same site allocation/masterplan site and as such share the majority of their ecological reports. As such please take the below comments as applying to both applications due to the significant potential in combination effects and closely linked design.



We would like to make the following comments:

## Objection

There has been an extensive suite of ecological surveys undertaken which have identified a number of constraints to the development. However, the recommendations to mitigate and compensate for these does not appear to have been included in the parameters plan at this stage. As such we would like to submit an objection to this application until such time as the design is refined and sufficient detail provided to ensure habitats and species have been appropriately mitigated/compensated and net gains for biodiversity can be achieved and maintained in perpetuity. This is in line with case law (see [here](#)) and [ODPM circular 06/2005](#) (para 99), which states that the LPA has a duty to consider impacts upon protected species prior to determination, and with NPPF para 175d and the emerging Environment Bill meaning a measurable net gain for biodiversity must be secured at the early stages of design.

This is transposed to LP 30 which states:

*Development proposals will be required to: -*

- (i) Result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;*
- (ii) Minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;*
- (iii) Safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;*
- (iv) Establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and*
- (v) Incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.*

In addition, all species and habitat surveys are now at least 2 survey seasons old. Therefore, in accordance with industry standard (CIEEM, 2016) all surveys must be updated prior to the determination of each phase of development.

The masterplan must be updated to take consideration of baseline surveys and be updated as phased development progresses. This must be supported by biodiversity metrics to demonstrate a 10% gain for each phase (as well as for the overall masterplan), Biodiversity Enhancement and Management Plans (BEMP) and Construction Environmental Management Plans (CEMP). In accordance with BS 8683, these documents and



associated responsibilities should be provided prior to determination of the application to ensure confidence over the delivery of biodiversity gains in perpetuity.

### **Habitats**

We have noted that the original phase 1 habitat survey has not been provided in support of the application, rather it is summarised in Chapter 14 of the Environmental Statement. This includes a habitat map which is not possible to clearly understand in the quality uploaded to the planning portal, nor does it include DAFOR assessments of species to allow us to consider the appropriateness of the habitat classifications. This is of particular importance due to the conversion of habitats from Phase 1 to UK Habitat Classification in Table 14.5. In addition, to enable to assessment of the appropriateness of the condition assessments utilised in the provided biodiversity metric, clear justification against the guidance criteria is required. This should be undertaken for both pre and post development habitats.

We have noted that the watercourse is stated to be of local importance only within table 14.7, despite its consideration to be within the Kirklees Wildlife Habitat Network (KWHN) in figure 14.2. Further clarification over why this area is not included as being of district importance is therefore required.

Within section 14.120 it is presumed that management of the watercourse will not be favourable to biodiversity. It is not clear why this presumption has been made and we would highly recommend that consideration of management of the watercourse for biodiversity is considered (as recommended within the Breeding Bird Survey) due to its importance in the local landscape.

Areas of greenspace should be considered to deliver multifunctional benefits and we would recommend that the SuDS on site are also designed in this manner. Those principles outlined by Building with Nature<sup>1</sup> standards would be highly beneficial to incorporate within this scheme.

### **Local Wildlife Sites**

There are two Local Wildlife Sites (LWS) which abut the proposed development. LWS (formerly known as Sites of Importance for Nature Conservation) are of great significance as core wildlife-rich habitats of substantive nature conservation value and taken together with Sites of Special Scientific Interest (SSSIs), they represent a major national asset, essential to nature's recover. LWS play a critical conservation role by providing wildlife refuges, acting as stepping stones, corridors and buffer zones to link and protect nationally and internationally designated sites – improving ecological coherence and connectivity and contributing to a climate resilient landscape. With no statutory status, their only form of protection is through good planning policy and decisions.

Many LWS are of SSSI quality and together with the statutorily protected sites, contain most of the country's remaining high quality natural habitat and threatened species. Regardless of statutory status, it is absolutely

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<sup>1</sup> <https://www.buildingwithnature.org.uk/about>



paramount, that the countries core sites for biodiversity are protected from developmental loss and damage, if we are to avoid a net loss in biodiversity. The presence of a LWS, should always serve as a red flag that the application is highly likely to be damaging and alternative sites should be sought.

The ES has considered the impacts to these sites to be significant and thus recommended the incorporation of a buffer from construction activities (14.102), which we welcome; however we do not feel this goes far enough to protect the sites and would be encouraged to see, as a minimum, the implementation of a planted buffer rather than a fence line only. This should be detailed within the CEMP.

Whilst we also welcome the consideration of a 'Woodland Management Plan' (14.115 and 14.145) to ameliorate the impacts of increased disturbance during operation of the site, we fear this is highly inadequate to mitigate for the significant impacts assessed to be of district importance. The Trust undertook research on our own reserves in 2017<sup>2</sup> to identify the impacts from nearby development, it demonstrated a wide range of types of impact which increased with development proximity.

We would therefore be more encouraged to see the provision of Suitable Alternative Natural Greenspace (SANGs) as outlined by Natural England's 'Nature Nearby' to limit increased access and disturbance of LWS and provide alternative locations for the community. The LWS should be further supported by suitable buffers from the development. This would represent correct application of the mitigation hierarchy (avoid, minimise, mitigate) and industry good practice. The Woodland Management Plan should then be revised to consider the designation features of the sites with the aim to retain and enhance their value. It is imperative that good design and management proposals are provided prior to determination of any phase adjacent to the LWS and KWHN to ensure the district level impact has been appropriately compensated. Due to the significance of these sites, this must be outlined in more detail prior to the determination of this application.

### **Metric**

We welcome the provision of the Defra metric in support of this application, however would like to request that the post development management proposals are provided in a draft BEMP, in accordance with BS 8683, to demonstrate confidence that a net gain for biodiversity can be achieved and maintained. This should include clear provision of maps to demonstrate habitat to be created and enhanced, along with detail of responsibilities for management in perpetuity.

We also have some concerns with regards to the metrics application and it must also be noted that there are still errors within the metric itself which impact the headline results.

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<sup>2</sup> Rylatt F, Garside L, Robin S, (2017). Human impacts on nature reserves- the influence of nearby settlements. *Inpractice* 97: 40-45



There is currently a lack of information in support of the metric including post development enhancement proposals, baseline habitat descriptions (species list/DAFOR) and pre/post development condition assessments. All supporting plans/documents should make it clear which row of the metric the habitat relates to for ease of understanding.

Justification is required for the lack of consideration for LWS and KWHN in the metric, with detail of how moderate condition habitats will be achieved. This is of particular importance for the woodland enhancement proposals, from fairly poor and poor to moderate, as it is generally accepted that only a single step change in habitat condition is achievable in most circumstances.

We would also advise that amenity grassland cannot be considered as '*moderate*' condition grassland, this error in the metric has been raised to Natural England and is likely to be amended in future versions to limit the condition to poor only (due to the lack of species diversity and high levels of management associated with this habitat). This single amendment to the metric shows a net loss of 11.42% for the proposals.

We would also suggest that allotments cannot reach '*moderate*' condition for the same reasons, giving a 12.58% net loss, and that whilst SuDs might be able to reach '*moderate*' condition if appropriately designed and managed this needs to be fully justified. Giving the current information provided including the statement in 14.120 (see below), it is implied that this will not be possible within the proposals and as such a precautionary approach giving a condition of '*poor*' for drainage features provides a **net loss of 14.29% for the scheme.**

Furthermore, the % enhancement for hedgerow is incorrectly displayed as 218.58%. With the values inserted, the correct value should be 118.5%. However, clarification over the baseline habitat type and condition for hedgerows is required as the hedgerow assessment has considered lengths to be removed as '*important*', with some also in the KWHN (not recognised in strategic significance multiplier), and as such of district value. Clarification over their assessment as '*poor*' in the metric is therefore required along with clearer plans to show how proposed hedgerows will meet '*moderate*' condition and maintain this value in perpetuity.

The watercourse is also considered in the metric to be of no strategic significance, despite its identification as being within the KWHN. Clarification is needed to show how development proposes to enhance this area to '*moderate*' condition, in particular due to comments within 14.120 that it is '*presumable that the watercourse would receive excessive management to maintain an appearance of 'tidiness', which in the medium to long term would lead to a loss of diversity.*'

In addition to the above, guidance in relation to biodiversity net gain states that 10% should be achieved for all baseline habitats on site. Whilst a large increase in hedgerow is seen, that for other habitats is only 3% gain (minus 14.29% with the amendments above), with a net loss of grassland, scrub and ditches shown.



### **Breeding Birds**

The Breeding Bird Survey (BBS) has identified the site to be of district importance for farmland species including skylark and yellowhammer with Table 14.10 of the ES suggesting a BMP to compensate for the loss of habitat. However, this has not been provided at this stage and the recommendations within the BBS do not appear to have been incorporated into the parameters plan. This includes the provision of skylark plots, meadow creation and green corridors, attenuation basins to encourage breeding, barn owl boxes, terrace nest boxes and habitat buffer zones. It is also not clear why the development impacts to birds has been downgraded to local importance within 14.125 of the ES when impacts to individual species are stated to be of district importance.

Due to the importance of this site it is recommended that updated surveys, to include consideration for over-wintering, are conducted prior to determination and the parameters plan is revised to include above recommendations. The LPA must have careful consideration for the cumulative impacts of loss of farmland habitat upon these species within the local region.

### **Water Voles**

We would welcome the provision of culvert design at an early stage to retain the openness of the watercourse for species such as water voles. Advice on how to design such culverts can be found in the Water Vole Mitigation Handbook (2016), which recommends, for instance, box culverts with >1m headroom above normal water levels with ledges immediately above the water level on both sides.

### **Bats**

As outlined within Bat Conservation Trust guidance (2016), section 6.1, it is identified that tree surveys are highly unlikely to identify the presence of roosting bats stating that:

*'all trees with bat roosting potential should be considered part of a resource that will be used at one time or another by tree-roosting bats in order to determine the extent of impacts. Survey work on individual trees may confirm presence but its unlikely to conclusively confirm absence. Precautionary measures are likely to still be essential during works even where surveys have no identified occupancy'.*

As such we would strongly advise that updated survey work on trees follows the guidance outlined in Bat Roosts in Trees (Bat Tree Habitat Key (BTHK), 2018) to design surveys most likely to identify the presence of roosting bats, should they be present.

Surveys must be updated prior to the determination of each phase of development and before any site clearance occurs.

In addition, further clarification over why only two buildings were surveyed for emergence (14.90) would be helpful in assessing their appropriateness. Detail of internal inspections of the buildings and why other



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buildings which border the site were not included would be useful. In addition, as the emergence surveys are not in accordance with BCT guidance (less than 2 weeks apart and not spread across the active season), updated surveys during early and mid-season will be required.

### **Other Species**

Other species surveys, including badger, reptile, water vole, bats, barn owls and great crested newt must be updated prior to determination of each phase of development.

### **Conclusion**

In summary, we would like to submit an objection to this scheme at this time due to significant district level impacts upon breeding farmland bird species and potential significant district impacts upon LWS and KWHN. The current parameters plan has not taken into account ecological considerations or the recommendations made within the species reports and should be revised to incorporate these features whilst demonstrating a net gain of at least 10% for all habitat types. Careful consideration must be made by the LPA of cumulative impacts of this and other nearby developments upon sensitive habitats, species and ecological connectivity.

The detail of a metric, habitat retention, creation, enhancement and management, along with responsible persons for each stage (see BS 8683) must be shown at least in a draft BEMP and CEMP prior to determination of this application.

I trust these comments are helpful.

Regards,

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