



DATE 21/11/22

BY EMAIL ONLY: DC.Admin@kirklees.gov.uk

RE: 2020/60/92331/E - Land east of, Leeds Road, Chidswell, Shaw Cross, Dewsbury

Thank you for consulting Yorkshire Wildlife Trust. Our most recent comments on this application were in January 2021. Since that time a number of new ecological documents have been submitted in relation to the application. We have reviewed these documents and have the following comments:

The High Level Biodiversity Net Gain Assessment (Brooks Ecological, (Brooks Ecological, Oct 22) states at Paragraph 16 that:

'River condition assessments are very complex and involved, requiring Modular River Physical (MoRPh) assessments. At present, an assumption is made that the headwater streams here are in poor condition. This is based on the streams holding no water, being choked with scrub vegetation and supporting invasive weeds. This will be confirmed at RM stage through detailed MoRPh survey'

Assumptions have been made but it is not clear when the survey information to support these assumptions was collected, or by whom? Was a river assessment undertaken as part of the updating walkover survey in October 2022 (which the report acknowledges is outside the optimum survey period). No information is included in Appendix 1 – Habitat Baseline information & Condition Assessments about the river assessment which has taken place.

We appreciate that this is a high-level document due to the fact that the application is an outline planning application. However, it is not appropriate to make such assumptions with regard to the baseline condition of the site and we request that the River Metric calculations are undertaken prior to determination of the planning application. The survey must be undertaken by an appropriately trained and qualified person.

We note that the river forms part of the Kirklees Wildlife Habitat Network (KWHN) and therefore should be assessed as the highest strategic significance criteria in the metric – at present it is included as 'low potential/action not identified in any plan'. As the Wildlife Habitat Network has its basis in the Local Plan (Kirklees Policy LP10), the 'within Local Plan' option should be selected. The Defra Metric User Guide (Natural England Joint Publication JP039)¹ states at Paragraph 9.30 that:

¹ <http://publications.naturalengland.org.uk/publication/6049804846366720>





'For rivers and streams use the delivery of identified actions within River Basin Management Plans, Catchment Plans and Local Plans to determine high strategic significance'. Amending this option in the metric spreadsheet would alter the baseline units from 12.77 to 14.69 and consequently would reduce the overall River BNG % from 10.20% to 7.76%.

As a further example, adjusting the condition from poor to fairly poor (just one step change in condition) if the current condition assumption is incorrect would raise the baseline river units from 12.77 to 19.16. This would reduce the BNG % for river units from 10.20% to 3.98%.

It is therefore critical that the baseline river condition is properly assessed as just small variations in the assessment will affect the overall score. The importance of an accurate baseline is clearly laid out within the CIEEM Ecological Impact Assessment Guidelines². Given that the predicted net gain in River Units is 10.20%, any elevation in baseline units would mean that the required 10% BNG would not be achieved. Further confidence is therefore required that BNG for river units can be achieved.

It should also be noted that the completion of the Defra metric is just one part of the BNG process. It is also necessary to demonstrate how the project complies with the ten good practice principles of net gain³. As good practice, we advocate for this information to be provided as part of the application documents.

In producing this response, we have reviewed the recently submitted ecological documentation. A number of our previous comments may be outstanding e.g. the requirement for ground nesting bird species mitigation, culvert design etc. Therefore, it would be helpful if the case officer could advise on any other amendments to the scheme design that we should be aware of.

We trust these comments are helpful. Please do get in touch if you require any further information.

Kind regards,

The Planning Team
Yorkshire Wildlife Trust

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² <https://cieem.net/wp-content/uploads/2018/08/ECIA-Guidelines-2018-Terrestrial-Freshwater-Coastal-and-Marine-V1.2-April-22-Compressed.pdf>

³ <https://cieem.net/wp-content/uploads/2019/02/Biodiversity-Net-Gain-Principles.pdf>

