

Consultation Response from KC, Ecology Unit		
2020/93954 Land at, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY		
Erection of 57 dwellings and associated works		
Date Responded: 21/12/2020	Responding Officer: Amy Reddick	Responding Ref:

Adequacy of ecological information

The application is supported by an Extended Phase 1 Habitat Survey undertaken in 2015 and an Ecological Impact Assessment (EcIA) undertaken in 2020, which is welcomed. The reports conclude that the site is composed primarily of semi-improved and poor semi-improved acid grassland and considers the habitats to have site to local value. However, due to the presence of semi-improved and unimproved lowland acid grassland, which is a habitat of principal importance within Kirklees, it is anticipated these are of district importance and this should be reflected in their assessment within the accompanying metric calculations. However, it is noted that areas of the species rich grasslands are to be retained, translocated or restored post-development and therefore it is accepted that regard has been had to the mitigation hierarchy when considering these habitats. Further details will be required regarding the translocation and establishment of species rich grassland to the west of the site to ensure that the predicted habitat type and condition is achieved.

It is noted that the watercourse is to be retained post-development which is an improvement upon on the outline application and in line with previous comments made by KC Ecology in 2015. However, the watercourse appears to be partially culverted to facilitate the proposed layout. No ecological assessment for how this may impact upon the ecological value of the watercourse has been provided. In addition, it appears that the watercourse will be included within the curtilage of the residential gardens and therefore it's future status and maintenance is uncertain. It would be preferable for the watercourse to be enhanced and managed post-development (perhaps through inclusion into a sustainable drainage scheme) and this is encouraged in order to increase the ecological value and contribute to a biodiversity net gain on the site.

The baseline ecological value of the site and the predicted post-development value have been quantified within the Biodiversity Metric 2.0 however, the justification for condition and strategic significance of the habitats should be demonstrated. Therefore, it is requested that the excel calculations are supplied in order to allow full assessment by the LPA.

Utilising the metric, several habitat creation opportunities have been proposed on and off-site in order to achieve a biodiversity net gain post development. This is welcomed however, regard should be had to Principal 5 of the guidance which accompanies the metric and states *"The metric design aims to encourage enhancement, not transformation, of the natural environment. Where possible, habitat created to compensate for loss of a natural or semi-natural habitat should be of the same broad type"*. As woodland creation is proposed on site (to the south) and off-site in order to compensate for the loss of acid grassland, further clarification for the justification of this is required.

Consultation with statutory bodies

The site is a housing allocation (HS125, formerly H356) in the publication draft of the Kirklees Local Plan and is within 2.5 km of the South Pennine Moors Phase 1 and Phase 2 SPAs, as such the site was discussed within the Habitat Regulations Assessment of the Local Plan. Subsequent amendments have been proposed to the general policies of the Local Plan and site allocation box text to require survey to establish the presence or absence of certain SPA birds during the breeding season.

The assessment of the site with the Local Plan HRA concluded the following in respect of twite and curlew, *"No habitat suitable for foraging twite has been recorded at the only site (H356) within 2.5km of the SPA (Phase 2), therefore effects on twite can be ruled out. This site has habitat potentially suitable for supporting foraging curlew but, as it is separated from the SPA by other potentially suitable habitats, it is considered unlikely that the site is functionally connected to the SPA (Phase 2), in respect of curlew. However, without mitigation, there*

would be a low residual risk of the site being used by curlew that are breeding at the SPA (Phase 2)."

In addition, it was also considered that the site has residual potential for foraging golden plover (a qualifying feature of Phase 1 and Phase 2 of the SPAs).

Although breeding bird surveys have been undertaken on the site as part of the Ecological Impact Assessment, these did not follow the survey methodology as recommended within the Pre-Application response. All of the surveys were undertaken in daytime and establish that it is unlikely that foraging plover or curlew utilise the application site during the daytime for foraging however, during the breeding season male golden plovers forage overnight and therefore further survey effort is required to establish the likelihood of this.

The biodiversity offsetting site is also considered to provide habitat which may be utilised by foraging golden plover and although a statement of consideration of the impacts on Annex 1 habitat and birds has been provided, it is not considered sufficient in order to conclude no likely significant impacts and to demonstrate that that application will comply with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Natural England were also consulted by the applicant via their Discretionary Advice service (DAS) and although no formal response was provided, the loss of functionally linked land at the off-setting site was highlighted as a concern and impacts due to this considered.

A stage 1 (screening) Habitats Regulations Assessment (HRA) has been undertaken by the LPA (appended) which concludes that that significant effects on the SPAs are likely or that sufficient uncertainty remains to indicate that the HRA will need to proceed to stage 2 (appropriate assessment). It is the duty of the applicant to provide sufficient information to evidence the findings of a HRA and therefore the detailed information above is requested. The survey effort with regards to establishing the potential functional linkage to the SPAs should follow the [Standardised method for surveying sites in West Yorkshire with potential functional linkage to Special Protection Areas](#).

Actions required:

- Clarification regarding whether the development site and off-site offsetting site are functionally linked to the South Pennine SPAs.
- Justification for selection of woodland habitat to provide biodiversity net gain rather than species-rich acid grassland.
- Further assessment regarding the culverting of the watercourse, potential enhancement and future management if included withing residential curtilages.

Advice to planning officer

The applicant should provide the further information required in order to allow a HRA appropriate assessment to be undertaken by the LPA. This information is required **before determination** and will also require **consultation with Natural England** following the production of the HRA.

Notwithstanding the above, and provided the other issues are satisfactorily addressed, conditions will need to be applied to any consent granted for a Construction Ecological Management Plan (CEMP) and Biodiversity Enhancement Management Plan (BEMP) to secure the measures recommended within the supporting EclA and ensure compliance with the NPPF and Local Plan Policy LP30.

Insufficient information has been provided to allow me to support the current proposals.

Habitat Regulations Assessment

Stage 1 (Screening)

Iteration number	1
Date assessment completed	21/12/2020
Project location	Land at, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY
Relevant application number(s)	2020/93954
Assessment by	Amy Reddick

Pre-screening step – Gathering Information

Only basic habitat information should be required for screening. If detailed information is needed this indicates that Appropriate Assessment should be undertaken.

State the information sources provided by the applicant.

Report title or other information source description	Date provided
Extended Phase 1 Habitat Survey (SLR, August 2015)	19/11/2020
Ecological Impact Assessment (Middleton Bell Ecology, October 2020)	25/11/2020

State the information sources available for use in the following assessment, other than those provided by the applicant.

Report title or other information source description	Date obtained
	Click here to enter a date.
	Click here to enter a date.

Describe information requested from the applicant, including clarification and update of reports and survey information.

Report title or other information source description	Date obtained
	Click here to enter a date.
	Click here to enter a date.

Step 1 – Management of the Site

Is conservation management of a Natura 2000 site the purpose of the project?

The project or plan is not necessary for or solely conceived for the purpose of conservation management of a Natura 2000 site, or is for such a purpose and has the potential to affect a Natura 2000 site that is not the target for management.

Step 2 – Description of the Project

Provide a brief description of the project.

The site is located approximately 2.3 km from the South Pennine Moors Phase 2 SPA and South Pennine Moors SAC, and approximately 2.4km from the South Pennine Moors Phase 1 SPA. The application is for a residential development of 57 dwellings on 2.1 ha of land currently comprising
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semi-improved acid grassland. The ecological information provided by the applicant indicates the site is divided into six fields, some of which are managed via grazing by horses. The proposals will result in a loss of the majority of grassland habitats on site. The proposals include an off-site compensation scheme in order to deliver a biodiversity net gain. The proposals include the planting of clough woodland at an off-site location approximately 130m from the South Pennine Moors Phase 2 SPA. This area currently consists predominantly of upland acid grassland which will be lost to transition the site into upland oak woodland.

Step 3 – Characteristics of the Natura 2000 Site(s)

Brief descriptions of the Natura 2000 sites likely to be affected by the above project. These descriptions should be used to inform Step 4 below.

South Pennine Moors Special Area of Conservation

The designation covers the major moorland blocks of the South Pennines, from Ilkley in the north to Matlock in the south. The designated area comprises a range of upland habitats including significant areas of wet heathland, and transition mires and quacking bogs, and some of the best examples of dry heathland, upland oak woodlands and blanket bogs in the United Kingdom.

Peak District Moors (South Pennine Moors Phase 1) Special Protection Area

The designation covers the southern part of the South Pennine Moors, from Marsden in the north to Matlock in the south, and includes typical upland mires, heaths and oak woodlands. The designated area supports breeding populations of the following Birds Directive Annex I species:

- Short-eared owl (*Asio flammeus*)
- Merlin (*Falco columbarius*)
- Golden plover (*Pluvialis apricaria*)

A number of these species regularly forage in areas outside of the protected area.

South Pennine Moors Phase 2 Special Protection Area

The designation covers the northern part of the South Pennine Moors, from Ilkley in the north to Marsden in the south, and includes typical upland mires, heaths and oak woodlands. The designated area supports an internationally important breeding bird assemblage typical of upland habitats. The area supports:

- Merlin (*Falco columbarius*)
- Golden plover (*Pluvialis apricaria*)
- Breeding bird assemblage including common sandpiper (*Actitis hypoleucos*), curlew (*Numenius arquata*), dunlin (*Calidris alpina*), lapwing (*Vanellus vanellus*), redshank (*Tringa tetanus*), ring ouzel (*Turdus torquatus*), snipe (*Gallinago gallinago*), twite (*Carduelis flavirostris*), wheatear (*Oenanthe oenanthe*), and whinchat (*Saxicola rubetra*).

A number of the above species regularly forage in areas outside of the protected area.

Step 4 – Assessment of Significance

Based on the project description and characteristics of the Natura 2000 Site(s), identify any elements of the project with potential to impact Natura 2000 sites.

Possible impact	South Pennine Moors Special Area Conservation	Peak District Moors (South Pennine Moors Phase 1) Special Protection Area	South Pennine Moors Phase 2 Special Protection Area
<i>Physical loss of habitat, including functionally linked habitat</i>	No impact predicted	Impact possible	Impact possible
<i>Non-physical disturbance, such as noise</i>	No impact predicted	Impact possible	Impact possible
<i>Air pollution</i>	No impact predicted	No impact predicted	No impact predicted
<i>Recreation and urban impacts</i>	No impact predicted	No impact predicted	No impact predicted
<i>Water quantity and quality</i>	No impact predicted	No impact predicted	No impact predicted

Are any of the above impacts likely to result in significant effects?

South Pennine Moor Special Area of Conservation

No impacts predicted

Peak District Moors (South Pennine Moors Phase 1) Special Protection Area and South Pennine Moors Phase 2 Special Protection Area

No detailed SPA bird survey information is available, and such survey information would not normally be considered at screening stage. The proposals will result in the loss of agricultural fields, approximately 2.1 ha in size, which are currently used for horse grazing and approximately 1.6ha of upland acid grassland located on the moorland fringe. Due to the habitats present and location of both of these sites, they are potentially functionally linked to the SPAs and may be utilised by foraging golden plover during the breeding season (a qualifying feature of both Phase 1 and Phase 2 of the SPA) and by curlew (a qualifying feature of Phase 2). Therefore, the proposals have the potential to cause disturbance to foraging golden plover and potentially result in a loss of foraging habitat which may be valuable to breeding individuals which contribute to the designation of the SPAs and to foraging or breeding curlew.

Where possible impacts are identified in the table above but no likely significant effect is identified for the project in isolation, are in combination effects likely to be significant?

Not applicable as likely significant effects have not been ruled out for the project in isolation.

Conclusion of Stage 1 Assessment

Is the project, either alone or in combination with other plans or projects, likely to result in a significant effect on any Natura 2000 site?

The information provided either suggests that significant effects are likely or that sufficient uncertainty remains to indicate that an appropriate assessment should be carried out.