

1 Leeds Road,
Birstall, Batley

Update Preliminary Ecological Appraisal

March 2022

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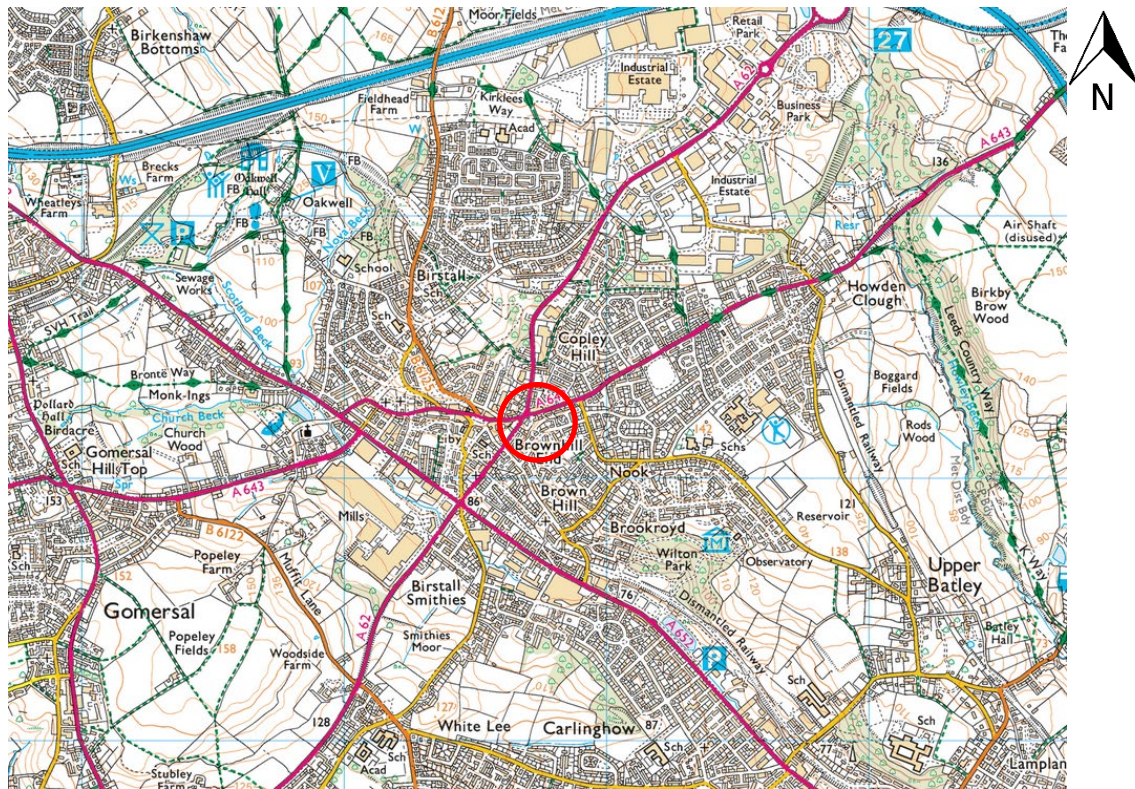
1 Introduction

- 1.1.1.1 This report presents the results of an Update Preliminary Ecological Appraisal undertaken at 1 Leeds Road, Birstall, Batley WF17 0EW. The study area (see Figure 1) extends to approximately 0.4 hectares and is centred at approximate grid reference SE22702622.
- 1.1.1.2 Key information from the following previous documents is reproduced in this document:
- Quants Environmental Ltd. (2020). 1 Leeds Road, Birstall, Batley. Preliminary Ecological Appraisal, May 2020
 - Quants Environmental Ltd. (2021). 1 Leeds Road, Birstall, Batley. Dusk Emergence Bat Survey, May 2021.
- 1.1.1.3 The aims of this assessment were to identify the habitat types present on the site, to assess the potential for protected / notable species to occur and to make any recommendations for further surveys or assessments which may be required in relation to proposed development at the site comprising a New Build Convenience Store at the site.
- 1.1.1.4 An Update Preliminary Ecological Appraisal survey was conducted on 1st March 2022 by Toby Fisher MCIEEM CEnv. A desk-based study was also undertaken to obtain previous bat records for the site and the surrounding area.

Figure 1. Site area outlined red (aerial imagery dated 2020)



Figure 2. Site location



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2 Methodology

2.1 Desk Study

- 2.1.1.1 West Yorkshire Bat Group (WYBG) was contacted for a search of previous bat records within a 2 km radius of the site.
- 2.1.1.2 In addition, the following data sources were searched for statutorily protected sites and additional ecological data of relevance to the assessment such as off-site waterbodies:
- Multi Agency Geographic Information for the Countryside (MAGIC).
 - Ordnance Survey 1:10,000 mapping.
 - Aerial imagery (dated 2020).

2.2 Personnel

- 2.2.1.1 The Preliminary Ecological Appraisal survey and the Update Preliminary Ecological Appraisal survey were undertaken by Toby Fisher CEnv MCIEEM^{1 2}. The dusk emergence survey on 24th May 2021 was undertaken by Morgane Accault ACIEEM and Maxwell Caulton.

2.3 Update Preliminary Ecological Field Survey

- 2.3.1.1 A Preliminary Ecological Appraisal of the site was conducted on 23rd April 2020. An Update Preliminary Ecological Appraisal was conducted on 1st March 2022. Both surveys were undertaken in accordance with the standard survey methodology^{3 4}.
- 2.3.1.2 The habitats on the site were assessed and categorised in order to provide baseline information and subsequent interpretation of the ecological value of the site. In addition, the site was searched for evidence of protected / notable species and assessed in terms of its potential to support protected / notable species such as Badger, Great Crested Newt, Water Vole, reptiles and bat species. The buildings within the site were inspected externally and internally (including loft spaces) for evidence of bats and assessed in terms of their potential to support bats. The trees were inspected from ground level for evidence of bats and for potential bat roost features, using close-focussing binoculars.
- 2.3.1.3 To inform the Biodiversity Net Gain Calculations, the habitat types and condition of the habitats within the site were assessed on 1st March 2022 in accordance with the standard methodology⁵.

2.4 Net Gain for Biodiversity

- 2.4.1.1 In accordance with current with current Kirklees Council Guidance⁶ for Biodiversity Net Gain (BNG) in relation to Minor Planning Applications, the DEFRA Biodiversity Metric⁷ has not been used for this assessment. However, in accordance with the Kirklees Council Guidance, the mitigation hierarchy is

¹ Natural England Class Licence Registration No. 2015-10756-CLS-CLS - CL18 Level 2 (Bats).

² Natural England Class Licence Registration No. WML- CL08:2015-16681-CLS-CLS (Great Crested Newts).

³ JNCC, (2010), Handbook for Phase 1 habitat survey - a technique for environmental audit, ISBN 0 86139 636 7.

⁴ Chartered Institute of Ecology and Environmental Management (CIEEM). (2017). Guidelines for Preliminary Ecological Appraisal, Second Edition. December 2017. CIEEM, Winchester.

⁵ Butcher, B., Carey, P., Edmonds, R., Norton, L. and Treweek, J. (2020). The UK Habitat Classification User Manual Version 1.1 at <http://www.ukhab.org/>

⁶ Kirklees Council. (2021). Biodiversity Net Gain Technical Advice Note, June 2021. Biodiversity Net Gain in Kirklees Technical advice note on Biodiversity Net Gain requirements for developments within Kirklees.

⁷ STEPHEN PANKS, NICK WHITE, AMANDA NEWSOME, JACK POTTER, MATT HEYDON, EDWARD MAYHEW, MARIA ALVAREZ, TRUDY RUSSELL, SARAH J. SCOTT, MAX HEAVER, SARAH H. SCOTT, JO TREWEEK, BILL BUTCHER and DAVE STONE. (2021). Biodiversity metric 3.0: Auditing and accounting for biodiversity – User Guide. Natural England Natural England. ISBN 978-1-78354-779-1.

applied in this assessment and Biodiversity Net Gain is demonstrated in accordance with the NPPF⁸ and Kirklees Local Plan Policy LP30⁹.

2.5 Dusk Emergence Bat Survey

- 2.5.1.1 A dusk emergence bat survey was undertaken on 24th May 2021. Two surveyors were positioned to the south-east of the western building (Building 1) and to the north-east of the eastern building (Building 2) which provided sufficient coverage of all potential bat roost feature emergence points potentially affected by the proposed development.
- 2.5.1.2 The surveyors used Echo Meter Touch 2 Pro bat detectors. The dusk emergence survey conditions are summarised in Table 1 below.

Table 1: Dusk emergence bat survey conditions

Date	24 th May 2021
Sunset	21:16
Survey duration	21:00 – 22:26
Weather conditions	Dry: 11°C – 10°C, cloud cover 10%, wind Bft 2-3.
Surveyors	Morgane Accault, Maxwell Caulton

2.6 Limitations

- 2.6.1.1 The Preliminary Ecological Appraisal survey and the Update Preliminary Ecological Appraisal survey were both undertaken outside the optimum season for Phase 1 habitat surveys (May to September/October). During the surveys it was possible to identify broad habitat types. All buildings within the site were inspected externally and internally, including loft spaces. There were no access restrictions. Overall, there were no significant limitations, given the aims of the assessment.

⁸ Paragraph 174 of the National Planning Policy Framework states that “Planning policies and decisions should contribute to and enhance the natural and local environment by:.... d) minimising impacts on and providing net gains for biodiversity...”

⁹ Policy LP30 of the Kirklees Local Plan states that “Development proposals will be required to:- (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement; (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;”

3 Results

3.1 Desk Study

3.1.1.1 Information provided by WYBG is included at Appendix 3.

3.1.2 Protected Sites

3.1.2.1 A search on MAGIC confirmed that there are no internationally or nationally protected sites within 2 km of the site. Oakwell Park Local Nature Reserve (LNR) is located approximately 700 metres north-west of the site.

3.1.3 Bat Records

3.1.3.1 WYBG provided 38 records of bats comprising the following species: common pipistrelle, pipistrelle species, noctule, Leisler's and unidentified bats. One of the records is within 500 metres of the site:

- 1 grounded pipistrelle bat at 33 Carr Street, Birstall (grid ref. SE22372611) approximately 300 metres south-west of the site, dated 04/09/2005.

3.2 Preliminary Ecological Field Survey

3.2.1.1 Please also refer to Figure 2 and photos included in Appendix 2. The site extends to approximately 0.4 hectares. The landform of the majority of the site is broadly flat at approximately 100 metres above sea level; in the south-eastern part of the site however the land slopes steeply upwards to approximately 115 metres above sea level in the south-eastern corner.

3.2.1.2 The site is bordered to the north by the A643 Leeds Road with retail and residential units beyond; to the south and east by predominantly semi-detached houses with moderately-small gardens; and to the west by the A62 Huddersfield Road with predominantly retail beyond.

3.2.2 Habitats

Modified Grassland

3.2.2.1 A small area of rough grassland in the north-eastern part of the site is relatively species-poor. Species present include Cock's-Foot *Dactylis glomerata*, False Oat-Grass *Arrhenatherum elatius*, Yorkshire Fog *Holcus lanatus*, Creeping Thistle *Cirsium arvense*, Bramble *Rubus fruticosus* agg., and Dandelion *Taraxacum officinale* agg.

Table 2. DEFRA Condition Assessment: Moderate (meets 4 of 7 criteria):

Condition Assessment Criteria – Modified Grassland habitat type		Meets criteria?
1	6-8 species per m2.	No
2	Sward height is varied (at least 20% of the sward is less than 7 cm and at least 20% is more than 7 cm).	No
3	Some scattered scrub (including bramble) may be present, but scrub accounts for less than 20% of total grassland area.	Yes
4	Physical damage evident in less than 5% of total grassland area, such as excessive poaching, damage from machinery use or storage, damaging levels of access, or any other damaging management activities.	Yes
5	Cover of bare ground between 1% and 5%, including localised areas, for example, rabbit warrens.	No
6	Cover of bracken less than 20%.	Yes

7	There is an absence of invasive non-native species (as listed on Schedule 9 of WCA, 1981) and undesirable species make up less than 5% of ground cover.	Yes
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Other Woodland; Broadleaved

- 3.2.2.2 An area of woodland is present on the steep bank in the south-eastern (rear) part of the site. The canopy is dominated by Sycamore *Acer pseudoplatanus* with occasional Pedunculate Oak *Quercus robur*, Goat Willow *Salix caprea* and Holly *Ilex aquifolium*. In the eastern part of the site, Sycamore is dominant. The woodland in the southern part of the site contains a more diverse canopy and appears to be longer-established than the sycamore-dominated area in the east. Several mature trees are present but there are no over-mature or veteran trees. Additional woody species include Hawthorn *Crataegus monogyna*, Forsythia sp. and Dog Rose *Rosa canina*. The following ground flora species were recorded: Wood Avens *Geum urbanum*, Foxglove *Digitalis purpurea*, Cleavers *Galium aparine*, Ivy *Hedera helix*, Dandelion and Bramble.

Table 3. DEFRA Condition Assessment: Moderate (scores 30 out of 39):

Condition Assessment Criteria – Woodland habitat type					
No	Indicator	Good (3 points)	Moderate (2 points)	Poor (1 points)	Score per indicator
1	Age distribution of trees	Three age classes present	Two age classes present	One age class present	3
2	Wild, domestic and feral herbivore damage	No significant browsing damage evident in woodland	Evidence of significant browsing pressure is present in 40% or less of whole woodland	Evidence of significant browsing pressure is present in 40% or more of whole woodland	3
3	Invasive plant species	No invasive species present in woodland	Rhododendron or laurel not present, other invasive species < 10% cover	Rhododendron or laurel present, or other invasive species > 10% cover	3
4	Number of native tree species	Five or more native tree or shrub species found across woodland parcel	Three to four native tree or shrub species found across woodland parcel	None to two native tree or shrub species across woodland parcel	3
5	Cover of native tree and shrub species	> 80% of canopy trees and >80% of understory shrubs are native	50-80% of canopy trees and 50-80% of understory shrubs are native	< 50% of canopy trees and <50% of understory shrubs are native	2
6	Open space within woodland	10 – 20% of woodland has areas of temporary open space, unless	21- 40% of woodland has areas of temporary open space	More than 40% of woodland has areas of temporary open space	3

Condition Assessment Criteria – Woodland habitat type					
No	Indicator	Good (3 points)	Moderate (2 points)	Poor (1 points)	Score per indicator
		woodland is <10ha in which case lower threshold of 10% does not apply			
7	Woodland regeneration	All three classes present in woodland; trees 4-7cm dbh, saplings and seedlings or advanced coppice regrowth	One or two classes only present in woodland	No classes or coppice regrowth present in woodland	2
8	Tree health	Tree mortality less than 10%, no pests or diseases and no crown dieback	11% to 25% mortality and/or crown dieback or low risk pest or disease present	Greater than 25% tree mortality and/or any high risk pest or disease present	3
9	Vegetation and ground flora	Ancient woodland flora indicators present	Recognisable NVC plant community present	No recognisable NVC community	1
10	Woodland vertical structure	Three or more storeys across all survey plots or a complex woodland	Two storeys across all survey plots	One or less storey across all survey plots	2
11	Veteran trees	Two or more veteran trees per hectare	One veteran tree per hectare	No veteran trees present in woodland	1
12	Amount of deadwood	50% of all survey plots within the woodland parcel have standing deadwood, large dead branches/ stems and stumps	Between 25% and 50% of all survey plots within the woodland parcel have standing deadwood, large dead branches/ stems and stumps	Less than 25% of all survey plots within the woodland parcel have standing deadwood, large dead branches/ stems and stumps	1
13	Woodland disturbance	No nutrient enrichment or damaged ground evident	Less than 1 hectare in total of nutrient enrichment across woodland area and/or less than 20% of	More than 1 hectare of nutrient enrichment and/or more than 20% of woodland area	3

Condition Assessment Criteria – Woodland habitat type					
No	Indicator	Good (3 points)	Moderate (2 points)	Poor (1 points)	Score per indicator
			woodland area has damaged ground	has damaged ground	
Total score (out of 39)					32
Condition Assessment Result					Condition Assessment Score
Total score >32 (33 to 39)					Good (3)
Total score 26 to 32					Moderate (2)
Total score <26 (13 to 25)					Poor (1)

Developed Land; Sealed Surface

- 3.2.2.3 The buildings at the site are largely devoid of vegetation except for a small area of Ivy *Hedera helix* on the south-west side of Building 1. Plants growing at the margins and within areas of hard standing include Herb Robert *Geranium robertianum*, Hairy Bitter-Cress *Cardamine hirsuta*, Groundsel *Senecio vulgaris*, Ragwort *Senecio jacobaea*, Oxford Ragwort *Senecio squalidus*, Yellow Corydalis *Pseudofumaria lutea*, Cock's-Foot, Bramble, Butterfly Bush *Buddleja davidii*, Broad-Leaved Willowherb *Epilobium montanum*, Purple Toadflax *Linaria purpureum* and Cow Parsley *Anthriscus sylvestris*.

DEFRA Condition Assessment: No assessment required – automatically assigned score of 0.

Invasive Weeds

- 3.2.2.4 No evidence of species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) was observed at the site.

3.2.3 Birds

- 3.2.3.1 A limited range of birds was observed during the survey. Species observed within and adjacent to the site included blackbird, robin, blue tit, dunnock and feral pigeon. Within the buildings on the site, significant accumulations of feral pigeon droppings were observed along with a number of alive and dead feral pigeons.
- 3.2.3.2 One Species of Principal Importance for the conservation of biodiversity in England¹⁰ was recorded; dunnock. This species could breed within the site. The site is likely to support a limited breeding bird assemblage typical of urban habitats.
- 3.2.3.3 A range of common birds are likely to nest in woodland and buildings at the site. No evidence of specially protected species such as barn owl or red kite was observed and no such species are likely to occur at the site.

¹⁰ Species listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as Species of Principal Importance for the conservation of biodiversity in England.

3.2.4 *Bats (Initial Assessment)*

- 3.2.4.1 All trees within the site were assessed as having zero or negligible bat roost potential due to the absence of potential roost features such as cracks and split stubs.
- 3.2.4.2 As shown in Figure 3, there are two buildings at the site. No evidence of bats was identified during the survey.
- 3.2.4.3 Building 1 is a row of four derelict terrace houses. The building extends to approximately 23 x 6 metres. It is of traditional stone construction with a hipped gable roof covered in traditional stone-slates (unlined). There are four enclosed loft spaces, each of which was accessed internally. There are a large number of gaps in the roof due to damaged, slipped and missing roof slates. Evidence of feral pigeons was found in all four loft spaces including several alive and dead birds. There are several potential bat roost features within gaps behind the wooden eaves boards on all elevations. There are also potential bat roost features beneath roof slates. The chimneys do not appear to offer any suitable roosting features other than beneath lead flashing at the bases of the chimneys. No potential bat roost features were noted at door/window surrounds. The building receives direct warmth from the sun. On the north-west, north-east and south-west elevations, the building fronts directly onto the busy and highly illuminated junction of the A62 and A643 roads; disturbance levels here are very high and this significantly limits the suitability of these elevations for roosting bats. By contrast the south-east elevation of the building is relatively undisturbed. The nearest tree cover is a woodland belt approximately 25 metres to the south-east of the building. In conclusion, the north-west, north-east and south-west elevations are considered to have negligible bat roost potential due to the high roadside disturbance levels, limited potential bat roost features and presence of feral pigeons within the roof spaces. However, the rear (south-east) elevation of Building 1 was assessed as having low bat roost potential due to the presence of a number of suitable potential bat roost features at the roof and eaves and the significantly lower disturbance levels along with closer proximity to woodland.
- 3.2.4.4 Building 2 is a derelict warehouse building formerly used as a car sales showroom. The building extends to approximately 30 x 8 metres. It is constructed from a combination of block, red brick and corrugated sheets with a gable roof covered in corrugated sheets (unlined). There are no enclosed roof spaces. The building is generally well-sealed and unsuitable for bats due to the lack of potential roosting features. The eaves boards are flush throughout. The roof trim is generally flush. However, potential bat roost features were noted at two locations on east-facing gables where the roof trim is warped and there is a potentially suitable bat roosting feature behind the roof trim. No potential bat roost features were noted at door/window surrounds. The building receives direct warmth from the sun and is located immediately adjacent to a belt of woodland. Disturbance levels are moderately low. In conclusion, the two identified areas of raised roof trim were assessed as having low bat roost potential.
- 3.2.4.5 In terms of foraging and commuting habitats, the woodland at the site is assessed as providing low quality habitat for bats due to the poor connectivity to good quality habitats in the wider area and the presence of several busy roads and other features likely to present major barriers to dispersal for bats. The other habitats at the site are assessed as providing very poor quality bat foraging/commuting habitats.

3.2.5 *Bats (Dusk Emergence Survey Results)*

- 3.2.5.1 No bat roosts were identified during the survey. One species, Common Pipistrelle, was heard but not seen during the survey.

3.2.6 *Great Crested Newt*

- 3.2.6.1 No waterbodies potentially suitable for breeding great crested newts have been identified within 500 metres of the site. It is therefore considered very unlikely that great crested newts will occur at the site.

3.2.7 *Water Vole and Otter*

- 3.2.7.1 No suitable habitats for resident populations for Water Vole or Otter have been identified within or adjacent to the site.

3.2.8 *Badger and Other Fauna*

- 3.2.8.1 No evidence of Badger was observed at the site. Hedgehog (a Species of Principal Importance in England) could potentially occur within the site, although the main roads adjacent to the site present a significant mortality threat to Hedgehogs.
- 3.2.8.2 Based on the nature of the habitats within and adjacent to the site, it is considered very unlikely that reptiles would occur at the site.

Figure 3. Habitat Map



4 Conclusions, Recommendations and Impact Assessment

4.1 Protected Sites

- 4.1.1.1 Based on the distance between the development site and the nearest designated sites (Oakwell Park LNR is approximately 700 metres north-west of the site), no significant impacts on such sites are considered likely to occur.

4.2 Habitats

- 4.2.1.1 No Habitats of Principal Importance for the Conservation of Biodiversity in England¹¹ are present at the site. Woodland at the site is assessed as being of value at the site level. All other habitats within the site are assessed as being of ecological value at less than the site level.

Recommendations

- 4.2.1.2 It is recommended that all woodland should be retained in situ if possible.
- 4.2.1.3 In order to contribute to 'Biodiversity Net Gain', it is recommended that additional tree/shrub planting should be provided in areas which currently support buildings/hard standing/grassland. If possible, any new planting at the site should involve native tree/shrub species of local provenance, e.g. Hawthorn, Dogwood, Blackthorn, Hazel.
- 4.2.1.4 Biodiversity Net Gain calculations for the development are presented in Section 5 below.

4.3 Invasive Weeds

- 4.3.1.1 No non-native invasive weeds have been identified at the site and no mitigation measures are therefore required.

4.4 Birds

- 4.4.1.1 One Species of Principal Importance for the conservation of biodiversity in England¹⁰ was recorded at the site; Dunnock. The site is likely to support a limited breeding bird assemblage typical of urban habitats.
- 4.4.1.2 A range of common birds are likely to nest in woodland and buildings (feral pigeons nest in Building 1). No evidence of specially protected species such as Barn Owl or Red Kite was observed and no such species are likely to occur at the site.

Recommendations

- 4.4.1.3 Where possible, any works affecting potential bird nesting areas should be undertaken outside the main bird nesting period of March to August (inclusive). If this is not possible, any such works undertaken within the bird nesting period (March to August inclusive) should be supervised by a suitably qualified ecologist. The supervising ecologist should advise all site personnel of the potential presence of nesting birds, their legal protection and the need to minimise disturbance of nesting birds. If active nests are present, they must be retained in situ undisturbed until the nests are no longer active. A nest is classed as active when it contains eggs or chicks and whilst being built.
- 4.4.1.4 It is recommended that a minimum of 1no. Universal Swift Brick or Swift Box should be installed on the new building at the site.

¹¹ Habitats listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 as Species of Principal Importance for the conservation of biodiversity in England.

4.5 *Bats*

- 4.5.1.1 All trees within the site were assessed as having zero or negligible bat roost potential due to the absence of potential roost features such as cracks and split stubs.
- 4.5.1.2 Buildings 1 and 2 were assessed as having low bat roost potential and therefore dusk emergence bat surveys were subsequently undertaken in May 2021. No evidence of bats was observed during the scoping / inspection survey on 23rd April 2020.
- 4.5.1.3 During the dusk emergence survey on 24th May 2021 there was no evidence of a bat roost in the surveyed buildings and it is therefore concluded that the buildings do not support a bat roost (confidence level: high). During the dusk survey, it was noted that disturbance levels from lighting and road traffic were high at the site.
- 4.5.1.4 No further bat surveys or mitigation measures are therefore considered necessary
- 4.5.1.5 In terms of foraging and commuting habitats, the woodland at the site is assessed as providing low quality habitat for bats. The other habitats at the site are assessed as providing very poor quality bat foraging/ commuting habitats.

Recommendations

- 4.5.1.6 In terms of foraging and commuting habitats, it is recommended that woodland should be retained where possible.
- 4.5.1.7 Any artificial lighting at the site should aim to avoid artificial light-spill affecting retained woodland in order to retain the woodland as a 'dark corridor' for bats.

4.6 *Great Crested Newt*

- 4.6.1.1 No waterbodies potentially suitable for breeding Great Crested Newts have been identified within 500 metres of the site. It is therefore considered very unlikely that Great Crested Newts will occur at the site and no mitigation measures are considered necessary.

4.7 *Water Vole and Otter*

- 4.7.1.1 Based on the absence of suitable habitat, no further surveys or mitigation for Water Vole or Otter are considered necessary.

4.8 *Badger and Other Fauna*

- 4.8.1.1 No evidence of Badger was observed at the site. Hedgehog (Species of Principal Importance in England) could potentially occur within the site. Reptiles are very unlikely to occur at the site. No further mitigation measures are considered necessary.

5 Biodiversity Net Gain (BNG)

5.1.1.1 The following on-site habitats will be retained:

- Woodland and forest; Other woodland; broadleaved (0.1387 ha).
- Grassland; Modified grassland (0.0085 ha).

5.1.1.2 The following on-site habitats will be lost:

- Urban; Developed land; sealed surface (0.26 ha).

5.1.1.3 The following habitats will be created on the site:

- Urban; Developed land; sealed surface (0.26 ha).
- Native Hedgerow (0.022 km).

5.2 **BNG Results**

5.2.1.1 In terms of Habitat / Hedgerow Units, the development will result in the following changes:

- Habitat Units: No overall change (neutral).
- Hedgerow Units: Increase from zero to 0.022 km (equivalent to a gain of 100%).

5.2.1.2 As an additional biodiversity enhancement measure, it is recommended that a minimum of 1no. Universal Swift Brick or Swift Box should be installed on the new building at the site.

Appendix 1. Legislation and Conservation Context

European Protected Species (GCN, Otter, all Bats)

GCN, otter and all British bat species are fully protected through The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 as European Protected Species (EPS). They also receive some protection through inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

Under the legislation, it is an offence to deliberately capture, injure or kill a GCN, otter or bat. It is an offence to damage or destroy a breeding site or resting place of a GCN, otter or bat. It is also an offence to intentionally or recklessly disturb a GCN, otter or bat while it is occupying a structure or place which it uses for shelter or protection; or obstruct access to any structure or place which it uses for that purpose.

It is also an offence to deliberately disturb a GCN, otter or bat; in particular any disturbance which is likely (a) to impair their ability - (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or (b) to affect significantly the local distribution or abundance of the species to which they belong.

The 'appropriate authority' (Natural England in England) has powers to issue licences for various purposes including - (a) scientific or educational purposes... and (e) preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment. The appropriate authority shall not grant a licence under this regulation unless they are satisfied - (a) that there is no satisfactory alternative, and (b) that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. It is an offence for any person authorised by virtue of a licence to which this paragraph applies to contravene or fail to comply with any condition which the licence requires him to comply with.

Nesting Birds

All wild birds in the UK are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to intentionally kill, injure or take any wild bird or take, damage or destroy the nest (whilst being built or in use) or its eggs. Bird species listed in Schedule 1 of the 1981 Act, e.g. barn owl, receive further protection which makes it an offence to intentionally or recklessly disturb these species while building a nest or in, on or near a nest containing eggs or young; or to disturb dependent young of such a bird.

Invasive Weeds

Japanese knotweed *Fallopia japonica*, giant hogweed *Heracleum mantegazzianum*, Himalayan balsam *Impatiens glandulifera* and several other species are listed in Schedule 9, Part II of the Wildlife and Countryside Act 1981 (as amended) which makes it an offence to plant these species or otherwise cause them to grow in the wild. Any material containing Japanese knotweed or giant hogweed is also identified as 'controlled waste' under the Environment Protection Act 1990 and must be disposed of properly at landfill.

Appendix 2. Photographs

Photo 1. Looking north to rear of terrace houses on the site (Building 1)



Photo 2. Looking south towards terrace houses (Building 1)



Photo 3. South-east side of terrace houses (Building 1)



Photo 4. Looking north-east to south gable of terrace houses (Building 1)



Photo 5. Looking north-east across site to Building 2



Photo 6. Looking south towards woodland in south-eastern part of the site



Photo 7. Looking west-south-west along north side of Building 2



Photo 8. Looking south towards Building 2



Photo 9. Looking south-east towards south-eastern corner of the site



Photo 10. Looking south-west over roof of Building 2



Photo 11. Looking south to Building 2



Photo 12. South-west corner of Building 2



Photo 13. Interior of Building 1 loft space



Photo 14. Interior of Building 2



Photo 15. Looking west across northern part of site (March 2022)



Photo 16. Looking north-east across eastern part of site, from southern boundary (March 2022)



Photo 17. Looking north towards Building 1 (March 2022)



Photo 18. Looking west-north-west towards south-western part of site (March 2022)



Appendix 3. Information provided by WYBG

Grid Ref	Location Name	Date	Common Name	Abundance	Record Type
SE2174527114	Oakwell Hall, Warrens Lane	01/08/2000	Lesser Noctule Bat	1 Count of Adult	Roost (possible)
SE225273	Fieldhead Junior School Charlotte Close Birstal	18/05/2010	Noctule Bat		aural bat detector
SE2208326268	Land off Low Lane, Batley	01/06/2015	Noctule	1 Count of Adult	aural bat detector
SE2126125755	42 Craven La, Gomersal, BD19 4QU	01/06/1996	Pipistrellus	51-100 Count of Adult	Roost (maternity)
SE2125825845	43 Craven La, Gomersal, BD19 4QX	23/07/1996	Pipistrellus	21-50 Count of Adult	Roost (maternity)
SE2098426722	47 Summerbridge Crescent	25/06/1998	Pipistrellus	21-50 Count of Adult	Roost (maternity)
SE22372611	33 Carr Street, Birstall, Batley, Kirklees	04/09/2005	Pipistrellus	1 Count of Adult	Grounded
SE212257	42 Craven Lane, Gomersal, Cleckheaton, BA19 4QU	15/06/1996	Common Pipistrelle	55 Count of Adult	Roost (maternity)
SE2125825845	43 Craven Lane	23/07/1996	Common Pipistrelle	21-50 Count of Adult	Roost (maternity)
SE212257	42 Craven Lane, Gomersal, Cleckheaton	15/06/1997	Common Pipistrelle	68 Count of Adult	Roost (maternity)
SE212257	42 Craven Lane, Gomersal, Cleckheaton	15/06/1998	Common Pipistrelle	71 Count of Adult	Roost (maternity)
SE212257	42 Craven Lane, Gomersal, Cleckheaton	15/06/1999	Common Pipistrelle	60 Count of Adult	Roost (maternity)
SE212257	42 Craven Lane, Gomersal, Cleckheaton	01/06/2000	Common Pipistrelle	0 Count of Adult	Roost (maternity)
SE212257	42 Craven Lane, Gomersal, Cleckheaton	15/06/2001	Common Pipistrelle	72 Count of Adult	Roost (maternity)
SE212257	42 Craven Lane, Gomersal, Cleckheaton	15/06/2002	Common Pipistrelle	73 Count of Adult	Roost (maternity)
SE212257	42 Craven Lane, Gomersal, Cleckheaton	01/01/2003	Common Pipistrelle	0 Count of Adult	Roost
SE212257	42 Craven Lane, Gomersal, Cleckheaton	01/01/2004	Common Pipistrelle	0 Count of Adult	Roost
SE212257	42 Craven Lane, Gomersal, Cleckheaton	01/01/2005	Common Pipistrelle	0 Count of Adult	Roost
SE212257	42 Craven Lane, Gomersal, Cleckheaton	15/06/2006	Common Pipistrelle	0 Count of Adult	Roost (maternity)
SE225273	Fieldhead Junior School Charlotte Close Birstal	18/05/2010	Pipistrellus pipistrellus		aural bat detector
SE238250	Haigh Wood, Wakefield	12/05/2015	Pipistrelle	10 Count of Adult	aural bat detector
SE2208326268	Land off Low Lane, Batley	01/06/2015	Pipistrelle	2 Count of Adult	aural bat detector
SE23492500	26 Pearl Street, Batley	15/06/2006	Pipistrelle Bat species	1 Count of Adult	Grounded

Grid Ref	Location Name	Date	Common Name	Abundance	Record Type
SE2247225622	73 Mill Street, Birstall	07/07/2006	Pipistrelle Bat species		Roost
SE2334025077	29 Hampson Street, Batley	21/05/2007	Pipistrelle Bat species	1 Count of Adult	in building
SE2197326485	1 Shirley Ave, Birstall	08/03/2016	Pipistrelle Bat species	1 Count of Adult	Roost (hibernacula)
SE2171326332	17 Monk Ings, Birstall, WF17 9HU	29/06/1995	Vesper Bat species	21-50 Count of Adult	Roost (maternity)
SE2088225409	2 Upper La, Gomersal, Cleckheaton, BD19 4JD	24/07/1995	Vesper Bat species	21-50 Count of Adult	Roost (maternity)
SE2125825845	43 Craven Lane, Gomersal	23/07/1996	Vesper Bat species	Not Recorded Range	Roost (possible)
SE2126125755	42 Craven Lane, Gomersal, Cleckheaton, BD19 4QU	01/01/2003	Vesper Bat species		Roost
SE212258	42 Craven Lane Gomersal Cleckheaton BD19 4QU	01/01/2003	Vespertilionidae		Roost
SE2089626865	6 Summerdale, Gomersal, Cleckheaton, BD19 4AH	06/07/2004	Vesper Bat species	>30 Count of Adult	Roost
SE2247225622	73 Mill Street, Birstall, Batley, Kirklees	16/02/2005	Vesper Bat species		Roost
SE21192587	4 Craven Close, Gomersal, Cleckheaton, Kirklees	17/06/2005	Vesper Bat species	1 Count of Adult	in building
SE23492502	16 Pearl Street, Batley, Kirklees	04/07/2005	Vesper Bat species	1 Count of Juvenile	in building
SE23382497	St John's Church, Ealand Road, Carlinghow, Batley, Kirklees	24/08/2005	Vesper Bat species	1 Count of Adult	in building
SE210261	Gomersal Middle School, Gomersal	07/09/2007	Vesper Bat species	1 Count of Adult	Grounded
SE2155226460	1053 Bradford Road Birstal WF17 9HX	25/06/2011	Vespertilionidae		Roost