

# Land West of Wesley Avenue, Netherthong

## Ecological Impact Assessment

7<sup>th</sup> March 2023



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<b>Site Name</b> Site off Wesley Avenue	<b>Location</b> Off Miry Lane, Netherthong, Holmfirth HD9 3UL
<b>Local Authority</b> Kirklees Council	<b>Grid Reference</b> SE 13666 09739
<b>Surveyor</b> Peter Middleton MCIEEM	<b>Date of Survey</b> 30/06/22
<b>National Character Area (NCA)</b> NCA 37: Yorkshire Southern Pennine Fringe	<b>Designation of Site</b> None
<b>UK Habitat Classification habitats on Site</b> Habitats: gc3 Other neutral grassland, g3c5 – <i>Arrhenatherum</i> neutral grassland, h3d – Bramble scrub.	
<b>Secondary codes:</b> 10 – Scattered scrub, 11 – Scattered trees, 16 – Tall herb, 67 – Drystone wall. 68 - Mortared wall, 80 – Unmanaged, 117 – Dry, 161 – Tall or tussocky sward.	
<b>Protected/Notable Species, Constraints on Site</b> Nesting birds	
<b>HPIs and SPIs under NERC Act 2006</b> None	
<b>Kirklees BAP</b> None	

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## 1. Summary

- 1.1.1 The updated ecological impact assessment and re-survey of the grassland on Land West of Wesley Avenue at Miry Lane, Netherthong was commissioned by Jonathan Mayo on behalf of Heywood Homes Ltd on 9<sup>th</sup> May 2022. The survey was commissioned to inform the discharge of Condition 15 on Appeal Decision (APP/Z4718/W/21/3276678), permitting a residential development of 35 units on a 1.2ha site.
- 1.1.2 The purpose of this report is to present the findings of a UK Habitat Classification survey. The report considers the ecological value of the site, presents an assessment of the impacts of the proposed development and provides details of mitigation and compensation measures which may be adopted to help avoid or reduce these impacts.
- 1.1.3 The application site is located in a rural location on the western edge of Netherthong, which is 1.6km north-northeast of Holmfirth. The site consists of three fields, with semi-natural habitats present on site largely comprising neutral grassland, a little dense and scattered scrub, small areas of tall herb and three deciduous trees. The site's existing ecological value as calculated by the Biodiversity Metric 3.1 tool as 4.98 Habitat Units.
- 1.1.4 Impacts upon habitats and species groups are not considered to be of significance at greater than the site level. No impacts upon designated sites are anticipated given the application site's location and distance from local designated sites. No further survey is required in order to identify the potential impacts or inform suitable mitigation and compensation measures.
- 1.1.5 Agreed proposals for the site include the creation of a 0.19ha area of open space at the northern end of the site comprising a wildflower meadow with fruit trees. This area provides opportunities to help mitigate for the loss of the majority of existing site habitats. The embankment on the south boundary will be planted with dwarf shrub heath. In addition, a species rich hedgerow will be planted along the western boundary.
- 1.1.6 It is also recommended that new external lighting in this area is avoided, where possible. Away from the retained open space, new native and wildlife friendly tree and shrub species are to be included within new domestic gardens on the site.
- 1.1.7 Retained boundary trees and retained southern hedgerow should be protected in accordance with British Standard 5837 (2012): Trees in relation to design, demolition, and construction with Root Protection Zones (RPZ's) calculated and implemented to prevent harm to trees.
- 1.1.8 The proposed removal of trees and scrub has potential to result in destruction of active bird nests. Site clearance during the bird nesting period (March to August (inclusive)) should be avoided. If vegetation clearance works during the bird nesting season cannot be avoided, then they should be preceded by a nesting bird check to be undertaken by an ecologist.
- 1.1.9 Twelve of the new dwellings will have integrated swift bricks, with 11 dwellings having integrated bat boxes. Hedgehog holes will also be included at the base of new fences.
- 1.1.10 It is calculated the post-development site will have an ecological value of 2.35 Habitat Units, resulting in a net loss of Habitat Units on site of 2.63 Habitat Units (- 52.86% of the existing site's ecological value). However, there will be an increase of 1.15 hedgerow units (the existing site lacks any hedgerows).

## 2. Introduction

- 2.1.1 The updated ecological impact assessment and re-survey of the grassland on Land West of Wesley Avenue at Miry Lane, Netherthong was commissioned by Jonathan Mayo on behalf of Heywood Homes Ltd on 9<sup>th</sup> May 2022. The survey was commissioned to inform the discharge of Condition 15 on the Appeal Decision (APP/Z4718/W/21/3276678). for a residential development, of 35 units on a 1.2ha site. The previous survey report (MBE, 2020) is referred to in this report where appropriate but should be considered in parallel if a historic context is required.
- 2.1.2 The purpose of this report is to present the results of a UK Habitat Classification survey which includes determining the potential for, or presence of, protected and notable species, plus an appended map of the site showing the habitats present.
- 2.1.3 Ecological impacts associated with the scheme have been assessed with the focus on identifying significant impacts. Mitigation, compensation and enhancement measures are detailed.
- 2.1.4 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 is situated in a rural location off Wesley Avenue, Netherthong, which is 1.6km north-northeast of Holmfirth. The site consists of approximately 1.2ha of land (3 fields), with semi-natural habitats present on site comprising neutral grassland, a little dense and scattered scrub, small areas of tall herb and three deciduous trees (see Appendix 1, Figure 1 and Plates 1 to 6).
- 3.1.2 The site slopes from south to north with a wooded valley beyond Miry Lane. To the south and east are residential developments and to the west is another enclosed field comprising improved grassland.
- 3.1.3 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.
- 3.1.4 The soils in the area comprise freely draining slightly acid, loamy soils.

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



## **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:

- The boundaries of statutory designated sites of nature conservation interest
- The locations of historic European Protected Species (EPS) licences granted by Natural England

### **4.2 Field Survey**

#### *UK Habitat Classification Survey*

4.2.1 The site was surveyed on 30<sup>th</sup> June 2022 using UK Habitat Classification habitat survey methodology (Butcher *et al.*, 2020) by Peter Middleton MCIEEM.

4.2.2 Peter 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. Peter previously surveyed the Miry Lane site in 2020 for the initial planning application (MBE, 2020).

- 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 UK Habitat Classification plan, using Target Notes (TN) to identify particular features of interest, where appropriate.
- 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 is 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 are also used.
- 4.2.5 Habitats of Principal Importance (HPIs) and Species of Principal Importance (SPIs) are included on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 were noted together with priority species and habitats as included on the Local Biodiversity Action Plan (LBAP).

### **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) is 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.

### **4.5 Survey Limitations**

- 4.5.1 No significant survey limitations were encountered.

## 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)	Holmroyd Wood	Ancient semi natural woodland, Bluebells	420m west northwest
	Hagg Wood	Species rich acid woodland	1.2km east northeast
	Honley Wood	Ancient semi natural woodland, species rich acid woodland	1.95km northwest

5.1.2 The site lies adjacent to the Kirklees Wildlife Habitat Network (KWHN), the closest part of which is located immediately north of Miry Lane. The nearest ancient woodland comprises Holmroyd wood, located 420m west northwest of the site and also designated as a Local Wildlife Site (Table 1).

5.1.3 A consideration of the scheme's potential to impact designated sites is presented in Section 6 of this report.

5.1.4 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 UK Habitat Classification Plan in Appendix 1, whilst a field survey botanical species list is provided in Appendix 2.

5.2.2 Site habitats currently appear to be of no more than site level importance to nature conservation. The site unlikely to be of greater than site level importance to any faunal species group.

5.2.3 A detailed description of the site habitats and the site's potential to support protected and notable species is provided below.

#### Habitats

##### q3c5 – *Arrhenatherum* neutral grassland with secondary codes

5.2.4 The southeast and western fields comprise *Arrhenatherum* neutral grassland in poor condition (see Plates 1,2 & 3). As with the northern field, adjacent to Miry Lane, the southeast field has become nutrient enriched as a result of historic overgrazing by horses. At the time of the 2020 survey, the grassland comprised frequent creeping bent *Agrostis stolonifera*, red fescue, Yorkshire fog, false oatgrass *Arrhenatherum elatius* and smooth meadow-grass *Poa pratensis*, whilst occasional species included broad leaved dock, common sorrel, tufted vetch *Vicia cracca*, creeping thistle *Cirsium arvense*, ragwort and bulbous buttercup. Foxglove was abundant in the shade of the drystone wall along the southern boundary and ubiquitous mosses were frequent and

included *Brachytecium rutabulum*, *Rhytidelphus squarrosus* and *Kindbergia praelonga*. A small area (TN1) contained frequent heath bedstraw *Galium saxatile* which indicates that historically, these fields would have comprised lowland acid grassland prior to overgrazing. The grasslands composition has however largely changed since 2020 as it has become neglected resulting in false oatgrass becoming more abundant.

- 5.2.5 The western field also contained *Arrhenatherum* neutral grassland which had become rank as it had not been cut or grazed preceding 2020. Species composition was similar to the southeast field, however, cocksfoot *Dactylis glomerata* was frequent in this field and in addition there was locally frequent black knapweed *Centaurea nigra*, meadow vetchling *Lathyrus pratensis* and nettle. It was noted that both black knapweed and meadow vetchling were not recorded during the 2022 re-survey.
- 5.2.6 Scattered scrub (secondary code 10) within these fields comprised four sapling pedunculate oak *Quercus robur*, a single holly *Ilex aquifolium* and hazel *Corylus avellana* and numerous small bramble patches.
- 5.2.7 Both these grassland fields were considered to be in poor condition as per the Biodiversity Metric 3.1 condition criteria (Panks *et al.*, 2022). The absence of bracken and scrub cover, and bare ground less than 5% were the only condition criteria met.

**Plate 1. View north showing boundary wall between two *Arrhenatherum* grassland fields**



- 5.2.8 There were two small areas of tall herb vegetation both of which were in the western field. The area at the southern end of the field comprised dominant rosebay willowherb *Chamerion angustifolium* whilst the area near the northern boundary was dominated by nettle together with frequent green alkanet *Pentaglottis sempervirens*.

**Plate 2. View west across the eastern field with the dividing wall, the northern field is on the right (January 2020)**



**Plate 3. Neutral grassland in foreground, southeast field (2022)**



**Plate 4. View east (2022)**



g3c other neutral grassland

- 5.2.9 The northern field (adjacent to Miry Lane) (Plate 2 & 4) was likely to originally have comprised acid grassland. At the time of the 2020 surveys, it appeared that local enrichment of the soil by grazing animals (most recently horses) had resulted in the loss of key indicator species. The only species recorded during both the January and July surveys (2020), which are typically found in acid grassland comprise common bent *Agrostis capillaris* and sheep's sorrel *Rumex acetosella*. Bent species appear to be abundant together with white clover *Trifolium repens* and Yorkshire fog *Holcus lanatus*. Frequently occurring species included ribwort plantain *Plantago lanceolata*, bulbous buttercup *Ranunculus bulbosus*, red fescue *Festuca rubra*, sweet vernal grass *Anthoxanthum odoratum* and ragwort *Senecio jacobea*. Occasional species include broad leaved dock *Rumex obtusifolius*, common sorrel *Rumex acetosa*, cocksfoot *Dactylis glomerata*, birdsfoot trefoil *Lotus corniculatus* and catsear *Hypochaeris radicata*. Towards the western boundary the soils had become increasingly nutrient enriched and species diversity decreased with broadleaved dock becoming abundant. Foxglove *Digitalis purpurea* is locally frequent in the shade of the drystone walls, whilst nettle is abundant beneath the two large sycamore *Acer pseudoplatanus* trees in the northwest corner of the field. At the time of the re-survey in 2022, the grassland had become rank with the species composition less diverse through neglect.
- 5.2.10 This grassland again was considered to be in poor condition as per the Biodiversity Metric 3.1 condition criteria (Panks *et al.*, 2022). The absence of bracken and scrub cover, and bare ground less than 5% were the only condition criteria met.

**Plate 5. Northern field looking west in 2022**



**Plate 6. View west in northern field (adjacent to Miry Lane) January 2020**



g grassland

5.2.11 For want of a better description, this small linear area where there is a desused footpath has been clasified has just grassland, this area which comrises ubiquitous neutral grass species and nettle will be retained. This habitat is considered in poor condition as per the Biodiversity Metric 3.1 condition criteria (Panks *et al.*, 2022).

h3d bramble scrub

5.2.12 There are two areas of bramble *Rubus fruticosus* scrub in the western field with the area near the northern boundary also including abundant creeping thistle *Cirsium arvense* (see Plate 1).

Secondary Code 67 (Drystone wall)

5.2.13 No significant communities of mosses or lichens were found growing on the drystone walls surrounding the surveyed fields.

**Species and species groups**

Amphibians

5.2.15 Six ponds were recorded within 1km of the site during the pond search, two of these are within 500m of the site, however, neither is closer than 420m from the site. Given the distance of these ponds, absence of records and local knowledge of the area, GCN are not considered to be a receptor to the proposed scheme.

5.2.16 Other amphibian records provided by WYE for locations within 2km of the site include a single common toad *Bufo bufo* record. The field observation was collected in 2015 from a location approximately 1.4km from the site centroid. Some usage of the site by

common amphibian species is likely, however, the absence of ponds within the immediate vicinity is likely to lessen its importance to this species group.

### Bats

- 5.2.19 One hundred and seven bat records of at least six species were provided by WYE. Positively identified species in the records comprised common pipistrelle *Pipistrellus pipistrellus*, soprano pipistrelle *Pipistrellus pygmaeus*, noctule *Nyctalus noctula*, Leisler's bat *Nyctalus leisleri*, Daubenton's bat *Myotis daubentonii* and brown long-eared bat *Plecotus auritus*. No records were received for the site itself with the nearest roost record to site (pipistrelle species) collected in 2008 from a location 280m from the site centroid.
- 5.2.20 No historic EPS mitigation licences have been obtained for any locations within 2km of the application site.
- 5.2.21 There are no trees or buildings on site with potential to 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/or commuting bats.

### Birds

- 5.2.22 House sparrow *Passer domesticus* were recorded off site, adjacent to the eastern boundary, whilst starling *Sturnus vulgaris* and mistle thrush *Turdus viscivorus* were recorded foraging in the grassland on site in 2020. All three comprise red listed species within the Birds of Conservation Concern (Eaton *et al.*, 2015).
- 5.2.23 One other bird species was recorded on site during the survey with this species comprising pheasant *Phasianus colchicus*. Trees and scrub on site have potential to be used by a range of common bird species for nesting. Given the site's proximity to development and its sloping ground, it lacks suitability for more specialist bird species, such as wading bird which make use of in-bye land (i.e. curlew *Numenius arquata* and lapwing *Vanellus vanellus*).
- 5.2.24 The site lacks much suitability for farmland birds due to the close proximity of nearby housing, its topography and the recent history of heavy grazing of the two eastern fields.
- 5.2.25 Twite *Carduelis flavirostris* in particular, which is a species of conservation concern that is present in small numbers on the Southern Pennine Moors, will not be impacted by the scheme, as most of the grassland on site has been grazed, is species poor and is too far from their breeding habitat on the moorland. Species rich enclosed fields containing an abundance of common sorrel within two kilometres of the moorland edge are favoured by this species for foraging (Middleton, 2007).

Invasive species

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

Invertebrates

5.2.27 Given the ubiquitous habitats on site, the site's location and its size; significant populations of rarely occurring and/or notable species are not likely to be present.

Plants

5.2.28 Given the habitats on site and the soil's somewhat nutrient enriched state, it is unlikely to support rare or notable species of flowering plants.

Reptiles

5.2.29 No recent reptile records were provided by WYE for locations within 2km of the site. Given the lack of records, unsuitable habitat on site (lacking water bodies and/or dwarf shrub) and lack of connectivity with suitable habitats elsewhere, reptiles are not considered a receptor to the proposed scheme.

**Table 2. Ecological importance of each habitat, species or species group on site and adjacent**

Habitat, Species or Species Group	Ecological value
g - grassland	Site
g3c – other neutral grassland	Site
g3c5 – <i>Arrhenatherum</i> neutral grassland	Site
h3d – bramble scrub	Site
Amphibians	Site
	Site
Bats	Site
Birds	Site
Reptiles	Unlikely to be present
Invasive species	Not present
Invertebrates	Site
Plants	Site

**5.3 Biodiversity Calculation**

5.3.1 The existing site's value as calculated by the Biodiversity Metric 3.1 tool is 4.98 Habitat Units.

## 6. Assessment

### 6.1 Proposals

- 6.1.1 The proposed development will result in the land-take of approximately 1.24ha of land comprising largely *Arrhenatherum* neutral grassland together with some Other neutral grassland and scrub. Almost all existing habitats will be lost as the proposed area of open space near the northern boundary is the location for the water attenuation tank. Post development, an area of wildflower meadow with scattered fruit trees will be established within public open space in this location. The grassland and trees within this open space will be subject to appropriate conservation management.
- 6.1.2 The assessment of impacts is based upon the proposed site layout plan entitled: Proposed Site Layout, Site off Wesley Avenue, Netherthong. Date 02/23. Project No 2232 (proposed Site Layout for 35 Dwellings), Drawing Number 1, Northern Design Partnership Ltd.

### 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 the distance of designated sites from the proposed development area. The design of the proposals, in particular, the retention of two large sycamores and the creation of a wildflower grassland on the northern boundary is expected to negate any potential impacts upon the adjacent KWHN (see Ecological Design Strategy).

#### Habitats

- 6.2.3 Almost all existing site habitats will be lost. However, existing site habitats are of no more than site level importance to nature conservation. Consequently, the loss of these habitats would result in a negative ecological impact at no more than a site level.
- 6.2.4 Proposals agreed for the site include a 0.19ha area of open space at the northern end of the site which will comprise a wildflower meadow with scattered fruit trees. In addition, the embankment on the south boundary will be planted with dwarf shrub (heather & bilberry) and a species rich hedgerow will be planted along the western boundary.
- 6.2.5 It is possible to retain the two mature sycamore trees on the north-western boundary. Retained site trees, and trees close to the site boundary should be protected in accordance with British Standard 5837 (2012): Trees in relation to design, demolition, and construction with Root Protection Zones (RPZ's) calculated and implemented to prevent harm to trees.
- 6.2.6 The proposed area of open space at the northern end of the site provides opportunities to help mitigate for the loss of the majority of existing site habitats. An ecological friendly landscaping plan is included in the Ecological Design Strategy (EDS) (MBE 2023) which is a separate document which will accompany this EclA.

- 6.2.7 The tree species proposed for the development will comprise native UK species and apple trees. The shrub planting mix will include species which will provide good forage for invertebrates and birds (nectar, pollen, fruit, and berry rich species).

### **Species and Species Groups**

#### Bats

- 6.2.8 The scheme will not impact roosting bats. The loss of site habitats is not considered to be of importance to foraging bats at greater than the site level.
- 6.2.9 Enhancements for bats will be provided. Cavity boxes integral to the fabric of the buildings will be installed within the gables of 11 of the new dwellings. This enhancement is detailed in the accompanying EDS.
- 6.2.10 It is also advised that new lighting within the proposed area of open space at the northern end of the site is minimised or preferably avoided, in order to increase the appeal of this area to nocturnal wildlife, notably including bats. If lighting is required in this area, a sensitive lighting strategy should be designed to include no permanently lit outside lighting on dwellings. Where outside lighting is necessary it should be activated only by a passive infrared (PIR) sensor.
- 6.2.11 All lighting (including street lighting) should be positioned and designed to prevent light spill onto semi natural habitats created on the site boundaries. Programmable street lighting could be used which could be switched off, or reduced to 50 or 25 % brightness, for part of the night (for example between midnight and 04:00).
- 6.2.12 All lighting should be designed in line with guidance issued by the Institute of Lighting Professionals (Anon, 2018) and detailed in a sensitive lighting plan which should be designed with input from a suitably qualified ecologist.

#### Birds

- 6.2.13 The scheme could potentially impact a low number of nesting birds, however, the impact of the loss of site habitats is not considered to be of importance to nesting /foraging birds at greater than the site level. New hedgerow creation and fruit trees will provide foraging and nesting habitat for birds.
- 6.2.14 Aside from planning considerations, 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 vegetation clearance works during the bird nesting season cannot be avoided, then they should be preceded by a nesting bird check to be undertaken by an ecologist.
- 6.2.15 Twelve of the new dwellings will incorporate integrated swift bricks, such as the Manthorpe Swift Brick. These features should be installed at wall top height. Studies have shown that swift *Apus apus* boxes are used by the full range of nesting birds that utilise buildings; consequently, these boxes will also provide potential nesting space for house sparrow *Passer domesticus* and starlings *Sturnus vulgaris*. These measures are detailed in the accompanying EDS.

Other species

6.2.17 In order to avoid the development resulting in a scheme which reduces the areas of the site available to foraging hedgehog *Erinaceus europaeus* (if present), the proposals include the creation of hedgehog holes at the junctions of new fences. This measure is detailed in the accompanying EDS.

**6.3 Biodiversity Calculation**

6.3.1 It is calculated the post-development the site will have an ecological value of 2.35 Habitat Units, resulting in a net loss of 2.63 Habitat Units on site (- 52.86% of the existing site's ecological value). There will however be 1.15 Hedgerow Units created.

6.3.2 The requirement for offsite compensation to achieve no net biodiversity loss, or a net biodiversity gain, should be discussed with Kirklees Council's planning team. The agreed strategy should be suitable to compensate for the net loss of 2.63 Habitat Units.

**6.4 Conclusions and Residual Effects**

6.4.1 In order to further reduce scheme impacts and to ensure the scheme maximises potential benefits to nature conservation, it is recommended that mitigation and enhancement measures detailed in Section 6.2 are adopted. The net gain of 1.15 Hedgerow Units should be considered when determining the level of off-site compensation required for the loss of 2.63 Biodiversity Habitat Units.

6.4.2 The results of this survey and report are considered to be valid for a period of 18 months. After this time Middleton Bell Ecology should be contacted to determine the need for update survey.

## 7. References

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## Appendix 1. UK Habitat Plan



Survey Information	
	Site boundary (12,454m <sup>2</sup> )
UKHab Habitat Survey	
	g - Grassland (379m <sup>2</sup> )
	g3c - Other neutral grassland (2,658m <sup>2</sup> )
	g3c5 - Arrhenatherum neutral grassland (9,022m <sup>2</sup> )
	h3d - Bramble scrub (395m <sup>2</sup> )
	67 - Drystone wall (654m)
	Target note

- Secondary Codes:**
- 10 - Scattered scrub
  - 11 - Scattered trees
  - 16 - Tall herb
  - 67 - Dry stone wall
  - 68 - Mortared wall
  - 80 - Unmanaged
  - 117 - Dry
  - 161 - Tall or tussocky sward

- Target Notes:**
- [1] Small area of heath bedstraw
  - [2] Area of Rosebay

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PROJECT TITLE  
**LAND AT MIRY LANE, NETHERTHONG, HUDDERSFIELD**

DRAWING TITLE  
**Figure 1. UKHab Habitat Plan**

VER	DATE	REMARKS	Drawn	Checked
2.2	28/10/22	UKHab	MP	PM

DRAWING NUMBER:  
**MIDDLETONBELLECOLOGY/MiryLane/UKHab**

SCALE	1:575	PLOT SIZE	A3	DATUM	OSGB	PROJECTION	BNG
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## Appendix 2. Plant Species Recorded on Site

Full Species List		
English Name	Scientific Name	DAFOR Rating
<b>Scattered scrub (secondary code 10)</b>		
Bramble	<i>Rubus fruticosus</i> agg.	Loc F
Hazel	<i>Corylus avellana</i>	R
<b>Scattered trees (secondary code 11)</b>		
Sycamore	<i>Acer psuedoplatanus</i>	R
<b>Other neutral grassland g3c</b>		
Yorkshire fog	<i>Holcus lanatus</i>	A
Sweet vernal grass	<i>Anthoxanthum oteratum</i>	F
Sheep's sorrel	<i>Rumex acetosella</i>	F
White clover	<i>Trifolium repens</i>	A
Smooth meadow-grass	<i>Poa pratensis</i>	O
Creeping bent	<i>Agrostis stolonifera</i>	F
Common bent	<i>Agrostis capillaris</i>	F
Bulbous buttercup	<i>Ranunculis bubosus</i>	F
Common sorrel	<i>Rumex acetosa</i>	O
Cocksfoot	<i>Dactylis glomerata</i>	O
Meadow buttercup	<i>Ranunculis acris</i>	O
Ribwort plantain	<i>Plantago lanceolata</i>	F
Broad leaved dock	<i>Runex obtusifolius</i>	O
Spear thistle	<i>Cirsium vulgare</i>	R
Common mouseear	<i>Cerastium fontanum</i>	R
Nettle	<i>Urtica dioica</i>	Loc A
Creeping buttercup	<i>Ranunculus</i>	O
Ribwort plantain	<i>Plantago lanceolata</i>	Loc A
Ragwort	<i>Senecio jacobea</i>	F
Catsear	<i>Hypochaeris radicata</i>	O
Birdsfoot trefoil	<i>Lotus corniculatus</i>	O
Foxglove	<i>Digitalis purpurea</i>	Loc F
<b>Arrhenatherum grassland g3c5</b>		
Broad leaved dock	<i>Rumex obtusifolius</i>	O
Common sorrel	<i>Rumex acetosa</i>	O
Smooth meadow-grass	<i>Poa pratensis</i>	F
Creeping bent	<i>Agrostis solonifera</i>	F
Cocksfoot	<i>Dactylis glomerata</i>	Loc F
Red fescue	<i>Festuca rubra</i>	F
White clover	<i>Trifolium repens</i>	Loc A
Tufted vetch	<i>Viccia cracca</i>	F
False oatgrass	<i>Arrhenateherum elatius</i>	Loc F
Bulbous buttercup	<i>Rumex bulbosus</i>	O
Ragwort	<i>Senecio jacobea</i>	O
Foxglove	<i>Digitalis purpurea</i>	O
Ribwort plantain	<i>Plantago lanceolata</i>	R
Black knapweed	<i>Centaurea nigra</i>	Loc F
Meadow vetchling	<i>Lathyrus pratensis</i>	Loc F
Nettle	<i>Urtica dioica</i>	Loc F
<b>Drystone wall</b>		
Foxglove	<i>Digitalis purpurea</i>	F
Bramble	<i>Rubus fruicosus</i>	R
Broad buckler fern	<i>Dryopteris dilitata</i>	O

### 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
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 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.</p> <p>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.</p>

Species	Legal 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>
Reptiles	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

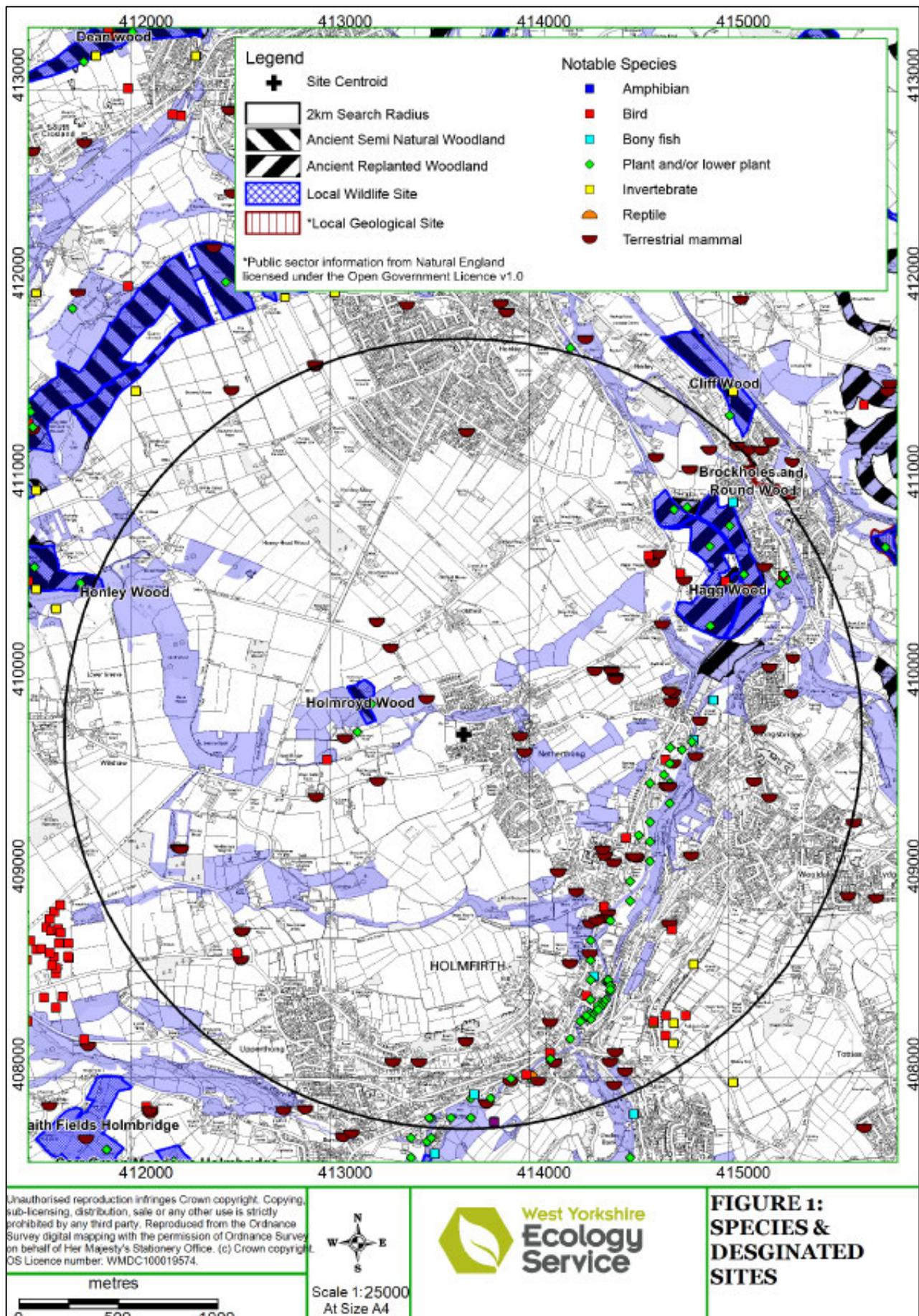
The National Planning Policy Framework for England was revised in 2018. This document states that plans should 'promote the conservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for 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. Designated Sites Map



## Appendix 5. Proposed Plan

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SCHEDULE:		PLOTS	
FRANKEL	2	13,14	
FRANKEL (TYPE A)	1	19	
NEW 4 BED TYPE A	2	1,2	
NEW 5 BED DETACH (DET GARAGE)	1	6	
FAUGHEEN	2	15, 17	
KAUTO	2	16, 18	
DENMAN	2	24, 25	
(2 / 3 STOREY )			
DENMAN	9	3,4,5,7,9,10	
		12,34,35	
2 BED MID TERRACE	2	8, 11	
2 BED OLDER PEOPLE FLATS	8	26-33	
1 BED OLDER PEOPLE FLATS	4	20-23	
<b>TOTAL</b>	<b>35</b>		
HOUSING RATIOS:			
TYPE	No.	RATIO	
4 / 5 BED	10	28.5%	
3 BED	11	31%	
2 BED	10	28.5%	
1 BED	04	12%	



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client	HEYWOOD HOMES LTD		
project	SITE OFF WESLEY AVENUE NETHERTHONG HOLMFIRTH HD9 3UL		
drawing	PROPOSED SITE LAYOUT FOR 35 DWELLINGS		
revision	notes	date	drawn
scale :	1:250 AT A1	02.23	PB
project no.	2232	drawing no.	01

## Appendix 6. Biodiversity Metric Headline Results

The headline results from the Biodiversity Net Gain Metric are shown in the extract below. NB the habitat and hedgerow units required to meet the target shown assumes a target of a 10 % biodiversity net gain.

On-site baseline	<i>Habitat units</i>	4.98
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
On-site post-intervention <small>(Including habitat retention, creation &amp; enhancement)</small>	<i>Habitat units</i>	2.35
	<i>Hedgerow units</i>	1.15
	<i>River units</i>	0.00
On-site net % change <small>(Including habitat retention, creation &amp; enhancement)</small>	<i>Habitat units</i>	-52.86%
	<i>Hedgerow units</i>	0.00%
	<i>River units</i>	0.00%
Off-site baseline	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Off-site post-intervention <small>(Including habitat retention, creation &amp; enhancement)</small>	<i>Habitat units</i>	0.00
	<i>Hedgerow units</i>	0.00
	<i>River units</i>	0.00
Total net unit change <small>(including all on-site &amp; off-site habitat retention, creation &amp; enhancement)</small>	<i>Habitat units</i>	-2.63
	<i>Hedgerow units</i>	1.15
	<i>River units</i>	0.00
Total on-site net % change plus off-site surplus <small>(including all on-site &amp; off-site habitat retention, creation &amp; enhancement)</small>	<i>Habitat units</i>	-52.86%
	<i>Hedgerow units</i>	100.00%
	<i>River units</i>	0.00%
Trading rules Satisfied?	No - Check Trading Summary ▲	

## **Appendix 7. Proposed Plan Used for Metric 3.1 Calculation**



Survey Information	
	Site boundary (12,454m <sup>2</sup> )
Proposed Habitats	
	Wildflower meadow (1,711m <sup>2</sup> )
	Dwarf shrub heath (556m <sup>2</sup> )
	g - Grassland (75m <sup>2</sup> )
	Ornamental planting (169m <sup>2</sup> )
	Garden (3,131m <sup>2</sup> )
	u1b - Developed land; sealed surface (4,465m <sup>2</sup> )
	u1b5 - Buildings (2,347m <sup>2</sup> )
	h2 - Hedgerows, retained (87.6m)
	Native mixed hedgerow (139.3m)
	Single species hedgerow (219.2m)
	Wall (27.7m)
	Proposed tree (27)

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PROJECT TITLE  
**LAND AT MIRY LANE, NETHERTHONG, HUDDERSFIELD**

DRAW NG TITLE  
**Figure 1. Propsoed Site Plan**

VER	DATE	REMARKS	Drawn	Checked
3.1	06/03/23	Proposed	MP	PM

DRAW NG NUMBER:  
**MIDDLETONBELLECOLOGY/MiryLane/Proposed**

SCALE	1:575	PLOT SIZE	A3	DATUM	OSGB	PROJECTION	BNG
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