Preliminary Ecological Appraisal (PEA) and

Preliminary Roost Assessment (PRA)

Land to the south of Park View, Earlsheaton, Dewsbury, Kirklees, WF12 8AH

James Shaw

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Industry Guidelines and Standards

This report has been written with due consideration to:

- Chartered Institute of Ecology and Environmental Management (2017). Guidelines for Preliminary Ecological Appraisal. 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2017). Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.
- Chartered Institute of Ecology and Environmental Management (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- British Standard 42020 (2013). Biodiversity – Code of Practice for Planning and Development.
- British Standard 8683:2021 (2021). Process for Designing and Implementing Biodiversity Net Gain.

Proportionality

> The work involved in preparing and implementing all ecological surveys, impact assessments and measures for avoidance, mitigation, compensation and enhancement should be proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development. Consequently, the decision-maker should only request supporting information and conservation measures that are relevant, necessary and material to the application in question. Similarly, the decision-maker and their consultees should ensure that any comments and advice made over an application are also proportionate.
>
> The desk studies and field surveys undertaken to provide a Preliminary Ecological Appraisal (PEA) might in some cases be all that is necessary.
>
> (BS 42020, 2013)

Executive Summary

Arbtech Consulting Limited was instructed by James Shaw to undertake a Preliminary Ecological Appraisal (PEA) at Land to the south of Park View, Earlsheaton, Dewsbury, Kirklees, WF12 8AH (hereafter referred to as "the site"). The survey was required to inform a planning application for the erection of 5 dwellings (class C3) and ancillary office accommodation, and formation of associated access, car parking and landscaping (hereafter referred to as "the proposed development").

The following is work you will need to commission to comply with planning policy and legislation. Further information, along with opportunities for biodiversity enhancement, are outlined in Table 6 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Designated sites	There are no statutory designated sites within 2km of the site. However, the woodland adjacent to the south of the site is classed as 'Priority Deciduous Woodland' under MAGIC. The site lies within the impact risk zone for Denby Grange Colliery Ponds SSSI and the proposed development is not listed as a possible high risk for this designation. The presence of non-statutory designated sites within 2km of the site cannot be established without data from West Yorkshire Ecology (WYE).	No direct impacts to any designated sites will occur as a result of the proposed development. However, due to the possible presence of non-statutory designations in the vicinity, indirect effects such as pollution or tree damage could occur during construction. The proposed development may also result in increased recreational pressure to nearby areas.	Best practice measures to minimise the possibility of pollution must be implemented during construction.
Habitats and flora	There are no notable habitats within the site, but 'Priority Deciduous Woodland' habitats are present within 2km of the site, the closest is located adjacent to the south of the site. Habitats on site comprise mixed scrub and scattered young trees which are common and widespread and have low ecological value. No protected or notable plant species were recorded during the survey.	No direct impacts to any notable habitats will occur as a result of the proposed development. However, due to the proximity of the site to 'Priority Deciduous Woodland', indirect effects such as pollution or tree damage could occur during construction. The proposed development will result in the loss of ~0.4ha of scrub and scattered young trees. This is likely to have a minimal impact on biodiversity due to the low ecological value of these habitats. There are no protected or invasive non-native plant species within the construction footprint.	Best practice measures to minimise the possibility of pollution must be implemented during construction. Retained trees/nearby trees should be protected in line with the measures outlined in the British Standard "Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012). To compensate for the proposed habitat losses at the site, the following habitat creation measures should be incorporated: • Planting of species-rich native hedgerow along site boundaries. • Planting of native trees within retained greenspaces.

Amphibians	The site is disconnected from any ponds suitable for GCN. The site comprises scrub which may support more common amphibians for shelter, commuting and foraging.	No impacts to GCN are anticipated. However, ~0.4ha of scrub will be removed to facilitate the proposed development. Although this is likely to be inconsequential for local amphibian populations, there is potential for amphibians to be impacted during site clearance.	Owing to the nature of the proposed development and the low potential for impacts to great crested newts, further surveys are considered to be disproportionate. A precautionary working method will be implemented for common amphibians during construction, which is detailed in Table 6 of this report.
Reptiles	The site lies in an urban area so the likelihood of reptiles using this site is possibly quite low, and the site comprises a small fragment of what could be suitable reptile habitat, disconnected from other suitable habitat.	Scrub will be removed during construction. The loss of such habitats is likely to be inconsequential to local reptile populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles, if present.	Owing to the nature of the proposed development and the low potential for impacts to reptiles, further surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, which is detailed in Table 6 of this report.
Roosting bats (T06 and T09)	T06 and T09 have PRF-M features suitable for roosting bats.	The proposed development will not result in the felling/pruning of these trees. Therefore, there are no anticipated impacts to possible bats roosting in these trees.	**These trees will not be felled/pruned as part of the proposed works. In the event of any pruning or felling of T06 and T09:** A close-up endoscope inspection of any features that could be used by roosting bats will be undertaken to determine the suitability of the features and to establish presence or likely absence of roosting bats. This may require a qualified climbing team or a Mobile Elevated Work Platform (MEWP) to access the features. There is no seasonal constraint to this type of survey. If bat roosts are confirmed in the tree or where features cannot be fully inspected or access to the tree is impeded, bat emergence or re-entry surveys may be required with the use of infra-red cameras as an aid. If bat roosts are confirmed an EPSL application to Natural England will be required. The EPSL application requires that surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.
Roosting bats (T04, T05, T07, T08, T10:T12)	T04, T05, T07, T08 and T10:T12 have PRF-I features suitable for roosting bats.	The proposed development will not result in the felling/pruning of these trees. Therefore, there are no anticipated impacts to possible bats roosting in these trees.	**These trees will not be felled/pruned as part of the proposed works. In the event of any pruning or felling of T04, T05, T07, T08, and T10:T12:** Best practice guidelines state that trees with PRF-I features for roosting bats do not require further surveys. Instead, prior to any pruning or felling, a close-up inspection of any features that could be used by

			roosting bats will be undertaken to determine the presence or likely absence of roosting bats. This may require a qualified climbing team or a Mobile Elevated Work Platform (MEWP) to access the features. In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.
Roosting bats (T01:T03, T13, and G01)	T01:T03, T13 and G01 have negligible value for roosting bats due to a lack of potential roost features.	Bats are very unlikely to be roosting within these trees and as such, there are not anticipated to be any impacts on roosting bats by their pruning/felling, if applicable.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat-licensed ecologist contacted for further advice.
Foraging and commuting bats	Adjacent woodland could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will result in the loss of small areas of young trees and possibly a few mature trees but given their low value and the presence of more extensive areas of foraging and commuting habitat in the locality, this is likely to be inconsequential for bats. The proposed development may include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, which is detailed in Table 6 of this report.
Badger	Some evidence of badger excavation lies in close proximity to the site, and woodland lies south of the site suitable for badgers. The site has foraging and explorative opportunities for badgers, however no setts were identified on-site. The excavation (possible sett), near to the site looks to be disused with leaf litter covering the holes, and the holes are no deeper than ~0.5m so this excavation was likely abandoned.	The proposed works lies within 30m of the mound, which is possibly a result of badger excavation. However, this does not look to be an active badger sett, due to shallow holes and leaf litter covering the holes. On-site scrub will be removed during construction. The loss of such habitats is likely to be inconsequential to local badger populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of badgers, if present.	Owing to the nature of the proposed development and the low potential for impacts to badgers, further badger surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, which is detailed in Table 6 of this report.
Hedgehog	There is suitable habitat on-site for hedgehogs for shelter and hibernation including on-site scrub. Furthermore, the site lies adjacent to woodland habitat south of the site which is likely used by hedgehogs. Hedgehogs are also known to be urban tolerant. It is likely hedgehogs will use this site.	Scrub and some scattered young trees will be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their low value and the presence of more extensive habitat locally. However, construction	A precautionary working method will be implemented during construction, which is detailed in Table 6 of this report.

		activities could result in the death or injury of hedgehogs, if present.	
Birds	There are some mature trees adjacent to site boundary and there is some adjacent woodland habitat to the south of the site, suitable for nesting birds. The site is likely too small and urban to support any significant breeding or wintering bird populations. Some schedule 1 species of bird may commute through the site and use the adjacent woodland.	Scrub and scattered young trees will be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Vegetation clearance should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the vegetation should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.

Contents

1.0 Introduction and Context

1.1 Background

Arbtech Consulting Limited was instructed by James Shaw to undertake a Preliminary Ecological Appraisal (PEA) at Land to the south of Park View, Earlsheaton, Dewsbury, Kirklees, WF12 8AH (hereafter referred to as "the site"). The survey was required to inform a planning application for the erection of 5 dwellings (class C3) and ancillary office accommodation, and formation of associated access, car parking and landscaping (hereafter referred to as "the proposed development"). A plan showing the proposed development is provided in Appendix 1.

The aim of the PEA was to obtain data on existing ecological conditions, and to conduct a preliminary assessment of the likely significance of ecological impacts on the proposed development. No previous ecology reports have been produced for this site by Arbtech Consulting Ltd or, to the author's knowledge, by any other consultancy.

1.2 Site Location and Landscape Context

The site is located at National Grid Reference SE 25660 21670 and has an area of approximately 0.4ha comprising scrub and tree saplings. It is surrounded by residential areas with the centre of Dewsbury to the west of the site. The River Calder also lies west of the site. There are scattered moderate fragments of woodland in the nearby vicinity of the site. The wider landscape comprises scattered moderate-sized settlements with more rural areas south of the site. A site location plan is provided in Appendix 2.

1.3 Scope of the Report

This report describes the baseline ecological conditions at the site, evaluates habitats within the survey area in the context of the wider environment and describes the suitability of those habitats for notable or protected species. It identifies possible ecological constraints as a result of the proposed development and summarises the requirements for further surveys and mitigation measures to inform subsequent mitigation proposals, achieve planning or other statutory consent and to comply with wildlife legislation. To achieve this, the following steps have been taken:

- A desk study has been carried out.
- A field survey has been undertaken to record baseline information on the site and surrounding area including habitat types and their suitability for notable or protected species.
- Invasive plant and animal species (such as those listed on Schedule 9 of the Wildlife & Countryside Act) have been identified.
- Potential impacts on features of value, as a result of the proposed development, have been identified.
- Recommendations for further surveys and mitigation have been made.
- Opportunities for the enhancement of the site for biodiversity have been set out.

2.0 Methodology

2.1 Desk Study

The desk study included a review of the magic.gov.uk database for statutory designated sites within a 2km radius of the site. Landscape value and the presence of notable habitats as well as granted European Protected Species Licence (EPSL) and notable species records held on magic.gov.uk database has also been considered where these are within influencing distance of the site.

2.2 Field Survey

The survey was undertaken by Jessica Sibley BSc (Hons) MSc (Accredited Agent on Natural England Bat Licence Number: 2022-10404-CL18-BAT) on 09/11/2023.

An extended habitat survey was undertaken, following the methodology set out in The UK Habitat Classification Habitat Definitions Version 2.0 (The UK Habitat Classification Working Group, July 2023). All land parcels are described and mapped and, where appropriate, target notes provide supplementary information on habitat conditions, features too small to map to scale, species composition, structure and management. Botanical species lists were compiled with reference to the DAFOR scale (D = Dominant; A = Abundant, F = Frequent, O = Occasional, R = Rare).

During the survey, habitats were assessed for their suitability to support protected species, and field signs indicating their presence recorded. The assessment takes into consideration the findings of the desk study, the habitat conditions on site and in the context of the surrounding landscape, and the ecology of the protected species.

A visual inspection of the trees on the site was undertaken from ground level using binoculars and, where accessible and safe to do so, an internal inspection of any features which bats could use for roosting was completed using an endoscope, torch and ladders. Trees were categorised according to the likelihood of bats being present and the types of roost that the identified features could support. This is summarised in Table 1 below. Roost suitability is classified based on the features present (i.e., PRF-I, PRF-M) and dictates if any further surveys required before works can proceed.

Table 1: Features of a tree that are correlated with use by bats

Classification	***Feature of tree and its context***
PRF-M	A tree with one or more potential roost sites that are obviously suitable for use by bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. PRF-Ms could support roosts of high conservation value such as maternity or hibernation roosts.
PRF-I	A tree containing only very limited number of roosting features which could be used sporadically by individual or small numbers of bats. PRF-Is may be suboptimal for reasons such as shallow depth, poor thermal qualities or upwards orientation with exposure to inclement weather or predators.
Negligible	No suitable roost features.

2.3 Limitations

It should be noted that whilst every effort has been made to describe the baseline conditions within the survey area, and evaluate these features, this report does not provide a complete characterisation of the site. This assessment provides a preliminary view of the likelihood of protected species being present. This is based on suitability of the habitats on the site and in the wider landscape and the ecology and biology of species as currently understood.

No Biological Records Data (BRD) was available at the time of writing this report and this should be obtained, and the report updated to enable a robust ecological impact assessment to be completed.

The site contains a steep verge which could not be accessed/climbed safely. However, the site is small and could be accessed from both the north and south of the site, and the verge and associated vegetation were viewed in full and considered to be consistent with the remaining vegetation accessed on site.

The survey was completed outside of the optimal survey period (April to October) limiting the identification of ground flora species.

These limitations have been taken into account during the evaluation of the site and requirement for further surveys and mitigation.

3.0 Results and Evaluation

3.1 Designated Sites

No statutory designated sites were identified within 2km of the site. The presence of non-statutory designated sites within 2km cannot be established without biological records data from West Yorkshire Ecology (WYE). The site lies within the impact risk zone for Denby Grange Colliery Ponds Site of Special Scientific Interest (SSSI). The proposed development is not listed as a possible high risk with regard to this designation.

3.2 Field Survey Results

The results of the field survey are illustrated in Appendix 3. The weather conditions recorded at the time of the survey are shown in Table 2.

Table 2: Weather conditions during the survey

Date:	09/11/2023
Temperature	7°C
Humidity	93%
Cloud Cover	20%
Wind	11mph
Rain	None

Habitats and Flora

The following habitats are present within and adjacent to the site:

- Mixed scrub (h3h) with scattered trees (11)
- Broadleaved woodland (w1) (adjacent)

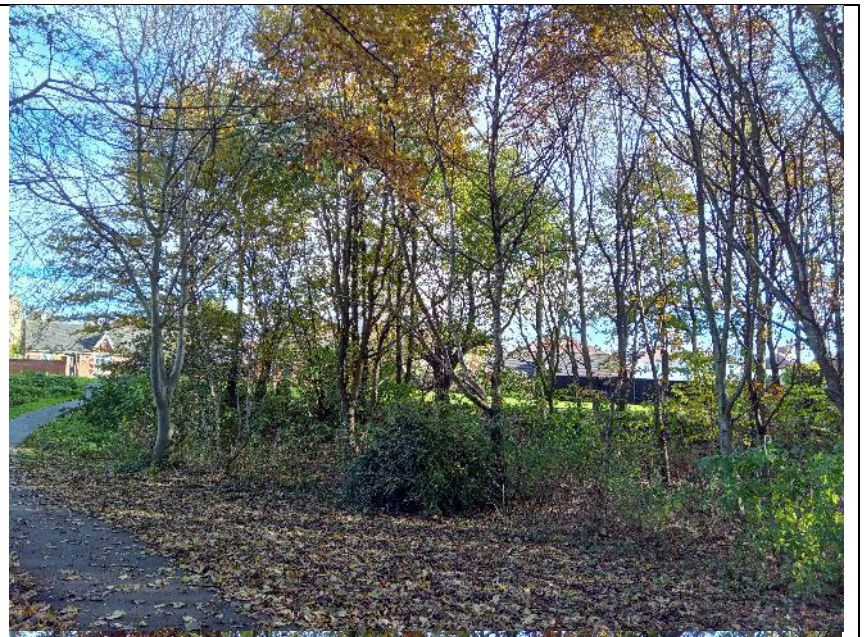
A description and photograph of each habitat is provided in Table 3.

No protected or non-native invasive plant species (as listed under Schedules 8 or 9 of the Wildlife and Countryside Act 1981) were identified on the site. However, due to the time of year in which the survey was undertaken it is possible that such species would not be visible.

Table 3: Description and photographs of habitats within and adjacent to the site

Habitat type	Habitat description	Photograph
Mixed scrub (h3h) with scattered trees (11)	The site comprises **mixed scrub** with **scattered** young **trees**. Species within the scrub comprise: **A:** Bramble *Rubus fruticosus*, and ivy Hedera helix. **O:** Bindweed *Convolvulus sp*., holly *Ilex aquifolium*, nettle *Urtica dioica*, avens *Rosaceae sp*., false oat-grass *Arrhenatherum elatius*, and cock's foot *Dactylis glomerata*. **R:** Broad-leaved dock *Rumex obtusifolius*, willowherb *Epilobium parviflorum*, bedstraw *Rubiaceae sp*., red fescue *Festuca rubra*, common toadflax *Linaria vulgaris*, greater plantain Plantago major, and dandelion *Taraxacum officinale agg*. **Condition Indication:** The scrub looks to be >80% native, with bramble the most common scrubby species within the sward. More mature shrubs do not look to be present, but sapling and young shrubs are present. No invasive non-native plant species were recorded in the habitat parcel. The northern boundary of the scrub has more grassy species present, with a well-developed edge to the habitat. There are some clearings present within the scrub revealing woodchip above soil and providing sheltered edges. On-site tree species (young) (G01) comprise: **D:** Sycamore *Acer pseudoplatanus*. **O:** Ash *Fraxinus excelsior*, and maple *Acer campestre*. **Condition Indication:** The majority of the trees are sycamore (~80%), which was an introduced species to the United Kingdom (UK), in its history. The other ~20% comprises ash, a native UK species. The tree canopy is not continuous as a result of the age of the trees. These trees are young. One mature tree is located in the southwestern corner boundary of the site (a Lawson cypress). There is no evidence of an adverse impact on tree health by human activities, and no current pruning regime. No natural ecological niches for vertebrates/invertebrates are present associated with these trees (i.e., cavities, deadwood, ivy or loose bark), as they are young trees. More than 20% of the tree canopy is oversailing vegetation beneath (a carpet of mixed scrub).	 

	Adjacent to the site boundary lies more mature trees (T01:T13), comprising: **D:** Sycamore *Acer pseudoplatanus*. **O:** Ash *Fraxinus excelsior*, Lawson Cypress *Chamaecyparis lawsoniana,* Black Elder *Sambucas nigra,* Hawthorn *Crataegus monogyna.* **Condition Indication:** Approximately ~70% of trees within the stand (T01:T13) are non-native to the UK, including sycamore (7 trees) and Lawson cypress (2 trees). The tree canopy is predominantly continuous, with gaps making up <10% of the total area and no gap >5m wide. All the trees within this stand are mature. There is no evidence of an adverse impact on tree health by human activities, however, some branches on some of the trees look to have been pruned. The trees are part of a woodland and parkland with regular footfall. A number of ecological niches for vertebrates/invertebrates are present associated with these trees (i.e., cavities, ivy and loose bark). More than 20% of the tree canopy is oversailing vegetation beneath (scrub).	

Broadleaved woodland (w1) (adjacent)	Adjacent to the site is broadleaved woodland, which represents the lowland mixed deciduous woodland priority habitat as listed on Schedule 41 of the NERC Act (see Appendix 4). Species include, but are not limited to: **A:** Oak *Quercus sp*. **O:** Ash, field maple, and sycamore.	 

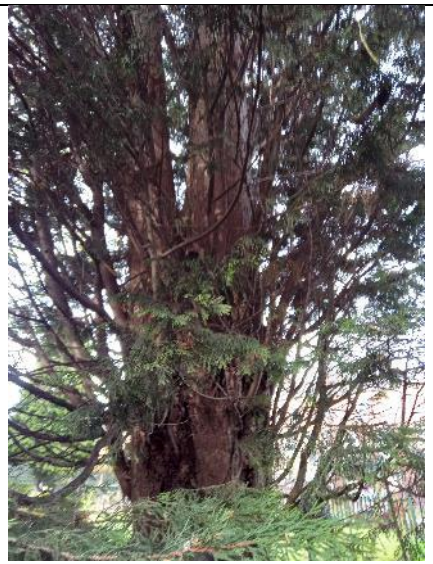
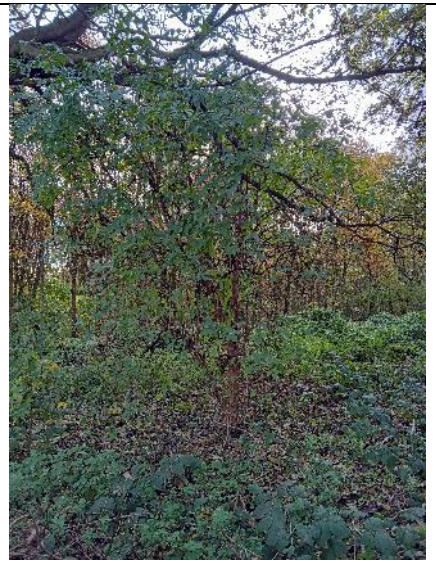
Fauna

An assessment of the suitability of on-site trees for bat features is provided in Table 4.

An assessment of the suitability of the site for protected or notable species is provided in Table 5.

Table 4. Assessment of the suitability of on-site trees for suitable bat features.

Tree ID	Assessment of suitable features	Photographs
T01	T01 is a Lawson cypress tree, which lies in the southwestern corner of the site. Grid reference: SE 25657 21638. Based on its age, size, and condition, and lack of any suitable roost features, this tree has negligible value for roosting bats.	 

T02	T02 is an off-site Lawson cypress tree. Grid reference: SE 25652 21637. Based on its age, size, and condition, and lack of any suitable roost features, this tree has negligible value for roosting bats.	 
T03	T03 is an off-site black elder tree. Grid reference: SE 25660 21633. Based on its age, size, and condition, and lack of any suitable roost features, this tree has negligible value for roosting bats.	

T04:T08	T04, T05, T07 and T08 are off-site sycamore trees. T06 is an ash tree. Grid reference (for group): SE 25667 21639. T04:T06 all have ivy present around the trunks of the trees, which may obscure visibility of suitable features, and is a PRF-I feature in itself. T06, also has some possible PRF-M features (pictured below), including three split branches on the southwestern, northwestern and northeastern aspect of the tree at ~3m above ground level. These features may be used by roosting bats.	

		
T09	T09 is an off-site hawthorn tree. Grid reference: SE 25680 21640. T09 has a hollow trunk (also known as basal rot). The hollow was inspected using a torch, and no evidence of bats was found. However, this feature is a PRF-M feature as it could possibly support larger numbers of roosting bats.	 

T10	T10 is an off-site sycamore tree. Grid reference: SE 25675 21648. T10 is covered in ivy, which may obscure visibility of features, and is in itself a PRF-I feature.	
T11	T11 is an off-site sycamore tree. Grid reference: SE 25681 21644. T11 has a split branch at ~3.5m above ground level on the northwestern aspect of the tree, which looks to be shallow and suboptimal, with a small split likely subject to inclement weather. However, this is a PRF-I feature, for roosting bats.	

T12	T12 is an off-site sycamore tree. Grid reference: SE 25682 21650. T12 has a shallow-looking canker/knot hole at ~3.5m above ground level on the southern aspect of the tree on one of the limbs, which is a PRF-I feature.	 
T13	T13 is a sycamore tree, which lies in the southwestern corner of the site. Grid reference: SE 25657 21636. Based on its age, size, and condition, and lack of any suitable roost features, this tree has negligible value for roosting bats.	

G01	G01 is a group of young sycamore and ash trees, within the site. Grid reference (central point of group): SE 25662 21665. Based on their age, size, and condition, and lack of any suitable roost features, these trees have negligible value for roosting bats.	
W01	W01 is an area of off-site woodland. Grid reference (central point): SE 25687 21555. The trees as part of this woodland were not subject to a Preliminary Roost Feature Assessment (PRFA).	

Table 5: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability	Biological records data
Amphibians	Great Crested Newts (GCN) exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; great crested newts are typically found within terrestrial habitats up to 500m from breeding ponds (Langton et al. 2001). There are no ponds on-site and there is one pond (/wet ditch) within a 500m radius of the site (P1). P1 is located ~470m northeast of the site. This pond looks to be disconnected from the site by Wakefield Road, a busy road with curbs. On-site there is suitable terrestrial habitat for GCN and other more common amphibians. This includes scrub for shelter. However, the site is not well connected to any ponds, therefore it is unlikely GCN will use this site. Common amphibians such as common toads have better mobility than newts and can travel longer distances over suboptimal habitats. A such common amphibians may use the site for commuting, foraging, and for refuge.	There are no EPSLs or class licence returns and there is no pond survey data for GCN within a 500m radius of the site. No BRD has been obtained.
Reptiles	Habitats recorded on site are assessed to provide foraging, commuting, and refuge opportunities for reptiles in the form of scrub. However, due to the density of the scrub there is an absence of basking opportunities and thus the site provides suboptimal conditions to support reptiles. However, the site is well connected to the wider landscape via woodland and grassland unperturbed by urban development to the south, and thus the presence of reptiles cannot be discounted, albeit likely to be limited to the site peripheries at the scrub edge.	There are no EPSLs for reptiles within a 2km radius of the site. No BRD has been obtained.
Badgers	A small mound of earth with holes was identified in close proximity to the site boundary (pictured below). Grid reference: SE 25654 21634. These holes (four in total) may be evidence of badger activity in the nearby vicinity of the site. These holes do not look to be sett entrances as they are shallow (ending no deeper than 0.5m into the mound). It is possible this mound was the start of a sett excavation by badgers (or foxes) and abandoned. No other possible badger evidence was identified within the surrounding 30m of the mound or the site. However, the site lies adjacent to woodland to the south, which provides optimal opportunities for badgers. On-site there are some opportunities for badgers for foraging, commuting, and sett building.	No BRD has been obtained.

		
Bats	There are no buildings on-site, and there are 13 trees (T01:T13), a group of young trees (G01) on-site/in the nearby vicinity of the site, and there is a section of woodland (W01) adjacent to the site to the south. Potential Roost Features (PRFs), relating to the trees which may be pruned/felled as part of the proposed works is discussed in Table 4 and mapped in Appendix 3a. The on-site trees (G01, T01, T13), have no suitable roost features. Some of the adjacent trees (T02:T12), have suitable roost features for bats. The adjacent woodland (W01) has opportunities for roosting, foraging and commuting bats, however these trees were not subject to a PRFA. Habitats recorded on site provide foraging and commuting opportunities for bats in the form of scrub and trees. These habitats are likely to attract invertebrate prey species that will in turn provide foraging opportunities for bats. Furthermore, the site is well connected to the wider landscape and contributes to the continuation of green infrastructure that may be utilised by commuting bats travelling between resources. However, due to the small size of the site and presence of better habitat locally, the site is not assessed to represent a significant resource in the context of the wider landscape.	There is one EPSL for bats within a 2km radius of the site: • 2019-38940-EPS-MIT - Common pipistrelle – Destruction of a resting place. No BRD has been obtained.
Hazel Dormouse	The site lies outside of the known geographic range for hazel dormice (either natural or reintroduced). Furthermore, there is no suitable on-site habitat for hazel dormice (e.g., connected hedgerow/woodland). Therefore, the site is not particularly suitable for hazel dormice.	There are no EPSLs for hazel dormice within a 2km radius of the site. No BRD has been obtained.

Hedgehog	There is suitable habitat on-site for hedgehogs for shelter and hibernation including on-site scrub. Furthermore, the site lies adjacent to woodland habitat south of the site which is likely used by hedgehogs. Hedgehogs are also known to be urban tolerant. It is likely hedgehogs will use this site.	No BRD has been obtained.
Otter	There are no on-site watercourses or adjacent watercourses to the site. The site does not comprise any riparian habitat, and there are no opportunities for holt or natal den creation on-site or near the site. Otters are unlikely to use this site.	There are no EPSLs for otters within a 2km radius of the site. No BRD has been obtained.
Water Vole	There are no on-site watercourses or adjacent watercourses to the site. The site does not comprise any riparian habitat, and there are no opportunities for burrow creation on-site or near the site. Furthermore, water voles tend to remain within ~5m of the banks of a watercourse.	No BRD has been obtained.
Birds	There are some mature trees adjacent to site boundary and there is some adjacent woodland habitat to the south of the site, suitable for nesting birds. The site is likely too small and urban to support any significant breeding or wintering bird populations. Some schedule 1 species of bird may commute through the site and use the adjacent woodland.	No BRD has been obtained.
Invertebrates	Some notable species of invertebrates may be found in the adjacent woodland to the south of the site. The on-site scrub is more likely to host common species of invertebrates. There is no hedgerow, species-rich grassland, or mature trees with cavities/decay suitable for notable species of invertebrates.	No BRD has been obtained.

4.0 Conclusions, Impacts and Recommendations

Taking the desk study and field survey results into account, Table 6 presents an evaluation of the ecological value of the site and also details any ecological constraints identified in relation to the proposed development which will comprise the erection of 5 dwellings (class C3) and ancillary office accommodation, and formation of associated access, car parking and landscaping.

Table 6: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities[1]
Designated sites	There are no statutory designated sites within 2km of the site. However, the woodland adjacent to the south of the site is classed as 'Priority Deciduous Woodland' under MAGIC. The site lies within the impact risk zone for Denby Grange Colliery Ponds SSSI and the proposed development is not listed as a possible high risk for this designation. The presence of non-statutory designated sites within 2km of the site cannot be established without data from West Yorkshire Ecology (WYE).	No direct impacts to any designated sites will occur as a result of the proposed development. However, due to the possible presence of non-statutory designations in the vicinity, indirect effects such as pollution or tree damage could occur during construction. The proposed development may also result in increased recreational pressure to nearby areas.	Best practice measures to minimise the possibility of pollution must be implemented during construction.	None.
Habitats and flora	There are no notable habitats within the site, but 'Priority Deciduous Woodland' habitats are present within 2km of the	No direct impacts to any notable habitats will occur as a result of the proposed development. However, due to the proximity of the site to 'Priority Deciduous Woodland', indirect effects	Best practice measures to minimise the possibility of pollution must be implemented during construction. Retained trees/nearby trees should be protected in line with the measures outlined in the British Standard	To be confirmed upon completion of the surveys.

[1] The Local Planning Authority has a duty to ask for enhancements under the NPPF (2021).

	site, the closest is located adjacent to the south of the site. Habitats on site comprise mixed scrub and scattered young trees which are common and widespread and have low ecological value. No protected or notable plant species were recorded during the survey.	such as pollution or tree damage could occur during construction. The proposed development will result in the loss of ~0.4ha of scrub and scattered young trees. This is likely to have a minimal impact on biodiversity due to the low ecological value of these habitats. There are no protected or invasive non-native plant species within the construction footprint.	"Trees in Relation to Design, Demolition and Construction to Construction - Recommendations" (BS 5837) (2012). To compensate for the proposed habitat losses at the site, the following habitat creation measures should be incorporated: • Planting of species-rich native hedgerow along site boundaries. • Planting of native trees within retained greenspaces.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development: • Planting of species-rich wildflower grassland. • Planting of native trees, shrubs and hedgerows. Species-specific enhancement opportunities are detailed later in this table.
Amphibians	The site is disconnected from any ponds suitable for GCN. The site comprises scrub which may support more common amphibians for shelter, commuting and foraging.	No impacts to GCN are anticipated. However, ~0.4ha of scrub will be removed to facilitate the proposed development. Although this is likely to be inconsequential for local amphibian populations, there is potential for amphibians to be impacted during site clearance.	Owing to the nature of the proposed development and the low potential for impacts to great crested newts, further surveys are considered to be disproportionate. A precautionary working method will be implemented for common amphibians during construction, including the following measures: • A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 15cm and left overnight to allow any amphibians to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter amphibians from the working area. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • Best practice pollution prevention measures will be implemented to minimise impacts to	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for amphibians: • Planting of species-rich wildflower grassland.

			nearby aquatic habitats that amphibians could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. • If any common amphibians are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance. • In the unlikely event that a great crested newt is identified, works must cease and advise must be sought from a suitably qualified ecologist.	
Reptiles	The site lies in an urban area so the likelihood of reptiles using this site is possibly quite low, and the site comprises a small fragment of what could be suitable reptile habitat, disconnected from other suitable habitat.	Scrub will be removed during construction. The loss of such habitats is likely to be inconsequential to local reptile populations owing to their low value and the presence of more extensive habitat locally. However, site clearance could result in the death or injury of reptiles, if present.	Owing to the nature of the proposed development and the low potential for impacts to reptiles, further surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures: • A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 15cm and left overnight to allow any reptiles to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter reptiles from the working area. • Any rubble piles will be dismantled by hand and debris and brash will be stored on pallets or removed from the site to prevent reptiles from utilising these areas. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for reptiles: • Planting of species-rich wildflower grassland.

			• In the unlikely event that a reptile is identified, works must cease and advise must be sought from a suitably qualified ecologist.	
Roosting bats (T06 and T09)	T06 and T09 have PRF-M features suitable for roosting bats.	The proposed development will not result in the felling/pruning of these trees. Therefore, there are no anticipated impacts to possible bats roosting in these trees.	**These trees will not be felled/pruned as part of the proposed works. In the event of any pruning or felling of T06 and T09:** A close-up endoscope inspection of any features that could be used by roosting bats will be undertaken to determine the suitability of the features and to establish presence or likely absence of roosting bats. This may require a qualified climbing team or a Mobile Elevated Work Platform (MEWP) to access the features. There is no seasonal constraint to this type of survey. If bat roosts are confirmed in the tree or where features cannot be fully inspected or access to the tree is impeded, bat emergence or re-entry surveys may be required with the use of infra-red cameras as an aid. If bat roosts are confirmed an EPSL application to Natural England will be required. The EPSL application requires that surveys have been undertaken within the most recent active bat season and planning permission must have been granted and all relevant wildlife-related conditions have been discharged prior to submission.	The installation of four bat boxes at the site will provide additional roosting habitat for bats. The bat boxes will be installed on new buildings. Bat boxes should be positioned 3-5m above ground level facing in a south or south-westerly direction with a clear flight path to and from the entrance, away from artificial light. The bat boxes will be a specification suitable for crevice/void-dwelling bats such as: • Habibat Bat Access Tile • Integrated Eco Bat Box • Habibat Bat Box • Beaumaris Bat Box • NHBS Improved Cavity Bat Box • Vivara Pro Woodstone Bat Box Or a similar alternative brand.
Roosting bats (T04, T05, T07, T08, T10:T12)	T04, T05, T07, T08 and T10:T12 have PRF-I features suitable for roosting bats.	The proposed development will not result in the felling/pruning of these trees. Therefore, there are no anticipated impacts to possible bats roosting in these trees.	**These trees will not be felled/pruned as part of the proposed works. In the event of any pruning or felling of T04, T05, T07, T08, and T10:T12:**	See above.

			Best practice guidelines state that trees with PRF-I features for roosting bats do not require further surveys. Instead, prior to any pruning or felling, a close-up inspection of any features that could be used by roosting bats will be undertaken to determine the presence or likely absence of roosting bats. This may require a qualified climbing team or a Mobile Elevated Work Platform (MEWP) to access the features. In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.	
Roosting bats (T01:T03, T13, and G01)	T01:T03, T13 and G01 have negligible value for roosting bats due to a lack of potential roost features.	Bats are very unlikely to be roosting within these trees and as such, there are not anticipated to be any impacts on roosting bats by their pruning/felling, if applicable.	In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat-licensed ecologist contacted for further advice.	See above.
Foraging and commuting bats	Adjacent woodland could be used by local bat populations for foraging and commuting. These could also be used by bats dispersing from nearby roosts outside of the site.	The proposed development will result in the loss of small areas of young trees and possibly a few mature trees but given their low value and the presence of more extensive areas of foraging and commuting habitat in the locality, this is likely to be inconsequential for bats. The proposed development may include the use of lighting which could spill on to bat roosting, foraging or commuting habitat and deter bats from using these areas.	A low impact lighting strategy will be adopted for the site during and post-development, which will include the following measures: • Light spill on to trees and adjacent woodland should be avoided. • Use narrow spectrum light sources to lower the range of species affected by lighting. • Use light sources that emit minimal ultra-violet light. • Avoid white and blue wavelengths of the light spectrum to reduce insect attraction and where white light sources are required in order to manage the blue shortwave length content they should be of a warm / neutral colour temperature <4,200 kelvin. • Not use bare bulbs and any light pointing upwards. The spread of light will be kept in line with or below the horizontal. • Light spill will be reduced via the use of low-level lighting used in conjunction with hoods, cowls, louvers and shields. Lights will also be	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for foraging bats: • Planting of native trees, shrubs and hedgerows.

			directional to ensure that light is directed to the intended areas only. • External lighting will be on PIR sensors that are sensitive to large objects only (so that they are not triggered by passing bats) and will be set to the shortest time duration to reduce the amount of time the lights are on. • Wall lights and security lights will be 'dimmable' and set to the lowest light intensity settings. There are several products on the market that allow the control of the light intensity and the duration that the lights are on. All lighting on the developed site will make use of the most up to date technology available.	
Badger	Some evidence of badger excavation lies in close proximity to the site, and woodland lies south of the site suitable for badgers. The site has foraging and explorative opportunities for badgers, however no setts were identified on-site. The excavation (possible sett), near to the site looks to be disused with leaf litter covering the holes, and the holes are no deeper than ~0.5m so this excavation was likely abandoned.	The proposed works lies within 30m of the mound, which is possibly a result of badger excavation. However, this does not look to be an active badger sett, due to shallow holes and leaf litter covering the holes. On-site scrub will be removed during construction. The loss of such habitats is likely to be inconsequential to local badger populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of badgers, if present.	Owing to the nature of the proposed development and the low potential for impacts to badgers, further badger surveys are considered to be disproportionate. A precautionary working method will be implemented during construction, including the following measures: • A toolbox talk will be given to contractors regarding the possible presence of badgers at the site. • A pre-commencement inspection of the site will be undertaken for any new badger activity if works do not commence within three months. • Heras fencing will be erected around the working area to prevent encroachment into retained habitats where badger setts could be present. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which badgers could use.	None.

			• Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. • In the unlikely event that a badger sett is identified, works must cease and advise must be sought from a suitably qualified ecologist.	
Hazel dormouse	The site lies outside of the known geographic range for hazel dormice (either natural or reintroduced). Furthermore, there is no suitable on-site habitat for hazel dormice (e.g., connected hedgerow/woodland). Therefore, the site is not particularly suitable for hazel dormice.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.
Hedgehog	There is suitable habitat on-site for hedgehogs for shelter and hibernation including on-site scrub. Furthermore, the site lies adjacent to woodland habitat south of the site which is likely used by hedgehogs. Hedgehogs are also known to be urban tolerant. It is likely hedgehogs will use this site.	Scrub and some scattered young trees will be removed during construction. The loss of such habitats is likely to be inconsequential to local hedgehog populations owing to their low value and the presence of more extensive habitat locally. However, construction activities could result in the death or injury of hedgehogs, if present.	A precautionary working method will be implemented during construction, including the following measures: • A staged approach will be adopted for vegetation clearance, whereby the vegetation will be strimmed to 30cm and left overnight to allow any hedgehogs to disperse. The vegetation can then be cleared to ground level and must be maintained at this level for the duration of construction to deter hedgehogs from the working area. • Any excavations will be covered overnight, or a ramp will be installed to enable any trapped animals to escape. • The use of night-time lighting will be avoided, or sensitive lighting design will be implemented to avoid light spill on to retained habitats which hedgehogs could use. • Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for hedgehogs: • Installation of hedgehog houses in new garden areas. • Installation of fence gaps into any fences installed.

			• If any hedgehogs are found in the working area these should be allowed to disperse of their own accord or, if at immediate risk, should be moved by hand to a sheltered, vegetated area away from disturbance.	
Otter	There are no on-site watercourses or adjacent watercourses to the site. The site does not comprise any riparian habitat, and there are no opportunities for holt or natal den creation on-site or near the site. Otters are unlikely to use this site.	No impacts are anticipated on otters as a result of the proposed development.	None.	None.
Water vole	There are no on-site watercourses or adjacent watercourses to the site. The site does not comprise any riparian habitat, and there are no opportunities for burrow creation on-site or near the site. Furthermore, water voles tend to remain within ~5m of the banks of a watercourse.	No impacts are anticipated on water vole as a result of the proposed development.	None.	None.
Birds	There are some mature trees adjacent to site boundary and there is some adjacent woodland habitat to the south of the site, suitable for nesting birds. The site is likely too small and urban to support any significant breeding or wintering bird populations. Some schedule 1 species of bird may commute through the site and use the adjacent woodland.	Scrub and scattered young trees will be removed during construction. The loss of such habitats is likely to be inconsequential to local bird populations owing to their low value and the presence of more extensive habitat locally. However, the proposed development could result in the destruction or the disturbance and subsequent abandonment of active bird nests.	Vegetation clearance should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the vegetation should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.	The installation of five bird boxes at the site will provide additional nesting habitat for birds. The bird boxes will be installed on new dwellings. Such as: • Vivara Pro WoodStone Swift Nest Box • House Sparrow Terrace FSC Nest Box • Manthorpe Swift Brick

				• Swallow Nest Bowl Or similar alternative brand. General purpose bird boxes should be positioned 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Species-specific bird boxes should be installed in line with manufacturers specifications. Swift and sparrow boxes should be positioned in the eaves and can be incorporated into the plans in the design stages.
Invertebrates	Some notable species of invertebrates may be found in the adjacent woodland to the south of the site. The on-site scrub is more likely to host common species of invertebrates. There is no hedgerow, species-rich grassland, or mature trees with cavities/decay suitable for notable species of invertebrates.	Scrub and scattered young trees will be removed during construction. The loss of such habitats is likely to be inconsequential to local invertebrate populations owing to their low value and the presence of more extensive habitat locally.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for invertebrates: • Planting of pollinator friendly species.

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Appendix 1: Proposed Development Plan

Appendix 2: Site Location Plan

Appendix 3a: Habitat Survey Plan

Appendix 3b: Pond Location Plan

Appendix 4: Legislation and Planning Policy

LEGAL PROTECTION

National and European Legislation Afforded to Habitats

International Statutory Designations

Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are sites of European importance and are designated under the EC Habitats Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (the Habitats Directive) and the EC Birds Directive 2009/147/EC on the conservation of wild birds (the Wild Birds Directive) respectively. Both form part of the wider Natura 2000 network across Europe.

Under the Habitats Directive Article 3 requires the establishment of a network of important conservation sites (SACs) across Europe. Over 1000 animal and plant species, as well as 200 habitat types, listed in the directive's annexes are protected in various ways:

Annex II species (about 900): core areas of their habitat are designated as Sites of Community importance (SCIs) and included in the Natura 2000 network. These sites must be managed in accordance with the ecological needs of the species.

Annex IV species (over 400, including many Annex II species): a strict protection regime must be applied across their entire natural range, both within and outside Natura 2000 sites.

Annex V species (over 90): their exploitation and taking in the wild is compatible with maintaining them in a favourable conservation status.

SPAs are classified under Article 2 of the Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds both for rare bird species (as listed on Annex I) and for important migratory species.

The Conservation of Habitats and Species Regulations 2017 (as amended) form the legal basis for the implementation of the Habitats and Birds Directives in terrestrial areas and territorial waters out to 12 nautical miles in England and Wales (including the inshore marine area) and to a limited extent in Scotland and Northern Ireland.

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and recognises the importance of wetland ecosystems in relation to global biodiversity conservation. The Convention refers to wetlands as "*areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres*". However, they may also include riparian and coastal zones. Ramsar sites are statutorily protected under the Wildlife & Countryside Act 1981 (as amended 01.04.1996) with further protection provided by the Countryside and Rights of Way (CRoW) Act 2000. Policy statements have been issued by the Government in England and Wales highlighting the special status of Ramsar sites. The Government in England and Wales has issued policy statements which ensure that Ramsar sites are afforded the same protection as areas designated under the EC Birds and Habitats Directives as part of the Natura 2000 network (e.g. SACs & SPAs). Further provisions for the protection and management of SSSIs have been introduced by the Nature Conservation (Scotland) Act 2004.

National Statutory Designations

Sites of Special Scientific Interest (SSSI) are designated by nature conservation agencies in order to conserve key flora, fauna, geological or physio-geographical features within the UK. The original designations were under the National Parks and Access to the Countryside Act 1949 but SSSIs were then re-designated under the Wildlife & Countryside Act 1981 (as amended). As well as reinforcing other national designations (including National Nature Reserves), the system also provides statutory protection for terrestrial and coastal sites which are important within the European Natura 2000 network and globally.

Local Statutory Designations

Local authorities in consultation with the relevant nature conservation agency can declare Local Nature Reserves (LNRs) under the National Parks and Access to the Countryside Act 1949. LNRs are designated for flora, fauna or geological interest and are managed locally to retain these features and provide research, education and recreational opportunities.

Non- Statutory Designations

All non-statutorily designated sites are referred to as Local Wildlife Sites (LWS) and can be designated by the local authority for supporting local conservation interest. Combined with statutory designation, these sites are considered within Local Development Frameworks under the Town and Country Planning system and are a material consideration during the determination of planning applications. The protection afforded to these sites varies depending on the local authority involved.

Regionally Important Geological Sites (RIGs) are the most important geological and geomorphological areas outside of statutory designations. These sites are also a material consideration during the determination of planning applications.

The Hedgerow Regulations 1997

The Hedgerow Regulations 1997 are designed to protect 'important' countryside hedgerows. Importance is defined by whether the hedgerow (a) has existed for 30 years or more; or (b) satisfies at least one of the criteria listed in Part II of Schedule 1 of the Regulations.

Under the Regulations, it is against the law to remove or destroy hedgerows on or adjacent to common land, village greens, SSSIs (including all terrestrial SACs, NNRs and SPAs), LNRs, land used for agriculture or forestry and land used for the keeping or breeding of horses, ponies or donkeys without the permission of the local authority. Hedgerows 'within or marking the boundary of the curtilage of a dwelling-house' are excluded.

National and European Legislation Afforded to Species

The Conservation of Habitats and Species Regulations 2017 (as amended)

The Conservation of Habitats and Species Regulations 2017 (as amended) aims to promote the maintenance of biodiversity by requiring the Secretary of State to take measures to maintain or restore wild species listed within the Regulations at a favourable conservation status.

The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities. Licenses may be granted for a number of purposes (such as science and education, conservation, preserving public health and safety), but only after the appropriate authority is satisfied that there are no satisfactory alternatives and that such actions will have no detrimental effect on wild population of the species concerned.

The Wildlife and Countryside Act (WCA) 1981 (as amended)

The Wildlife and Countryside Act (WCA) 1981 (as amended) implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention 1979, implemented 1982) and implements the species protection requirements of EC Birds Directive 2009/147/EC on the conservation of wild birds in Great Britain (the birds Directive). The WCA 1981 has been subject to a number of amendments, the most important of which are through the Countryside and Rights of Way (CRoW) Act (2000).

Other legislative Acts affording protection to wildlife and their habitats include:

- Deer Act 1991
- Natural Environment & Rural Communities (NERC) Act 2006
- Protection of Badgers Act 1992
- Wild Mammals (Protection) Act 1996

Badgers

Badgers *Meles meles* are protected under The Protection of Badgers Act 1992 which makes it an offence to:

- Wilfully kill, injure, take, or attempt to kill, injure or take a badger
- Cruelly ill-treat a badger, including use of tongs and digging
- Possess or control a dead badger or any part thereof
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett or any part thereof
- Intentionally or recklessly disturb a badger when it is occupying a badger sett

- Intentionally or recklessly cause a dog to enter a badger sett
- Sell or offers for sale, possesses or has under his control, a live badger

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A development licence will be required from the relevant countryside agency (i.e. Natural England) for any development works likely to affect an active badger sett, or to disturb badgers whilst they occupy a sett. Guidance has been issued by the countryside agencies to define what would constitute a licensable activity. It is no possible to obtain a licence to translocate badgers.

Birds

With certain exceptions, all birds, their nests and eggs are protected under Sections 1-8 of the WCA. Among other things, this makes it an offence to:

- Intentionally kill, injure or take any wild bird
- Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built
- Intentionally take or destroy an egg of any wild bird
- Sell, offer or expose for sale, have in his possession or transport for the purpose of sale any wild bird (dead or alive) or bird egg or part thereof.

Certain species of bird, for example the barn owl, bittern and kingfisher receive additional protection under Schedule 1 of the WCA and are commonly referred to as “Schedule 1” birds. This affords them protection against:

- Intentional or reckless disturbance while it is building a nest or is in, on or near a nest containing eggs or young
- Intentional or reckless disturbance of dependent young of such a bird

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Works should be planned to avoid the possibility of killing or injuring any wild bird or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction in particular is to undertake work outside the main bird nesting season which typically runs from March to August. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Schedule 1 birds are additionally protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest.

Amphibians and Reptiles

The sand lizard *Lacerta agilis*, smooth snake *Coronella austriaca*, natterjack toad *Epidalea calamita*, pool frog *Pelophylax lessonae* and great crested newt *Triturus cristatus* receive full protection under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

With the exception of the pool frog, these species are also listed on Schedule 5 of the WCA and they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection
- Selling, offering or exposing for sale, possession or transporting for purpose of sale.

Other native species of reptiles are protected solely under Schedule 5, Section 9(1) & (5) of the WCA, i.e. the adder *Vipera berus*, grass snake *Natrix natrix*, common lizard *Zootoca vivipara* and slow-worm *Anguis fragilis*. It is prohibited to:

- Intentionally or recklessly kill or injure these species.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect the breeding sites or resting places amphibian and reptile species protected under Habitats Regulations. A licence will also be required for operations liable to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licences are to allow derogation from the relevant legislation, but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Although not licensable, appropriate mitigation measures may also be required to prevent the intentional killing or injury of adder, grass snake, common lizard and slow worm, thus avoiding contravention of the WCA.

Water Voles

The water vole *Arvicola terrestris* is fully protected under Schedule 5 of the WCA. This makes it an offence to:

- Intentionally kill, injure or take (capture) water voles
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection
- Intentionally or recklessly disturb water voles while they are occupying a structure or place used for shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

If development works are likely to affect habitats known to support water voles, the relevant countryside agency (i.e. Natural England) must be consulted. It must be shown that means by which the proposal can be re-designed to avoid contravening the legislation have been fully explored e.g. the use of alternative sites, appropriate timing of works to avoid times of the year in which water voles are most vulnerable, and measures to ensure minimal habitat loss. Conservation licences for the capture and translocation of water voles may be issued by the relevant countryside agency for the purpose of development activities if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will then only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of works.

Otters

Otters *Lutra lutra* are fully protected under the Conservation Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Otters are also currently protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works likely to affect otter breeding or resting places (often referred to as holts, couches or dens) or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, and rear young). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored

Bats

All species are fully protected by Habitats Regulations 2010 as they are listed on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. All bats)
- Deliberate disturbance of bat species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;
- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Bats are afforded the following additional protection through the WCA as they are included on Schedule 5:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England) will be required for works are likely to affect a bat roost or an operation which are likely to result in an illegal level of disturbance to the species will require an EPSL. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Hazel Dormice

Hazel dormice *Muscardinus avellanarius* are fully protected under Habitats Regulations through their inclusion on Schedule 2. Regulation 41 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species
- Deliberate disturbance of species in such a way as:
- To impair their ability to survive, breed, or reproduce, or to rear or nurture young;

- To impair their ability to hibernate or migrate
- To affect significantly the local distribution or abundance of the species
- Damage or destruction of a breeding site or resting place

Dormice are also protected under the WCA through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

- Intentional or reckless disturbance (at any level)
- Intentional or reckless obstruction of access to any place of shelter or protection

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

Works which are liable to affect a dormice habitat or an operation which are likely to result in an illegal level of disturbance to the species will require a European Protected Species Licence (EPSL) issued by the relevant countryside agency (i.e. Natural England). The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

White Clawed Crayfish

There is a considerable amount of legislation in place in an attempt to protect the White-clawed crayfish *Austropotamobius pallipes*. This species is listed under the European Union's (EU) Habitat and Species Directive and is listed under Schedule 5 of the Wildlife and Countryside Act (1981). This makes it an offence to:

- Protected against intentional or reckless taking
- Protected against selling, offering or advertising for sale, possessing or transporting for the purpose of sale

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

The relevant countryside agency (i.e. Natural England) will need to be consulted about development which could impact on a watercourse or wetland known to support white clawed crayfish. Conservation licences for the capture and translocation of crayfish can be issued if it can be shown that the activity has been properly planned and executed and thereby contributes to the conservation of the population. The licence will only be granted to a suitably experienced person if it can be shown that adequate surveys have been undertaken to inform appropriate mitigation measures. Identification and preparation of a suitable receptor site will be necessary prior to the commencement of the works.

Wild Mammals (Protection Act) 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

To avoid possible contravention, due care and attention should be taken when carrying out works (for example operations near burrows or nests) with the potential to affect any wild mammal in this way, regardless of whether they are legally protected through other conservation legislation or not.

Legislation Afforded to Plants

With certain exceptions, all wild plants are protected under the WCA. This makes it an offence for an 'unauthorised' person to intentionally (or recklessly in Scotland) uproot wild plants. An authorised person can be the owner of the land on which the action is taken, or anybody authorised by them.

Certain rare species of plant, for example some species of orchid, are also fully protected under Schedule 8 of the Wildlife and Countryside Act 1981 (as amended). This prohibits any person from:

- Intentionally picking, uprooting or destruction of any wild Schedule 8 species
- Selling, offering or exposing for sale, or possessing or transporting for the purpose of sale, any wild live or dead Schedule 8 plant species or part thereof
- In addition to the UK legislation outlined above, several plant species are fully protected under Schedule 5 of The Conservation of Habitats and Species Regulations 2010. These are species of European importance. Regulation 45 makes it an offence to:
- Deliberately pick, collect, cut, uproot or destroy a wild Schedule 5 species
- Be in possession of, or control, transport, sell or exchange, or offer for sale or exchange any wild live or dead Schedule 5 species or anything derived from such a plant.

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

A European Protected Species Licence (EPSL) will be required from the relevant countryside agency (i.e. Natural England) for works which are likely to affect species of planted listed on Schedule 5 of the Conservation or Habitats and Species Regulations 2010. The licence is to allow derogation from the legislation through the application of appropriate mitigation measures and monitoring.

Invasive Species

Part II of Schedule 9 of the WCA lists non-native invasive plant species for which it is a criminal offence in England to plant or cause to grow in the wild due to their impact on native wildlife. Species included (but not limited to):

- Japanese knotweed *Fallopia japonica*
- Giant hogweed *Heracleum mantegazzianum*

- Himalayan balsam *Impatiens glandulifera*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

It is not an offence for plants listed in Part II of Schedule 9 of the WCA 1981 to be present on the development site, however, it is an offence to cause them to spread. Therefore, if any of the species are present on site and construction activities may result in further spread (e.g. earthworks, vehicle movements) then it will be necessary to design and implement appropriate mitigation prior to construction commencing.

Injurious weeds

Under the Weeds Act 1959 any landowner or occupier may be required prevent the spread of certain 'injurious weeds' including (but not limited to):

- Spear thistle *Cirsium vulgare*
- Creeping thistle *Cirsium arvense*
- Curled dock *Rumex crispus*
- Broad-leaved dock *Rumex obtusifolius*
- Common ragwort *Senecio jacobaea*

EFFECT OF LEGISLATION AND POLICY ON DEVELOPMENT WORKS

It is a criminal offence to fail to comply with a notice requiring such action to be taken. The Ragwort Control Act 2003 establishes a ragwort control code of practice as common ragwort is poisonous to horses and other livestock. This code provides best practice guidelines and is not legally binding.

NATIONAL PLANNING POLICY

Environment Act 2021

The Environment Act 2021 (EA 2021) received Royal Assent on 9 November 2021 and is expected to become fully mandated within the next couple of years. The Act principally creates a post Brexit framework to protect and enhance the natural environment. Through amendments to the Town and Country Planning Act 1990, the Act will require all planning permissions in England (subject to exemptions which is likely to include householder applications) to be granted subject to a new general pre-commencement condition that requires approval of a biodiversity net gain plan. This will ensure the delivery of a minimum of 10% measurable biodiversity net gain. The principal tool to calculate this will be the Defra Biodiversity 3.0 Metric. Works to enhance habitats can be carried out either onsite or offsite or through the purchase of 'biodiversity credits' from the Secretary of State. However, this flexibility may be removed (subject to regulations) if the onsite habitat is 'irreplaceable'. Both onsite and offsite enhancements must be maintained for at least 30 years after completion of a development (which period may be amended).

National Planning Policy Framework 2021

The National Planning Policy Framework promotes sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and species. An emphasis is also made on the need for ecological infrastructure through protection, restoration and re-creation. The protection and recovery of priority species (considered likely to be those listed as species of principal importance under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) is also listed as a requirement of planning policy.

In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; measurable gains in biodiversity in and around developments are incorporated; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

The Natural Environment and Rural Communities Act 2006 and the Biodiversity Duty

Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, requires all public bodies to have regard to biodiversity conservation when carrying out their functions. This is commonly referred to as the 'biodiversity duty'.

Section 41 of the Act requires the Secretary of State to publish a list of habitats and species which are of 'principal importance for the conservation of biodiversity'. This list is intended to assist decision makers such as public bodies in implementing their duty under Section 40 of the Act. Under the Act these habitats and species are regarded as a material consideration in determining planning applications. A developer must show that their protection has been adequately addressed within a development proposal.

LOCAL PLANNING POLICY

Kirklees Local Plan (27th February 2019)

The Kirklees Local Plan can be viewed here: https://www.kirklees.gov.uk/beta/planning-policy/local-plan.aspx

The following planning policies have implications in relation to biodiversity and the proposed development:

- **Policy LP30 - Biodiversity & Geodiversity:** The council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.
    - **Biodiversity and Development:**
    - Development proposals will be required to:-
        i. result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;
        ii. minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;
        iii. safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;
        iv. establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and
        v. incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.

EUROPEAN PROTECTED SPECIES POLICIES

In December 2016 Natural England officially introduced the four licensing policies throughout England. The four policies seek to achieve better outcomes for European Protected Species (EPS) and reduce unnecessary costs, delays and uncertainty that can be inherent in the current standard EPS licensing system. The policies are summarised as follows:

- Policy 1; provides greater flexibility in exclusion and relocation activities, where there is investment in habitat provision;
- Policy 2; provides greater flexibility in the location of compensatory habitat;
- Policy 3; provides greater flexibility on exclusion measures where this will allow EPS to use temporary habitat; and,
- Policy 4; provides a reduced survey effort in circumstances where the impacts of development can be confidently predicted.

The four policies have been designed to have a net benefit for EPS by improving populations overall and not just protecting individuals within development sites. Most notably Natural England now recognises that the Habitats Regulations legal framework now applies to 'local populations' of EPS and not individuals/site populations.