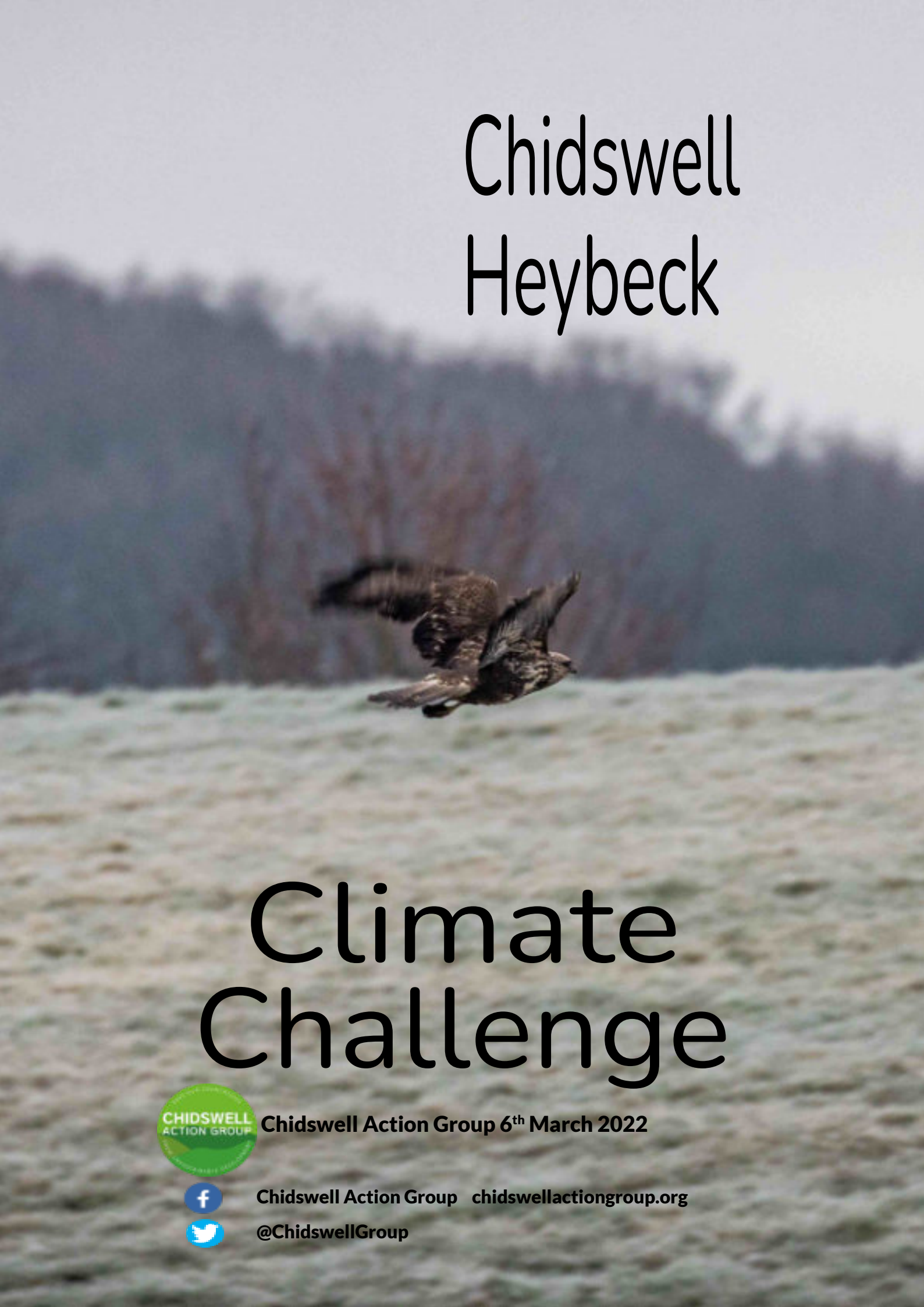

Chidswell Heybeck

Climate Challenge

Chidswell Action Group 6th March 2022

Chidswell Action Group chidswellactiongroup.org

@ChidswellGroup

Foreword

This is a hugely important report which is researched and written to a very high standard. Furthermore, the message is relevant far beyond the Chidswell Valley to wider networks of communities and individuals concerned about 'their' local areas, about climate change impacts, about their futures, and those of their children. Whilst senior politicians and other decision-makers pay lip-service to environmental policies and commitments, in the real world local people experience lack of action, lack of support, and increasingly negative impacts. In the case of Chidswell, this undermining of local communities and their environment is facilitated by the Church of England making cash profit by selling the land. I do wonder whether the Archbishops of York and Canterbury experience anything similar on their own doorsteps and how they feel about the hollowness of the church's climate-change commitments. This is the real world……

Professor Ian D. Rotherham, March 2022

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and
West Yorkshire Combined Authority
have declared a
Climate Emergency

How
is
Kirklees Council going to meet its
Climate Emergency Responsibilities
in connection with proposed
developments at
Chidswell, Heybeck
and surrounding area?

Agenda 21

Think Globally

Act Locally

The principle of Sustainable Development

Agenda 21, the Rio Declaration on Environment and Development, and the Statement of principles for the Sustainable Management of Forests were adopted by more than 178 Governments, including the United Kingdom of Great Britain and Northern Ireland, at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, 3 to 14 June 1992.

It is a comprehensive plan of action to be taken globally, nationally and locally

Local Action has Impact Locally and Globally

Everything is Connected

Summary

The proposals for development at Chidswell and Heybeck would create a new neighbourhood in Kirklees to include 1535 dwellings and 35 hectares industrial.

The construction period for these proposals is 15 years, during which time there would be environmental impacts such as noise, light and dust pollution, as well as pollution to the ground, air and water, followed by permanent ongoing impacts from the proposed development itself.

Kirklees and West Yorkshire Combined Authority have declared a Climate Emergency. The aim is to reach net zero by 2038.

The site where the development is proposed currently is undeveloped former Greenbelt land. It comprises an area of open space currently supporting green recreation which has benefits for health and wellbeing.

The proposed site comprises a mosaic of protected Habitats of Principal Importance. These support a biodiversity of species and wildlife including Red Listed species, Species of Principal Importance, Species protected under Schedule 1 of the Wildlife and Countryside Act 1981, Species protected under Annex IV of the European Habitats Directive and protected under English Law.

These habitats form part of the Kirklees Wildlife Habitat Network, with birdlife and habitats here considered to be of, at least, District Wide Importance.

These habitats and species are Natural Capital and provide many functions and benefits for society.

Natural Capital supported by nature and wildlife is considered by scientists to be fundamental in tackling the Climate Change emergency. Leading reports have been published detailing what is required. These emphasise that action needs to be taken now .

Reports published on behalf of the Landowners state that it is very hard to mitigate against the effects of the proposals and some impacts remain significant. These impacts are on rare habitats and wildlife forming Natural Capital at Chidswell and Heybeck which would result in their loss. The proposals have been found by credible independent assessment, Yorkshire Wildlife Trust, to deliver a biodiversity net loss of 14.29% for the scheme. A net gain of 10% from development is part of the new Environment Bill, meaning, therefore, the biodiversity loss from the proposals is 24.29% in total.

This document looks at the reports, the science and impacts at Chidswell and Heybeck. It asks how the proposals would contribute to the permanent safeguarding of Natural Capital at Chidswell and Heybeck to contribute towards achieving net zero and not contribute to increasing greenhouse gases and reduction of Natural Capital and its benefits. It asks how Kirklees Council will achieve its Climate Emergency responsibilities in connection with these proposals. Questions are posed throughout the report.

All photographs are from Chidswell and Heybeck.

Part of the proposed site

Importance for Climate for Chidswell, Heybeck and Kirklees

The Context

The Kirklees Spatial Development Strategy is meant to deliver by 2031 therefore, the Chidswell Heybeck development is meant to deliver by 2031. The proposal is **running on the same timeline as Kirklees Council aims to reach carbon net zero by 2038.**

A New Neighbourhood

Deloitte, who have prepared the Planning Statement on behalf of the Applicant, CC Projects, a subsidiary company of The Church Commissioners for England, state, **Chidswell, forms 37% of the TOTAL industrial proposal for the whole of Kirklees until 2031.**

In their Planning Statement Deloitte state **'It is establishing 'a new neighbourhood' in Kirklees.**

The Climate Emergency

The government's response to the Natural Capital Committee's State of Natural Capital Report 2020, 12 June 2020 states that 'in order to achieve the goals set out in the 25-Year Environment Plan … substantive action is now urgent.'

The Intergovernmental Panel on Climate Change (IPCC), Sixth Assessment Report, 9 August 2021, states:

"**It is unequivocal that human influence has warmed the atmosphere, ocean and land. Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred.**

Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO2) and other greenhouse gas emissions occur in the coming decades.'

Introducing their report Climate Change 2022: Impacts, Adaptation and Vulnerability, the IPCC highlight 'Climate Change is a global challenge requiring local actions', that 'any further delay in concerted global action will miss a brief and rapidly closing window to secure a liveable future'.

Kirklees Council and West Yorkshire Combined Authority have declared a Climate Emergency.

Considering Climate Change?

Deloitte says 'All matters reserved except for means of access'. This means that everything except issues relating to access to the proposed development is to have detailed consideration later in the planning process at Reserved Matters submissions, including the phasing timeline.

This is requesting that the decision to go ahead is taken before all other factors including impact on climate have had detailed information provided.

The Council for Protection of Rural England OBJECTION to the proposals to Kirklees Council

This states: **Matters relating to impacts on protected species, protected habitat and net gains for biodiversity should be considered at outline planning stage, as they are intrinsically linked to the principle of sustainable development.** An outline application of this scale needs to embed ecological and environmental considerations into the fundamentals of the design, and should not be left to negotiation at reserved matters. As policy LP30 states, legal agreements are a last resort and agreement should be sought through avoidance of loss or harm. This can only be properly achieved at an early stage in planning.

Kirklees Policy LP30 is Kirklees Council's Policy relating to Biodiversity and Geodiversity, which states 'The Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.'

Value of Biodiversity and Biodiversity Net Gain

In the 25-Year Environment Plan (25-YEP) the government committed to embedding the principle of 'net environmental gain' for development.

The 25-YEP committed the government to expand net gain approaches to include wider natural capital benefits. Government remains committed to delivering a wider environmental net gain (ENG) policy for development.

The 25-YEP states 'It is important to recognise that mandatory biodiversity net gain will often deliver wider environmental benefits, eg recreation opportunities, flood risk reduction, improved water and air quality by contributing to the creation and enhancement of natural capital assets.'

National Planning Policy Framework 20 July 2021, Chapter 15 states planning decisions should provide net gain for biodiversity.

At the time of writing the Environment Bill is being processed through government and parliament and is fluid, the **Bill includes s a new requirement in planning legislation for a 10% biodiversity gain for new developments, provide a duty for public bodies to enhance biodiversity in addition to conserving it and provides for the creation of Local Nature Recovery Strategies**.

The remit of the new Office for Environmental Protection (OEP) is currently being agreed; generally, it will have the power to hold all public authorities to account For their compliance with environmental law. **The OEP's role will include monitoring the implementation of environmental law by public authorities and considering complaints about their compliance.**

The Natural Capital Committee (NCC) and Spatial Planning

NCC state 'Delivery of Net Zero will become incredibly difficult, if not impossible, without environmental net gain – it is the only approach that considers the impact on the terrestrial and marine ecosystems, including biocarbon stocks.'

NCC state Government should prioritise evaluating/undertaking spatial planning for the following five nature-based interventions:

(i) maintaining and increasing tree cover,
(ii) maintaining and increasing soil carbon
(iii) improving wildlife/biodiversity,
(iv) managing freshwaters and wetlands and
(v) sea use changes.

The Policy Paper, Nature for People, Climate and Wildlife, 18 May 2021

This states, **'The events of the last 12 months have led people to appreciate the difference that nature makes to our lives more than ever before. There is an increased awareness of the link between our own health, and economic prosperity, and that of the planet** – as highlighted by the recent Dasgupta Review of the Economics of Biodiversity.

They will contribute to our wider environmental goals as set out in the 25-Year Environment Plan and to achieving Net Zero by 2050'. **Woodlands** and peatlands are 2 of our **largest natural climate-regulating ecosystem types**; **our climate change and biodiversity obligations require us to manage them both sustainably.** The England Trees Action Plan outlines measures to better protect our existing trees and woodland.' In the new Environment Bill it is proposed that in addition to existing protections relating to plans and projects including planning applications the Secretary of State must have regard to the particular importance of furthering the conservation and enhancement of biodiversity.

The new biodiversity metric provides developers, planners, land managers and others with a tool to calculate the baseline biodiversity of a site and how this can be increased by either increasing the size of habitats or improving the quality of habitats.

The new Environment Bill would mandate the use of Biodiversity Metric 3.0 for all development types covered by the biodiversity net gain component of that Bill, to help developers, planners and land managers to calculate and meet their legal requirement to achieve biodiversity net gain.

The Dasgupta Review commissioned by HM Treasury in February 2021 **calls for changes in how we think, act and measure economic success to protect and enhance our prosperity and the natural world, considering ecosystem processes and how these are affected by economic activity**, the new framework presented by the Review sets out how we should account for Nature in economics and decision-making.

Chidswell and Heybeck have rare and unique natural capital.

The Chidswell Action Group Climate Challenge highlights some of the key areas that science states is important and how these relate to the proposed Chidswell and Heybeck development.

This Climate Challenge poses the question:

How are these crucial issues being considered, met and addressed in perpetuity?

Nature Recovery Network

The Nature Recovery Network is a major commitment in the government's 25-Year Environment Plan.

Local Nature Recovery Strategies and Nature Recovery Networks

The government agrees that the Nature Recovery Networks will require a degree of national coordination but considers that this should be to **inform and guide local decision making.**

Areas that are of greater importance for biodiversity or area where the recovery or enhancement of biodiversity could make a contribution to other environmental benefits and could contribute to the establishment of a network of areas across England for the recovery and enhancement of biodiversity in England as a whole.

Why Chidswell Heybeck fulfils this role of being part of the Nature Recovery Network

Chidswell Heybeck forms part of the Kirklees Wildlife Habitat Network; habitats here are of **at least district wide importance.** The Kirklees Wildlife Habitat Network has been identified by West Yorkshire Ecological Services to connect designated sites of biodiversity and ecological importance and notable habitat links within the district. It is intended to strengthen ecological links within the district.

Chidswell Heybeck is an **undeveloped former greenbelt** network of 2 ancient woodlands, hedgerows, standing trees, wet woodland, scrub, agricultural land, watercourses feeding the **Environment Agency nature reserve on Heybeck** and comprises **Habitats of Principal Importance protected under S41 of the Natural Environment and Rural Communities (NERC) Act 2006**.

It is of **at least district importance for wildlife** especially birds including **red listed farmland breeding birds and Species of Principal Importance Under S41 NERC 2006.**

It is home to a wide range of red listed and schedule 1 species. (Schedule 1 species have special protection under the Wildlife and Countryside Act 1981.)

It centres three local authorities: Kirklees, Leeds and Wakefield. It forms part of the Calder River Catchment and wider Humber Catchment that flow into the North Sea.

These habitats currently provide benefits or ecosystem services, of at least district wide importance.

Chidswell Heybeck is unique.

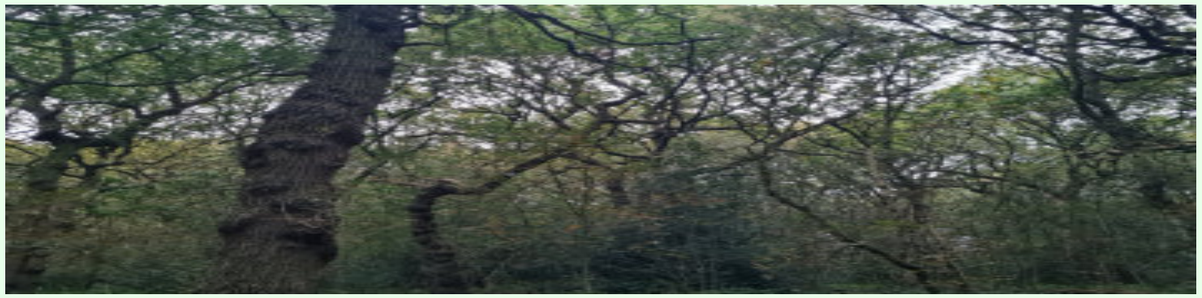
We ask Kirklees to consider the existing biodiversity, wildlife and habitat rich landscape network at Chidswell Heybeck to form part of the nature recovery network.

Building on existing habitats, it could be part of the new 'Northern Forest'.

How are the proposed developments going to realistically protect, conserve and continue in perpetuity the ecosystem roles and resilience that this area currently provides and in the essential challenge to reach net zero?

A Pair of Yellowhammers

The Northern Forest



The Northern Forest is a government led initiative in and around the cities of Liverpool, Chester, Manchester, Leeds, Sheffield and Hull.

In Kirklees, the Community White Rose Forest organised by Kirklees Council are working with the Woodland Trust to bring the Northern Forest to life.

Liverpool to Hull is home to 13 million people, it only has 7.6% woodland cover – much lower than the England average (10% according to the Coalition of Conservation Charities Link). The Northern Forest plans an additional 50 million trees to transform the landscape and create a real asset for the communities that live nearby.

The Woodland Trust State of the UK's Woods and Trees 2021 Report, states woodland covers 13.2% of the UK's land surface.

North Kirklees has only 6% woodland cover according to Kirklees' figures.

Treecreeper

According to The Northern Forest initiative 'We are in the midst of a climate emergency. The future of our planet is under threat, and now is the time for us to make a difference. With just 7.6% woodland cover in the north, we need to plant more trees here. Trees can store thousands of tonnes of carbon, as well as providing us with a whole host of other benefits… We want to see habitats thrive, planting rates soar, a woodland culture flourish and our ancient woodlands better protected. When the Northern Forest delivers its full potential, future generations will have somewhere beautiful and resilient in which to live, work, explore, learn and play.

By planting trees across The North the Northern Forest can:

- Reduce the risk of flooding
- Store thousands of tonnes of carbon
- Make people across The North happier and healthier
- Create thousands of new jobs'

The loss of the 2 ancient woodlands at Chidswell Heybeck, Dum Wood and Dogloitch Wood, plus impacts to hedgerows and standing trees, goes against these principles.

Are Kirklees Council and the Church Commissioners considering working with local farmers to optimise the role of these rare Ancient Woodlands, hedgerows, farmland and mosaic of habitats to tackle climate change and incorporate Chidswell Heybeck into the Northern Forest?

Nuthatch

Health and Wellbeing

Chidswell Heybeck was promoted by Kirklees Council as having important landscape and amenity value when Kirklees Council objected to historic proposals for the Windsor Opencast Site on the same land.

A Major Lung of Open Space with Benefits for Health and Wellbeing

On July 5th, 1978, when the site was first mooted as a potential opencast coal site, at a meeting at **West Yorkshire Metropolitan Council,** the site was described as 'part of a **major lung of open space separating Wakefield, Ossett, Dewsbury and Morley. It is a valuable area of open undeveloped land and greenbelt'**.

The local and wider community use the footpaths currently in open countryside for rest, relaxation and exercise.

No footpaths are to be created.

The existing network of definitive footpaths which extends over miles that will be changed to an urban setting or lost are: FP49, FP50, FP51, FP52 and FP53.

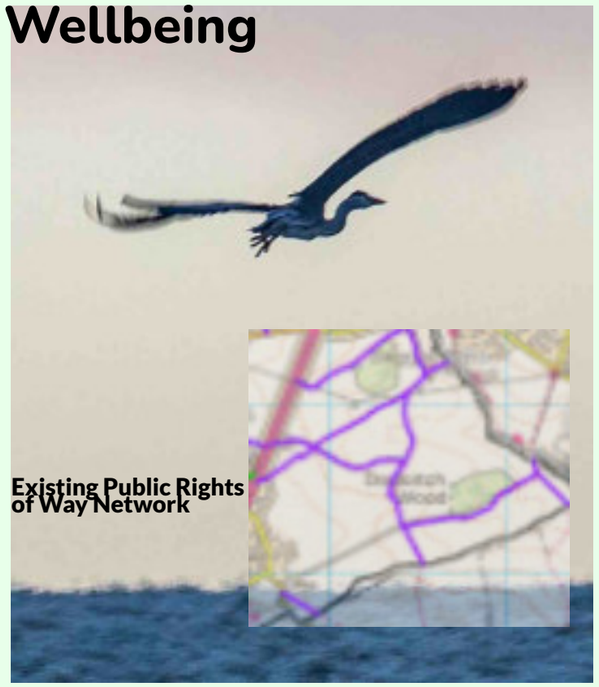
The proposed developments will remove a destination location for walking, recreation and green pursuits. It is a tranquil area which remains undisturbed by noise and prized for its recreational and amenity value, the site is dark at night, has no light pollution nor noise pollution, there are currently no roads on the proposed site.

Green exercise has well documented mental health benefits:

•Stanford University found walking reduces depression and anxiety and that walking in nature improves results further, the brain behaves differently to when compared in an urban setting;

•MIND, the UK mental health Charity, promotes nature to reduce stress and anxiety in that it helps in healing processes.

•GPs in Scotland are prescribing nature (RSPB Notes on Nature 27 March 2021) emphasising huge research showing the benefits of nature for health: it helps relaxation, sleep, reduces anxiety levels and increases fitness.



Emeritus Professor Ian D Rotherham, The Advanced Wellbeing Research Centre, Sheffield Hallam University in his 'Specific Comments on the Impact Assessments & Proposals specifically for these proposals refers to 'the importance of tranquility – which will be adversely impacted on by the development. Indeed, the semi-natural landscape of the open countryside areas and the associated visual impacts on built and undeveloped areas are hugely significant at this local level'. Emeritus Professor Rotherham highlights 'It is unclear how active management of Public Rights of Way would be sustainable, funded long-term or indeed, how this compensates for loss of visual amenity via the less rural open view'.

Kirklees Policy LP47 Healthy Active and Safe Lifestyles

Kirklees Policy LP47 point b requires, 'active and safe lifestyles will be enabled 'by increasing access to green spaces and green infrastructure to promote health and mental well-being.'

National Planning Policy Framework, NPPF 20 July 2021 (NPPF)

NPPF 2021 Paragraph 98 states 'Access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.'

Looking West Across the Proposed Site

Paragraph 99 states 'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements or
b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location, or
c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Paragraph 100 states 'Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.'

Current definitive footpaths link and are adjacent to the Kirklees Way and Leeds Country Way.

Paragraph 120 states 'Planning policies and decisions should, under point b, recognise that some undeveloped land can perform many functions, such as for wildlife, recreations, flood risk mitigation, cooling/shading, carbon storage or food production.

On the Masterplan put forward by the Church Commissioners, the footpaths, cycleways and green corridors are in the same space, the disturbance in this reduced green space would encroach into the remaining reduced proposed space for wildlife potentially impacting their sustainability.

How are the tranquility and open space to be retained for people, wildlife and retention of benefits to tackle climate change?

**How is sense of place to be maintained?
How is landscape value of open countryside to be maintained?Are alternative footpaths in open countryside to be created locally and if so, where, for mental and physical health?**

Goldfinches

Roe Deer and Pheasant

AIR QUALITY AND OPEN SPACE

Higher than Average Emergency Hospital Admisissions

The Deloitte Health Impact Assessment shows rates of emergency admission due to respiratory disease as 'Higher than the Kirklees average' for both Batley East Ward and Dewsbury East Ward.' Chidswell and Heybeck are in these wards.

Until taken out of Greenbelt in the 2019 Local Plan this land was designated Greenbelt and remains in that previous state, fulfilling all the functions required of greenbelt.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open: the essential characteristics of Green Belts are their openness and their permanence.

Kirklees Planning Policy LP51

Protection and improvement of local air quality

1. Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people.
2. Proposals that have the potential to increase local air pollution either individually or cumulatively must be accompanied by evidence to show that the impact of the development has been assessed in accordance with the relevant guidance. Development which has the potential to cause levels of local air pollution to increase must incorporate sustainable mitigation measure that reduce the level of this impact. If sustainable measures cannot be introduced the development will not be permitted.
3. Where the development introduces new receptors into Air Quality Management Areas or Areas of Concern or near other areas of relatively poor air quality, for example near roads or junctions, the development must incorporate sustainable mitigation measures that protect the new receptors from unacceptable levels of air pollution. Where sustainable mitigation measures cannot be introduced which prevent receptors from being exposed to unsafe levels of air pollution, development will not be permitted.

Kirkless Planning LP 52 Protection and Improvement of Environmental Quality

Proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

Such developments which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted.

Where possible, all new development should improve the existing environment.

How is health to be safeguarded and maintained during construction and during the lifetime of the developments and beyond?

How is good quality local green open space to be provided during construction, for the lifetime of the developments and beyond and improved?

Please quantify improvements to life expectancy.

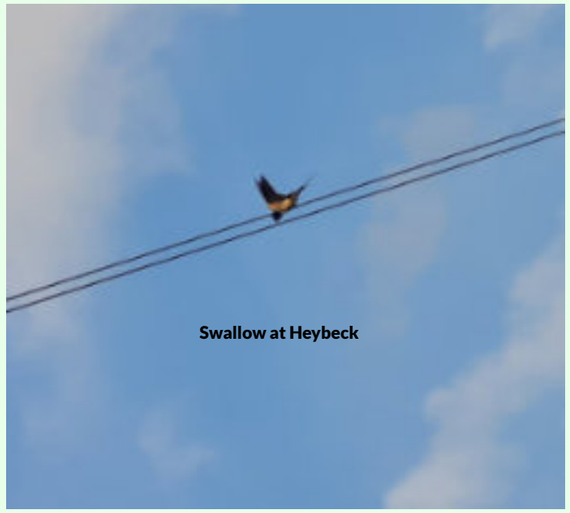
As these issues are suggested to be resolved at reserved matters stage, please provide guarantees that the existing beneficial habitats and wildlife values will be conserved in perpetuity, how are improvements or at the very least maintenance of existing health benefits to be maintained and how is this to be funded?

With change from open countryside to new town and industrial environment, please provide the information to show how physical and mental health will be improved.

How has the loss of this currently existing open space and former greenbelt, incorporating its current carbon sequestration functions, been taken into consideration regarding impact on air quality compared to the proposals?

How will the proposals improve air quality?

Explain improvements from the proposals for good quality of life from climate change and extreme weather?



Swallow at Heybeck

TRAFFIC, AIR POLLUTION and HEALTH

According to UK government information air quality poses the single greatest environmental risk to human health.

The Air Quality Standards Regulations (2010) came into force on 11th June 2010.

Part IV of the Environment Act (1995) requires UK government to produce a national Air Quality Strategy (AQS) which contains standards, objectives and measures for improving ambient air quality.

Under Section 82 of the Environment Act (1995) (Part IV) Local Authorities (LAs) are required to periodically review and assess air quality within their area of jurisdiction under the system of Local Air Quality Management (LAQM).

Regarding dust - The main requirements with respect to dust control from industrial or trade premises not regulated under the Environmental Permitting (England and Wales) Regulations (2016) and subsequent amendments, such as construction sites, is that provided in Section 79 of Part III of the **Environmental Protection Act (1990)**. **The Act defines nuisance as: "any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance."**

UK government information states that in 2020, The Clean Air Act Amendments will prevent over 230,000 early deaths. Most of the economic benefits (about 85%) are attributable to reductions in premature mortality associated with reductions in ambient particulate matter.

UK government information states The Enviroment Bill will deliver cleaner air for all, by requiring the government to set targets on air quality, including for fine particulate matter, the most damaging pollutant to human health. Councils and other relevant public bodies will be required to work together more closely to tackle local air quality issues, and it will be easier for local authorities to enforce restrictions on smoke emissions. The government will also be required to regularly update its National Air Quality Strategy.

National Planning Policy Framework (NPPF) 20 July 2021 (NPPF)

NPPF paragraph 186 states Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

Kirklees Planning Policy LP 51

This states 'Development which has the potential to cause levels of local air pollution to increase must incorporate sustainable mitigation measures that reduce the level of this impact. **If sustainable measures cannot be introduced the development will not be permitted.'**

Kirklees Planning Policy LP52

This states 'proposals which have the potential to increase noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures incorporated to prevent or reduce pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.'

How is impact from construction traffic, private and industrial use post proposed construction to be addressed?

Evaluation of Impacts

Details are available in the **Objection and Traffic Assessment submitted by Morley Town Council to the Kirklees Council Local Plan,** proceedings, point 2.5.11 states, the use of the road by school children, The A6029 Rein Road – Syke Road route is regularly used by commuters wishing to avoid the congested network at Junction 41 of the M1 and Junction 28 of the M62. One of the largest secondary schools in Leeds is also located a short distance from this junction along Rein Road. There are pedestrian crossing facilities provided on both of the A653 approaches which at peak times are called almost every cycle. The transport assessment prepared for a currently live application in West Ardsley in Leeds (ref 17 / 08262 / OT) has modelled this junction in the AM and PM peak hours and the analyses show that in 2017 this junction operates well over capacity in both peaks with negative Practical Reserve Capacities of -23.6% and -0.8% respectively.

The Deloitte Health Impact Assessment for the Church Commissioners shows Rates of Emergency Admission due to respiratory disease as 'Higher than the Kirklees average' for both Batley East Ward and Dewsbury East Ward, the wards of Heybeck and Chidswell respectively.

Final Report for the Church Commissioners

Pell Frischmann Final Report for the Church Commissioners point 9.10 states 'It is apparent that, even with a moderate increase in traffic at the junction, existing capacity issues would likely be exacerbated in the AM and PM peak periods. This would likely apply even if the predicted uplift in traffic were significantly lower than the scale of which is expected, noting that approximately half of the forecast increase in traffic to 2032 is background traffic. In all future scenarios, DoS (Degree of Saturation) are significantly over 100% and this significant capacity shortfall would manifest in significant delays for users, extended queueing and the spread of the extent of the peak at the junction'.

Pell Frischmann find:

9.11 None of the tested cut-throughs were found to improve the junction operation.

9.12 The combined mitigation options of circulatory carriageway widening on the southern side of the roundabout (with associated entry width increase on A653 Dewsbury Road (S)), with an additional widening of the M62 eastbound entry slip to two lanes, was found to be the most effective. This provides the capacity for the majority of the forecast background traffic growth increase (approx. 50% of forecast uplift), **or** for the sum of the explicitly-considered committed developments and the applicants' proposed developments (the remaining 50%). Notwithstanding, it is noted that this proposed mitigation option fully mitigates the

impact of the Land to the East of Leeds Road and Land at Heybeck Lane, Chidswell, Dewsbury (MXS7). (MXS7 was the designated allocation for the Chidswell/Heybeck proposal in the Kirklees Local Plan 2019.)

Point 9.19 states a suggested scheme would go some way towards mitigating future impacts at the junction, but would not remedy them entirely.

9.20 states proposals to fully mitigate require a stepchange beyond what a single or group of applicants can deliver and that contributions should go towards developing a business proposal for such schemes which may manifest from 2032.

At the time of writing negotiations are ongoing, further work is required on individual travel plans of both applications, individual and cumulative travel plan targets, measures, monitoring and an agreed mitigation scheme need to be agreed. Temporary HEPR16 non-determination recommendations for both applications remain in place.

The Church Commissioners have promoted the site with a view to providing 'logistic and distribution floorspace' and distribution; please provide the evidence showing efficiency of operation alongside negative road capacity.

Please provide information regarding impact of increased traffic on air quality for Chidswell Heybeck. The green buffer is cited as contributing towards mitigating impacts (Delta Simons Health Impact Assessment pp18-19 for the Church Commissioners); the transport assessment quoted above is referred to to assess impact and identify mitigation measures.

The proposals do not appear to offer a solution to mitigation and appear to suggest delaying real mitigation on the ground.

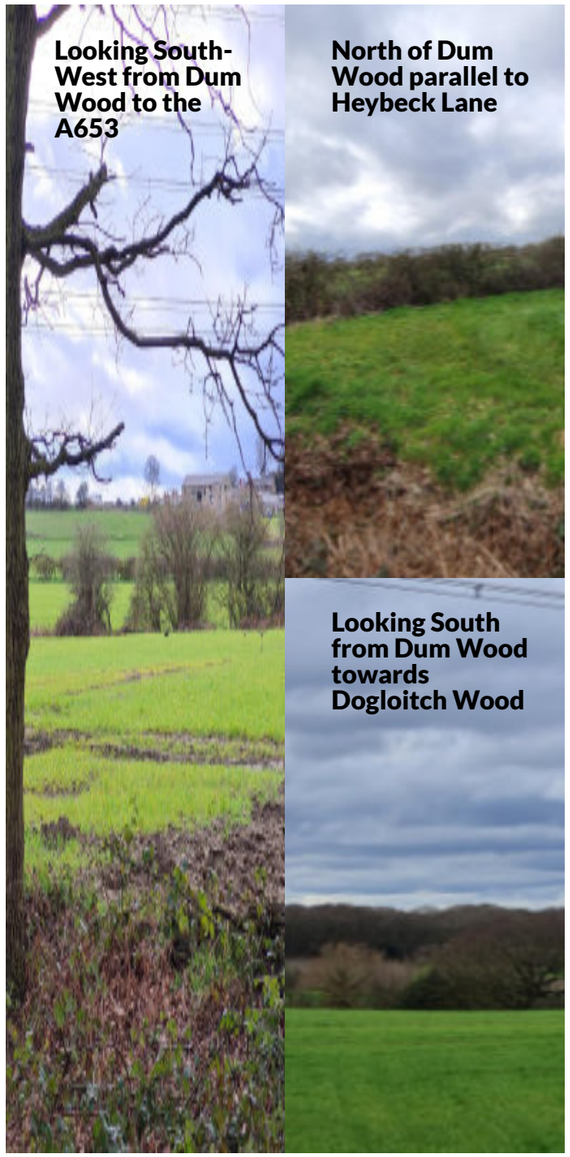
Please specify the real mitigation measures.

In addition to not mitigating impacts of increased traffic and travel, how is increased air pollution from unmitigated traffic increase to be counterbalanced and air quality maintained and improved along the highway network and its surroundings?

As it is not possible to mitigate against such as large-scale development, as specified in the Church Commissioners' Environmental Impact Assessment, how have ecosystem services benefits currently provided from the woods, trees, water, soil and open space that will be lost been assessed and compensated for?

How do these proposals fulfil the responsibility to secure the environment for young people, tomorrow's citizens and address these concerns?

In light of this, please provide how the proposed development accords with the requirements of Local and National Planning Policy and guidance with respect to transport and access considerations as claimed in Point 5.51 pg 38 of the Deloitte Real Estate Land East of Leeds Road, Chidswell, Planning Statement and Sequential Assessment, December 2020 – Revision A?



Cumulative Impacts with Other Developments

The Planning Statement December 2020

Deloitte Revision A submission December 2020 states 2.18 There are two planning applications of relevance to the Site and the Proposed Development. Planning reference Description of development Relevance to the Site and the Proposed Development 2019/62/92787/E Land at Owl Lane Erection of 252 dwellings with open space, landscaping and associated infrastructure. Proposed Development to the south west of the Site. Planning Portal reference: PP-08249801 Land to the south of Heybeck Lane Application submitted simultaneously by C.C. Land East of Leeds Road, Chidswell 12 Planning reference Description of development Relevance to the Site and the Proposed Development Outline planning permission for residential development (Use Class C3) of up to 181 homes, highway works including access off Heybeck Lane, landscaping, ground works, and other ancillary works. All matters are reserved apart from access.

So the Planning statement includes:

HS47 7.98ha Owl Lane 2019/62/92787/E
2019/92331 Originally included in this same allocation as MXS7 Land to the South of Heybeck Lane in the Local Plan

Additionally there are:

Running in a ribbon formation adjacent to the proposed site in Kirklees are:

MXS5	2.18ha
HS52	13.82ha
HS53	4.45ha
PEA28	24.75ha

Plus the opposite side of the A653:

HS51	1.76ha
HS72	15.19ha
PEA43	14.22ha
PEA44	15.59ha

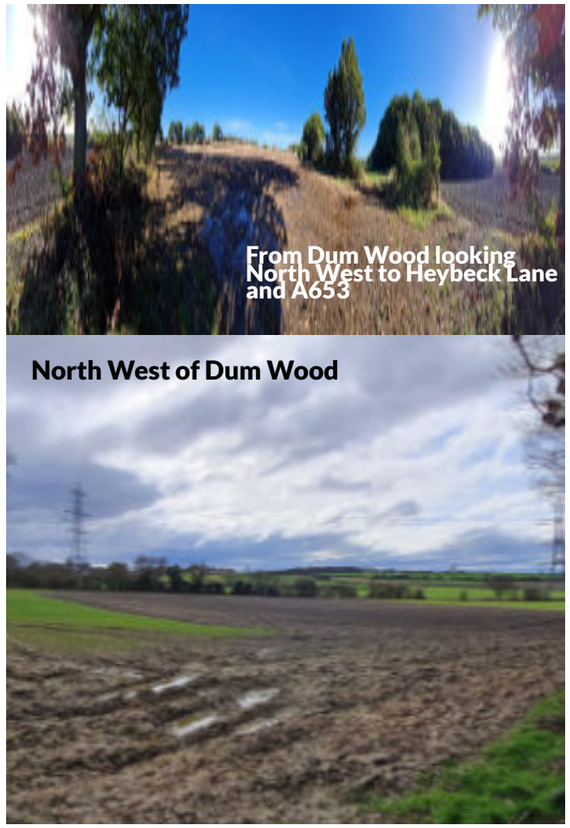
Plus:

Proposals across the boundary to Leeds at Tingley and Haigh Wood.

Why are all these developments not included when connected on the same road system?

How does the cumulative impact of all the developments impact on capacity and air quality?

What information has been provided how the cumulative impacts of these proposals will impact the natural environment?



Carbon Sequestration

The Most Common Greenhouse Gas (GHG)

Carbon dioxide is the most commonly produced greenhouse gas (GHG).

What is Carbon Sequestration?

Carbon sequestration is the process of capturing and storing atmospheric carbon dioxide. It is one method of reducing the amount of carbon dioxide in the atmosphere with the goal of reducing global climate change.

https://www.usgs.gov/faqs/what-carbon-sequestration USGS is the sole science agency for the Department of the Interior, USA

Natural Capital Committee (NCC)

The Natural Capital Committee in their advice on using nature based interventions to reach net zero greenhouse gas emissions by 2050 state 'actions to mitigate climate change must include the **maintenance of current carbon stocks** as well as a reduction in emissions and the need for actively removing greenhouse gases (GHG) from the atmosphere.

Without maintenance, the carbon locked up in habitats is at risk of being released.

A Role of Nature

The Natural Capital Committee advise Nature offers the potential to store and sequester carbon at a much lower cost with a wider range of natural capital enhancements for the investment. Engineered solutions can cost between four and ten times more per tonne of CO2 when compared to nature based interventions.'

How is the production of Greenhouse gases (GHG) resulting from the following going to be addressed in regard to:

1. Site clearance and removal of soil, grass, trees , hedgerow and impact on watercourses;

2. The slow death of the ancient woodlands:-

The Church Commissioners' Environmental Impact Assessment paragraph 14.150 pg 309 states:

'With a development site of this scale, some impacts remain significant, and are very hard to mitigate, especially in the case of disturbance from factors such as noise, lighting and increases in human presence. Regardless of what measures are put in place, some of the most sensitive species/species groups (farmland breeding birds) are likely to be displaced from the site either temporarily or long term'

And 14.117 pg 305

'These impacts would be negative and significant at district level. Impacts could be felt within both woodland blocks and continue for the lifetime of the development, and thus would be frequent and long term. Impacts on the diverse ground layer would be irreversible if lost, with the magnitude of effects covering the entire woodland area. The likely significance of this impact would be major with the sensitivity to change being high.';

3. Land loss from agricultural use to dwellings and industrial premises.

Not only is there the cost of the loss of contribution from these habitats but the cost of the lost opportunity that they provide now plus what they could provide in the future taking into consideration optimisation of existing natural capital.

How is the proposed loss of these habitats and their role in carbon sequestration to be addressed?

Nature Based Interventions

What are Nature Based Interventions?

Natural Capital Committee (NCC) defines **nature based interventions** to be measures which restore or enhance natural assets and, as a result, deliver **multiple benefits**. For example:

- **Carbon storage**
- **Human wellbeing**
- **Biodiversity**

The Natural Capital Committee states that, without maintenance, the carbon locked up in habitats is at risk of being released.

'Nature offers the potential to store and sequester carbon at a much lower cost with a wider range of natural capital enhancements for the investment.'

'Engineered solutions can cost between four and ten times more per tonne of C02 when compared to nature based interventions.'

The Natural Capital Committee, in their advice on using Nature Based Interventions to reach net zero greenhouse gas emissions by 2050, focus on necessary changes in land use and four key components:

1. Managing and increasing tree cover
2. Maintaining and increasing soil carbon
3. Improving wildlife and biodiversity
4. Managing freshwaters and wetlands

This Climate Challenge looks at these four key areas of nature based interventions, their role in tackling the Climate Emergency and brings into focus the questions of how these are to be addressed in relation to the proposals put forward.

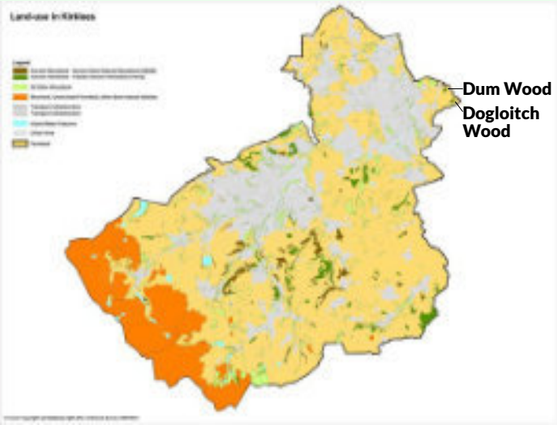
Nature Based Interventions

Maintaining and Increasing Tree Cover

Tree Cover at Chidswell Heybeck

The diagram below clearly shows Dum Wood and Dogloitch Wood standing out as rare ancient woodland in Kirklees.

Dum Wood and Dogloitch Wood are Rare Ancient Woods



Map from pg 9 CD75 Kirklees Council Fourth Draft Kirklees Trees and Woodlands Strategy and Action Plan

Office for National Statistics Figures

Preliminary research by the Office for National Statistics (ONS) found that after the 94.2% of biocarbon in soil in the UK in 2007, the remaining 5.8% 247MtC of total estimated biocarbon stock was in vegetation stocks.
The Office for National Statistics estimated in 2007 soil carbon contained in forest tree cover habitat made up 16.7% of total UK carbon stocks.

Tree Cover in North Kirklees

Chidswell Heybeck is in North Kirklees.

According to Kirklees figures, **North Kirklees has only 6% of woodland cover compared to 8.7% in South Kirklees.**

Of the total Kirklees Woodland 32.4% is ancient covering 2.6% of the district.

The contrasting woodland area to population ratios between South Kirklees and North Kirklees is 12.4ha of woodland per 1000 people in South Kirklees compared with 3ha per 1000 people in North Kirklees.

Dum and Dogloitch Woods are rare ancient woodland in North Kirklees. These figures demonstrate the importance of the ancient woodlands here.

The Church Commissioners' Arboricultural Survey states 'The trees on site are in a good condition and provide a high amenity to the surrounding area.'

Ancient Woodlands - Dum Wood and Dogloitch Wood

The proposed site is adjacent to 2 ancient woodlands: Dum Wood to the East, Dogloitch Wood to South East **both** are covered by **Tree Preservation Orders,** have **Ancient Woodland status** and are **Local Wildlife Sites**. They form part of the **Kirklees Wildlife Habitat Network.**

Published author Emeritus Professor Ian D Rotherham, The Advanced Wellbeing Research Centre, Sheffield Hallam University, states to Kirklees Council in his objection to the inclusion of this proposal in the predecessor to the Local Plan, the Local Development Framework (LDF), (the Local Development Framework was recommended for withdrawal by the Planning Inspector), that this picture of Dum Wood, below, 'clearly shows **an ancient, medieval former coppice wood. The dominant cover of bluebell across the ground floor of the wood is typical of such a site. These ancient woods receive protection under planning guidance and are irreplaceable**'.

Additionally, on the proposed site there are standing trees, wet woodland and hedgerows also protected by **Tree Preservation Orders.**

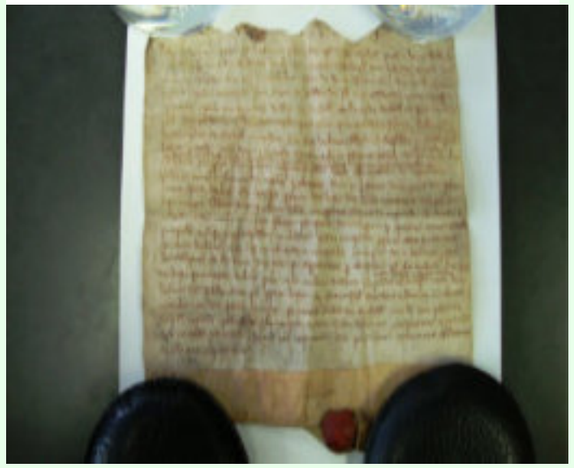
These form part of the **Kirklees Wildlife Habitat Network.**

Evidence of Ancient Woodland Status

Records dated 1309-1310 confirm the existence of these woodlands.

This documentation relating to profits from thinning the woods shows the woods were denser prior to 1309-1310.

Reference DD/SR/26/37 Grant by Henry son of Sir John de Sothill', brother and heir of William de Sothill', to Joan, widow of William, of the manor of Sothill' etc, with all William's lands etc in Morlay, Batelay, Heckmundwick', Erdeslawe and Chiddeshill' (Soothill, Yk Morley, Yk Batley, Yk Heckmondwike, Yk Ardsley, Yk Chidsall, Yk) as dower Henry to have two thirds and Joan one third of the profits from thinning the woods: [other conditions are stated], 1309 - 1310



Benefits of Trees

Natural Capital Committee (NCC) states 'The right tree in the right place for the right reason can bring a multitude of benefits including':

- Habitats for wildlife
- Recreation and wellbeing
- Flood storage and protection
- Urban cooling
- Air cleaning through particulate matter, removal and, the assimilation of some pollutant gases (SO2, NO2 and CH2O) from air, converting them to simple organic compounds
- Water filtration

NCC states that the maintenance of the existing stock is essential to ensuring the resilience of trees and forests into the future.

NCC states there is a risk that the wider natural capital benefits listed above are not considered.

NCC states REGENERATION is CRITICAL to promoting genetic diversity and therefore adaptation to changing climates as well as future carbon storage.

NCC states Carbon storage capacity of forests and trees is at risk from future deforestation or natural disturbances such as climate change and pest and disease outbreak.

NCC states carbon locked up in trees and forests has to be maintained once it is created and it is not guaranteed to remain stored through disturbance events.

Yorkshire Wildlife Trust Objection

Yorkshire Wildlife Trust (YWT) in its objection to the proposed development dated 27th August 2020 states that **Local Wildlife Sites play a critical conservation role by providing wildlife refuges, improve ecological coherence and connectivity and contribute to a climate resilient landscape**, with no statutory status, **their only form of protection is through good planning policy and decisions**.

YWT highlights that the Local Wildlife Sites and Kirklees Wildlife Habitat Network have not been given due consideration in the proposals in the calculation of biodiversity net gain.

National Planning Policy Framework (NPPF) 2021

National Planning Policy Framework (NPPF) 20 July 2021 Chapter 15 paragraph 175 states 'plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework (NPPF) (that is, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality), **take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.**'

For all the above reasons, it is vital that the trees at Chidswell, Heybeck, Dum Wood and Dogloitch Wood are protected and conserved so that their benefits remain for future generations.

Impacts of the Proposals Remain Significant

The Church Commissioners' own Environmental Impact Assessment 14.115 pg 305 states:

'In the absence of mitigation, this stage would see a significant uptake in the usage of these woodland blocks by local residents: for dog walking and other recreational purposes (eg mountain biking). Although public access is currently permitted, use is low level and restricted to a small number of unmade footpaths. Increased use is likely to lead to the proliferation of informal footpaths and damage to the diverse woodland ground layer (bluebells) for which these woodlands are primarily designated. The risk of fly tipping would also increase.'

The Church Commissioners' own Environmental Impact Assessment 14.116 pg 305 states:

Without access to the more sensitive areas being restricted or formalised, it is likely that the swathes of species-rich ground flora would be trampled, dug up and the soil severely compacted; degrading the floral communities and leading to the loss of biodiversity here.'

The Church Commissioners' own Environmental Impact Assessment 14.117 pg 305 states:

These impacts would be negative and significant at district level. Impacts could be felt within both woodland blocks and continue for the lifetime of the development, and thus would be frequent and long term. Impacts on the diverse ground layer would **be irreversible if lost, with the magnitude of effects covering the entire woodland area. The likely significance of this impact would be major with the sensitivity to change being high.**

Significantly, under the heading 'residual impacts', The Church Commissioners' own Environmental Impact Assessment para 14.149 pg 309 states:

'With a development site of this scale, some impacts remain significant, and are very hard to mitigate, especially in the case of disturbance from factors such as noise, lighting and increased human presence. Regardless of what measures are put in place, some of the most sensitive species/species groups are likely to be displaced from the site either temporarily or long term.'

These are the pressures that will be put on the ancient woodlands as highlighted in 14.115, 14.116 and 14.117 above.

The Proposed Mitigation and Professional Responses

The proposal puts forward a 20m buffer zone.

Woodland Trust Objection

The Woodland Trust objection to Kirklees Council, dated 7th October 2020 states:

'Buffering - This development should allow for **a buffer zone of at least 50 metres** to avoid root damage and to allow for the effect of pollution from the development. The council should ensure that the width of the proposed buffer is adequate to protect the adjacent ancient woodland. The buffer should be planted before construction commences on site. HERAS fencing fitted with acoustic and dust screening measures should also be put in place during construction to ensure that the buffer zone does not suffer from encroachment of construction vehicles/stockpiles, and to limit the effects of other indirect impacts.

Forestry Commission letter to Kirklees Council, dated 17th December 2020 states:

'**It is important to note that damage can occur even when there is not a direct loss of ancient woodland. We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions. The Forestry Commission notes that Natural England did respond to the previous consultation for this planning application on the 14th August 2020 and that the standing advice was included in their "generic advice" for this application.**

When developing buffer zones, the Natural England / Forestry Commission sets out the following guidance in the Standing Advice for Ancient Woodland:

A buffer zone's purpose is to protect ancient woodland and individual ancient or veteran trees. The size and type of buffer zone should vary depending on the scale, type and impact of the development. For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic. Where possible, a buffer zone should:

- contribute to wider ecological networks
- be part of the green infrastructure of the area, it should consist of semi-natural habitats such as:
- woodland
- a mix of scrub, grassland, heathland and wetland planting. You should plant buffer zones with local and appropriate native species. You should consider if access is appropriate and can allow access to buffer zones if the habitat is not harmed by trampling. You should avoid including gardens in buffer zones. You should avoid sustainable drainage schemes unless:
- they respect root protection areas
- any change to the water table does not adversely affect ancient woodland or ancient and veteran trees'.

The Council for the Protection of Rural England objection

In their objection to the proposals to Kirklees Council dated 14th November 2020, states:

'Matters relating to impacts on protected species, protected habitat and net gains for biodiversity should be considered at outline planning stage, as they are intrinsically linked to the principle of sustainable development. **An outline application of this scale needs to embed ecological and environmental considerations into the fundamentals of the design, and should not be left to negotiation at reserved matters.** As **policy LP30** states, legal agreements are a last resort and agreement should be sought through avoidance of loss or harm. **This can only be properly achieved at an early stage in planning.'**

All such matters are proposed by the developer to be left to reserved matters stage.

Emeritus Professor Ian Rotherham is an authority on ancient wooded landcapes, their environmental functions, and a wide range of environmental issues, including urban wildlife, extreme weather, flooding and climate change. He has published extensively in academic journals and, has released a number of books on UK wildlife and the environment. In his article 'Woodland Threats and the Unnoticed Crisis' he states '**Older trees have far greater impacts on mitigating flood-risk, on climate-proofing, on biodiversity AND CARBON SEQUESTRATION**'.

He adds that planting has its place but the wanton **destruction of existing woods and ancient trees needs to be stopped, planting does not compensate for destruction**. He also states nature should be allowed to heal itself through **natural rewilding, which is free, inherently sustainable and better for biodiversity and landscape'.**

Emeritus Professor Rotherham also highlights **in comments to Kirklees Council on the current proposals** that **'planting does not necessarily compensate for loss of mature trees. These areas of land are of considerable local value'**.

Emeritus Professor Rotherham asks in his comments to Kirklees Council regarding these proposals and the Local Wildlife Sites '**what work has been done on their heritage / archaeology, ecology and, importantly, hydrology? What will be the long-term impacts of the development including lowering of the water table and increased recreational usage? Particularly in areas of former coal-workings with complex hydrology, it is likely that overdevelopment and urbanisation will lead to long-term drying of the woodland areas. This leads to dieback of trees, to loss of sensitive woodland ground flora through desiccation, and loss of streams and streamside vegetation. It is important that these issues are comprehensively addressed prior to permission being granted. What services will be put in place to manage these impacts sustainably in the long-term?'**

Emeritus Professor Rotherham adds 'It is unclear how the long-term impacts of the development on the woods in particular, are to be mitigated and managed. This is a major negative impact on a key ecological and heritage resource – so what mitigation and how funded? With increased numbers of residences and gardens there will undoubtedly be an increased pressure of invasive, non-native species of plants invading the hedges and woods. How will this be monitored, mitigated, and managed? Please specify.' Emeritus Professor Rotherham asks 'what mitigation in place and how funded long-term? Please specify?'.

Yorkshire Wildlife Trust (YWT), in their **objection** to these proposals submitted to Kirklees Council states that **if we are to avoid a net loss in biodiversity it is paramount that core sites are protected from developmental loss and damage** and that the presence of a Local Wildlife Site should always serve as a **red flag** that the application is highly likely to be damaging and alternative sites should be sought. YWT add regarding the proposed 'Woodland Management Plan' '**We fear this is highly inadequate to mitigate for the significant impacts assessed to be of district importance**'. **It highlight the lack of consideration of the Local Wildlife Sites and part in the Kirklees Wildlife Habitat Network in calculations assessing biodiversity**.

Yorkshire Wildlife Trust objected to the proposals due to significant district level impacts on breeding farmland bird species and potential significant district impacts upon the Local Wildlife Sites and Kirklees Wildlife Habitat Network.

National Planning Policy Framework (NPPF) 20 July 2021 Chapter 15 Conserving and enhancing the Natural Environment

This purports planning decisions should contribute to and enhance the natural and local environment. Specifically in paragraph 180c NPPF 2021 states that **'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 (for example infrastructure projects including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills where public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists.**

Kirklees Planning Policy, LP33

This states that '**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.'

Kirklees Planning Policy LP30

Pg 130 13.1 iii **Development proposals will be required to 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.**

Dum Wood and Dogloitch Wood are rare ancient woodlands in North Kirklees.

Dum and Dogloitch ancient woodlands and trees on the proposed site form part of the Kirklees Wildlife Habitat Network.

They currently fulfil the wider natural capital benefits highlighted by the Natural Capital Committee.

Please evidence:

How are Dum Wood and Dogloitch Wood to be conserved and thrive in perpetuity?

How are the possible ancient hedgerows and trees to be conserved and thrive in perpetuity?

How have the wider natural capital benefits of the ancient woodlands, trees and hedgerows been considered and factored into the assessment?

As mitigation cannot prevent the destruction of these ancient woodlands, how has the loss of the wider natural capital benefits been factored into the assessment and plans?

Nature Based Interventions

Maintaining and Increasing Soil Carbon

The Natural Capital Committee (NCC) state:

IT TAKES AN AVERAGE OF 100 YEARS TO GENERATE 1CM OF TOPSOIL

'A quarter of the Earth's biodiversity including earthworms, fungi and bacteria reside in soil.

Preventing further deterioration, restoring land and conserving biodiversity are central to achieving the sustainable development goals and the UN commitment to land degradation neutrality.'

Department for Environment Food & Rural Affairs (DEFRA)

According to the Department for Environment Food and Rural Affairs (DEFRA) in their Construction Code of Practice for the Sustainable Use of Soils on Construction Sites it states, pg 4, 'Soil is a vulnerable essentially non-renewable resource. DEFRA states:

ONE HECTARE OF TOPSOIL,
THE MOST PRODUCTIVE SOIL LAYER,
can contain
UP TO 5 TONNES OF LIVING ORGANISMS
because it can take
MORE THAN 500 YEARS TO FORM A 2cm THICKNESS, it is in practical terms NON-RENEWABLE'.

According to the Natural Capital Committee (NCC) Advice on using nature based interventions to reach net zero greenhouse gas emissions by 2050, '**The maintenance of biocarbon stocks held within natural assets such as soils is as, if not more, important than creating new stocks of biocarbon'.**

Initial estimates by the Office for National Statistics in 2016 estimated there were 4266 million tonnes of recorded **biocarbon** in the UK in 2007, of which **94.2%** that is 4019 million tonnes, was contained **in soil** stocks.

The Office for National Statistics estimated in 2007 soil carbon contained in forest tree cover habitat made up 16.7% of total UK carbon stocks. **Estimates for the same period indicated that 9% of soil carbon was stored in improved grassland habitat** (due to scale of habitat).

Value of Soils in Urban Areas

The NCC Advice on soil management May 2019 states:

'Soils in urban areas will be valued during development, and construction practices will ensure vital soil functions can be maintained.

It is widely recognised by soil scientists that managing soil carbon is central to optimising soil function because organic matter influences numerous soil properties supplying ecosystem services and that methods to deliver this could bring multiple co-benefits.'

Ecosystem Approach to Decision Making

In 'What nature can do for you A practical introduction to making the most of natural services, assets and resources in policy and decision making Latest update: January 2015' published by the Department for Environment, Food & Rural Affairs it highlights: two key aspects of an ecosystems approach to decision making are:

• Looking for opportunities to work with natural systems to deliver your policy objectives
• Doing a thorough impact assessment that considers the positive and negative impacts of the policy options on the services we get from nature.' This report also states '**Taking the value of our natural services into account isn't an 'optional extra**', it's part of good policy making. Assessing the environmental impact of policy options has long been a part of the impact assessment process and has been a valuable way of assessing the direct impact of policies on individual aspects of the environment. It is now possible to make more sophisticated assessments of the positive and negative impacts of policy options on our natural assets and the way they interact as a system to provide essential services to our economy and society'.

Natural Capital Committee and Interventions

The Natural Capital Committee advise managing soil organic carbon is central to optimising soil function because organic matter influences numerous soil properties supplying ecosystem services. **Policy makers should take an evidence-based approach to pursue low risk interventions, recognising the other ecosystem service benefits alongside Greenhouse Gases mitigation**.

Interventions should aim to increase the resilience of these soils in order to maintain their carbon stocks, and interventions aimed at sequestering carbon should account for pressures from both land use and climate change.

Other soils generally exhibit increases in soil carbon when moved from high to low intensity agriculture (e.g. stopping tillage) – and again when moved to woodland. Caution should be taken in prioritising carbon sequestration ahead of other soils benefits, and in particular soil should not be depended upon to offset other emissions.

National Planning Policy Framework (NPPF) 20 July 2021 Chapter 15 Conserving and Enhancing the Natural Environment

Paragraph 174.a (pg 50) relates to protecting and enhancing valued landscapes, sites of biodiversity or geological value and **SOILS** (in a manner commensurate with their statutory status or identified quality in the development plan).

Natural England, in its response to Kirklees Council, has requested an Agricultural Land Classification and soil assessment is undertaken as the proposed development **site covers 112ha of currently agricultural land.**

Impacts of the Proposals

The Church Commissioners **Environmental Impact Assessment,** Chapter 16, **Residual Impacts** states on page 321 that **regarding adverse effect on agricultural land, the method or means of mitigation is 'none' and that the Post Mitigation Significance and Duration is a 'major adverse effect on agricultural land'.**

Yorkshire Wildlife Trust (YWT) Objection

Yorkshire Wildlife Trust (YWT), in its objection to the proposals to Kirklees Council **highlights the net loss of grassland and scrub in connection with biodiversity net gain calculations.** It flags up that 'amenity grassland cannot be considered as 'moderate' condition grassland as proposed by the developer and have **raised this error to Natural England**. YWT says that future versions of assessment should look to this amenity grassland as 'poor' due to the lack of species diversity and high levels of management associated with this habitat. According to YWT this single amendment alone resulted in a **11.42% loss in net biodiversity calculations.**

YWT also state **allotments cannot reach 'moderate' grade in net biodiversity calculations** as proposed by the developer, **giving a 12.58% net loss,** and **Sustainable Urban Drainage Features a net loss of 14.29%.**

These figures alone show a net loss in biodiversity.

Planning guidance relating to biodiversity states a net gain of 10% should be achieved for all baseline habitats on site.

National Planning Policy Framework 20 July 2021 regarding biodiversity net gain

states on pg 50, planning policies and decisions should contribute to and enhance the natural and local environment by, chapter 15.d 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'.
This proposed development would completely change land use from agricultural and a natural capital system to a new town of 1,535 dwellings, 35ha industrial,

vehicular access and 2ha for a two-form primary school.

The land taken for proposed industrial use, 35ha, and the school, 2ha, using the DEFRA figure above with each hectare containing 5 tonnes of living organisms, will remove 185 tonnes of living organisms.

In addition, soils taken away for roads, infrastructure, vehicular access, stream culverting and the 1,535 dwellings will cause a much higher level of removal of living organisms.

How has the loss of the soil resource and all the natural capital benefits it provides and the removal of this by changing from soil to soil sealing been assessed?
How will the loss of its current function be mitigated and how effective will that be?

Bulk Density

Important for

Soil structure, compaction, water storage (flood risk) and risk of nitrous oxide production (an important greenhouse gas)

Soil PH

Important for

Biomass production, water quality and biodiversity

SOIL

Soil Organic Carbon (measured to 15cm)

Important for

Carbon sequestration, crop nutrition and soil stability

Soil N (nitrogen)

Important for

Biomass/crop production and potential risk to water quality, nitrous oxide production and plant biodiversity

Soil P (Phosphorous)

Important for

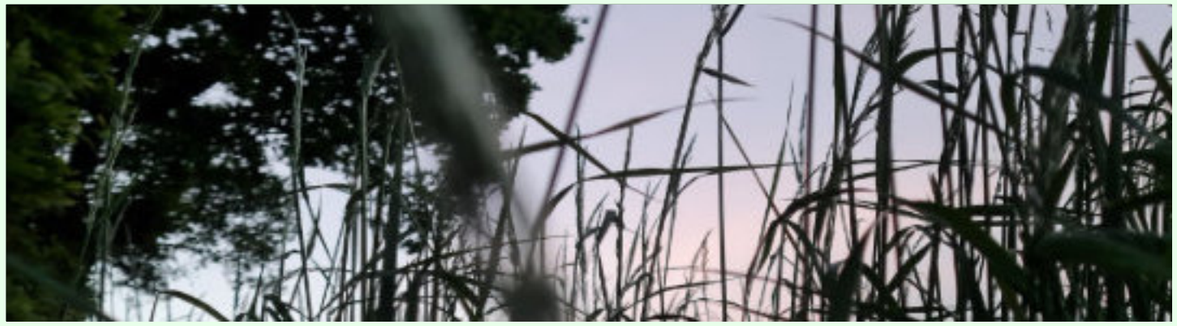
Biomass/crop production and potential risk to water quality

How does removal of soil affect:

- Protected habitats on and off site?
- Contribution to ecosystem and food chain?
- Drainage into a single watercourse Heybeck?

How is the following being addressed:

- Maintenance of soil function?
- Impact to ecosystem and food chain?
- Management of soil carbon to support supplying ecosystem services?
- Carbon sequestration?
- Flood risk prevention?
- Impact of overall development on the two ancient woodlands and consequent impact on soil and hydrology?
- Impacts to hedgerows, trees and scrub?
- Impacts to wildlife?
- Impacts to loss of food production?
- Cost of loss of opportunity of the benefits that the current landscape can provide?



Landscape and Local Food Production

The proposed site is of district level importance, forms part of the Kirklees Wildlife Habitat Network and is made up of a mosaic of different habitat types including Priority Habitats supporting red listed and endangered species.

However, the Church Commissioners' documents state in point 335 pg 19 of Land East of Leeds Road, Chidswell Planning Statement and Sequential Assessment December 2020 Revision A that 'the majority of the site consists of intensively farmed agricultural land'.

The church commissioners document reference 850473 states 2.11 'As per the Agricultural Land Classification Map for the Yorkshire and the Humber region (ref 10-111c), the Site is characterised as Grade 3 Agricultural Land.'

Natural England

Natural England has requested in its representation to Kirklees Council August 2020 that 'an Agricultural Land Classification and soil assessment is undertaken'.

National Planning Policy Framework 20 July 2021 Chapter 15 Conserving and Enhancing the Natural Environment

Chapter 15 paragraph 174 b states Planning Policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – **including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland**.'

Church Commissioners' Environmental Impact Assessment

The Church Commissioners' Environmental Impact Assessment, Chapter 16, Residual Impacts states on page 321 that regarding adverse effect on agricultural land, the method or means of **mitigation is 'none'** and that the Post Mitigation Significance and Duration is a **'major adverse effect on agricultural land'.**

Kirklees Planning Policy LP32

Kirklees Planning Policy LP32 para 13.32 states: **'promote development that helps to reduce and mitigate climate change, and development which is adapted so that the potential impact from change is reduced and to help the transition towards a low carbon economy**'.

This proposed development would change land use from agricultural and a natural capital system to a 'new neighbourhood' of 1535 dwellings, plus 35ha industrial development, vehicular access and 2ha for a two-form primary school and infrastructure.

Natural Capital Committee

The Natural Capital Committee states evidence shows that integrating leys into crop rotation and the use of cover crops have the potential to deliver carbon sequestration in agriculture. (A ley is arable land put down to grass, grassland or pastureland.)

The land is currently farmed. Would use of existing land capacity, working with the farmers, be better used to optimise green infrastructure services in tackling the climate emergency as part of a local network? This land already forms part of the Kirklees Wildlife Habitat Network?

Please evidence the lost benefits versus the contribution to tackling climate change and the Kirklees declared Climate Emergency by the new proposals.

Nature Based Interventions

Managing Freshwater and Wetlands

Natural Capital Committee (NCC)

Natural Capital Committee (NCC) advises freshwaters and wetlands support a diverse range of species including invertebrates, plants, amphibians, fish and mammals.

Freshwater habitats are particularly vulnerable in a changing climate: heat, drought, flooding, sea-level rises and land-use changes are likely to change and damage many freshwaters and wetlands.

It is widely reported that flooding events will become more common as the climate changes.

NCC state the creation and restoration of freshwater habitats brings a multitude of natural capital benefits, including:

- **Alleviation of flooding;**
- **Wildlife benefits;**
- **Water regulation;**
- **Recreation and wellbeing;**
- **Nutrient cycling.**

The NCC advises that the following issues should be addressed:

· The increase in flood events is likely to adversely impact the amount of carbon stored in soil and increase the risk of soil erosion. The current land use of flood plains should be reviewed and the impact of increased flooding evaluated.

Although freshwaters cover a relatively small proportion of the Earth's surface area, they have a role in the carbon cycle.

- Recent evidence has demonstrated that of the carbon inland waters receive from the environment, some of this is buried in sediment and some is delivered to the oceans, however, a portion is returned to the atmosphere. **The impact that changes in land use, climate and the quality of freshwaters has on this process should be assessed.**

· Recent evidence suggests a changing climate could alter the microbial diversity of lakes which will lead to an increase in carbon emissions through the decomposition of organic matter (logs and leaves) which fall into water bodies.

Published author Emeritus P**rofessor Ian Rotherham** of the Advanced Wellbeing Research Centre, Sheffield Hallam University, stated in his **objection** in January 2016 to the Kirklees proposal to development at Chidswell Heybeck, regarding water management and the watercourses, that '**significantly, this could be a serious threat to the UK BAP Priority Habitat waterways both on site and to the east of the site**'.

In this January 2016 **objection** to Kirklees Council Professor Rotherham highlights

threats to the watercourses from these proposals are:

- **Disturbance**
- **Vandalism**
- **Dumping**
- **Pollution: input of polluted surface water, detergents, toxic substances, increased risk of contaminates, non-biodegradable substances**
- **Canalisation**
- **Loss of natural embankments**
- **Loss of natural interaction with floodplains and surrounding habitats**
- **Loss of UK BAP Priority habitat**

According to the Joint Nature Conservation Committee (JNCC) UK BAP Priority habitats cover a wide range of semi-natural habitat types and were those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP).

Hydrological Threats to the Woods and consequences for flooding

Emeritus Professor Ian Rotherham in his **objection** to Kirklees Council to the proposed MX1905 (the former allocation of this land in the Local Development Framework ((LDF); **the LDF was recommended for withdrawal by the Planning Inspector**) dated January 2016 states:

'**The woodland cannot be protected simply by not building on it.** Impacts on the woods and their hydrology depend on local topography and geology. **These proposals could be devastating for these ancient woodlands.** The project requires a full and thorough environmental impact assessment. **Examples of woodlands slowly killed by drying from development are** Ecclesall Woods, Bowden Housteads Wood and all the Gleadless Valley Woods in Sheffield, Owler Carr Wood and Long Wood in the Moss Valley, Derbyshire. These are just a few specific examples for which we have data, but **the phenomenon is widespread and often overlooked**. The Sheffield sites are all compounded by urban development. Policy ENV6: Forestry, Trees and Woodland of the Yorkshire & Humber Regional Spatial Strategy (May 2008) seeks to improve the woodland network in West Yorkshire to safeguard ancient woodlands.

Changes to the water table and hydrology feeding the woodlands cause drying and slow death.'

Specific comments on the impact assessments & proposals from Emeritus Professor Ian Rotherham to the Kirklees Council Local Plan in 2020 highlight that the **impact on hydrology regarding the ancient Dum and Dogloitch Woods from the proposals has not been considered**.

He asks: '**what will be the long-term impacts of the development including lowering of the water table and increased recreational usage? Particularly in areas of former coal-workings with complex hydrology, it is likely that over-development and urbanisation will lead to long-term drying of the woodland areas**. **This leads to dieback of trees, to loss of sensitive woodland ground flora through desiccation, and loss of streams and streamside vegetation**. **It is important that these issues are comprehensively addressed prior to permission being granted.**' He asks, 'What services will be put in place to manage these impacts sustainably in the long-term?' Emeritus Professor Rotherham highlights that **ancient woodlands do have recognition within the planning process and that it is unclear how the long-term impacts of the development on the woods in particular are to be mitigated and managed.**

He asks, '**How is flood risk to be alleviated also taking into consideration impact to woodland and soil**? Tell us how this has been assessed'.

'**Hydrology must consider long-term de-watering of the ancient woodland areas which has not been commented upon**'.

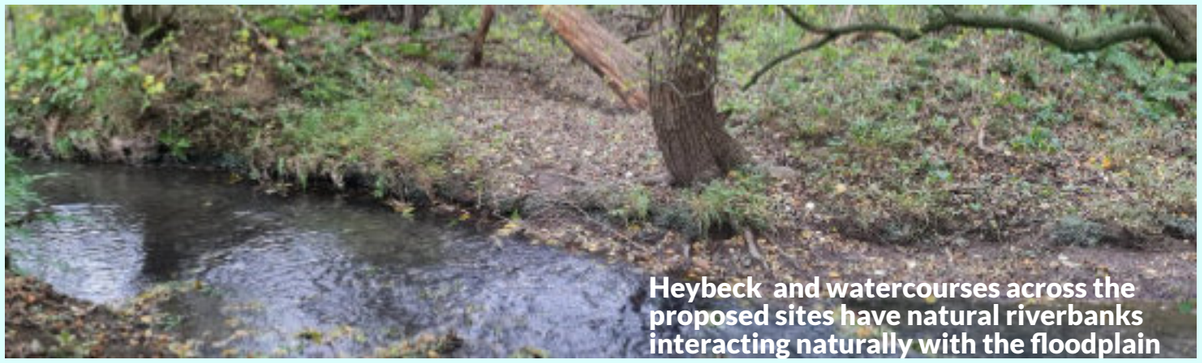
'**This is a strategic site.** Issues relating to flood risk must be delivered and achieved. These have to be addressed to ensure successful delivery.'

What is the exacerbated flood-risk downstream?

How do these proposals impact catchment function?

Emeritus Professor Rotherham in his detailed 2020 comments states 'the development itself will not be at risk from flooding but it will exacerbate problems further downstream. This needs to be addressed and a plan be in-place to provide positive planning for water to ensure downstream impacts are reduced and not made worse. This should be detailed.

Professor Rotherham states 'Contaminated runoff into surface waters – during construction and following development needs to be addressed. Similarly, enhanced periodicity of flows to watercourses needs to be considered to avoid flashy streams which are seasonally dry. This also requires a monit-



Heybeck and watercourses across the proposed sites have natural riverbanks interacting naturally with the floodplain

oring strategy to be put in place. 'Catchment theft' of urbanised watercourses is a major problem'.

Yorkshire Wildlife Trust (YWT)

In its **objection** to Kirklees Council, YWT highlights the **importance of the watercourse as part of the Kirklees Wildlife Habitat Network**.

YWT highlights that, whilst SuDS (Sustainable Urban Drainage Systems) might be able to reach 'moderate' condition if appropriately designed and managed, given current information provided combined with section 14.120 of the Environmental Impact assessment stating, it is 'presumable that the watercourse would receive **excessive management to maintain an appearance of 'tidiness' that management of the watercourse will not be favourable to biodiversity**, the proposals imply that it is not possible.' As a result,

YWT gave a precautionary approach of 'poor' for drainage features provided.

YWT adds it is unclear why this presumption has been made as the Breeding Bird Survey highlights the importance of the watercourses.

YWT states that these proposals would lead to a loss of diversity in the medium to long term.

YWT objects to these proposals due to significant district level impacts upon breeding farmland bird species and potential significant district impacts upon Local Wildlife Sites and the Kirklees Wildlife Habitat Network.

Kirklees Council Policy LP34

This states that proposals must **'ensure no deterioration of water courses or water bodies** including groundwater by conserving and, where practicable, enhancing:

a. The natural geomorphology of watercourses including reinstating watercourses to their natural state through removal of modifications resulting from past industrial use;
b. Water quality
c. The ecological value of the water environment, including the functionality of habitat networks'

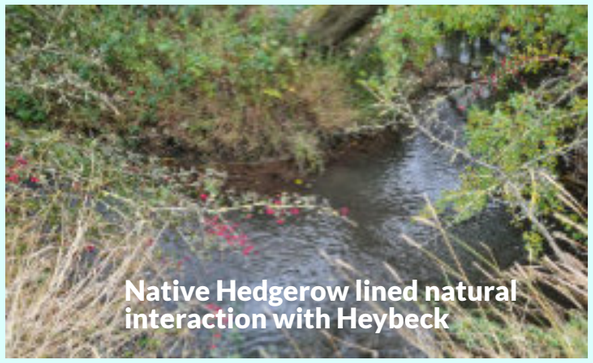
Chidswell and Heybeck Catchment

All water from the proposed site at Chidswell Heybeck, plus all watercourses across the site all flow into one single watercourse, Heybeck which becomes Bushy Beck then Alverthorpe Beck before entering the River Calder in the City of Wakefield, forming part of the Calder Catchment joining the Humber Catchment flowing into the North Sea.

All watercourses crossing the site, plus Heybeck, Bushy Beck and Alverthorpe Beck to the east of the site are Priority Habitats.

The fresh water gathers at a mud/clay flood alleviation intervention Fenton Dam which is an **Environment Agency Nature Reserve.**

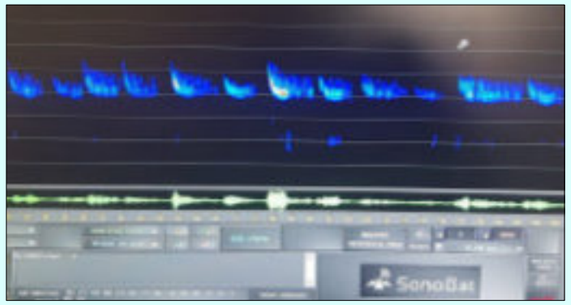
The information board at Fenton Dam describes presence of water vole protected in the UK under the Wildlife and Countryside Act 1981, priority species under the UK Post-2010 Biodiversity Framework, water voles are listed as endangered on both the Great Britain and the England Red List for Mammals. Also highlighted as present is otter protected in the UK under the Wildlife and Countryside Act 1981, Priority Species under the UK Post-2010 Biodiversity Framework, European Protected Species under Annex IV of the European Habitats Directive, Listed as Near Threatened on the global IUCN Red List of Threatened Species.



Native Hedgerow lined natural interaction with Heybeck

Natural Meander on Heybeck with Native Wildlower riverbank cover

Important for Bats



Chidswell Action Group has confirmed evidence of the following bats:

•**Common pipistrelle** protected in the UK under the Wildlife and Countryside Act, 1981, **European Protected Species under Annex IV of the European Habitats Directive,**

•**Soprano pipistrelle** a **Priority Species** in the UK Post-2010 Biodiversity Framework,

•**Nathusius pipistrelle**, according to the Bat Conservation Trust, is **a rare bat in the UK**, listed under UK BAP **Priority Terrestrial mammal species**, a **priority species** under the **EUROBATS Agreement**.

The Brooks Ecological bat survey, in addition to finding Common Pipistrelle and Soprano pipistrelle have noted the following:

•**Noctule bat** is protected in the UK under the Wildlife and Countryside Act 1982, is a **Priority Species** in the Post-2010 Biodiversity Framework and is a **European Protected Species** under Annex IV of the European Habitats Directive,

•**Brown long-eared bat** that is protected in the UK under the Wildlife and Countryside Act 1982, is a **Priority Species** in the Post-2010 Biodiversity Framework and is a **European Protected Species** under Annex IV of the European Habitats Directive,

•**Myotid bats**

The Bat Conservation Trust advises in Britain all bat species and their roosts are legally protected, by both domestic and international legislation: amongst other acts it is a criminal offence to deliberately take, injure or kill a wild bat, damage or destroy a place used by bats for breeding and resting (roosts) even if bats are not occupying the roost at the time, intentionally or recklessly disturb a bat in its roost or deliberately disturb a group of bats, intentionally or recklessly obstruct access to a bat roost.

Important for Birds and all Wildlife

The water and watercourses are also **extremely important for birds,** for example, Chidswell Action Group has longstanding evidence of Kingfisher which has Schedule 1 special protection status under the UK Wildlife and Countryside Act 1981.

This space is of district wide importance for birds, many of the breeding birds at Chidswell and Heybeck are red listed.

The water and watercourses are not only **important** for those species whose habitat it is but also all the **other species on site including** mammals such as the Western European **Hedgehog Protected in the UK** under the Wildlife and Countryside Act 1981, **Priority Species** under the UK Post-2010 Biodiversity Framework and IUCN Red List for British Mammals – vulnerable to extinction and **Brown Hare protected in the UK** under the Wildlife and Countryside Act 1982, priority species under the UK Post-2010 Biodiversity Framework.

National Planning Policy Framework, 20 July 2021 states:

'Chapter 15, Conserving and enhancing the natural environment:

174 e preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

174 f remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Dogloitch Wood (left) to Dum Wood (Right) and all the habitats inbetween interracting with tree lined Heybeck and Bushy Beck seen here running along this picture in the foreground

179 b promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

180 When determining planning applications, local planning authorities should apply the following principles:

a. **If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.**

CHURCH COMMISSIONERS' ENVIRONMENTAL IMPACT ASSESSMENT

11.75 states during construction there are a number of potential effects that could impact the local watercourses and ultimately Heybeck.

It is proposed in para 11.77 that drainage recommendations are to be mitigated through the drainage strategy which are to be developed further during detailed design.

Risk from construction phase: silt-laden run off, spillages, leakages, pollutants such as fuel, hydraulic fluids, solvents, grouts, paints, detergents and other potentially polluting substances are dependent upon successful mitigation. Operational phase diffuse pollution such as hydrocarbons, heavy metals, debris and silt which could ultimately be discharged to local watercourses and downstream to Heybeck are dependent on successful mitigation.

In the Flood Risk Assessment and Drainage Strategy for Heybeck by Patrick Parsons doc 822193 point 5 (commissioned by the Church Commissioners) it states that **the local sewer network does not have capacity to accept any surface water from the proposed site and that discharges to watercourses will be the most appropriate** pending phase 2 study. A drainage strategy has been provided for proposed works at Heybeck: this anticipates **the ground is not suitable for soakaways and proposes three outfalls into the watercourse using specific discharge rates.**

Yorkshire Water in its letter dated 16 September 2018 suggest that Heybeck is the most obvious place for surface water disposal if SuDS are not viable and that there is not the capacity in the public sewer for surface water.

The assessment proposes a below ground storage tank for areas 2 and 3 and a pond for area 1. Areas 2 and 3 are adjacent to Dum Wood. Surface water discharge is proposed to the south, adjacent to Dum Wood.

How are these proposals going to impact the watercourse/ditch north of Dum Wood, Dum Wood itself and Heybeck?

What drainage work is to be undertaken and where?

10 - 15 YEAR CONSTRUCTION PERIOD

The development is to span a construction period of 10-15 years so construction impacts, referred to as 'temporary' in the impact assessment would also be over that period.

The Environmental Impact Assessment for the Church Commissioners states:

During construction:

14.100 **This stage will present the major impact in relation to ecology**, as it will see direct impacts on habitats and species / species groups through vegetation clearance, as well as indirect impacts from disturbance (noise, vibration, lighting, increased human presence, vehicular movement) and the potential for inadvertent release of pollutants.

The Environmental Impact Assessment for the Church Commissioners states:

Watercourse / Green Corridors

14.107 The parameter plan shows the watercourse retained in its current channel. However, as shown in the parameter plan, **two new bridge points will need to be constructed** across the watercourse, to the east and west.

14.108 **Construction of the new bridge points will result in small scale habitat loss and fragmentation, with watercourse at these points being diverted under the new roads through culverts. This impact will be negative and irreversible**, occurring once during the construction period, but with impacts being felt at a small (Site-wide) scale.

14.109 Construction of the new bridge points, together with wider groundworks within close proximity of the channel also have the **potential to result in minor indirect impacts, through the release pollutants (i.e., silt or hazardous chemicals**). This impact would be negative but reversible through spontaneous recovery. **It could occur numerous times throughout the construction period and would potentially be felt over a large geographical area, with pollutants being carried downstream.** Each time the effect would be short-term and temporary. The likely significance of this impact would be moderate.

The Environmental Impact Assessment for the Church Commissioners states:

Watercourse / Green Corridors:

14.120 Although not shown within the parameter plan, it is anticipated that the watercourse will be located within formal Publicly Accessible Open Space. **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**. **The landscape contractors could also make indiscriminate use of herbicides and pesticides, which could then leach into the watercourse leading to eutrophication.**

14.121 **With such high numbers of new residents, it is not unfeasible for invasive species to be accidently or purposefully released into the watercourse; such as invasive water plants arriving from new garden ponds on the feet of wildlife, or planted by residents, or releasing unwanted pets (exotic fish, newts/ amphibians, terrapins, etc.) or coarse fish/ crayfish for fishing. All of these actions could lead to the loss of floral/ faunal diversity.**

14.122 **The impacts would be negative and significant at a Local level. They could be felt on all on-site waterbodies and reoccur frequently over the lifetime of the development.** However, individually, none of the ponds are considered to be unique, and the impacts could be easily reversed through measures such as dredging or suitable management. The likely significance of this impact would be moderate.

Kirklees Policy LP34 Conserving and enhancing the water environment states Proposals MUST:

1. Ensure no deterioration of water courses or water bodies (including groundwater) by conserving and, where practicable, enhancing:

a) The natural geomorphology of watercourses, including reinstating watercourses to their natural state through removal of modifications resulting from past industrial uses;

b) Water quality: and ,

c) The ecological value of the water environment, including the functionality of habitat networks.

And point 3:

Dispose of surface water appropriately (in accordance with the Local Plan drainage policy) adhering to the following networks in order of preference:

a) to an infiltration based system wherever possible (such as soakaways)

b) discharge into a watercourse with the prior approval of the landowner, navigation authority or Environment Agency, where applicable. To comply with part 1 of this policy this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse;

c) discharge to a public sewer.

Proposals are encouraged to:

4. Make positive progress towards achieving 'good status or potential' under the Water Framework Directive in surface and groundwater bodies.

Stoat at Heybeck

5. Manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling as well as considering water availability from surface water and groundwater sources.

6. Improve water quality through the incorporation of appropriately constructed and maintained Sustainable Drainage Systems and surface water management techniques taking into account the sensitivity of groundwater.

THE WATERCOURSES FORM PART OF THE KIRKLEES WILDLIFE HABITAT NETWORK

The watercourse currently in the centre of the proposed site also forms part of the Kirklees Wildlife Habitat Network and is therefore of **at least district wide importance**.

For Chidswell and Heybeck

Please evidence how impacts are to be addressed for:

Ongoing disturbance over the 10 – 15 year lifetime of the development and in perpetuity?

Direct pollution to water and watercourses?

Ecosystem function and interaction with greenhouse gases?

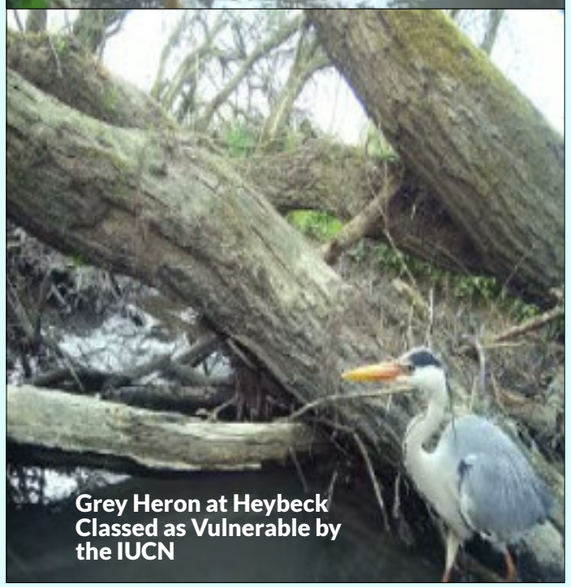
Wildlife?

Water quality?

Canalisation?

Soil desiccation and flooding?

Grey Wagtail at Heybeck



Grey Heron at Heybeck Classed as Vulnerable by the IUCN

Red Listed Lapwing over Heybeck Classed as Vulnerable by the IUCN

Nature Based Interventions

Improving Wildlife and Biodiversity

The Importance of Biodiversity

The Natural Capital Committee (NCC) states:

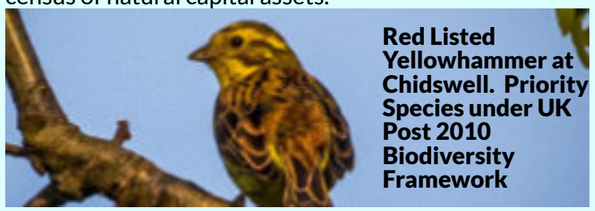
'Biodiversity is particularly important in a changing climate as it underpins the maintenance of ecosystem functions and services – their 'resilience' – and it is very hard to replace once depleted below certain and often unknown thresholds.

NCC state:

'Species and genetic rich ecosystems have a greater potential to adapt, so conserving biodiversity is crucial to maintaining ecosystem function and the services provided into the future '.

Impact of Climate Change on Species and Habitats

NCC continues 'Climate change is likely to accelerate species declines through loss of habitat, rate of change and physical barriers to migration. Land / sea use change will need to consider future climate scenarios and factor for how species ranges could change. However, the impact climate change will have on individual species and the system as a whole is largely unknown. Filling data gaps should be urgently prioritised through the delivery of an environmental census of natural capital assets.'



Red Listed Yellowhammer at Chidswell. Priority Species under UK Post 2010 Biodiversity Framework

Benefits of Biodiverse Landscapes

Natural Capital Committee states that biodiverse landscapes bring a multitude of benefits, including:

●Carbon storage;
●Ecosystem function;
●Recreation and wellbeing;
●Food production;
●Adaptation to climate change;
●Nutrient cycling.'

Almost all evidence shows huge declines in biodiversity, with little sign of this improving.

COP 10 Decision X/2 Strategic Plan for Biodiversity 2011-2020 states in point 8:

'Scientific consensus projects a continuing loss of habitats and high rates of extinctions throughout this century if current trends persist, with a risk of drastic consequences to human societies as several thresholds or "tipping points" are crossed.

COP26 , Glasgow, November 2021 outcomes include:
1. ambition to keep global warming to no more than 1.5 degrees above pre-industrial levels;
2. implement yearly reviews;
3. Nature recognised for its solution potential.

AICHI Targets

The strategic plan for biodiversity 2011-2020 set AICHI targets to be implemented at different levels globally, nationally and regionally.

According to the NCC The AICHI targets are not being met.

Brought back from the brink of extinction, the Red Kite. Flying here from Chidswell to Heybeck, Protected Under Schedule 1 of the Wildlife and Countryside Act 1981

The Natural Environment and Rural Communities Act (NERC), 2006 Section 40

NERC 2006 places a duty on public authorities to conserve biodiversity.

NERC 2006 states that :

'(1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity,' and

(3) Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.'

The Natural Environment and Rural Communities Act 2006 S41 relates to habitats of principal importance for the purpose of conserving biodiversity.

According to Natural England 'In England, many of our rarest and most threatened species are listed under Section 41 (S41) of the 2006 Natural Environment and Rural Communities (NERC) Act'. Outcome 3 of the Government's Biodiversity 2020 strategy contains an ambition to ensure that 'By 2020 we will see an overall improvement in the status of our wildlife and will have prevented further human-induced extinctions of known threatened species' Protecting and enhancing England's S41 species is key to delivering this outcome.

Kingfisher at Heybeck Receives Special Protection under Schedule 1 of the Wildlife and Countryside Act 1981, Classified as Vulnerable by the IUCN

Habitats of Principal Importance at Chidswell and Heybeck

CHIDSWELL HEYBECK INCORPORATES UK HABITATS of PRINCIPAL IMPORTANCE:

- Lowland Mixed Deciduous Woodland.

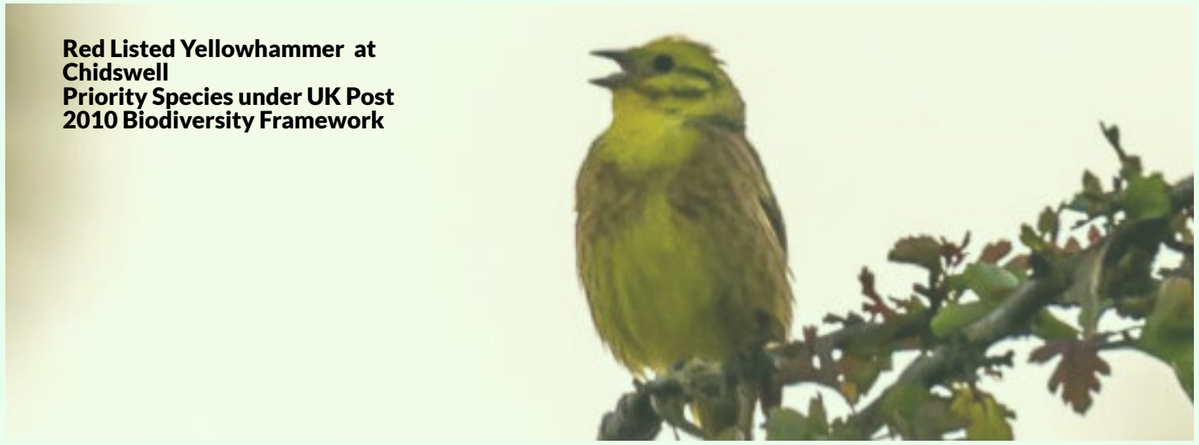
Additionally, **Dum and Dogloitch Woods** are **on the official woodland register** classified as **ancient woodland**

- Wet Woodland
- Hedgerows
- Arable field margins
- Streams

Birds and their Protection

There are three levels of protection for birds:

1. Those listed on schedule 1 of the Wildlife and Countryside Act including barn own, kingfisher, red kite, who enjoy protection from disturbance (intentionally or recklessly) during the breeding season.
2. The 49 species that are listed as Species of principal Importance in England under Section 41 of the NERC Act (those found at Chidswell Heybeck are listed in this document, this list is not comprehensive as more species are being recorded on an ongoing basis) which must be protected from adverse effects of any development.
3. All species are protected under the Wildlife and Countryside Act 1981, making it an offence to intentionally kill, injure or take any species of wild bird, and to take, damage or destroy their nests or eggs.



Red Listed Yellowhammer at Chidswell Priority Species under UK Post 2010 Biodiversity Framework

CHIDSWELL HEYBECK, UK SPECIES OF PRINCIPAL IMPORTANCE, ENDANGERED SPECIES & INTERNATIONAL LEVEL PROTECTION

Chidswell Heybeck is home to a broad range of Species of Principal Importance from **different species families.** Some examples include those listed below.

Red Listed bird species are those that are considered to be the most critically endangered as included in the Birds of Conservation Concern 5 and IUCN Red List Assessment of Extinction Risk for Great Britain 2021.

It is important to note the list below is not comprehensive as more species are being recorded and found at Chidswell Heybeck on an ongoing basis:

Skylark: Red List, Species of Principal Importance

Yellowhammer: Red List, Species of Principal Importance, Priority Species under UK Post 2010 Biodiversity Framework

House sparrow: Red List, Species of Principal Importance

Starling: Red List, Species of Principal Importance, Priority Species under UK Post 2010 Biodiversity Frame-Work, IUCN Vulnerable

Mistle thrush : Red List, IUCN Near Threatened

Northern Lapwing: Red List, Species of Principal Importance, IUCN Vulnerable

Yellow wagtail: Red List, Species of Principal Importance, Priority Species under UK Post 2010 Biodiversity Framework, IUCN Near Threatened

Linnet: Red List, Species of Principal Importance

Fieldfare: Red List, IUCN Critically Endangered

Greenfinch: Red List, IUCN Endangered

Swift: Red List, IUCN Endangered

House Martin: Red List, IUCN Near Threatened

Water vole: Species of Principal Importance, Priority Species under the UK Post 2010 Biodiversity Framework

European Hedgehog: Species of Principal Importance, Priority Species under the UK Post 2010 Biodiversity Framework, IUCN Red List for Mammals Vulnerable to Extinction

Hazel dormouse: Species of Principal Importance, Priority Species under the UK Post 2010 Biodiversity Framework, European Protected Species under Annex IV of the European Habitats Directive

Brown Hare: Species of Principal Importance, Priority Species under the UK Post 2010 Biodiversity Framework

Otter: Species of Principal Importance

Noctule bat: Species of Principal Importance, European Protected Species under Annex IV of the European Habitats Directive

Soprano pipistrelle: Species of Principal Importance

Brown Long Eared bat: Species of Principal Importance, European Protected Species under Annex IV of the European Habitats Directive

Common pipistrelle: European Protected Species under Annex IV of the European Habitats Directive

Brown Hare Species of Principal Importance Priority Species under UK Post 2010 Biodiversity Framework

Wildlife and Countryside Act 1981 Schedule 1 bird species that are offered special protection found at Chidswell Heybeck include:

Kingfisher: IUCN Vulnerable

Barn owl

Fieldfare: Red List

Redwing: Amber list

Red kite

Birds of Conservation Concern BOCC 5: The Amber
List for birds 2021, these are the **next most critically endangered species,** at Chidswell Heybeck are:

Tawny owl: IUCN Near Threatened

Mallard: IUCN Vulnerable

Snipe: IUCN Vulnerable

Woodpigeon

Kestrel: IUCN Vulnerable

Willow warbler

Dunnock

Bullfinch: Priority Species under the UK Post 2010 Biodiversity Framework

Reed bunting: Priority Species under the UK Post 2010 Biodiversity Framework

Stock dove

Song thrush: Species of Principal Importance,
Priority Species under UK Post 2010 Biodiversity Framework

Wren

Moorhen: IUCN Vulnerable

Rook: IUCN Nearth Threatened

Grey wagtail: IUCN Near Threatened

Sparrowhawk: IUCN Vulnerable

The Otter

Shown as present on the Information Board at the Environment Agency Nature Reserve at Fenton Dam.

Otters and their habitats are fully protected under both UK and European legislation. Even outside designated areas of protection otters and their holts are fully protected. The otter is a Priority Species under the UK Biodiversity Action Plan and has also been adopted as a Species of Principal Importance in England under S41 of the NERC Act (2006). It is government policy that local authorities protect such species from the adverse effects of development.

The Hazel Dormouse

The Hazel dormouse has been recorded at Dum Wood by Chidswell Action Group. Hazel dormice and their habitats are fully protected by the Wildlife and Countryside Act 1981 and the Habitats regulations. The dormouse is also a priority species under the UK Biodiversity Action Plan and has been adopted as a species of Principal Importance in England under S41 of the NERC Act 2006 and so is protected from any adverse effects as a result of development. It is a protected species under Annex IV of the European Habitats Directive. According to Yorkshire Wildlife Trust it is found in very few places in the UK.

The Water Vole

Shown as present on the Information Board at the Environment Agency Nature Reserve at Fenton Dam.

From April 2008 under the Wildlife & Countryside Act 1982 (as amended), water voles and their resting places are fully protected in England, it is an offence to deliberately capture, injure or kill them or to damage, destroy or obstruct their breeding or resting places. It will continue to be an offence to disturb them in their breeding or resting places.

Bats

Evidence of different species of bat at Chidswell Heybeck has been found by Chidswell Action Group and in surveys commissioned by the Church Commissioners by Brooks Ecological.

There are 17 species of bat in the UK. Bats and bat roosting habitats are fully protected by both the Wildlife and Countryside Act 1981 and the Habitats Regulations. Seven species of bat (barbastelle, bechstein's, noctule, soprano pipistrelle, brown long-eared and greater horseshoe and lesser horseshoe bat are Priority species under the UK Biodiversity Action Plan and have also been adopted as Species of Principal Importance in England under S41 of the NERC Act (2006).

IMPORTANCE OF HABITATS AT CHIDSWELL HEYBECK

Chidswell and Heybeck includes Habitats of Principal Importance and forms part of the Kirklees Wildlife Habitat Network.

Kirklees Wildlife Habitat Network

West Yorkshire Ecological Services have identified the Kirklees Wildlife Habitat Network which **connects designated sites of biodiversity and geological importance and notable habitat links within the district such as woodlands, watercourses, natural and semi-natural areas. The identification of the Wildlife Habitat Network is intended to protect and strengthen ecological links within the district.**

IMPORTANCE OF LOCAL WILDLIFE SITES

The two ancient woodlands will be enclosed around three sides by the proposals, these ancient woodlands are Local Wildlife Sites. They form part of the Kirklees Wildlife Habitat Network.

Yorkshire Wildlife Trust's (YWT) **objection** states that many Local Wildlife Sites are of SSSI quality (Sites of Special Scientific Interest) and together with the statutorily protected sites contain most of the country's remaining high quality natural habitat and threatened species. YWT continue 'it is absolutely paramount that the country's core sites for biodiversity are protected from development loss and damage if we are to avoid a net loss in biodiversity. **The presence of a Local Wildlife Site should always serve as a red flag that the application is highly likely to be damaging and alternative sites should be sought. The Environmental Survey has considered the impacts to these sites to be significant'.**

BIODIVERSITY NET GAIN OR BIODIVERSITY NET LOSS

In short, will there be more or less biodiversity resulting from the proposals?

Natural Capital Committee recommendations and Biodiversity Net Gain

In the Natural Capital Committee Net environmental gain: The Natural Capital Committee's response to Defra's commission September 2019 it states:

1. The Natural Capital Committee's view is that a net environmental gain approach for the development sector should:

a. Be based on key natural capital assets and the associated goods, services and benefits;

Grey Wagtail
at Heybeck

Brown Hare Species of Principal Importance Priority Species under UK Post 2010 Biodiversity Framework European Protected Species under Annex IV of the European Habitats Directive

b. Include an assessment of the losses of all the be-benefits provided by the natural environment because of a specific development;

c. Present the individual benefits and losses – it should not be reduced to a single netted off figure;

d. Adopt an 'avoid, minimise, remediate, compensate' hierarchy;

e. Cover the costs of remediation as well as including a distinct investment component that delivers a gain over and above the starting baseline (including the so-called insignificant impacts identified in a site assessment that are often not included in the evaluation of the damage);

f. Result in a demonstrable, evidence-based increase in natural capital assets compared with the initial baseline. This should include continuing evaluation, in some cases over a number of years, to ensure that the assets are developing and being maintained as proposed and are delivering the intended ecosystem services and associated benefits; and

g. Be applied to all projects, programmes and development covered by the Town and Country Planning Act, the work of the Planning Inspectorate, and the work of the Marine Management Organisation. Simplified methodologies are appropriate for small development sites, and changes of land or sea use and exemptions may be appropriate for developments below a yet to be defined threshold.

CHIDSWELL HEYBECK DEVELOPMENT PROPOSALS LEAD TO BIODIVERSITY NET LOSS

Yorkshire Wildlife Trust (YWT) calculations find a NET LOSS OF 14.29% for the scheme.

In their objection to the proposals submitted to Kirklees Council YWT have listed fundamental flaws in the calculations for biodiversity net gain by the developer's assessments and have demonstrated the proposals will result in biodiversity net loss.

YWT find:

•lack of information to support developer findings including post development enhancement proposals, baseline habitat description and post development condition assessments;

•Consideration has not been given in the proposal calculations for the Local Wildlife Sites and Kirklees Wildlife Habitat Network;

•No detail of how the outcomes proposed could be achieved;

•Incorrect display of calculations for potential hedgerow enhancement, the value being showed being significantly higher (218.58%) than the correct figure (118.5%) and **clarification required why some hedgerow to be removed was classed as 'important' and this being part of the Kirklees Wildlife Habitat Network not being included in the calculation as it should be considered as District Value which has not been done;**

•The watercourse is part of the Kirklees Wildlife Habitat Network, but this has not been factored into the calculations;

•Inaccuracies relating to grassland. YWT have raised this error to Natural England;

•Inaccuracies in calculations relating to allotments and Sustainable Urban Drainage Systems;

•Net loss of grassland, scrub and ditches.

Yorkshire Wildlife Trust highlight that biodiversity net gain guidance states an INCREASE OF 10% SHOULD BE ACHIEVED FOR ALL BASELINE HABITATS ON SITE.

IMPACT

Chidswell and Heybeck forms habitat for a wide range of biodiverse species that interact within and beyond it. It supports food chains demonstrated by the resident raptors: buzzard, red kites, kestrels, sparrowhawk, tawny owls, little owl, barn owl who are at top of the food chain and are themselves reliant on the chain of ecosystems for habitat which support the species upon which they feed.

Chidswell Heybeck supports migratory birds from across Europe and Africa.

Chidswell Heybeck forms part of the Kirklees Wildlife Habitat Network making it of at least district wide importance including for farmland birds.

Chidswell Heybeck supports Red listed birds and mammals, Species of Principal Importance, Species under S41 of the Wildlife and Countryside Act 1981, European Protected Species and Habitats of Principal Importance.

Green and Blue Infrastructure development proposals submitted on behalf of the proposer of the development, The Church Commissioners, indicate that pedestrian and vehicular cycle routes are to go THROUGH landscaped corridors and green buffers. Additionally, these are proposed by the developer to be considered at the later detailed design stage, reserved matters, when the decision to accept the proposals would have already been made, therefore, suggesting not to be resolved at this stage.

The Environmental Impact Assessment produced on behalf of the Church Commissioners 14.150 pg 309 states:

'With a development site of this scale, some impacts remain significant, and are very hard to mitigate, especially in the case of disturbance from factors such as noise, lighting and increases human presence. Regardless of what measures are put in place, some of the most sensitive species/species groups (farmland breeding birds) are likely to be displaced from the site either temporarily or long term.'

Church Commissioners Report States District Wide Importance for Birdlife and Habitats

Chidswell and Heybeck are of district wide importance for birdlife and habitats.

The Ornithological Survey for the Church Commissioners by Brooks Ecological it states:

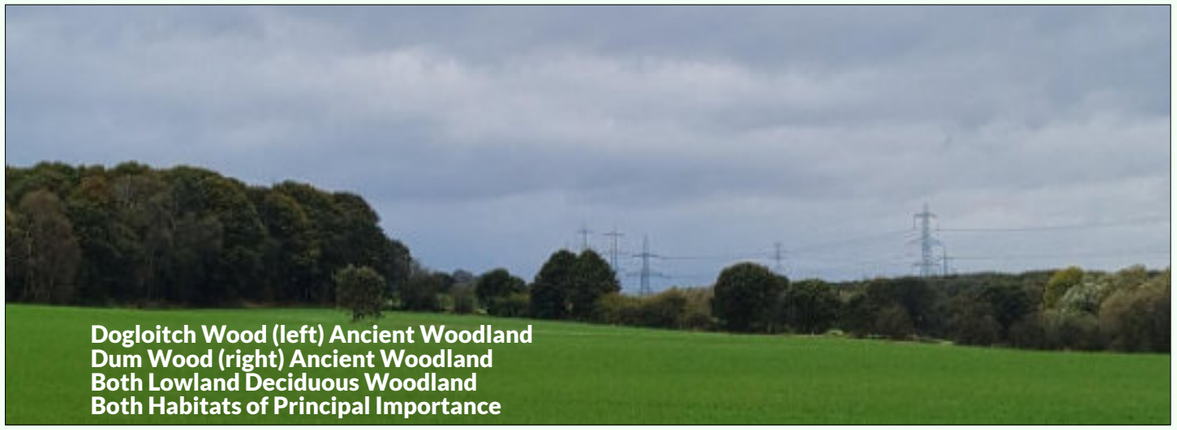
'In assigning ornithological value to the site it is important to recognise the high numbers of breeding birds present in habitats within the site red-line boundary and in peripheral habitats adjoining the site. Alongside breeding and foraging habitat, hedgerows and tree-lines also provide connectivity across the site for birds. These factors combine to produce a relatively high degree of breeding bird diversity and therefore **the ornithological value of the site should, overall, be considered at a district level. Any proposed development would compromise bird diversity through loss of breeding and foraging habitat**, both locally within the site and, given the breeding populations of species such as Skylark and Yellowhammer recorded on surveys in spring 2018, **also at a district level.'**

The Birds of Conservation Concern List 5 states 'biodiversity indicators show long-term declines in farmland birds'.

Emeritus Professor Ian Rotherham, The Advanced Wellbeing Research Centre, Sheffield Hallam University, in his Comments to Kirklees Council 'Specific Comments on the Impact Assessments & Proposals' stated:

•Regarding impacts to hedgerows and trees '**These impacts do require a more formal assessment of the amenity and conservation value** – i-Tree Eco or Helliwell etc. This will provide more robust evidence.

•**It is difficult to see how the impacts on trees, hedgerows or watercourses can be 'beneficial''.** He Adds: 'What work has been done on veteran managed



trees eg coppices and on woodland archaeology – banks, ditches, boundaries, pits and platforms and, routeways? This is very basic stuff for assessing ancient woodland.'

●**Regarding species 'This list seems to have a lot of 'likely absence' claimed.'**

●**'It is unclear how the long-term impacts of the development on the woods in particular, are to be mitigated and managed.'**

●**'This is a major negative impact on a key ecological and heritage resource** – so what mitigation and how funded? With increased numbers of residences and gardens there will undoubtedly be an increased pressure of invasive, non-native species of plants invading the hedges and woods. How will this be monitored, mitigated and managed? Please specify.'

●**'I have serious reservations about the a) work undertaken – in terms of depth, timing, and whether it has been sufficiently comprehensive. Furthermore, the interpretation of significance of bat data (or lack of it) and of detriment to birds such as skylark and yellowhammer, is very questionable**. **Additionally, the importance of the hedgerow habitats and the ancient woodlands as Local Wildlife Sites is consistently down-played and unreasonably so.'**

●**'There are still big gaps to be filled**. Also, mitigation measures need to be detailed and agreed to include long-term monitoring and management – and submitted before 'outline planning permission' is granted. To do this phase by phase is unacceptable.'

NATIONAL PLANNING POLICY GUIDANCE 20 July 2021 Chapter 15 CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

Para 174 **Planning policies and decisions should contribute to and enhance the natural and local environment by:**

a)**Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils** (in a manner commensurate with their statutory status or identified quality in the development plan);

b)**Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services** – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

d)**Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;**

e)**Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability**. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

Para 175:

Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework (Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality), take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and **plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.**

Para 179:

To protect and enhance biodiversity and geodiversity, plans should:

a) **Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks**, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation and

b) **Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species**; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Para 180 When determining planning applications, local planning authorities should apply the following principles:

a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused:

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 (for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

KIRKLEES COUNCIL POLICY LP30

'Biodiversity and Geodiversity

The Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites. **Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network**.

Local Designated Sites and Important Local Ecological Features

Proposals having a direct or indirect adverse effect on a Local Wildlife Site or Local Geological Site, Ancient Woodland, Veteran Trees or other important trees, 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.

Biodiversity and Development

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;

Heybeck Naturally Meandering Watercourse Habitat of Principal Importance

(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.'

Chidswell Heybeck presents consideration as a natural capital opportunity for current and future climate resilience:

How are these proposals going to increase biodiversity?

Habitat loss is a main cause of species extinction, how are these proposals not going to contribute towards species extinction?

How are these proposals going to contribute towards net gain in biodiversity?

How are these proposals going to create biodiversity improvement?

How are these proposals not going to contribute towards net biodiversity loss?

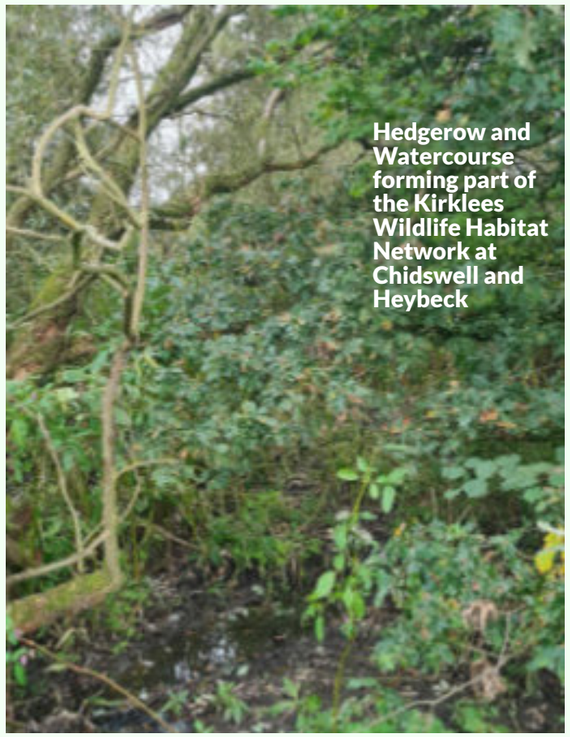
How are these proposals not going to remove carbon storage?

How are these proposals going to conserve in perpetuity biodiversity, both habitat and wildlife, from pollution?

How are these proposals going to protect biodiversity from disturbance impact on all wildlife?

How are these proposals going to improve the health , resilience and abundance of biodiversity?

Given the importance of the habitats and biodiversity at Chidswell Heybeck, and the conclusion in the Church Commissioners' own assessments that a development of this scale cannot be mitigated against, please evidence how this is to be resolved in order to conform with Kirklees' Policy and be part of the solution in tackling climate change and not part of the problem.



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