

Ecological Assessment of Dum Wood, Chidswell

Purpose

1. This technical note has been prepared by Brooks Ecological and provides a concise overview of the ecological baseline of Dum Wood, the potential impacts of the Hey Beck Lane development on Dum Wood and the measures proposed to avoid any potential harm or deterioration of the woodland resulting from the proposed development.
2. Brooks Ecological have been involved in the Hey Beck Lane site (and the adjacent Leeds Road site) since early 2018, after being instructed to complete a suite of detailed ecological studies.
3. Documents which were submitted in support of the Hey Beck Lane planning application in relation to ecology and arboriculture are as follows:
 - Great Crested Newt Habitat Suitability Index (HSI). Brooks Ref. R-3280-01. March 2018. (APP34)
 - Barn Owl Scoping Assessment and Report. Brooks Ref. R-3280-02. April 2018. (APP16)
 - Breeding Bird Survey. Brooks Ref. R-3280-03. October 2018. (APP22)
 - Badger Assessment. R-3280-04. April 2018. (APP46)
 - Bat Roost Suitability Assessment of Trees. Brooks Ref. R-3280-05. April 2018. (APP20)
 - Bat Activity Survey. Brooks Ref. R-3280-06. November 2018. (APP17)
 - Water vole Assessment. Brooks Ref. R-3280-07. September 2018. (APP43)
 - Reptile Survey. Brooks Ref. R-3280-08. October 2018. (APP39)
 - Hedgerow Assessment. Brooks Ref. R-3280-09. July 2018. (APP29)
 - Bat Roost Suitability Assessment of buildings. Brooks Ref. R-3280-10. August 2018. (APP19)
 - Bat Emergence Survey. Brooks Ref. R-3280-11. August 2018. (APP18)
 - Ecological Impact Assessment (EclA). Brooks Ref. R-3280-12A. December 2019. (APP24)
 - Arboricultural Impact Assessment (AIA) (including Tree Survey) Brooks Ref. AR-3280-02. December 2019. (APP14)
4. In late 2022, Brooks Ecological were asked to review the ecological information that had been submitted for the Hey Beck Lane application in light of the amount of time that had elapsed. Surveys and reports were then completed to update the ecological baseline information to inform future reserved matters applications (but were not submitted to the Local Planning Authority at that time). Those pertinent to this assessment of potential impacts on Dum Wood are:
 - Appendix E1: Bat Activity Survey. Brooks Ref. ER-6441-06. October 2023 (APP 59.9.1)
 - Appendix E2: Breeding Bird Survey (Hey Beck Lane & Dum Wood only). Brooks Ref. ER-9043-04A. June 2023 (APP 59.9.2)
 - Appendix E3: Badger Assessment. Brooks Ref. ER-6441-09. October 2023 (APP 59.9.3)
 - Appendix E4: Barn Owl Scoping Assessment. Brooks Ref. ER-6441-12. February 2024 (APP 59.9.4)
5. No major changes were observed for any species since the original surveys.
6. Following the planning refusal in December 2025, Brooks Ecological were asked to review the ecological information again for the Hey Beck Lane site and Dum Wood. Given the time that had elapsed, and specific mention of Dum Wood in the reason for refusal, the following Ecological and Arboricultural reports have been produced or procured.

- Appendix E5: Baseline Woodland Survey. Brooks Ref. ER-9043-01D. July 2026 (APP 59.5)
 - Appendix E6: Ancient Woodland Management Plan (AWMP) – Principles. Brooks Ref. ER-9043-03D. July 2026 (APP 59.6)
 - Appendix E7: 2026 Breeding Bird Survey. Brooks Ref. ER-9043-05A. July 2026 (APP 59.9.7)
 - Appendix E8: Badger Assessment & Report. Brooks Ref. ER-9043-06B. July 2026 (APP 59.9.5)
 - Appendix E9: Bat Activity Survey. Brooks Ref. ER-9043-07A. July 2026 (APP 59.9.6)
 - Appendix E10: Ground Level Tree Assessment (Bats). Brooks Ref. ER-9043-08A. July 2026. (APP 59.9.8)
7. No major changes were observed for any species since the previous round of surveys.
 8. For the avoidance of confusion, at the point that Brooks were first instructed to complete ecological assessments at Chidswell, the initial survey work considered both Hey Beck Lane and Leeds Road sites together, as shown by the red line boundary (which directly abutted Dum Wood and Dogloitch Wood) in Figure 1 below. As such, all of the 2018 and many of the 2023 ecological reports assess the two sites together. This needs to be considered when interpreting the Conclusions of these reports and their applicability to Hey Beck Lane.
 9. At an early stage in the design process, Brooks Ecological advised that the emerging design should provide for a c.20m buffer between the Hey Beck Lane Site boundary and the adjacent ancient, replanted woodland Dum Wood. The buffer as originally proposed for both sites is shown edged blue on the drawing to the right within Figure 1.
 10. Figure 2 (overleaf) shows the Hey Beck Lane application site boundary, in context to Dum Wood and the Ancient Woodland Buffer. Since the planning refusal, the Buffer has been extended to formally include an agricultural field which would otherwise sit between the buffer and Dum Wood to secure a comprehensive planting plan for the buffer area including that field.

Figure 1. Site boundary 2016 – 2018(left). Site boundaries post- 2019. (right)



Figure 2. Hey Beck Lane application (red line). Ancient Woodland Buffer (blue line). Dum Wood (black line).



Author Experience and Qualifications

11. This Technical Note has been prepared by Christopher Shaw, an Associate Director at Brooks Ecological. Chris is a Full (MCIEEM) and Chartered (CEcol) member of the Chartered Institute of Ecology and Environmental Management (CIEEM) and has over 16 years' consultancy experience. He has managed a wide variety of projects nationally, including residential, commercial, mixed use, wind & solar, local authority, etc., and has undertaken all aspects of ecological survey work and reporting, including Preliminary surveys, Protected Species surveys and Licensing, ES Chapters, Habitat Regulation Assessment, Construction Environmental Management Plans, Biodiversity Management Plans and Biodiversity Net Gain Assessments.

Existing Baseline

Hey Beck Lane

12. The land within the Hey Beck Lane Application Site has been extensively surveyed since 2018; over this time, land use and habitats have not changed significantly. The Site is occupied predominantly by intensive arable farmland, divided into five separate fields by a series of native hedgerows, many of which support trees within their structure.

Skylark

13. Breeding bird surveys encompassing both Hey Beck Lane and Leeds Road were initially completed in April to June 2018 (APP22). These identified the presence of 12 Skylark territories across the entire allocation site, with none of these being within Hey Beck Lane.
14. Surveys completed in 2023 (APP59.9.2) recorded 8 skylark territories, across the entire allocation site, with 1 of these being within Hey Beck Lane.
15. Surveys completed in 2025 looked only at Leeds Road; these recorded 9 Skylark territories.

16. Surveys completed in 2026 (APP59.9.7) looked only at Hey Beck Lane; recorded 1 Skylark territory.
17. Skylark numbers across the entire allocation site have declined since surveys began, from a peak of 12 territories in 2018, to an estimate of 10 in 2025/26. This is similar to national trends.

Yellowhammer

18. Breeding bird surveys encompassing both Hey Beck Lane and Leeds Road were initially completed in April to June 2018 (APP22) . These identified the presence of 16 Yellowhammer territories across the allocation site, with none of these being within Hey Beck Lane.
19. Surveys completed in 2023 (APP59.9.2) recorded 12 Yellowhammer territories, across the entire allocation site, with 1 of these being within Hey Beck Lane.
20. Surveys completed in 2025 looked only at Leeds Road; these recorded 3 Yellowhammer territories.
21. Surveys completed in 2026 (APP59.7) looked only at Hey Beck Lane; these recorded 1 Yellowhammer territory.
22. Yellowhammer numbers across the full allocation site have therefore been declining since surveys began, from a peak of 16 territories in 2018, to an estimate of 4 in 2025/26. This is similar to national trends.

Ground level tree assessment (bats)

23. The ground level tree assessment (GLTA) (APP59.9.8) was completed for all onsite trees that were identified as potentially requiring removal to facilitate the Illustrative Site Layout. This may be subject to change at the Reserved Matters stage, but the current scale of tree removal is considered to be a 'worst case' scenario which can be improved upon at the Reserved Matters stage.
24. The survey also assessed all woodland edge trees bordering the Ancient Woodland Buffer and all trees within a c.5m radius of existing informal routes through Dum Wood which could be subject to indirect impacts, although access is intended to be prevented to a number of the informal routes.
25. None of the trees proposed for removal within the Hey Beck Lane site supported any potential roost features.
26. Surveys within Dum Wood identified a total of 9 trees with PRF-I (intermediate potential roost features) and 12 trees with FAR (further assessment required). None of these trees are proposed to be removed.
27. No indirect impacts on these identified trees are anticipated from artificial lighting.
28. Any tree works required as part of the AWMP will be preceded by a GLTA. Where PRFs are identified, a further survey will be undertaken, either in the form of aerial inspections or emergence surveys.

Ancient Woodland Buffer

29. The c.20m standoff and small arable field (see blue line in Fig. 2) situated between Dum Wood and the Hey Beck Lane Site is occupied by intensive arable farmland and hedgerows / tree lines. Likewise, this has changed little since 2018 when surveys began. The arable land extends right up to the woodland edge, which for the most part is defined by a simple drystone wall.

Dum Wood (Desk Study)

30. The Brooks Ecological Report ref. ER-9043-01D, Baseline Woodland Survey (APP59.5) to inform Woodland Management Plan, presents the ecological baseline for Dum Wood. A summary of this report is provided below.
31. Dum Wood is mapped on the Ancient Woodland Inventory (AWI) as an area of Plantation on Ancient Woodland Site (PAWS) or Ancient Replanted Woodland. This means that woodland has been continuously mapped in this location since at least 1600, but at some point in the last 100 -150 years the woodland has been felled and replanted. The woodland therefore supports a relatively young canopy and understorey layer, with the ground layer being the only remaining 'ancient' element.

32. A further three Ancient Replanted Woodlands, and three Ancient and Semi-Natural Woodlands are present within the surrounding 2km radius. These are sufficiently distant from the Site to avoid direct and significant indirect impacts and are not relevant to this appeal.
33. Dum Wood is mapped as Priority Woodland Habitat (Deciduous Woodland), a Local Wildlife Site (LWS) and part of the Kirklees Wildlife Habitat Network (KWHN). It is also covered by a Tree Preservation Order (TPO).
34. The Woodland Trusts Ancient Tree Inventory also maps two Veteran trees and two notable trees within Dum Wood.

Dum Wood (Habitat Survey)

35. A vegetation survey was completed in April 2023 and May 2026 and is reported in Brooks Ecological Report ref. ER-9043-01D, Baseline Woodland Survey (APP59.5). Referencing the UK Habitat Classification system the woodland would most readily conform with the 'Lowland mixed deciduous woodland' habitat type.
36. The woodland canopy is relatively species poor, comprising up to 90% cover of English oak, with a similar species-poor understorey dominated by holly. The ground layer is also relatively species poor, with bramble, creeping soft grass and native bluebell being the most abundant species.
37. With regards to the ground layer, native bluebell is the only Ancient Woodland Indicator (AWI) species present. Bluebells, and the associated undisturbed woodland soils, are the key features relating to the woodland's status as ancient, replanted woodland, and bluebell is the criteria given for Dum Woods designation as a Local Wildlife Site.
38. The distribution of bluebell (as the only AWI present) has been mapped according to the DAFOR scale (see page 13 of the Ecological Report ref. ER-9043-01D Baseline Woodland Survey Report (APP59.5)) and from this, it can be seen that the distribution of bluebell fluctuates across the woodland, with large areas supporting relatively low bluebell cover.

Dum Wood (Faunal Study)

39. The following faunal surveys have been completed within Dum Wood to collect an accurate baseline of its use by local wildlife:
 - Breeding bird survey (APP59.9.7)
 - Barn owl scoping assessment (APP59.9.4)
 - Badger survey (APP59.9.5)
 - Bat survey (APP59.9.6)
 - Remote camera monitoring reported in Brooks Ecological Report ref. ER-9043-01D, Baseline Woodland Survey (APP59.5)
40. These surveys have demonstrated the likely absence of nesting barn owl and badger within Dum Wood.
41. Breeding bird surveys have recorded a typical suite of amber and green listed birds likely breeding within Dum Wood. No Schedule One birds (which are protected from disturbance whilst nesting) have been recorded. The bird species recorded in Dum Wood can all be considered typical of the local area.
42. Bat surveys have recorded low levels of foraging activity along the woodland edge and within the woodlands centre, by a typical range of bat species. Common pipistrelle, a common and widespread species, makes up the bulk of bat activity around Dum Wood, accounting for 97% of bat calls recorded. Three other bat species (common locally) have also been recorded; all be it in very low numbers. Common Pipistrelle is the most widespread bat species in England and is commonly associated with urban development; it is tolerant of high levels of disturbance from light and noise pollution.
43. Remote camera monitoring has not recorded any notable or protected species, with a typical range of common and widespread bird and mammal species recorded. Grey squirrel (non-native), wood

pigeon and Pheasant (Non-native) are the most commonly encountered species, none of which are significantly sensitive to disturbance.

Summary of key features of Dum Wood

44. The key features of Dum Wood that could be subject to impacts comprise the ancient woodland ground layer and undisturbed soils.

Access

45. Dum Wood is a privately owned woodland with no public access rights. The wood is currently accessed informally by local residents. A Public Right of Way (PRoW) (public footpath) runs to the north of Dum Wood within the proposed Ancient Woodland Buffer.

Arboriculture

46. An Arboricultural survey focussing on the woodland edge fronting the proposed development was completed in April/ May 2026, by Principal Arboricultural consultant Victoria Black Fdsc Arb, Brooks Ecological. To assist the survey, a Topographical survey was undertaken which accurately mapped the trunks of all woodland edge trees fronting the ancient woodland buffer.
47. From this, the individual canopy spread and root protection zone (RPA) of each woodland edge tree was measured and mapped; see Figure 3 below.
48. This exercise demonstrates that the woodland canopy and RPA does not extend beyond the Ancient Woodland Buffer, and with standard mitigation measures in place (namely Tree Protection Fencing which is secured by proposed Condition 9) the buffer is of sufficient depth to protect the woodland from direct impact arising from the Hey Beck Lane development.

Figure 3 Plan showing the boundary of Dum Wood (Black line), woodland edge trees (black dots), woodland edge tree canopy (green line) and root protection area (white line) in relation to the application site boundary (red line).



Adopted Policy & Guidance

49. The Ecological Impact Assessment (EclA) prepared by Brooks Ecological (report ref. R-3280-12A (APP24)) for Hey Beck Lane considered all relevant Local and National Policy.

Local Policy

50. Ecology related policies in the Kirklees Local Plan are LP30 to LP34. Of these only LP30 and LP33 specifically mention woodland and are referenced in the reason for refusal. Relevant excerpts are provided below:

Policy LP30

Local Designated Sites & Important Local Ecological Features

Proposals having a direct or indirect adverse effect on a Local Wildlife Site or Local Geological Site, Ancient Woodland, Veteran Tree or other important tree, will not be permitted unless the benefits of the development can be clearly shown to outweigh the need to safeguard the local conservation value of the site or feature and there is no alternative means to deliver the proposal. In all cases, full compensatory measures would be required and secured in the long term.

Habitats and Species of Principal Importance

Proposals will be required to protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.

Policy LP33 Trees

The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks.

Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.

National Policy

Chapter 15 of the National Planning Policy Framework Dec. 2024.

51. Within national policy, Chapter 15 point 192(c) of the NPPF, is the only section that specifically mentions woodland. Excerpt below.

Habitats and biodiversity

192. *To protect and enhance biodiversity and geodiversity, plans should:*

(c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons 70 and a suitable compensation strategy exists; and

National Guidance

52. There is no official guidance given by Kirklees on the size required for ancient woodland buffer zones.
53. On the 14th January 2022 Natural England and the Forestry Commission published updated advice on the protection of Ancient Woodland on the .gov website (CD11).
54. This superseded standing advice originally published 13 October 2014, which was updated in November 2017 and then revised on 4 January 2018.
55. The November 2017 update to the Standing Advice introduced new guidance on buffer zones to ancient woodland, suggesting that a 50m zone may be required to mitigate the effects of pollution and trampling. The 4 January 2018 update removed the specific reference to the effects of pollution and trampling and reference to a 50m buffer. The other wording from the November 2017 update remains. On 4th January 2018, Natural England issued the following statement regarding this change:
- "The advice on the appropriate size of buffer zones (under 'Mitigation measures') has changed. The last version [i.e. 27th Nov 2017] suggested a 50 metre (m) zone to mitigate the effects of pollution and trampling. Following queries about the 50m zone, this text has been removed. Natural England and the Forestry Commission are reviewing the feedback they've received."*
56. This current guidance (which reflects the position before the November 2017 change and which has applied since the January 2018 reversal of that change), states that mitigation may vary but could include: "Leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of the development, a minimum buffer should be at least 15 metres)".
57. Key changes in the 2022 advice from the previous standing advice (2018) are as follows:
1. The requirement to consider 'deterioration' of ancient woodland (rather than just 'loss' as per 2018 standing advice).
 2. The recommendation for a minimum 15m buffer remains to avoid root damage, but there is reference to the likely need for a larger buffer zone "where assessment shows other impacts are likely to extend beyond this distance".
 3. 'Improving the condition of the woodland' has been removed as a mitigation measure. Instead, this is now reserved for compensation.
 4. Within the list of 'mitigation measures', there is now included specific advice on where rerouting footpaths may be required, namely "rerouting footpaths and managing vegetation to deflect trampling pressure away from sensitive locations".

Local Nature Recovery Strategy

58. The West Yorkshire Local Nature Recovery Strategy identifies measures for parts of the Site. These are detailed in the Baseline Woodland Survey (APP59.5). The measures (where relevant) can be incorporated into the ancient woodland management plan secured by the s106 agreement.

Emerging Policy & Guidance

59. The NPPF is currently in the process of being updated. Relevant wording from the December 2025 draft is provided below.

19.Conserving and enhancing the natural environment

N6: Areas of particular importance for biodiversity

1. To support the conservation of important habitats, development proposals affecting:

c. A site of local importance, which for the purpose of this policy is one designated as a Local Nature Reserve or identified as a local wildlife site, local geological site or equivalent in the development plan, should only be supported if:

i. there would not be a significant adverse effect on the integrity of the site; or

ii. the benefits of development in the location proposed clearly outweigh the likely impact on the features which make the site valuable for nature conservation.

2. Irrespective of a site's status in nature conservation terms, development proposals which would entail the loss or deterioration of irreplaceable habitats (such as ancient woodlands and ancient and veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

60. The wording of the draft NPPF (December 25) with regards to ancient woodland remains largely in keeping with the wording of the current NPPF (December 2024).
61. With regards to LWS, the above wording requires consideration as to whether development proposals would lead to a 'significant' adverse effect on the integrity of the site.

Scheme Compliance with Policy

62. An ecological desktop survey was undertaken at an early stage in the design process, which identified the status of Dum Wood as an LWS and ancient replanted woodland. In response, the red line boundary was amended to create a minimum c.20m buffer between the application boundary and the woodland edge (as defined by the drystone wall).
63. Potential impacts on Dum Wood from the proposed development at Hey Beck Lane were assessed as part of the EclA (Brooks Report R-3280-12A, Dec. 2019) (APP24). Possible direct impacts include physical damage to the woodland including the woodland edge canopy and root protection zone. The following mitigation was proposed in the EclA to address potential direct impacts:
- The minimum c.20m buffer embedded into the design as identified above
 - A Construction Environmental Management Plan (CEMP), secured through proposed Condition 6
64. Within the Decision Notice, the LPA also imposed a condition securing an Ancient Woodland Protection Plan (secured through proposed Condition 10) to address specific construction impacts on Dum Wood.
65. In terms of indirect impacts, these were assessed as part of the EclA as potentially arising from increased recreational pressure and changes to air quality, noise and lighting arising out of the operation and construction phases of the proposed development.
66. The extensive ecological baseline survey work has enabled a robust baseline for the woodland to be collected, and thus an accurate assessment of potential impacts to be undertaken.
67. An Illustrative Lighting Assessment has been produced the SLR Consulting Lighting Design & Assessment team, undertaken by specialist Lighting Consultants with extensive experience in managing and mitigating risks for lighting schemes in areas with potential sensitivity for ecology.

The Lighting Assessment considers the potential impact of artificial lighting from the Hey Beck Lane site on the woodland edge. There is no guidance on the potential adverse effects that artificial lighting has on woodland as a habitat or any suitable thresholds. In terms of potential impacts on wildlife using Dum Wood, bats are thought to be the most sensitive receptor. As such, the guidance published by the Bat Conservation Trust on lighting has been used for the assessment.

68. The Institution of Lighting Professionals (ILP) Guidance Note 08/23 – Bats and Artificial Lighting at Night states that "...where 'complete darkness' on a feature or buffer is required, it may be appropriate to consider this as illuminance at or below 0.2 lux on the horizontal plane and at or below 0.4 lux on the vertical plane...".
69. Accordingly, in the absence of woodland specific thresholds, these values have been adopted as the limiting light level thresholds for direct light spill at the edge of Dum Wood, as follows:
 - ≤ 0.4 Lux peak ($E_{v,max}$) in the vertical plane from 0.5 metres above ground level up to 8 in height (representing typical flight height of bats)
 - ≤ 0.2 Lux peak ($E_{h,max}$) on the horizontal plane at ground level
70. These thresholds are widely accepted for assessments relating to ecological features with sensitivity to light.
71. The Lighting Assessment considered an appropriate Area of Study using the illustrative site layout submitted as part of the application as a basis for a fully compliant and adoptable street lighting scheme design along a section of road closest to the woodland edge along the southeast boundary of the application site. This assessment demonstrates that under worst-case scenario conditions, a lighting scheme can be designed to meet all safety, security and amenity requirements whilst simultaneously preserving the quality of dark habitat at the face of Dum Wood
72. Care has also been taken within the proposed external lighting scheme to demonstrate that the final scheme can mitigate for other potential effects such as glare, which has been mitigated through the use of integrated rear louvres, and low blue spectrum lighting equipment with 'warm white' colour temperature ($\leq 2700k$).
73. This Lighting Assessment demonstrates that with the Ancient Woodland Buffer in place, a fully compliant and adoptable lighting scheme can be produced which results in minimal light spill to the woodland buffer and vertical light spill of ≤ 0.4 Lux along the woodland edge, which is below the thresholds for harm set by the BCT (see above).
74. A full Lighting Design and Impact Assessment will be secured through proposed Condition 27; produced at the Reserved Matters stage, once the Site layout is fixed.
75. In terms of recreational pressure, an Ancient Woodland Management Plan will be produced at the Reserved Matters stage and is secured through the S106 agreement, to address works to the Ancient Woodland and the buffer, and their future management.
76. A document entitled Ancient Woodland Management Plan - Principles Document (APP59.6) has been produced at this stage to outline the principles that could be incorporated into the final plan. This sets out how existing informal routes can be formalised or closed, with access controlled through a combination of footpath upgrades, physical barriers (defensive planting & dead hedges) and signage. The routes where access will be permitted and upgraded have been carefully selected not to have an adverse impact. These are located around the periphery of the woodland and mostly avoid the areas where bluebell cover is greatest. The proposed restriction of access along Route 4 has been targeted based on its proximity to dense bluebell cover.
77. This would ensure that future access is directed to certain existing routes (with access to other, currently existing informal routes being prevented), and measures put in place to avoid trampling of ancient woodland flora and compacting of soils. The impacts of any such access would be monitored and kept under review.
78. Enhancement measures are also put forward in terms of improving the woodland's structure and diversity, as well as creating additional dead wood features. Without active management, existing species such as bramble scrub will eventually take over much of the ground layer to the detriment of the woodland. Active management will help control those species and support floral diversity,

through the planting of bluebells and other locally appropriate plants within the woodland. The extension of the buffer to the south of Dum Wood could (in association with the measures proposed in connection with the Leeds Road site) improve connectivity between the woodlands.

79. The AWMP would include details of in-perpetuity management and regular monitoring. Submission and approval of and compliance with the plan are secured through the s106 Agreement, which also allows the Council to require remedial measures to be undertaken if required.
80. These measures would ensure the existing ancient woodland ground layer and soils are protected from any increased recreational pressure and the overall ancient woodland ground layer community (i.e. the vascular plants found at this layer currently comprising bluebells) extended and enhanced within Dum Wood through targeted seeding / planting and management, leading to overall betterment.

Skylark & Yellowhammer

81. As noted in section 3, these two species are both breeding within the application Site. They are listed as Schedule 1 bird under the Wildlife and Countryside Act 1981.
82. Schedule 1 birds receive special protection during the breeding season, making it illegal to disturb their nests, eggs, or dependent young without a licence. Initial site preparation works will need to be timed to avoid the breeding season, or preceded by a nesting bird survey.
83. Skylark and yellowhammer are both listed as a Species of Principal Importance in England under Section 41 (S41) of the Natural Environment and Rural Communities (NERC) Act 2006. The S41 list is designed to guide decision-makers, such as local and regional authorities, in implementing their duty to conserve biological diversity. Because of severe population declines in recent decades, skylark and yellowhammer are also on the UK's Red List of Birds of Conservation Concern.
84. Kirklees Council have specifically requested mitigation for skylark, so as to maintain the favourable conservation status of the species. This will be secured offsite, through the provision of Skylark plots on surrounding farmland, as detailed in and secured by the S106 agreement.
85. Mitigation for Yellowhammer will be provided through onsite measures, namely the enhancement of existing retained hedgerows, together with the creation of new scrub habitat within the adjacent Ancient Woodland Buffer (blue line in Figure 2). The enhancement of existing retained hedgerows can be secured through proposed condition 24, which requires details of faunal enhancement measures to be approved alongside each reserved matters application and will also be addressed in the biodiversity management and enhancement plan ("BEMP") secured through Schedule 5 of the section 106 agreement. The new scrub habitat within the Ancient Woodland Buffer will be secured through Schedule 3 of the section 106 agreement, which requires approval of the Ancient Woodlands Permissive Works as part of the Ancient Woodlands Management Plan and the delivery of those works.

Conclusion

86. The reason for refusal (of the Hey Beck Lane application) given by Kirklees Council is that ' *The proposed development, due to its size and proximity to Dum Wood, and due to the increased residential population that the development would introduce nearby and the insufficient depth of the proposed buffer, together would result in significant intensification in the use of Dum Wood, and unacceptable harm to and deterioration of this ancient woodland and Local Wildlife Site, contrary to policies LP30 and LP33 of the Kirklees Local Plan, and chapter 15 of the National Planning Policy Framework.* '.
87. With regards to the proposed buffer, government guidance states that '*For ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone.*'
88. A detailed Arboricultural assessment of the woodland edge fronting the proposed development has demonstrated that the proposed buffer is of sufficient depth to avoid damage of the woodland edge root protection area and canopy (see para. 46 - 48 and Figure 3).
89. Extensive surveys of the Hey Beck Lane site and Dum Wood have been undertaken across multiple years, which has ensured that a robust baseline assessment of the Site and Ancient Replanted Woodland has been collected and which is presented above.
90. Brooks Ecological have assessed the potential direct and indirect impacts (in terms of ecology and arboriculture) of the Hey Beck Lane proposals site against the Ancient Woodland Buffer and Ancient Replanted Woodland. This assessment has not identified any receptors (i.e. protected species) that would require a larger buffer zone than that currently proposed.
91. Through the S106 an Ancient Woodland Management Plan (AWMP) will be secured and implemented for Dum Wood, with the principal aims of managing access, avoiding any potential adverse effects associated with increases in recreational use and ensuring overall betterment. A high-level AWMP has been produced to set out the principles that will inform the final AWMP document. With this plan in place, adverse effects on Dum Wood and the key ecological receptors (namely the cover of native Bluebells) associated with the Local Wildlife Site and Ancient Replanted Woodland, would not occur.

Skylark

92. It is not possible to mitigate the loss of skylark nesting habitat within the application Site. Instead, the S106 agreement details offsite mitigation for Skylark which would ensure no significant adverse effects on local skylark populations.
93. Local Plan Policy LP30 states "*Proposals will be required to protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured*".
94. Long term compensatory measures are secured through the S106 and the benefits of the development are agreed between the Appellant and LPA and are set out in the Statement of Common Ground.
95. The proposals therefore comply with LP30.

Yellowhammer

96. Mitigation for Yellowhammer will be provided through proposed condition 24, which requires a plan for faunal enhancement measures and the planting of the Ancient Woodlands Buffer, secured through the section 106 agreement. This habitat provision would ensure no significant adverse effects on local yellowhammer populations will occur.

Chidswell Action Group (CAG) representations

97. We have reviewed the latest representations produced by CAG dated 02 December -2025 (submitted to the Council before the application was presented to Planning Committee).
98. By way of preliminary observation, CAG frequently do not distinguish between the two application sites (Hey Beck Lane and Leeds Road). Many of the comments relate only to the Leeds Road site (i.e. those relating to watercourses), but are framed as though they are applicable to both.
99. A summary of representations made by CAG and how they relate to Hey Beck Lane is provided below.

Comment raised by CAG	Brooks response
Questioning the results of the 2018 bird survey results.	The 2018 & 2023 reports present combined breeding bird information for both sites (Hey Beck Lane and Leeds Road). As this is not clarified in any CAG representations, it suggests that the bird assemblages recorded on Leeds Road relate to Hey Beck Lane. A new breeding bird survey covering Dum Wood and Hey Beck Lane has been completed in 2026. All surveys have followed best practice guidance and have been completed by experienced Ornithologists. The results in 2026 are similar to those presented in previous reports.
Absence of barn owl records in reports / tables	Multiple Barn Owl Scoping surveys have been completed across Hey Beck Lane and Leeds Road sites.. No active Barn Owl nests have been identified on Site or within Dum Wood There are no buildings within the Hey Beck Lane site, and none of the trees support suitable nest features. Whilst occasional foraging by barn owl has been recorded on the Leeds Road Site, none has been recorded for Hey Beck Lane. Habitat within the Hey Beck Lane site is of low value to Barn owls. Land within the Hey Beck Lane site is not considered to be core habitat for any local barn owl pairs.
Presence of Kingfisher	There are no watercourses within the Hey Beck Lane site. The unnamed watercourse within the Leeds Road site is, at its closest point, c. 30m from the Hey Beck Lane red line boundary. This section of watercourse has been surveyed for Kingfisher on numerous occasions and no suitable habitat has been found to be present for nesting. Any nests will therefore be located a significant distance downstream of the Hey Beck Lane site. Whilst occasional foraging is likely to occur along the watercourses on the Leeds Road site, there is no suitable habitat within the Hey Beck Lane site for Kingfisher. Impacts on Kingfisher from the Hey Beck Lane development are therefore not expected to occur. The potential for any indirect impacts on the watercourse from surface water run-off and contaminants will be addressed through the CEMP.
Presence of Otters	As above, this issue relates to the Leeds Road site only.

Comment raised by CAG	Brooks response
	No holts or couches have been identified on the Hey Beck Lane site, and the watercourse is c.30m from the site boundary. The potential for indirect impacts from run off will be addressed through the CEMP.
Redwings in Summer	Breeding bird surveys (BBS) have been completed on the Hey Beck Lane and/ or Leeds Road site in 2019, 2023, 2025 (for Leeds Road only) and 2026 and no evidence of breeding redwings has been collected. The British Trust for Ornithology (BTO) provides the following information on redwing: <i>'The redwing is primarily a winter visitor to the UK, with around 690,000 birds arriving from Scandinavia and Iceland. However, a tiny, rare breeding population—estimated at just 25 to 100 pairs—remains during the summer months. The vast majority of UK breeding records occur in northern and western Scotland, particularly the Highlands and occasionally the Northern Isles.'</i> Given the above, and the absence of redwing during any BBS, it is considered highly unlikely this species would nest on site.
Skylark and Yellowhammer	Most of the skylark and yellowhammer territories are located on the Leeds Road Site. Offsite mitigation for Skylark is addressed in the S106, whilst Yellowhammer mitigation habitat will be provided on Site and in the Ancient Woodland Buffer. CAG comment on the suitability of skylark mitigation on neighbouring farmland and the risk of predation from domestic cats.. The government have provided guidance on how to create suitable skylark mitigation on agricultural land under 'AHW4: Skylark plots - What you must do to get paid for this SFI26 action and advice on how to do it.' With regards to reducing predator risk, the following guidance is provided; <i>'You must not locate the fallow plots in tramlines, boundaries or margins, as this increases risk of attacks on skylark nests by predators'</i>. Skylark plots will be created in line with this guidance.
Watercourses and pollution	There are no watercourses on the Hey Beck Lane site. The potential for indirect impacts to arise through e.g. surface water runoff will be addressed through the CEMP.
Bat survey information inadequate	All surveys have followed BCT Best Practice guidance.
Biodiversity Net Gain inadequate	CAG raise issues with the lack of information on how BNG will be delivered post development. The requirement for BNG is secured through the S106 agreement and an updated assessment and the proposed net gain measures will need to be submitted to and approved by the Council.