

**Lingards Road, Slaithwaite**  
**Ecological Impact Assessment**

**24<sup>th</sup> November 2022**



**Prepared by:**

**Middleton Bell Ecology, School House, Green Moor, Sheffield, S35 7DQ**

| Document ref: MBE/ECO/2020/13/4 |            |         |          |      |
|---------------------------------|------------|---------|----------|------|
| Purpose and Description         | Originated | Checked | Reviewed | Date |
| For Planning                    |            |         |          |      |

**Disclaimer**

This report is issued to the client for the sole use and for the intended purpose as stated in the agreement between the client and Middleton Bell Ecology (MBE) under which this work was completed, or else as set out within the report. This report may not be relied upon by any other party without the express written agreement of MBE. The use of this report by unauthorised third parties is at their own risk and MBE accepts no duty of care to any such party.

MBE has exercised due care in preparing this report, it has not, unless specifically stated, independently verified information provided by others. No other warranty, express or implied, is made in relation to the content of this report and MBE assumes no liability for any loss resulting from errors, omissions or misrepresentation made by others.

Any recommendations, opinion or finding stated in this report is based on circumstances and facts as they existed at the time that MBE performed the work. Nothing in this report constitutes legal opinion. If legal opinion is required, the advice of a legal professional should be secured.

|                                                                                                                                                                                                                                    |                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| <b>Site Name</b><br>Lingards Road                                                                                                                                                                                                  | <b>Location</b><br>Slaithwaite, Huddersfield HD7 5HY |
| <b>Local Authority</b><br>Kirklees Council                                                                                                                                                                                         | <b>Grid Reference</b><br>SE 0732 1336                |
| <b>Surveyor</b><br>Peter Middleton MCIEEM                                                                                                                                                                                          | <b>Date of Survey</b><br>02/06/2020                  |
| <b>National Character Area (NCA)</b><br>NCA 37: Yorkshire Southern Pennine Fringe                                                                                                                                                  | <b>Designation of Site</b><br>None                   |
| <b>Phase 1 Habitat Types on Site</b><br>A2.1 Dense scrub, A2.2 Scattered scrub, A3.1 Scattered trees, B1.2 Semi improved acid grassland, B5 Marshy grassland, B6 Poor semi-improved grassland, C3.1 Tall ruderal, G2 Running water |                                                      |
| <b>NVC Communities on Site</b><br>Affinity with MG6 and MG10                                                                                                                                                                       |                                                      |
| <b>Protected/Notable Species, Constraints on Site</b><br>Lowland dry acid grassland, nesting birds                                                                                                                                 |                                                      |
| <b>HPIs and SPIs under NERC Act 2006</b><br>Lowland dry acid grassland                                                                                                                                                             |                                                      |
| <b>Kirklees BAP</b><br>Lowland dry acid grassland                                                                                                                                                                                  |                                                      |

## Contents

|                                                                    |    |
|--------------------------------------------------------------------|----|
| 1. Summary .....                                                   | 3  |
| 2. Introduction .....                                              | 4  |
| 3. Site Description.....                                           | 4  |
| 4. Methodology .....                                               | 5  |
| 5. Ecological Baseline.....                                        | 7  |
| 6. Assessment .....                                                | 18 |
| 7. References .....                                                | 21 |
| Appendix 1. Phase 1 Habitat Plan.....                              | 22 |
| Appendix 2. Plant Species Recorded on Site .....                   | 23 |
| Appendix 3. Relevant Legislation and Policy.....                   | 25 |
| Appendix 4. West Yorkshire Ecology Records .....                   | 28 |
| Appendix 5. Proposed Site Plan.....                                | 29 |
| Appendix 6. Proposed Plan Showing Figures Used in Metric 3.1 ..... | 30 |
| Appendix 7. Defra Metric Headline Results.....                     | 31 |

## 1. Summary

- 1.1.1 This Ecological Impact Assessment (EcIA) for land off Lingards Road, Slaithwaite was commissioned by architect Steve Mitchell on behalf of the client SB Homes on 24<sup>th</sup> April 2020.
- 1.1.2 The survey was commissioned to inform a planning application for a residential development initially comprising 59 dwellings. The layout has subsequently been revised with the number of dwellings now reduced to 43.
- 1.1.3 The site includes 0.38ha of semi-improved acid grassland which comprise a Habitat of Principal Importance included on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 and the Kirklees Biodiversity Action Plan. Areas of acid (semi-improved) and marshy grassland on site total 0.65ha and are considered to be of local level importance to nature conservation. Habitats within the remaining 1.68ha of the site are not considered to be of more than site level importance. The site is not important to any faunal species group at higher than the site level.
- 1.1.4 The proposed development will result in the land-take of approximately 2.33ha of land largely comprising poor semi-improved grassland together with some semi-improved acid grassland, marshy grassland, scattered and dense scrub, tall ruderal vegetation and scattered trees.
- 1.1.5 A small area of semi-improved acid grassland (0.01ha) and most of the small stream will be retained. All remaining site habitats will be lost. This includes the vast majority of semi-improved acid grassland and all marshy grassland, resulting in a negative impact of local importance to nature conservation. The scheme will however include the translocation of approximately 0.10ha of the highest quality semi-improved acid grassland, dwarf shrub planting on green retaining walls together with the establishment of 0.24ha of communal spaces and 0.77ha of new domestic gardens. Detailed measures to implement these proposals, together with street tree planting, new bat and bird box enhancements and hedgehog holes should be conditioned through the requirement for an Ecological Design Strategy (EDS).
- 1.1.6 Other mitigation recommendations include the following:
  - Retained trees – Adopt measures detailed in British Standard 5837 (2012): Trees in relation to design, demolition and construction
  - Nesting birds - Vegetation clearance should take place at a time when it will not affect nesting birds (outside March to August).
  - Water course – It is recommended that best construction practice and environmental management measures are followed to prevent pollution incidents.
- 1.1.7 Using the Biodiversity Metric 3.1 it has been calculated the post-development site will have an ecological value of 6.21 Habitat Units, resulting in a loss of a loss of 3.47 Habitat Units on site (35.9% of the existing site's ecological value). Whilst it is not possible to compensate for the scheme impacts within the site itself, 2.18 Hedgerow Units will be created. It is expected that the client will negotiate a commuted sum with the Local Planning Authority to facilitate habitat improvements in an offsite location.

## 2. Introduction

- 2.1.1 This Ecological Impact Assessment (EclA) for land off Lingards Road, Slaithwaite was commissioned by architect Steve Mitchell on behalf of the client SB Homes on 24<sup>th</sup> April 2020.
- 2.1.2 The survey was commissioned to inform a planning application for a residential development initially comprising 59 dwellings. The layout has subsequently been revised with the number of dwellings now reduced to 43.
- 2.1.3 A previous extended Phase 1 habitat survey was produced for the site in August 2015 (SLR, 2015). A Preliminary Ecological Appraisal (PEA) for the site was undertaken in June 2020 (MBE, 2020) and that report informs this EclA following discussions with the client.
- 2.1.4 The purpose of this report is to present the results of an extended Phase 1 habitat survey, breeding bird survey and subsequent assessment of the schemes impacts. The extended Phase 1 habitat survey includes determining the potential for, or presence of, protected and notable species, plus an appended map of the site showing the Phase 1 habitats present. Scheme impacts have been assessed and agreed mitigation, compensation and enhancement measures have been detailed to allow consideration of any residual impacts.
- 2.1.5 Key legislation relating to designated sites and protected species and habitats is presented in Appendix 3. The implications of legislation are detailed in the body of the report where necessary.

## 3. Site Description

- 3.1.1 The application site, which is a largely triangular area of 2.33ha of land in a somewhat rural location, is accessed off Lingards Road on the western fringes of Slaithwaite. It is approximately eight kilometres southwest of Huddersfield town centre.
- 3.1.2 The site is bordered to the north by residential properties and the A62, and to the east and south by Lingards Road and associated residential properties. The River Colne is approximately 150m to the north of the site, beyond the A62. The wider area comprises mainly broadleaved woodland and grassland.
- 3.1.3 The site supports semi-improved acid grassland and poor semi-improved grassland together with smaller areas of marshy grassland, dense and scattered scrub, scattered trees and a little tall ruderal vegetation are also present. Some of the boundaries comprise dry stone walls, including some which have collapsed in places, forming piles of rubble. A ditch runs through part of the site, flowing north-eastwards, which is joined by a culverted spring from the south.
- 3.1.4 The site falls within National Character Area 37: The Yorkshire Southern Pennine Fringe National Character Area (NCA) is a transitional landscape from the upland areas of the Southern Pennines NCA in the west through to the low-lying land of the Nottinghamshire, Derbyshire and Yorkshire Coalfield NCA to the east. The most striking aspect of the landscape is the mingling of predominantly 'gritstone' industrial towns and villages with the strong valley forms and pastoral agriculture of the Pennine foothills.



- 3.1.5 Information from the Government resource 'MAGIC' describes the soils in the area to comprise freely draining slightly acidic loamy soils.

**Figure 1. The site location, as indicated by red line**



## 4. Methodology

### 4.1 Data Consultation

- 4.1.1 West Yorkshire Ecological (WYE) were contacted to request the following information for locations within a 2km radius of the site:
- Protected and notable species records
  - The boundaries of non-statutory designated sites of nature conservation interest
- 4.1.2 A search of the Multi-Agency Geographical Information for the Countryside (MAGIC) website was undertaken to determine the following for a 2km radius of the site:
- The boundaries of statutory designated sites of nature conservation interest
  - The locations of historic European Protected Species (EPS) licences granted by Natural England
- 4.1.3 A previous extended Phase 1 Habitat Survey report of the site (SLR, 2015) was obtained and consulted in the preparation of a PEA (MBE, 2020) which informs this EclA. This latest version of this report has been updated to include the equivalent UK Habitat Classification methodology (Butcher *et al.*, 2020) and condition assessments (Panks *et al.*, 2022).

## 4.2 Field Survey

### *Extended Phase 1 Habitat Survey*

- 4.2.1 The site was surveyed on 2<sup>nd</sup> June 2020 using extended Phase 1 habitat survey methodology (JNCC, 2010) by Peter Middleton (MCIEEM). Peter visited the site again on 22<sup>nd</sup> November 2022 to record any changes in habitat since 2020.
- 4.2.2 The surveyor is a competent botanist who was a major contributor to the South Yorkshire Plant Atlas (Wilmore *et al.*, 2011). He has more than 20 years' experience of undertaking botanical surveys including appraisals of Local Wildlife Sites (LWSs) in Barnsley, Doncaster and East Yorkshire, as well as National Vegetation Classification (NVC) survey in the Yorkshire Dales National Park.
- 4.2.3 Notable, rare or scarce plant species were highlighted if present. Evidence of protected species or species of nature conservation importance was recorded where present at the time of survey. Species recorded are included within the report as appropriate. Information is presented on the Phase 1 plan, using Target Notes (TN) to identify particular features of interest, where appropriate. Additionally, and where possible, habitats were classified using the National Vegetation Classification (NVC), as described in the JNCC National Vegetation Classification – Users Handbook (Rodwell, 2006).
- 4.2.4 Aerial photographs (Google Earth) were studied to place the site in its wider context and to look for ecological features that would not be evident on the ground during the walkover survey. This was particularly useful for identifying wildlife corridors and ponds but because the latter are often not apparent on aerial photographs, OS 1:25 000 scale maps were also used.

### *Bird Survey*

- 4.2.5 A three-visit bird survey undertaken was undertaken by ornithologist Peter Middleton between 28<sup>th</sup> April and 2<sup>nd</sup> June 2020. All areas of the site were visited to within 50m and all contacts with birds, either by sight or sound were plotted on an appropriate map using standard British Trust for Ornithology (BTO) codes.

## 4.3 Methods of Assessment

- 4.3.1 The value and sensitivity of ecological features present on site were determined based on the guidance given in 'Guidelines on Ecological Impact Assessment' (CIEEM, 2016). Individual ecological receptors (habitats and species that could be affected by the development) for the scheme were assigned levels of importance for nature conservation. The highest level is international, then decreasing in order of importance through national, regional, county, local and lastly site.

## 4.4 Biodiversity Calculation

- 4.4.1 Biodiversity calculations provide a numeric method of calculating biodiversity gains and losses as a result of a proposed development.
- 4.4.2 The Biodiversity Metric 3.1 (Panks *et al.*, 2022) was used to calculate the biodiversity impact of this scheme. This metric uses habitat as a proxy for wider biodiversity with different habitat types scored according to their relative biodiversity value. This value is then adjusted depending on the condition and location of the habitat, to calculate

'biodiversity units. Biodiversity Metric 3.1 incorporates similar but separate calculations for habitats that require a different method of measurement such as hedgerows, lines of trees, rivers, streams and street trees. Calculations are undertaken in a purpose designed spreadsheet, which provides the main output of the process.

- 4.4.3 The site's post development value was based on agreed on-site habitat creation measures detailed in Appendix 5 & 6.

## 4.5 Survey Limitations

- 4.5.1 No significant limitations to an effective extended Phase 1 habitat survey or bird survey were identified.
- 4.5.2 The update habitat survey undertaken on 22<sup>nd</sup> November 2022 was done outside the botanical survey season. A change in the proportion of marshy grassland was recorded, with this habitat showing a clear physical difference from other types of semi-improved grassland on account of the proportion of *Juncus* plants. No attempts were however made to reassess the grasslands' condition, given the time of year.
- 4.5.3 Although no night surveys for golden plover *Pluvialis apricaria*, were undertaken this is considered acceptable as they are shown not to either nest or forage on sloping ground exceeding an angle of 10° (Cramp and Simmons, 1983). Furthermore, it should be noted that the site is limited in size and is surrounded on three sides by residential properties which is a strong negative factor affecting its suitability to attract any of the bird species for which the nearby SPAs have been designated. Golden plover are birds of moorland which do not typically tolerate enclosed sites.

## 5. Ecological Baseline

### 5.1 Data Consultation

- 5.1.1 Designated sites present within 2km of the site are detailed in Table 1.

**Table 1. Designated sites**

| Designation               | Name                      | Interest                    | Distance and direction to site |
|---------------------------|---------------------------|-----------------------------|--------------------------------|
| Local Wildlife Site (LWS) | Huddersfield Narrow Canal | Standing open water         | 300m northwest                 |
|                           | Drop Clough               | Species rich acid grassland | 1.9km west-southwest           |
|                           | Green Hill Clough         | Species rich acid woodland  | 1.95km west-southwest          |

- 5.1.3 The site does not lie within the Kirklees Wildlife Habitat Network, nor is there any Ancient Semi Natural/Replanted Woodland within 2km of the search area.
- 5.1.4 The South Pennine Moors designated sites are present 2.4km west of the site. These sites comprise South Pennine Moors Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI), with the same area included in South Pennine Moors Phase II Special Protection Area (SPA).

- 5.1.5 Records of protected and notable species obtained are discussed in the species accounts within the results section.

## 5.2 Field Survey

- 5.2.1 The arrangement of site habitats is shown on the Phase 1 plan in Appendix 1, whilst a field survey botanical species list is provided in Appendix 2.
- 5.2.2 Most of the habitats within the three western fields are considered to be of local level importance to nature conservation on account of their botanical interest, with the remainder considered to be of site level importance only. The site is unlikely to be of greater than site level importance to any faunal species group.
- 5.2.3 A detailed description of site habitats and the site's potential to support protected and notable species is provided below.

### *Habitats*

- 5.2.4 For ease of description, site fields have been numbered, with field numbers shown in Figure 2.

#### A2.1 Dense scrub (UK Habitat h3d Bramble scrub)

- 5.2.5 In the northwest corner of the site is a small area of bramble *Rubus fruticosus* agg. Scrub, covering a section of the western boundary wall (see TN 1 in Appendix 1). In addition, there are small areas of mixed hawthorn and bramble scrub near the south-eastern boundary, adjacent to Lingards Road, and a small area of bramble covering the wall between Fields 2/3 and Field 4 (Figure 2).

#### **Plate 1. Scrub (and trees) along south-eastern boundary with Lingards Road**



#### A2.2 Scattered scrub (UK Habitat secondary code 10)

- 5.2.6 Scattered scrub is present on almost all field boundaries. The scrub varies in size and age and comprises frequent hawthorn *Crataegus monogyna* and bramble with some specimens of the former species approaching 5m in height. Two rowan *Sorbus aucuparia* were recorded together with rarely occurring elder *Sambucus nigra*, wild cherry *Prunus avium*, silver birch *Betula pendula* and holly *Ilex aquifolium* (see Plate 1).



A3.1 Scattered trees (UK Habitat secondary code 11)

- 5.2.7 Trees on site comprise four semi mature sycamore *Acer pseudoplatanus* and an ash *Fraxinus excelsior* near the boundary in the northeast of the site (Plate 2), two mature pedunculate oak *Quercus robur* towards the western end of the site and several mature hawthorn on the south-eastern boundary adjacent to Lingards Road (see Plate 1).

**Plate 2. Sycamores and an ash (UK Habitat – w1g6 Line of Trees)**



*Site grassland*

B1.2 Semi improved acid grassland (UK Habitat g1d Other lowland acid grassland)

- 5.2.8 Semi improved acid grassland is present in Fields 4 (F4), 5 (F5) and Area 6 (A6) (Figure 2 & Appendix 1), together with areas of marshy grassland.

**Figure 2. Field numbers (F1 – F6)**



- 5.2.9 The steep northern slope of F4 is the most species rich area of the fields and comprises abundant red fescue *Festuca rubra* and sweet vernal grass *Anthoxanthum odoratum* together with frequent sheep's fescue *Festuca ovina* and Yorkshire fog *Holcus lanatus*. Herbs present, comprise frequent pignut *Conopodium majus*, heath bedstraw *Gallium saxatile*, ribwort plantain *Plantago lanceolata*, red clover *Trifolium pratense*, meadow buttercup *Ranunculus acris* and bulbous buttercup *Ranunculus bulbosus*. Species present in smaller quantities include occasional common sorrel *Rumex acetosa*, and catsear *Hypochaeris radicata* together with rarely occurring spear thistle *Cirsium vulgare* and rough meadow-grass *Poa trivialis* (see Plate 3). This grassland is considered to be in moderate condition as it passes four out of five of the Biodiversity Metric 3.1 habitat condition assessment criteria (Panks *et al.*, 2022). The only condition it fails is that the sward height is not varied.

**Plate 3. Species rich semi-improved acid grassland (F4)**



- 5.2.10 The southern and highest elevation section of F5 is less species rich than F4 with fewer indications of an acidic character and some signs of nutrient enrichment. Species present, comprise abundant or locally dominant sweet vernal grass together with locally abundant sheep's fescue, common sorrel and catsear. Heath bedstraw, red fescue and Yorkshire fog are frequent together with occasional broadleaved dock *Rumex obtusifolius*, meadow foxtail *Alopecurus pratensis*, meadow buttercup and ribwort plantain. Species present in smaller quantities include pignut, creeping thistle, cocksfoot *Dactylis glomerata* and red clover. Locally abundant springy turf-moss *Rhytidiadelphus squarrosus* is also present in many places (see Plate 4). This area of acid grassland is considered to be in poor condition as it fails Conditions 1, 2 and 5 of the condition assessment criteria (Panks *et al.*, 2022).
- 5.2.11 At the lowest point of F6 is an area where the water attenuation tank will be located for the development (see Figure 2 and Appendix 1). This section also supports a small area of acid grassland together with marshy grassland.
- 5.2.12 Acid grassland on site is classed within the Lowland Dry Acid Grassland Habitats of Principal Importance included on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. This habitat is also included on the Kirklees Biodiversity Action Plan. The acid grassland at the northwest corner of the site, in particular, comprises a fair example of this habitat type.



**Plate 4. Semi improved acid grassland (F5) in foreground**



**Plate 5. Small field F1 in foreground (the rest of the site is beyond)**



B5 Marshy grassland (UK Habitat g3c8 Holcus-Juncus neutral grassland)

5.2.13 The lower north section of F5, the eastern section of F6 and the southern higher elevation section of F4 supports marshy grassland which has a strong affinity with the National Vegetation Classification MG10 (rush pasture) (Plate 6). This section of habitat comprises abundant soft rush and Yorkshire fog together with frequent meadow buttercup and occasional meadow foxtail, wavy bittercress *Cardamine flexuosa*, broadleaved dock, rough meadow-grass *Poa trivialis* and smooth meadow-grass *Poa pratensis*. These areas are considered to be in moderate condition as there are less than nine species per metre square (This criterion is essential for achieving good condition) (Panks *et al.*, 2022).



**Plate 6. Marshy grassland (UK Hab g3c8) in foreground**



B6 Poor semi-improved grassland (UK Habitat g4 Modified grassland)

5.2.14 Poor semi-improved grassland constitutes the majority of the site, encompassing the majority of F1, F2 & F3. With the exception of F1, these areas of grassland were heavily grazed by horses (at the time of the survey) and the sward was short, comprising an assemblage of grasses including frequent perennial ryegrass *Lolium perenne* and crested dogstail *Cynosurus cristatus*. Other species present frequently comprise common mouseear, meadow buttercup, bulbous buttercup, Yorkshire fog and locally frequent ribwort plantain. Occasional species include meadow foxtail, creeping buttercup *Ranunculus repens*, soft rush *Juncus effusus*, common sorrel, sweet vernal grass, red clover and cocksfoot *Dactylis glomerata*. In addition, rarely occurring American willowherb *Epilobium ciliatum* was present where the ground had previously been poached (see Plate 7). The steep ground adjacent to the south-eastern boundary (TN1) had previously been categorised as acid grassland (SLR 2015), however, this no longer appears to be the case in spite of the presence of frequent red fescue in this area. This grassland is considered to be in poor condition as there are less than six species per metre square and six-eight are essential to meet moderate condition (Panks *et al.*, 2022).

**Plate 7. Poor semi-improved grassland (west end of F3)**





**Plate 8. Small area of tall ruderal vegetation in F1 comprising dominant nettle**



C3 Tall ruderal (UK Habitat g plus secondary code 16 (Tall herb))

- 5.2.15 There is a relatively small area of tall ruderal vegetation dominated by nettle *Urtica dioica*, together with occasional broadleaved dock in the northeast section of the red line boundary (F1).

**Plate 9. Water course**



G2 Running water (UK Habitat r2b Other rivers and streams)

- 5.2.16 A fast-flowing stream, which flows northeast from where it is culverted, exits the site on the north-western boundary, where it is again culverted (Plate 9). The vegetation adjacent to the stream is the same as the surrounding area, with the addition of soft rush and foxglove *Digitalis purpurea*. A spring (and small pool) in F5 (see TN2 and Plate 10) disappears quickly down a pipe, presumably flowing into an underground water storage facility (TN3, Appendix 1, Plate 11).



**Plate 10. Spring a small pool (with duckweed)**



**Plate 11. Water storage tank**



### *Species and species groups*

#### Amphibians

- 5.2.17 No Great Crested Newt (GCN) *Triturus cristatus* records were provided by WYE for locations within a 2km radius of the site. No historic GCN EPS mitigation licences have been issued for locations within 2km of the site.
- 5.2.18 Four water bodies containing standing water were recorded within 1km of the site during the pond search. These include two reservoirs and a canal, with the only pond in a location 840m from the site boundary. Given the lack of ponds in the area, barriers to movement, absence of records and local knowledge of their absence in the Colne Valley, GCN are not considered to be a receptor to the proposed scheme.
- 5.2.19 Other amphibian records provided by WYE for locations within 2km of the site include four common toad *Bufo bufo*, three common frog *Rana temporaria* and two smooth newt *Triturus vulgaris* records. The nearest record to site relates to a common toad,

with the record collected in 2005 from a location 580m from the site centroid. Given the lack of ponds in the local area, usage levels of the site by common amphibians are expected to be low.

#### Badger

5.2.20

5.2.21

#### Bats

5.2.22 One hundred and nine bat records of at least six species were provided by WYE. Species positively identified in the records comprised common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, noctule *Nyctalus noctula*, Leisler's bat *Nyctalus leisleri* and Daubenton's bat *Myotis daubentonii*. No records were received for the site itself and the nearest record (field record) to site (common pipistrelle) was collected in 2012 from a location 298m from the site centroid. The nearest roost to site comprises a noctule hibernaculum, recorded in 2012 from a location 320m of the site centroid.

5.2.23 Two historic EPS mitigation licences have been issued for locations within 2km of the application site. The nearest licence to site was issued in 2014 to permit the destruction of common pipistrelle and soprano pipistrelle resting places at a location 770m northeast of the site centroid.

5.2.24 A wood-framed sheet-metal covered horse shelter is present on the boundary of F1 (see Plate 2). This structure lacks features with potential to accommodate bats and is considered to offer negligible bat roost potential. There are no trees on site which could potentially accommodate roosting bats and the site provides sub-optimal habitat for foraging bats. The site is unlikely to be of more than site level importance to foraging and commuting bats.

#### Birds

5.2.25 Relevant bird records provided by WYE for locations within a 2km radius of the site include short eared owl *Asio flammeus*, merlin *Falco colombaris*, golden plover *Pluvialis apricaria* and lapwing *Vanellus vanellus*. The nearest record to site (lapwing) was collected in 1999 from a location 600m from the application site.

5.2.26 Weather conditions during a three-visit breeding bird survey are shown in Table 2.

**Table 2. Bird survey conditions**

| Weather Conditions    |                |                |                |
|-----------------------|----------------|----------------|----------------|
| Date                  | 28/04/20       | 19/05/20       | 02/06/20       |
| Time                  | 05:45 to 06:30 | 06:20 to 07:00 | 06:30 to 07:30 |
| Temperature start/end | 7°C – 7°C      | 12°C – 12°C    | 10°C - 14°C    |
| Cloud over            | 100%           | 100%           | 40%            |
| Wind speed            | Force 1        | Force 2/3      | Force 1        |
| Wind direction        | Northeast      | West           | North          |



- 5.2.27 A total of 12 species were recorded during the three survey visits including three red listed species within the Birds of Conservation Concern (Eaton *et al.*, 2021). These species comprise house sparrow *Passer domesticus*, starling *Sturnus vulgaris* and song thrush *Turdus philomelos*. However, there is no evidence to suggest they are nesting on site as both house sparrow and starling nest in nearby houses and the song thrush was only recorded briefly singing on a single occasion before it flew to a nearby garden to resume singing. Other species observed foraging on site include blackbird *Turdus merula*, blue tit *Cyanistes caeruleus*, great tit *Parus major*, mistle thrush *Turdus viscivorus*, wood pigeon *Columba palumbus*, crow *Corvus corone*, and jackdaw *Corvus monedula*. Species recorded on site (mostly at the boundaries) that could potentially breed on site include goldfinch *Carduelis carduelis*, wren *Troglodytes troglodytes*, robin *Erithacus rubecula* and mistle thrush.
- 5.2.28 The proposed development site is more than 2km from both the Peak District Moors (South Pennine Moors Phase 1) SPA and the Southern Pennines Phase 2 SPA. Taking distance from these SPAs into account together with a consideration of site habitats (heavily grazed grassland) and topography (steep ground) it is my view, as an experienced ornithologist that impacts upon bird species for which the SPAs are designated are extremely unlikely. This assessment concurs with the site assessment undertaken during the Local Plan HRA, as documented in the LPAs response dated 21st December 2020. In particular, the author is confident the site does not have potential for use by golden plover (day or night) which have been shown not to either nest or forage on ground slopes exceeding angles of 10° (Cramp and Simmons, 1982). Furthermore, it should be noted that the site is limited in size and is surrounded on three sides by residential properties which is a strong negative factor affecting its suitability to attract any of the bird species for which the nearby SPAs have been designated. Golden plover are birds of moorland which do not typically tolerate enclosed sites.
- 5.2.29 Taking the considerations outlined during my initial site assessment, I specified the bird survey works undertaken to address the residual risk of site use by foraging curlew *Numenius arquata*, with no birds of this species recorded during the subsequent surveys. This is the reason for my considered deviation from LPAs standardised guidance, which necessarily specifies surveys able to pick up all species for which the nearby SPAs are designated.

#### Hedgehog

- 5.2.30 One hedgehog *Erinaceus europaeus* record was provided by WYE for a location within a 2km radius of the site. The record collected in 1999 was from a location 760m from the site centroid. The site may be used by this species for foraging, but no more than surrounding habitats.

#### Invasive species

- 5.2.31 No invasive species included on Schedule 9 of the Wildlife & Countryside Act 1981 (as amended) were recorded on site.

#### Invertebrates

- 5.2.32 Given that the majority of the site is heavily grazed, and the remainder is small in its size, significant populations of rarely occurring and/or notable invertebrate species are not likely to be present.

### Plants

- 5.2.33 The most notable species found on site comprise pignut and heath bedstraw which are present in the two fields adjacent to the western boundary. The latter species, together with sheep's fescue and sweet vernal grass (also present) is indicative of acid grassland, with pignut associated with long-established unploughed grasslands.

### Reptiles

- 5.2.34 No reptile records were provided by WYE for locations within 2km of the site. Given the lack of records, unfavourable habitat on site and lack of connectivity with suitable habitats elsewhere, reptiles are not considered a receptor to the proposed scheme.

### Water vole

- 5.2.35 Twenty water vole *Arvicola terrestris* were provided by WYE for locations within a 2km radius of the site. The nearest record to site was recorded in 1999 from a location 184m of the site centroid. All but one record was collected in 1999 with the only recent record (2017) recorded from a location 1.6km of the site centroid.
- 5.2.36 No signs of water voles were recorded on site and the shallow and fast-flowing nature of the site's watercourse makes it largely unsuitable for by this species.

**Table 3. Ecological importance of each habitat, species or species group on site and adjacent**

| Habitat, Species or Species Group | Ecological value       |
|-----------------------------------|------------------------|
| Scattered scrub                   | Site                   |
| Dense scrub                       | Site                   |
| Scattered trees                   | Site                   |
| Semi improved acid grassland      | Local                  |
| Marshy grassland                  | Site                   |
| Poor semi-improved grassland      | Site                   |
| Tall ruderal                      | Site                   |
| Stream                            | Local                  |
| Amphibians                        | Site                   |
| Bats                              | Site                   |
| Birds                             | Site                   |
| Hedgehog                          | Site                   |
| Reptiles                          | Unlikely to be present |
| Invasive species                  | None                   |
| Invertebrates                     | Site                   |
| Plants                            | Local                  |
| Water vole                        | Not present            |

## **5.3 Biodiversity Calculation**

- 5.3.1 The existing site's value as calculated by the Biodiversity Metric 3.1 tool is 9.68 Habitat Units. The existing site has no hedgerow units and the condition assessment criteria for Rivers and Streams (Panks *et al.*, 2022) appears to be inappropriate for such a small stream that is on site.



## 6. Assessment

### 6.1 Proposals

- 6.1.1 The proposed development will result in the land-take of approximately 2.33ha of land largely comprising poor semi-improved grassland together, with semi-improved acid grassland, marshy grassland, scattered and dense scrub, tall ruderal vegetation and scattered trees. A small area of semi-improved acid grassland and most of the stream will be retained.
- 6.1.2 The assessment of impacts is based upon the proposed site layout plan entitled: Lingards Road, Slaithwaite. Drawing No E19/7567/000K – Haigh Huddleston & Associates, January 2021 (Appendix 5).
- 6.1.3 The scheme includes the translocation of approximately 0.10ha of the highest quality semi-improved acid grassland (the northern section of F4) to cover an area of marshy grassland, to be first excavated during the creation of attenuation tanks. A total of 0.24ha of land will comprise new areas of community open space, whilst 0.77ha will comprise new domestic gardens, with an extra 0.08ha comprising mixed scrub and dwarf shrub on green retaining walls. In addition, 437m of new hedgerow will be planted. Built land including dwellings, roads and drives will account for 1.1ha of the site.

### 6.2 Assessment of Effects, Mitigation Measures and Enhancements

- 6.2.1 The assessment of effects, mitigation measures and selected enhancements are considered in relation to habitat, species or species group.

#### Designated sites

- 6.2.2 No impacts upon designated sites are anticipated due to the nature and scale of the development and distance of designated sites from the development area.
- 6.2.3 South Pennine Moors Phase 2 Special Protection Area (SPA) is located 2.3km west of the site. The primary reasons for selection of this SPA are due to it supporting a significant proportion of the national population of short eared owl, merlin and golden plover. None of these species were recorded on site during the bird survey and none are likely to use the site given the close proximity of the site to habitation, the site's topography, distance from the SPA and the fact that the site it is largely overgrazed. These species and other species of wading bird are not considered to be a receptor to the proposed scheme.

#### Habitats

- 6.2.4 Habitats lost include areas of semi-improved acid grassland and marshy grassland which are considered to be of local level importance to nature conservation. Habitats across the remainder of the site are considered to be of no more than site level importance to conservation. The highest quality of semi-improved acid grassland, including the area of pignut, will be translocated to the western edge of the site and managed thereafter with grazing. Nevertheless, the combined land-take of semi-improved acid grassland and marshy grassland is considered to comprise a negative impact of local importance to nature conservation.

- 6.2.5 Twenty-two metres of the stream will be culverted, the remainder (42m) to be retained. The loss of this short section of small stream is considered to comprise a negative impact of local importance to nature conservation.
- 6.2.6 In order to partially compensate for the loss of grassland, the proposed scheme includes the planting of 0.24ha of community green space, whilst 0.77ha will comprise new domestic gardens. Planting proposals will include new native scrub, dwarf shrub and tree planting, together with the planting of wildlife friendly ornamental species. Forty-two new trees, comprising a mix of native and wildlife friendly non-native species will be planted in new communal areas on site, with two high quality oaks to be retained in the public open space. It is recommended that on-site habitat translocation and creation measures are formalised within an Ecological Design Strategy (EDS) to be secured by a planning condition.
- 6.2.7 Existing trees that will be retained will be protected during construction in accordance with British Standard 5837 (2012): Trees in relation to design, demolition and construction. Root Protection Zones (RPZ's) will be calculated and implemented to prevent harm to trees. This will also apply to any trees outwith the site, up to 5m from the boundary.
- 6.2.8 In order to minimise the risk of a pollution incident to the water course, it is recommended that best construction practice and environmental management including CIRIA guidance (Conolly and Charles, 2005) and various DEFRA/Environmental Agency guidelines (2016), that have replaced the Pollution Prevention Guidelines (Environment Agency, 2007) are followed. In particular site compounds should be sited away from the watercourse and any mechanical equipment used on site should be equipped with spill kits and operators should be trained in their usage.

#### Species and Species Groups

##### *Bats*

- 6.2.9 The existing site provides sub-optimal foraging habitat for this species group; however, it benefits from an absence of artificial lighting. Artificial lighting will be installed within the scheme resulting in a negative impact to bats at no greater than a site level.
- 6.2.10 Bat mitigation and enhancement measures will include the integration of cavity boxes within the gables of 20% of the dwellings. It is recommended that the specification and exact location of bat boxes is detailed in an EDS produced for the site to be secured by a planning condition.

##### *Birds*

- 6.2.11 Nesting birds are subject to legal protection (Appendix 3) which amongst other things makes it an offence to take, damage or destroy a bird nest. In the absence of mitigation, the removal of trees and scrub has potential to result in the destruction of active nests. Consequently, site clearance should not be undertaken during the bird nesting period (March-August (inclusive)). If limited clearance of potential bird breeding habitat is required during the breeding season, then this should be preceded by a nesting bird check to be undertaken by an ecologist.
- 6.2.12 Enhancements for birds will be provided through the installation of swift boxes *Apus apus* boxes in 100% of new dwellings. Studies have shown that swift boxes are used

by other bird species that utilise buildings and consequently this measure will provide potential nesting space for sparrows and starlings, in addition to potentially providing future nest space for swift. These boxes will be installed under eaves, integral to the fabric of the buildings on the north and east elevations. The specification and exact location of bird boxes is expected to be detailed in an EDS produced for the site to be secured by a planning condition.

#### *Hedgehogs*

- 6.2.13 Hedgehog *Erinaceus europaeus* will be afforded free movement through the site through the creation of access holes provided at the bottom in corners or junctions of all new fences. The location and specification of these hedgehog holes is expected to be detailed in an EDS document for the development.

### **6.3 Biodiversity Calculation**

- 6.3.1 It is calculated the post-development the site will have an ecological value of 6.21 Habitat Units, resulting in a loss of 3.47 Habitat Units on site (35.9% of the existing site's ecological value). Whilst it is not possible to compensate for scheme impacts within the site itself, 2.18 Hedgerow units will be created (see Appendix 7).

### **6.4 Conclusions and Residual Effects**

- 6.4.1 The development will result in a negative impact of local importance to nature conservation (loss of semi-improved acid and marshy grassland on site). The proposals do however include translocation of the most ecologically interesting section of semi-improved acid grassland. No other impacts of greater than site level importance to nature conservation will result from the scheme.
- 6.4.2 It is not possible to compensate for the scheme impacts within the site itself. Therefore, it is expected that the client will negotiate a commuted sum with the Local Planning Authority to facilitate habitat improvements in an offsite location.



## 7. References

Butcher B, Carey P, Edmonds R, Norton L & J Treweek (2020) The UK Habitat Classification User Manuals Version 1.1 at <http://www.ukhab.org/>

CIEEM (2016) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

CIEEM (2017) Guidelines for Preliminary Ecological Appraisal, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

Connolly, S and Charles, P. (2005) Environmental Good Practice Pocket Book. CIRIA, London.

Cramp S, & Simmons K.E.L 1982. The Birds of the Western Palearctic, Volume 3, Waders to Gulls. Oxford University Press, Oxford.

Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2021) Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man. British Birds 108, 708–746.

Joint Nature Conservation Committee (2010). Handbook for Phase 1 Habitat Survey - a Technique for Environmental Audit. Reprinted by JNCC, Peterborough.

Panks S, White N, Newsome A, Potter J, Heydon M, Mayhew E, Alvarez M, Russell T, Scott SJ, Heaver M, Scott SH, Treweek J, Butcher B & D Stone (2022) The Biodiversity Metric 3.1: auditing and accounting for biodiversity value. Natural England.

Rodwell, J.S, (2006), NVC Users' Handbook. JNCC

SLR (2015) SLR Ref: 424.04328.00004 Land off Lingards Lane, Slaithwaite – Extended Phase 1 Habitat Survey. SLR

Wilmore GTD, Lunn J and Rodwell JS. (2011) The South Yorkshire Plant Atlas, Yorkshire Naturalist Union.

## **Appendix 1. Phase 1 Habitat Plan**





| Survey Information     |                                                        |
|------------------------|--------------------------------------------------------|
| <div></div>            | Site boundary (23,399.4m <sup>2</sup> )                |
| Phase 1 Habitat Survey |                                                        |
| <div></div>            | Dense scrub (201.0m <sup>2</sup> )                     |
| <div></div>            | Semi-improved acid grassland (3,809.2m <sup>2</sup> )  |
| <div></div>            | Marshy grassland (2,676.8m <sup>2</sup> )              |
| <div></div>            | Poor semi-improved grassland (16,656.2m <sup>2</sup> ) |
| <div></div>            | Tall ruderal (56.2m <sup>2</sup> )                     |
| <div></div>            | Running water (65.2m)                                  |
| <div></div>            | Fence                                                  |
| <div></div>            | Wall                                                   |
| <div></div>            | Wall - derelict                                        |
| <div></div>            | Steep bank                                             |
| <div></div>            | Scattered broadleaved tree                             |
| <div></div>            | Scattered scrub                                        |
| <div></div>            | Target note                                            |

**Target Notes:**

[1] Steep bank  
[2] Spring and pool culverted downstream  
[3] Underground water storage covered in corrugated sheeting and enclosed by stone wall  
[4] Species rich acid grassland  
[5] Fast flowing stream  
[6] Pile of stone (masonry)  
[7] Location of culverted spring

Source:  
Ordnance Survey © Crown copyright 2022, All rights reserved. License Number 100049837.

0 5 10 20 30  
Metres

PROJECT TITLE

**LINGARD ROAD, SLAITHWAITE**

DRAWING TITLE

**Figure 1. Phase 1 Habitat Plan**

| VER | DATE     | REMARKS | Drawn | Checked |
|-----|----------|---------|-------|---------|
| 2.5 | 22/11/22 | Phase 1 | MP    | PM      |

DRAWING NUMBER:

**MIDDLETONBELLECOLOGY/LingardRd/Phase 1**

| SCALE | 1:950 | PLOT SIZE | A3 | DATUM | OSGB | PROJECTION | BNG |
|-------|-------|-----------|----|-------|------|------------|-----|
|-------|-------|-----------|----|-------|------|------------|-----|

**Middleton Bell Ecology**  
33 Wilthorpe Road, Barnsley, South Yorkshire, S75 1JA  
www.middletonbellecology.co.uk  
T: 01226 286282

**Middleton Bell ECOLOGY**



## Appendix 2. Plant Species Recorded on Site

| Full Species List                        |                              |              |
|------------------------------------------|------------------------------|--------------|
| English Name                             | Scientific Name              | DAFOR Rating |
| <b>A2.1 Dense scrub</b>                  |                              |              |
| Bramble                                  | <i>Rubus fruticosus</i> agg. | Loc D        |
| Hawthorn                                 | <i>Crataegus monogyna</i>    | O            |
| <b>A2.2 Scattered scrub</b>              |                              |              |
| Elder                                    | <i>Sambucus nigra</i>        | R            |
| Hawthorn                                 | <i>Crataegus monogyna</i>    | F            |
| Holly                                    | <i>Ilex aquifolium</i>       | R            |
| Wild cherry                              | <i>Prunus avium</i>          | R            |
| Bramble                                  | <i>Rubus fruticosus</i> agg. | F            |
| Silver birch                             | <i>Betula pendula</i>        | R            |
| Rowan                                    | <i>Sorbus ocuparia</i>       | R            |
| <b>A3.1 Scattered trees</b>              |                              |              |
| Sycamore                                 | <i>Acer psuedoplatanus</i>   | O (4)        |
| Ash                                      | <i>Fraxinus excelsior</i>    | R            |
| Hawthorn                                 | <i>Crataegus monogyna</i>    | O            |
| Pendunculate oak                         | <i>Quercus robur</i>         | O (2)        |
| <b>B1.2 Semi improved acid grassland</b> |                              |              |
| Sweet vernal grass                       | <i>Anthoxanthum odoratum</i> | A            |
| Yorkshire fog                            | <i>Holcus lanatus</i>        | F            |
| Red clover                               | <i>Trifolium pratense</i>    | F            |
| Common sorrel                            | <i>Rumex acetosa</i>         | O/F          |
| Soft rush                                | <i>Juncus effusus</i>        | Loc F        |
| Red fescue                               | <i>Festuca rubra</i>         | A            |
| Sheep's fescue                           | <i>Festuca ovina</i>         | O            |
| Meadow buttercup                         | <i>Ranunculus acris</i>      | F            |
| Bulbous buttercup                        | <i>Ranunculus bulbosus</i>   | F            |
| Ribwort plantain                         | <i>Plantago lanceolata</i>   | F            |
| Pignut                                   | <i>Conopodium majus</i>      | F            |
| Heath bedstraw                           | <i>Gallium saxatile</i>      | F            |
| Spear thistle                            | <i>Cirsium vulgare</i>       | R            |
| Catsear                                  | <i>Hypochaeris radicata</i>  | F            |
| Rough meadow-grass                       | <i>Poa trivialis</i>         | R            |
| Common mouseear                          | <i>Cerastium fontanum</i>    | Loc O        |
| <b>B5 Marshy grassland</b>               |                              |              |
| Soft rush                                | <i>Juncus effusus</i>        | A            |
| Yorkshire fog                            | <i>Holcus lanatus</i>        | A            |
| Meadow foxtail                           | <i>Alpecurus pratensis</i>   | F            |
| Rough meadow-grass                       | <i>Poa trivialis</i>         | O            |
| Smooth meadow-grass                      | <i>Poa pratensis</i>         | O            |
| Broad leaved dock                        | <i>Rumex obtusifolius</i>    | O            |
| Wavy bittercress                         | <i>Cardamine flexuosa</i>    | O            |
| <b>B6 Poor semi improved grassland</b>   |                              |              |
| Rough meadow-grass                       | <i>Poa trivialis</i>         | O            |
| Smooth meadow-grass                      | <i>Poa pratensis</i>         | F            |
| Sweet vernal grass                       | <i>Anthoxanthum odoratum</i> | F            |
| Cocksfoot                                | <i>Dactylis glomerata</i>    | R            |
| Yorkshire fog                            | <i>Holcus lanatus</i>        | Loc A        |

|                          |                             |       |
|--------------------------|-----------------------------|-------|
| Red clover               | <i>Trifolium pratensis</i>  | O     |
| Broad leaved dock        | <i>Rumex obtusifolius</i>   | O     |
| Spear thistle            | <i>Cirsium vulgare</i>      | R     |
| Soft rush                | <i>Juncus effusus</i>       | O     |
| Common sorrel            | <i>Rumex acetosa</i>        | O     |
| Tufted vetch             | <i>Vicia cracca</i>         | Loc O |
| Meadow buttercup         | <i>Ranunculus acris</i>     | F     |
| Creeping buttercup       | <i>Ranunculus repens</i>    | O     |
| Bulbous buttercup        | <i>Ranunculus bulbosus</i>  | F     |
| Crested dogtail          | <i>Cynosurus cristatus</i>  | Loc F |
| Ribwort plantain         | <i>Plantago lanceolata</i>  | Loc F |
| Meadow foxtail           | <i>Alopecurus pratensis</i> | F     |
| Perennial ryegrass       | <i>Trifolium repens</i>     | Loc F |
| American willowherb      | <i>Epilobium ciliatum</i>   | R     |
| Common mouseear          | <i>Cerastium fontanum</i>   | Loc F |
| <b>C3.1 Tall ruderal</b> |                             |       |
| Broad leaved dock        | <i>Rumex obtusifolius</i>   | O     |
| Nettle                   | <i>Urtica dioica</i>        | D     |

### Appendix 3. Relevant Legislation and Policy

Wildlife legislation relating to statutory designated sites and species is summarised in Table A1 and A2 below. This legal information is intended for summary only, and the original legal documents should be consulted if a detailed understanding is required.

**Table A1.** Legislation relating to designated sites and habitats

| Designated Site               | Legal Status                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Special Protection Area (SPA) | SPAs are strictly protected sites classified in accordance with Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC), also known as the Birds Directive. They are classified for rare and vulnerable birds, listed in Annex I of the Birds Directive, and for regularly occurring migratory species. The Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 are the legal instrument for implementing the Birds Directive in the UK. SPAs are of at least European importance to nature conservation. |
| Local Wildlife Site (LWS)     | While they have no direct legal status, Local Wildlife Sites are considered important enough to receive recognition within the planning system. National planning policy requires local authorities to identify Local Wildlife Sites and provide for their protection through local policy.                                                                                                                                                                                                                                                                                             |

**Table A2.** Legislation relating to species

| Species                                                                                               | Legal Status                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| European protection                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| European Protected Species (EPS) (including bats, Great Crested Newt (GCN), otter and hazel dormouse) | <p>These animal species and their breeding sites or resting places are protected under Regulation 41 of the Conservation of Habitats and Species Regulations 2017, which makes it illegal to:</p> <ul style="list-style-type: none"> <li>• Intentionally or deliberately capture, injure or kill any such animal or to deliberately take or destroy their eggs.</li> <li>• Deliberately disturb such an animal.</li> <li>• Damage or destroy a breeding site or resting place of such an animal.</li> </ul> <p>European Protected Species (EPS) licences can be granted by Natural England in respect of development to permit activities that would otherwise be unlawful under the Conservation Regulations, providing that the following 3 tests (set out in the EC Habitats Directive) are passed:</p> <ul style="list-style-type: none"> <li>• The development is for reasons of overriding public interest.</li> <li>• There is no satisfactory alternative; and</li> <li>• The favourable conservation status of the species concerned will be maintained and/or enhanced.</li> </ul> <p>Under Regulation 9(5) of the Conservation Regulations, Planning Authorities have a legal duty to 'have regard to the requirements of the EC Habitats Directive in the exercise of their functions'. This means that they must consider the above 3 tests when determining whether Planning Permission should be granted for developments</p> |



| Species                                                                                     | Legal Status                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                             | likely to cause an offence under the Conservation Regulations. As a consequence, Planning Applications for such developments must demonstrate that the 3 tests will be passed.<br><br>Natural England also allow sites to be registered on the Bat Low Impact Class Licence to permit activities that would otherwise be unlawful under the Conservation Regulations where the 3 tests can be passed and the bat roosts to be impacted are of low conservation status.                                                                                             |
| National protection                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| European Protected Species and other species including water vole and white clawed crayfish | These animals receive full protection under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to: <ul style="list-style-type: none"> <li>• Intentionally kill, injure or take any such animal.</li> <li>• Intentionally or recklessly damage, destroy or obstruct any place used for shelter or protection by any such animal; and</li> <li>• Intentionally or recklessly disturb such animals while they occupy a place used for shelter or protection.</li> </ul> |
| Reptile species                                                                             | These animals receive limited protection under The Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal to intentionally kill or injure any such animal.                                                                                                                                                                                                                                                                                                                                           |
| Badger                                                                                      | The Protection of Badgers Act 1992 makes it illegal to wilfully kill or injure a Badger or attempt to do so and also make it illegal to intentionally or recklessly interfere with a Badger sett. This includes damaging or destroying a sett, obstructing access to a sett and disturbing a Badger while it is occupying a sett. Licences can be granted by Natural England to permit sett closure and/or disturbance between July and November inclusive.                                                                                                        |
| Schedule 1 birds                                                                            | Special penalties relate to offences concerning birds listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). In addition to the offences detailed above relating to all wild birds, it is illegal to intentionally or recklessly disturb any Schedule 1 bird or their dependent young while nesting.                                                                                                                                                                                                                                          |
| All bird species                                                                            | All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000), which makes it illegal (subject to exceptions) to: <ul style="list-style-type: none"> <li>• Intentionally kill, injure or take any wild bird.</li> <li>• Take, damage or destroy the nest (whilst being built or in use) or eggs of any wild bird.</li> </ul>                                                                                                                                                                 |
| Invasive species                                                                            | The Wildlife and Countryside Act 1981 (as amended) contains measures for preventing the establishment of non-native species which may be detrimental to native wildlife, prohibiting the release of animals and planting of plants listed in Schedule 9 of the Act. In relation to Schedule 9 plants it is an offence to plant or otherwise cause these plant species to grow in the wild.                                                                                                                                                                         |

### Species and Habitats of Principal Importance

Planning authorities have a duty under Section 40 of the NERC Act 2006 to have regard to priority species and habitats in exercising their functions including development control and planning. In compliance with Section 41 of the NERC Act, the Secretary of State has published a list of species and habitats considered to be of principal importance for conserving

biodiversity in England under the UK Post-2010 Biodiversity Framework. This is known as the list of Habitats and Species of Principal Importance (HPI/SPI). The HPI/SPI list is used to guide planning authorities in implementing their duty under the NERC Act.

### **National Planning Policy Framework**

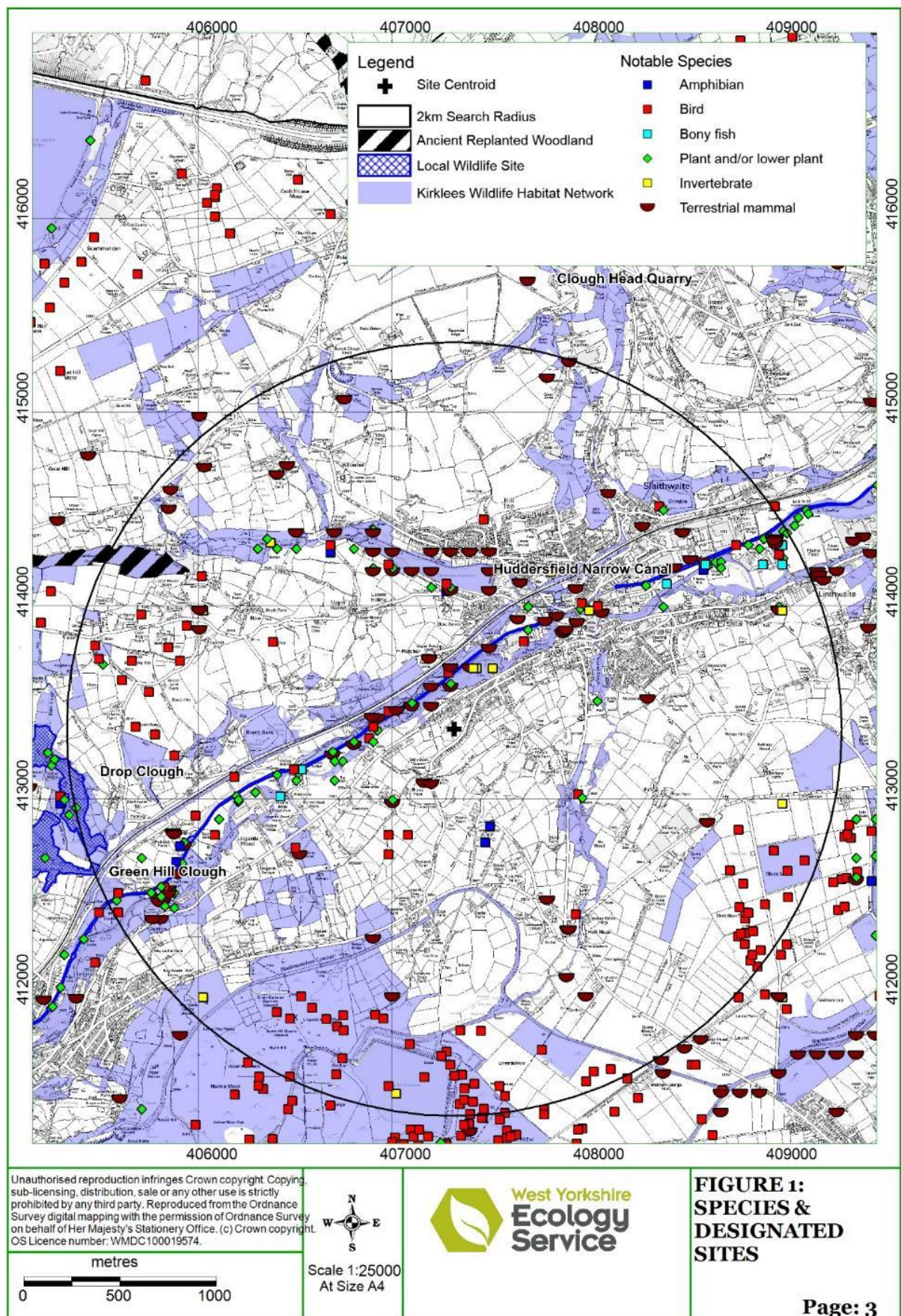
The National Planning Policy Framework for England was revised in 2019. This document states that plans should 'promote the conservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'. It also puts an emphasis on refusing development which would result in the 'loss or deterioration of irreplaceable habitats (such as ancient woodland)' unless there are 'wholly exceptional reasons and a suitable mitigation strategy exists'.

### **Local Biodiversity Action Plans**

The HPI/SPI list included on Section 41 of the NERC Act 2006 is supported by a series of Local Biodiversity Action Plans (LBAPs), usually set up on a local authority local authority administrative boundary basis. Each LBAP identifies those habitats and species considered to be most important in that area (usually referred to as priority habitats and species). Commonly, an LBAP will identify a number of habitats and species for which "action plans" have been prepared.



## Appendix 4. West Yorkshire Ecology Records





## **Appendix 5. Proposed Site Plan**





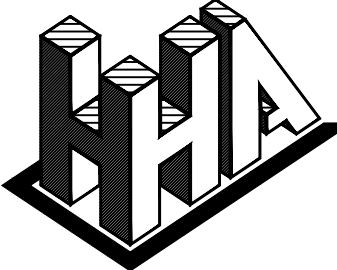
- LAND OWNERSHIP BOUNDARY
- ADOPTED HIGHWAY - TARMAC
- ADOPTED HIGHWAY - BLOCK PAVED
- ADOPTED HIGHWAY - GRASS VERGE
- FOOTPATH LINK
- PUBLIC OPEN SPACE - POS
- PRIVATE DRIVE - TARMAC
- PRIVATE DRIVE - BLOCK PAVED
- PRIVATE GARDEN - TOPSOIL
- EXISTING WATERCOURSE
- NEW TREES - INDICATIVE ONLY
- G GARAGE
- +0.00 PROPOSED GROUND LEVELS
- GF 0.00 LG 0.00 PROPOSED FINISHED FLOOR LEVELS
- BIN COLLECTION POINT

Rev K Footpath link and rear gardens to plots 24 & 27 amended. 22.11.22 HH  
Site entrance & Road 2/2A updated to suit Kirklees comments. FFL's to plots 17-20 amended to suit.

Rev J Road 1A widened & Road 2A lengthened to suit tracking requirements. 18.11.22 HH  
Lingard Road widened and site junction radii amended to suit highway comments. Site line to plot 43 & bin collection points to plot 9-12 amended.

Rev H Visitor parking added. 10.10.22 HH  
Rev G Plot 24 house type amended. 30.09.22 HH  
Rev F Plots 34-42 amended. Plot 43 added. 29.09.22 HH  
Rev E Road 1A amended to suit Kirklees comments 21.07.22 HH  
Rev D Plot 6-19 & 24 amended to suit clients instructions. Site entrance radii increased. Highway dimensions added. Visibility splays added to plots 36-41. 21.07.22 HH  
Bin collection points added. Rd levels amended to suit longitudinal sections.

Rev C Plots 1 & 13-20 updated to suit new house types 18.05.22 HH  
Rev B Layout updated to suit latest comments 12.05.22 HH  
Rev A Additional levels added 03.03.22 HH



**Haigh Huddleston & Associates**  
Civil Structural Engineering Consultants

Firth Buildings, 99 - 101 Leeds Rd, Dewsbury, WF12 7BU t 01924 464342 f 01924 450662  
e trevor.haigh@haighhuddleston.co.uk

|                           |      |        |                        |
|---------------------------|------|--------|------------------------|
| Client                    |      |        |                        |
| SB HOMES                  |      |        |                        |
| Project                   |      |        |                        |
| LINGARD ROAD, SLAITHWAITE |      |        |                        |
| Detail                    |      |        |                        |
| PLANNING LAYOUT           |      |        |                        |
| Dwn                       | Chkd | Date   | Scale Dwg No.          |
| HH                        |      | Jan-21 | 1:500@A1 E19/7567/000K |



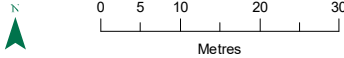
## **Appendix 6. Proposed Plan Showing Figures Used in Metric 3.1**





| Survey Information |                                               |
|--------------------|-----------------------------------------------|
| <div></div>        | Site boundary (23,399.4m <sup>2</sup> )       |
| Proposed Habitats  |                                               |
| <div></div>        | Native scrub (781.5m <sup>2</sup> )           |
| <div></div>        | Acid grassland (1,088.9m <sup>2</sup> )       |
| <div></div>        | Private garden (7,678.1m <sup>2</sup> )       |
| <div></div>        | Wildflower grassland (2,268.0m <sup>2</sup> ) |
| <div></div>        | Green retaining wall (360.6m <sup>2</sup> )   |
| <div></div>        | Building (3,403.4m <sup>2</sup> )             |
| <div></div>        | Hardstanding (7,541.2m <sup>2</sup> )         |
| <div></div>        | Future development (277.7m <sup>2</sup> )     |
| <div></div>        | Hedgerow (306.9m)                             |
| <div></div>        | Beech hedgerow (130.0m)                       |
| <div></div>        | Running water (42.7m)                         |

Source:  
Ordnance Survey © Crown copyright 2022, All rights reserved. License Number 100049837.



PROJECT TITLE

**LINGARD ROAD, SLAITHWAITE**

DRAWING TITLE

**Figure 2. Proposed Site Plan**

| VER | DATE     | REMARKS  | Drawn | Checked |
|-----|----------|----------|-------|---------|
| 3.3 | 24/11/22 | Proposed | MP    | PM      |

DRAWING NUMBER:

**MIDDLETONBELLECOLOGY/LingardRd/Proposed**

| SCALE | 1:950 | PLOT SIZE | A3 | DATUM | OSGB | PROJECTION | BNG |
|-------|-------|-----------|----|-------|------|------------|-----|
|-------|-------|-----------|----|-------|------|------------|-----|



## Appendix 7. Defra Metric Headline Results

|                                                                                                                                  |                              |                        |
|----------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------|
| <div>Lingards Road</div> <div>Headline Results</div>                                                                             |                              | Return to results menu |
| On-site baseline                                                                                                                 | Habitat units                | 9.68                   |
|                                                                                                                                  | Hedgerow units               | 0.00                   |
|                                                                                                                                  | River units                  | 0.00                   |
| On-site post-intervention<br>(Including habitat retention, creation & enhancement)                                               | Habitat units                | 6.21                   |
|                                                                                                                                  | Hedgerow units               | 2.18                   |
|                                                                                                                                  | River units                  | 0.00                   |
| On-site net % change<br>(Including habitat retention, creation & enhancement)                                                    | Habitat units                | -35.86%                |
|                                                                                                                                  | Hedgerow units               | 0.00%                  |
|                                                                                                                                  | River units                  | 0.00%                  |
| Off-site baseline                                                                                                                | Habitat units                | 0.00                   |
|                                                                                                                                  | Hedgerow units               | 0.00                   |
|                                                                                                                                  | River units                  | 0.00                   |
| Off-site post-intervention<br>(Including habitat retention, creation & enhancement)                                              | Habitat units                | 0.00                   |
|                                                                                                                                  | Hedgerow units               | 0.00                   |
|                                                                                                                                  | River units                  | 0.00                   |
| Total net unit change<br>(including all on-site & off-site habitat retention, creation & enhancement)                            | Habitat units                | -3.47                  |
|                                                                                                                                  | Hedgerow units               | 2.18                   |
|                                                                                                                                  | River units                  | 0.00                   |
| Total on-site net % change plus off-site surplus<br>(including all on-site & off-site habitat retention, creation & enhancement) | Habitat units                | -35.86%                |
|                                                                                                                                  | Hedgerow units               | 100.00%                |
|                                                                                                                                  | River units                  | 0.00%                  |
| Trading rules Satisfied?                                                                                                         | No - Check Trading Summary ▲ |                        |