

# **A short note on issues unaddressed by the developer's surveys and relating to critical habitat and species impacts at HEYBECK, 2020/60/92350/E**

## **Summary**

There remain significant and serious issues still not effectively addressed in the development and planning proposals. These include:

1. Deficiency in addressing direct and indirect impacts and long-term effects on the ancient woodlands.
2. Unnecessary and damaging 'over-management' of trees in part relating to changed health and safety considerations.
3. Consequent isolation and hydrological impacts on the woods with resulting long-term desiccation. There are also issues of impacts on downstream flood-risk which are still to be addressed.
4. Much increased human recreational use consequent on the development and altered local demographics – human trampling and use of off-road bicycles and semi-motorised bikes and scooters.
5. There is an absence of a funded plan and mechanism for these issues to be managed on-site in the future – and the local authority has no ability (countryside management service) to deliver this.
6. Consequent much-increased impacts of domestic pets – dogs and cats – both from dog-walking and animals ranging freely. This will have major impacts on ground-nesting birds and also on mammals from smaller species subject to predation, and larger species like deer, that respond to disturbance.

In terms of the woodlands, there has been no effective assessment of woodland heritage and archaeology which are highly vulnerable to trampling and erosion linked to recreational over-use. This requires to be addressed and a funded remediation plan put in place.

There is also an issue in terms of proposals for Biodiversity Net Gain (BNG). Firstly, irreplaceable features such as ancient woodlands and historic hedgerows, cannot be compensated for or traded. Moreover, 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. Furthermore, it should be noted that BNG does not address landscape and heritage issues but only those purely of biodiversity. From a sustainability perspective, these other factors must also be addressed.

## **1. Overall, the submitted surveys are inadequate and fail to address key issues**

1.1 Overall, there are major problems of a lack of robust information on ecology and heritage issues. An example is the absence of an assessment of the ancient hedge boundaries and of

botanical indicator evaluations and mapping along the same. Similarly, there is no information provided on coppicing, pollarding and on veteran and notable trees in Dum Wood or Dogloitch Wood.

1.2 There are clear issues of poor-quality and limited scope of the survey results presented.

1.3 Key species are missing from the survey results including Red List, Schedule 1, & specially protected species covered under the Wildlife & Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. These will be affected by habitat loss, disruption by and after the development, and by associated pollution impacts of pollution into the watercourses. This is not included in any assessment to date.

1.4 Obviously currently breeding bird species such as Kingfisher will not survive if the development goes ahead in its present form. This applies to other species too including the Skylark which appears to have dedicated 'plots' in the development proposals but without any meaningful information on how disturbance and predation by increased numbers of domestic cats and dogs, and human disturbance will be addressed.

1.5 There is the likelihood of the regionally uncommon Water Shrew along the watercourses, and the specially-protected Water Vole has been recorded here. Other protected species are also present. None of these have been accounted for.

1.6 Very significantly in terms of assessing future damaging impacts of development and resulting increased recreational disturbance, is that woodland archaeology and heritage have not been assessed. This is a major omission. In an ancient woodland, the soil surface is an archaeological layer and is very vulnerable to disturbance.

1.7 Loss of topsoil through development and subsequent erosion through increased recreational activities. Topsoil is a non-renewable resource for which there is no effective mitigation of loss.

1.8 It is my opinion that, being key green corridors, the hedgerows along the watercourses should be classified as 'linear woodlands' and should have a woodland buffer zone on either side should development go ahead.

1.9 It should be noted that the watercourse / hedgerow from the northwest of Dum Wood immediately adjacent to and within the redline boundary is of strategic importance in the Kirklees Local Plan forming part of the Kirklees Wildlife Habitat Network.

2.0 The reports and surveys have not demonstrated an understanding of the real scale of impacts on the ground. For example, the woodland buffer zones are hugely inadequate for likely impact of the proposals. The scale of the impact is consistently under-estimated throughout. [This amounts to 181 new homes, average of 4 people/household that's 724 people, with the larger Chidswell plan of 1,353 dwellings with a further 5,412 totalling 6,136 people plus workers and visitors from 35 hectares of industrial usage that would be on the site].

2.1 There appears to be no effective plan to resolve or mitigate for pollution impacts - air-quality / noise / light / vibration / construction work / transportation etc with ongoing impact of building and then having new town.

2.2 Recreational disturbance has been neither assessed nor mitigated for: impacts of legal [and illegal] cyclists, mountain bikes, e-bikes, off-road motorbikes, 4 x 4 off-road buggies in

the woods etc in the woods once the area is 'urbanised'. These are along with dog-walkers, domestic cats [hugely destructive of breeding birds and small mammals], faecal waste, disturbance, predation etc.

[The Skylark plots (designed to help encourage nesting in existing sites) - whilst it is welcome that they are being considered are doomed to failure because of the foregoing impacts.

2.3 Woodland Management issues – full management plans need to be presented and based on necessary ground surveys [see earlier notes on heritage].

2.4 Access should development go ahead. Accessible wheelchair access will be required along all Public Rights of Way – especially the footpaths along the becks / hedgerows and in accessible woods. These require appropriate surfacing and ongoing maintenance but also have physical and visual impacts on ecology and heritage. Without necessary and ongoing maintenance these routes will become mud-baths, and the council will have an ongoing liability for the upkeep.

2.5 Maintenance and upkeep of necessary boundaries for site and access management are notoriously difficult and there are examples of wooden fencing being broken down almost as soon as it have been erected. The council will have an ongoing liability for the upkeep and any replacement in the long-term.

2.6 Recreational impacts require a clear and costed plan demonstrating how these will be managed and how this will be financed. There seems to be no budget allocation and . How are they going to manage this. No budget allocation the council will have an ongoing liability for the future upkeep.

2.7 Woodland impacts of the development – there appears to be no long-term plan or budget to address these. Also, as the woods are medieval in origin and character, care must be taken not to 'lose' the woodland edge habitats and the medieval character when buffer zones are constructed. These are often the most species-rich areas of an ancient wood. There is no stated plan as to how this constraint is to be addressed.

2.8 In terms of offset and net gain, this cannot be created anew in an ancient established woodland which is already in good condition. Irreplaceable habitats like ancient hedges cannot be traded and woods in good condition are not included in 'net gain'.

2.9 As noted, the woodland buffers are hugely inadequate for the scale of mitigation required and are also problematic (see earlier comment).

3.0 Bearing in mind the Coal Measures location with mining history, there may be a requirement to remove any coal otherwise sterilised by the development. This may carry further risks of pollution and nuisance. [At Owlthorpe near Sheffield, coal close to the surface had to be mined before it could be developed - to avoid sterilisation of a strategic resource]. Indeed, the Heybeck study completed by Patrick Parsons concluded coal and mining legacy pose a risk with further investigation required.

3.1 At the Owlthorpe development in Sheffield, despite assurances that all necessary standards would be upheld, there was devastating flooding from the construction site into adjacent woodland. This resulted in a major pollution incident to the adjacent watercourse and downstream.

3.2 Absence of necessary strategic and implementation plans - The Lucion report says there will not be any negative effects resulting from the development. However, it is clear that the impacts would be considerable and plans to address these are necessary should consent be granted. Nevertheless, there is no plan in place or presented and no allocated funding to evidence any capability of delivering these promises of zero adverse impacts. How, in reality are the promises to be achieved? There is no evidence to show this is realistic, but it would be a long-term cost and commitment for the local authority. In order to undertake long-term site conservation and access management, and to mitigate for adverse impacts, then professional rangers on the ground would be required.

3.3 A plan is to be provided in the future for promised sustainable urban drainage systems for the development, but no evidence [technical appraisal and modelling] has been provided to demonstrate their viability. Furthermore, there is no information on how this is to be achieved in practice or of the associated cost for construction and ongoing maintenance.

3.4 Biodiversity New Gain is compulsory and will require budgets for land acquisition, for construction, for maintenance over 30+ years, and for 5-yearly monitoring. This requires a breakdown of budget in advance of permission and implementation and to include specifications for practical delivery. At present, the cost of managing BNG has not been presented. No allocation of a fund or a plan in place with allocated funding to evidence how much this will cost and how this is to be paid for. This would require a significant sum of money. Work beyond the 30 years may require a capital sum to be deposited the interest from which pays for annual work programmes but potentially supplemented by a yearly surcharge for each property.

3.5 The project is required to provide necessary funding for greenspace creation, conservation where appropriate, and ongoing maintenance or repair. These issues are in perpetuity for the woodlands, hedgerows, meadows, wetlands, and other greenspaces and public open space. With no plan for what is required, and no evidence to show this is deliverable, if it is too problematic will BNG be delivered off-site? Will be currently rich biodiversity within and around Heybeck be degraded or lost completely? At the very least there needs to be a plan and a clearly allocated and sufficient budget for long-term implementation.

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