Preliminary Ecological Appraisal and Preliminary Roost Assessment

30 Market Street, Huddersfield, HD1 2HG

Jerry Malik

Status	Issue	Name	Date
Draft	1	Jessica Sibley BSc (Hons) MSc Consultant Ecologist	05/01/2024
Reviewed	1.1	Mel Reid BSc (Hons) MRes MRSB, Senior Consultant	05/01/2024
Final	2	Jessica Sibley BSc (Hons) MSc Consultant Ecologist	08/01/2024
Updated	2.1	Jessica Sibley BSc (Hons) MSc Consultant Ecologist	07/02/2024

Arbtech Consultant's Contact Details:

Jessica Sibley
Consultant Ecologist
Tel: 07512307230 **Email:** jessicasibley@arbtech.co.uk
https://arbtech.co.uk

Limitations and Copyright

Arbtech Consulting Limited has prepared this report for the sole use of the above-named client or their agents in accordance with our General Terms and Conditions, under which our services are performed. It is expressly stated that no other warranty, expressed or implied, is made as to the professional advice included in this report or any other services provided by us. This report may not be relied upon by any other party without the prior and express written agreement of Arbtech Consulting Limited. The conclusions and recommendations contained in this report are based upon information provided by third parties. Information obtained from third parties has not been independently verified by Arbtech Consulting Limited.

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 Jerry Malik to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at 30 Market Street, Huddersfield, HD1 2HG (hereafter referred to as "the site"). The survey was required to inform a planning application for the extension of the on-site building (B1) (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 7 of this report.

Feature	Survey Results Summary	Impact Assessment	Recommendations
Habitats and flora	There are no notable habitats within the site, but priority deciduous woodland habitat is present within 2km of the site, with the closest located ~470m southwest from the site. Other habitats within the site are common and widespread and have low ecological value. Habitats on site comprise structures and hardstanding. No protected or notable plant species were recorded during the survey.	No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats as well as the urban location of the site with surrounding physical barriers. The proposed development will result in the loss of <0.1ha developed land. This is likely to have a minimal impact on biodiversity due to the low ecological value of these habitats.	Best practice measures to minimise the possibility of pollution must be implemented during construction.
Roosting bats (B1)	B1 has low value for roosting bats, based on the suboptimal features present and built-up location of the site.	The proposed development will result in the upward extension of this building, including renovation and conversion works. This could result in damage/modification/destruction of any bat roosts present and could cause disturbance, death or injury to bats.	**Typically for low value buildings:** One Bat Emergence Re-entry Survey (BERS) would need to be completed in line with guidance during the bat active season (optimal May to August, suboptimal September), to confirm the presence or likely absence of a bat roost in the building. This survey would be required to be undertaken during the optimal survey period mid-May to August inclusive. Infra-red cameras should be used as an aid. If bat roosts are confirmed in the building, two additional surveys are usually required to inform an EPSL application to Natural England. These surveys should be three weeks apart. The EPSL application requires that the 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. However, detection of roosts by a single BERS is low and is likely to be further limited due to restricted views of the building which may significantly reduce the reliability of BERS therefore a non-licensed Bat Mitigation Plan (BMP) may be a more appropriate approach to minimising the risk to bats. The BMP will include a pre-commencement inspection of the roof utilities level and basement including endoscoping of crevices/cavities, as well as the supervision of the removal of features by hand by a licensed bat consultant. The new roof will include bat boxes to replace any roost features which are lost during the upward extension. Roof works would be undertaken between November and March insofar as possible, when bats are least likely to be present. In the event bats or evidence of bats are found works would cease and advice sought from the licensed bat consultant regarding survey and licensing requirements. This will be detailed more fully in the BMP. This approach would need to be agreed with the Local Planning Authority (LPA) as it deviates from standard guidance.
Foraging and commuting bats	Nearby trees and grassland fragments 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 not result in the removal of any habitats which could be used by foraging or commuting 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 7 of this report.
Hedgehog	The site does not comprise any suitable hedgehog habitat and is disconnected from any suitable habitat. However, it is possible hedgehogs will commute across this site or be found in the nearby vicinity of the site, due to their urban tolerance.	<0.1ha developed land will undergo works during construction. The modification of such habitats is likely to be inconsequential to local hedgehog populations owing to its 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 7 of this report.

		activities could result in the death or injury of hedgehogs, if present.	
Birds	There are opportunities for common nesting birds (e.g., pigeon), associated with the roof and basement of the on-site building.	<0.1ha developed land will undergo works during construction. The modification of such habitats is likely to be inconsequential to local bird populations owing to its 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.	Works to the building should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building 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 Jerry Malik to undertake a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) at 30 Market Street, Huddersfield, HD1 2HG (hereafter referred to as "the site"). The survey was required to inform a planning application for the extension of the on-site building (B1) (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.

The aim of the PRA was to determine the presence or evaluate the likelihood of the presence of roosting bats, and to gain an understanding of how bats could use the site for roosting, foraging or commuting.

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 14300 16549 and has an area of approximately 0.1ha comprising one on-site building and hardstanding. The site lies in the centre of Huddersfield. It is surrounded by built-up areas with some grassland and a few trees/tree lines in the nearby vicinity of the site. Gledholt Wood is located ~900m west of the site boundary. The wider landscape comprises scattered small and moderate-sized settlements (e.g., Halifax, Brighouse, and Dewsbury), with the larger settlement of Leeds to the northeast of the site. The Peak District National Park lies south of the site. A site location plan is provided in Appendix 2.

1.3 Scope of the Report

The PEA element of 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.

The PRA element of this report provides a description of all features suitable for roosting, foraging and commuting bats and evaluates those features in the context of the site and wider environment. It further documents any physical evidence collected or recorded during the site survey that establishes the presence of roosting bats. It provides information on possible constraints to the proposed development as a result of bats and summarises the requirements for any further surveys 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, including roosting bats.

- 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.

Existing biological records including notable species and non-statutory designated sites within a 2km radius were obtained from West Yorkshire Ecology (WYE).

2.2 Field Survey

The survey was undertaken by Jessica Sibley BSc (Hons) MSc, Consultant Ecologist (Accredited Agent on Natural England Bat Licence Number: 2022-10404-CL18-BAT) on 02/01/2024.

Preliminary Ecological Appraisal

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.

Preliminary Roost Assessment

The PRA focussed on one built structure which will be affected by the proposed development as well as providing an overview of the wider site and the surrounding landscape for bat roosting, foraging and commuting habitat.

<u>For any surveyed buildings</u>:

A non-intrusive visual appraisal was undertaken from the ground, using binoculars to inspect the external features of the building for features which bats could use for roosting, including access or egress points and for signs of bat use including droppings, scratch marks, insect remains and urine smear marks. An internal inspection of the building was also made, including the living areas and any accessible roof spaces, using a torch and ladders. The surveyor paid particular attention to the floor and flat surfaces, window shutters and frames, lintels above doors and windows, and carried out a detailed search of numerous features within the roof space.

<u>Suitability Assessment</u>

Buildings were categorised in accordance with the “Bat Surveys for Professional Ecologists —Good Practice Guidelines” publication (Collins, 2023), which are replicated in Table 1 below.

Table 1: Guidelines for assessing the potential suitability of a built structure for bats

Potential Suitability	Roosting Habitats in Structures
Negligible	No obvious habitat features on site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i.e. unlikely to be suitable for maternity and not a classic cool/stable hibernation site, but could be used by individual hibernating bats).
Moderate	A structure with one of more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts e.g. maternity or classic cool/stable hibernation site.

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, the ecology and biology of species as currently understood, and the known distribution of species as recovered during the searches of historical biological records. 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

Details of any statutory and non-statutory designated sites within a 2km radius of the site, including their reasons for notification, are provided in Table 2 below.

The site lies within the impact risk zone for the Dark Peak Site of Special Scientific Interest (SSSI), and the South Pennine Moors SSSI. The proposed development is not listed as a possible high risk with regard to these designations.

Table 2: Statutory designated and non-statutory sites within 2km radius of the site

Designated site name	Distance from site	Reasons for notification from Natural England and West Yorkshire Ecology (WYE)
Huddersfield Narrow Canal LWS	~460m south	Non-statutory designed site: Watercourse. No description provided.
Sir John Ramsden Canal LWS	~680m east	Non-statutory designed site: Watercourse. No description provided.
Gledholt Woods Local Nature Reserve (LNR)	~900m west	Gledholt or 'TP Woods' Local Nature Reserve contains an area of mature woodland and rough meadow. The woodlands support an un usual range of fungi for a site so close to a town centre. White claw crayfish, the UK's only native species, have also been found in the pond here.
Gledholt Woods Local Wildlife Site (LWS)	~900m west	Non-statutory designed site: Woodland and grassland. No description provided.

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 3.

Table 3: Weather conditions during the survey

Date:	02/01/2024
Temperature	9°C
Humidity	90%
Cloud Cover	100%
Wind	6mph
Rain	Light drizzle

Habitats and Flora

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

- Building (u1b5)
- Other developed land (u1b6)

A description and photographs of each habitat are provided in Table 4.

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.

Table 4: Description and photographs of habitats within and adjacent to the site

Habitat type	Habitat description	Photograph
Building (u1b5)	There is one high rise building within the site boundary (B1) (***Figure 1***). There is also an electricity unit and small brick structure in the southwestern corner of the site boundary. These structures are considered in relation to roosting bats, later in this report (see Table 5).	 ***Figure 1.*** B1 – facing the southern elevation.

Other developed land (u1b6)	Elsewhere the site comprises hardstanding (i.e., tarmac surfaces) (***Figures 2*** and ***3***), devoid of vegetation and commonly considered as having low ecological value.	 ***Figure 2.*** Surrounding hardstanding.  ***Figure 3.*** Surrounding hardstanding.

Fauna

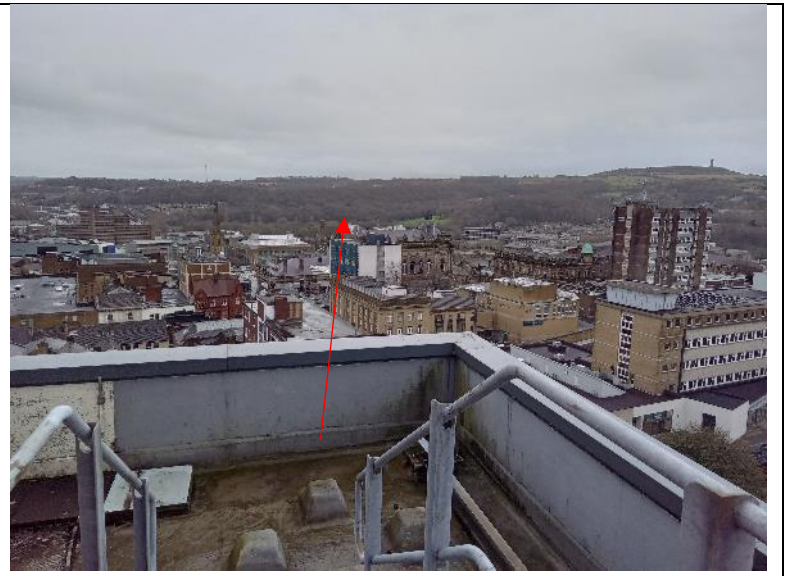
Bats

The results of the PRA are provided in Table 5. No evidence of roosting bats was identified during the survey.

Table 5: Assessment of the suitability of the site for bats

<table>
<tr><th>Feature</th><th>Description</th><th>Photographs</th></tr>
<tr><td>Historical records</td><td>There are three EPSLs within a 2km radius of the site:
2014-856-EPS-MIT – Common pipistrelle – Destruction of a resting place
EPSM2011-3176 – Common pipistrelle – Destruction of a resting place
EPSM2010-1750 – Common pipistrelle, Soprano pipistrelle, Brown long-eared – Destruction of a resting place
West Yorkshire Ecology (WYE) data: There are a total of 38 records for bats within a 2km radius of the site, over the past 10 years. Some records include multiple bat counts. Please refer to Table 5a, below.

Table 5a. West Yorkshire Ecology (WYE) biological records data for bats over the past 10 years.
<table>
<tr><th>Species</th><th>Distance from site grid reference</th><th>Record type</th><th>Abundance</th></tr>
<tr><td>Pipistrelle</td><td>Between ~0.6-1.9km (various directions)</td><td>Roosts (x6), Field records (x17)</td><td>Roosting activity (12 counts), in-flight/foraging (21 counts)</td></tr>
<tr><td>Noctule</td><td>~0.9km southwest, ~1.9km north, ~1.9km north, ~1.6km northeast</td><td>Field records (x4)</td><td>1, 1, N/A, N/A</td></tr>
<tr><td>Lesser noctule</td><td>~1.3km west, ~0.9km west</td><td>Field records (x2)</td><td>1, 2</td></tr>
<tr><td>Soprano pipistrelle</td><td>~1km southwest, ~1.4km southwest, ~1.9km north, ~1.9km north</td><td>Field records (x4)</td><td>N/A</td></tr>
<tr><td>Common pipistrelle</td><td>~1.4km southwest</td><td>Roost (x1)</td><td>N/A</td></tr>
<tr><td>Brown long-eared</td><td>~1.9km north, ~1.9km north</td><td>Field records (x2)</td><td>1, 1</td></tr>
<tr><td>Myotis sp.</td><td>~1.9km north, ~1.9km north</td><td>Field records (x2)</td><td>N/A, 1</td></tr>
</table>
</td><td></td></tr>
</table>

Bat foraging and commuting habitat	The immediate vicinity of the site comprises built-up areas (i.e., hardstanding, buildings, and infrastructure), with some scattered trees, treelines and small patches of grassland nearby, likely low in value for local foraging and commuting bats. However, further afield are moderate patches of woodland west and southeast of the site (***Figure 4***), likely of moderate to high value for local foraging and commuting bats.	 ***Figure 4.*** Patch of woodland west of the site building.
B1 - overview	B1 is a brick, concrete, and breezeblock built nine storey high rise building with a flat concrete roof (***Figure 5***). There is a smaller utilities roof space area above the ninth floor. The windows and doors are metal and UPVC framed. There is a glass fire escape on the western elevation. There is also a basement car parking area beneath the building. The building is surrounded by hardstanding.	 ***Figure 5.*** B1 – facing the eastern elevation.

B1 – eastern, northern, western and southern elevations	Along the eastern elevation (***Figure 6***), the supporting walls including mortar and brickwork look to be intact (***Figure 7***) and without suitable features for roosting bats (i.e., missing brickwork/mortar creating crevices or cavities). The window frames also look to be well sealed and tightly fitted. Along the northern elevation (***Figure 8***), there is some cosmetic warping to a section of metalwork (***Figure 9***), however, this does not create any crevices, cavities, or features suitable for roosting bats, and is sealed. Along the western elevation (***Figure 10***), there is a vent (***Figure 11***), but this also looks to be sealed. Along the southern elevation (***Figure 12***), there are superficial gaps in the brickwork (***Figure 13***), which are shallow (i.e., <1cm wide and deep) and do not look to lead to any suitable crevices for roosting bats. There is also a metal vent associated with this elevation which has wire behind it (***Figure 14***) and is unlikely to be a suitable bat roost feature. No other notable features were identified associated with the elevations of B1 from ground level.	 ***Figure 6.*** B1 – facing the eastern elevation.  ***Figure 7.*** Easten elevation – supporting walls intact.

Figure 8. B1 – facing the northern elevation.

Figure 9. Northern elevation – cosmetic damage.

Figure 10. B1 – facing the western elevation.

Figure 11. Western elevation – sealed vent.

Figure 12. B1 – facing the southern elevation.

Figure 13. Southern elevation – superficial gaps.

		 ***Figure 14.*** Southern elevation – vent.
B1 – roof	The roof structure of B1 is concrete which is intact (***Figure 15***). There is a smaller utilities roof space on the roof of B1, and the supporting walls around this utilities level are intact and without suitable features for roosting bats (i.e., crevices/cavities) (***Figure 16***). There is evidence of perching pigeons associated with the roof structure of B1 (***Figure 17***). No nests were identified in the building or associated with the roof/walls of the structure, however, there are opportunities for nest creation associated with B1. The access door to the roof has shutters with gaps (***Figure 18*** and ***19***), which may support roosting bat ingress into the utilities level. No other notable features were identified associated with the roof.	 ***Figure 15.*** Concrete roof.

Figure 16. Supporting walls intact.

Figure 17. Perching pigeons.

Figure 18. Shutter doors.

Figure 19. Gaps between shutters on the doors.

B1 – interior	Within the utilities level (topmost level of B1), there are two separate rooms (roof space 1 and roof space 2), which were subject to survey. The basement car park was also subject to inspection. **Roof space 1:** Internally of roof space 1 there is evidence of damp (***Figure 20***), which may deter roosting bats. However, there are a few potentially suitable but suboptimal crevices and cavities within the space (***Figure 21*** and ***22***), which may support roosting bats. Furthermore, the shutter door leads into this space, which may be an ingress/egress point. The space does not look to be regularly disturbed. No evidence of bats was found within the space (i.e., bats, droppings, oil stains), however, roosting bats within the space cannot be entirely discounted. **Roof space 2:** The second room within the utilities level looks to be more well-sealed with fewer features internally than roof space 1 (***Figure 23***). There is evidence of mouse droppings within this space (i.e., hard when crushed) (***Figure 24***). There is a gap associated with a pipe in this space (***Figure 25***), which may be a suboptimal roost feature or lead to a suitable roost location. No evidence of bats was found within the space (i.e., bats, droppings, oil stains), however, roosting bats within the space cannot be entirely discounted. **Basement:** There is a basement car park associated with B1 (***Figure 26***). The entrance to this car park is open which may support bat ingress. The space is well-lit internally (***Figure 27***), which may deter void-dwelling species of bats from the main ceiling structure. Furthermore, the space looks to be regularly disturbed as it is an active car park. Crevices associated with the supporting walls look to be mostly infilled (***Figure 28***), however, there are a few small, suboptimal cavities associated with the basement ceiling (***Figure 29***), which may support roosting bats. The majority of the ceiling elsewhere is intact (***Figure 30***).	 ***Figure 20.*** Roof space 1 – damp.  ***Figure 21.*** Roof space 1 – crevice.

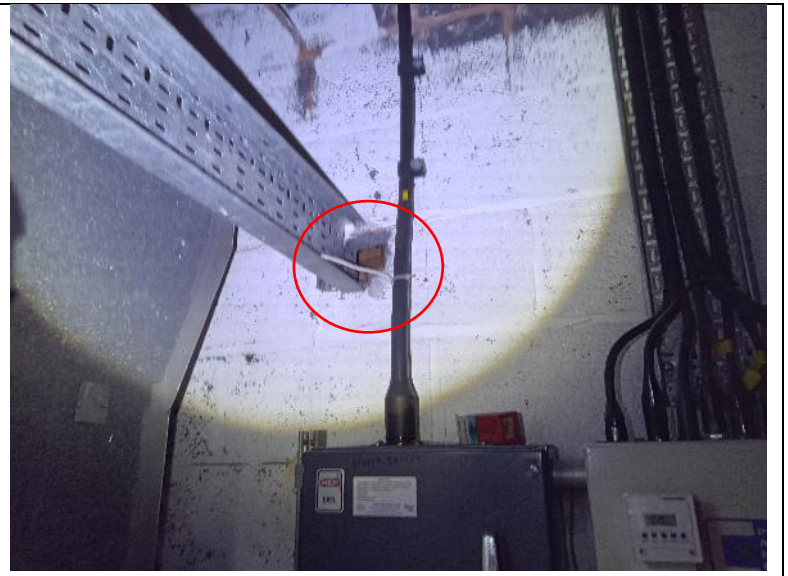


Figure 22. Roof space 1 – cavity.

Figure 23. Roof space 2 – well sealed.

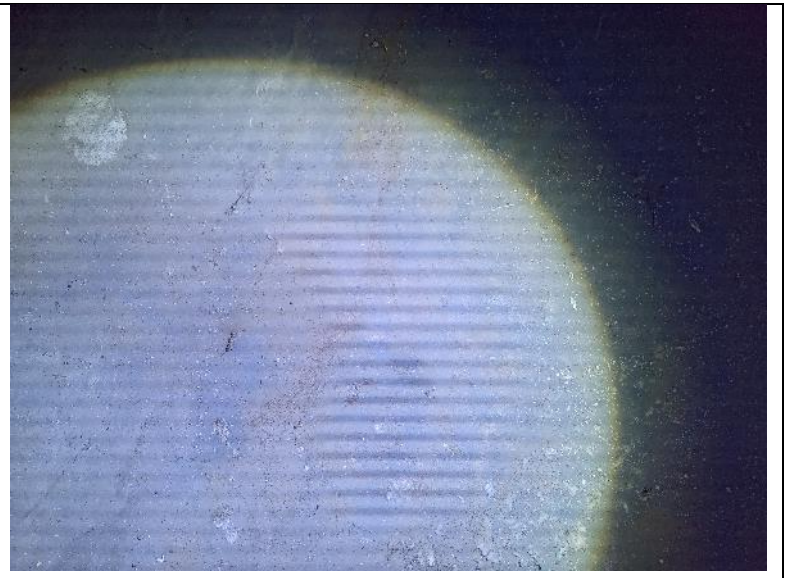


Figure 24. Roof space 2 – mouse dropping.

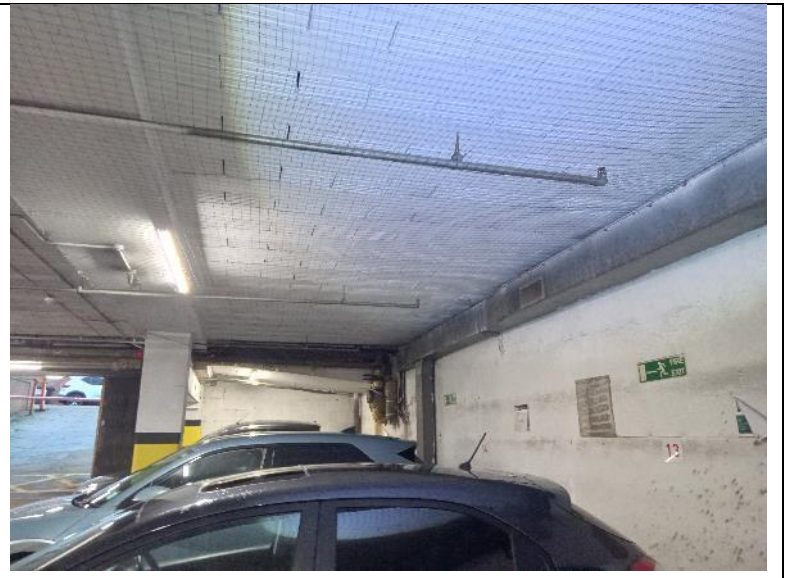
Figure 25. Roof space 2 – gap associated with pipe.

Figure 26. Basement – entrance.

Figure 27. Basement – well lit car park.

Figure 28. Basement – supporting wall crevices infilled.

Figure 29. Basement – crevice/cavity in ceiling.

		 ***Figure 30.*** Basement – majority of ceiling intact.
B1 – suitability assessment	B1 has **low** value for roosting bats (***Figure 31***). There are ingress/egress opportunities to the utilities level of B1 via the shutter doors, and there are a few suboptimal crevices and cavities within which may support roosting bats. There are also a few suboptimal cavities in the ceiling of the basement which may be suitable for roosting bats. This is unlikely to include hibernating bats, however, sporadic, individual hibernating bats within the basement cannot be entirely discounted. The immediate vicinity habitat is low value for roosting bats, mostly comprising hardstanding and infrastructure with only a few scattered trees/lines of trees and small patches of grassland. However, further afield is woodland likely of moderate to high value for roosting bats and bats dispersing from nearby urban areas.	 ***Figure 31.*** B1 – facing the eastern elevation.

S1 – suitability assessment	In the southwestern corner of the site is a small brick-built structure and an electricity unit (***Figure 32***). These structures do not contain suitable features for roosting bats, and as such are **negligible** for roosting bats. It is unlikely these structures will be directly impacted by the proposed works.	 ***Figure 32.*** Electric unit and small brick-built structure.

Other Species

An assessment of the suitability of the site for protected or notable species is provided in Table 6.

Table 6: Assessment of the suitability of the site for protected or notable species

Species	Assessment of suitability	BRD
Amphibians	Great Crested Newts (GCN) exist in metapopulations and are known to utilise ponds and their connecting terrestrial habitat during their life cycle; GCN are typically found within terrestrial habitats up to 500m from breeding ponds (Langton et al. 2001). There are no ponds on the site, and there is one pond (P1), within a 500m radius of the site (see; Appendix 3c). P1 is located ~350m northeast of the site boundary. However, this pond looks to be an artificial pond based on its rectangular shape. Furthermore, there is a lack of suitable connecting habitat for GCN between this pond to the site. Between the site and the pond are also multiple barriers (i.e., roads with curbs). It is unlikely, if a breeding pond, that GCN would commute to the site.	There are no EPSLs or class licence returns, and there is no pond survey data for GCN within a 500m radius of the site. West Yorkshire Ecology (WYE) data: There are no records for amphibians within a 2km radius of the site, over the past 10 years.

	The site does not comprise any suitable GCN habitat (i.e., grassland, scrub), and consists of built structures and hardstanding likely unsuitable to support GCN or other more common amphibians. More common amphibians may commute across the site on occasion, as they have better mobility than GCN. However, the site is highly unlikely to support GCN, and unlikely to support other more common amphibians due to the lack of suitable on-site and connecting habitat required by these species.	
Reptiles	The site does not comprise any suitable reptile habitat (i.e., grassland, heathland, scrub), and is mostly hardstanding. The site is surrounded by built-up areas, with no suitable connecting habitat for reptiles to disperse. The site is unlikely to be suitable to support a viable reptile population, and the presence of reptiles on the site or in the nearby vicinity is highly unlikely, based on the built-up location of the site.	West Yorkshire Ecology (WYE) data: There are no records for reptiles within a 2km radius of the site, over the past 10 years.
Badgers	No evidence of badgers (i.e., setts, latrines, hairs, or runs) was recorded within the site boundary during the survey. The site consists of flat, hardstanding terrain, unsuitable for sett excavation. Furthermore, the site lies in Huddersfield town centre, disconnected from any suitable badger habitat (i.e., hedgerow, woodland) by infrastructure. The presence of badgers on the site is unlikely.	West Yorkshire Ecology (WYE) data: There are no records for badgers within a 2km radius of the site, over the past 10 years.
Hazel Dormouse	The site lies outside of the known geographic range for hazel dormice (either natural or reintroduced). Furthermore, the site does not comprise any suitable hazel dormouse habitat (i.e., woodland, connected hedgerow). The presence of hazel dormice on the site or in the nearby vicinity is highly unlikely.	There are no EPSLs for hazel dormice within a 2km radius of the site. West Yorkshire Ecology (WYE) data: There are no records for hazel dormice within a 2km radius of the site, over the past 10 years.
Hedgehog	The site does not comprise any suitable habitat for hedgehogs for foraging (i.e., grassland), shelter (i.e., scrub, hedgerow), or hibernation (i.e., scrub, hedgerow, woodland). However, hedgehogs are known to be urban tolerant and may commute across the site or be found in the nearby vicinity of the site, on occasion.	West Yorkshire Ecology (WYE) data: There are no records for hedgehogs within a 2km radius of the site, over the past 10 years.
Otter	There are no watercourses on the site, or adjacent to the site. The site does not comprise any riparian habitat, and there are no opportunities for holt or natal den creation on-site. The presence of otters on the site, or in the nearby vicinity is highly unlikely.	There are no EPSLs for otters within a 2km radius of the site. West Yorkshire Ecology (WYE) data: There are no records for otters within a 2km radius of the site, over the past 10 years.
Water Vole	There are no watercourses or wet ditches on the site, or adjacent to the site. The site does not comprise any riparian habitat, and there are no opportunities for burrow creation. Furthermore, water voles tend to remain within ~5m of the banks of a watercourse/wet ditch. The presence of water voles on the site or in the nearby vicinity is highly unlikely.	There are no EPSLs for water voles within a 2km radius of the site. West Yorkshire Ecology (WYE) data: There are no records for water voles within a 2km radius of the site, over the past 10 years.
Birds	No bird's nests were identified during the survey, associated with the building or surrounding hardstanding. However, there are opportunities for nesting birds associated with the high-rise building and roof. The site is most likely too built-up, subject to disturbance, and does not comprise the suitable habitat to support more significant populations of breeding or wintering birds. As the site is urban,	West Yorkshire Ecology (WYE) data: There are 13 records for birds within a 2km radius of the site, over the past 10 years. These include: • Grey wagtail – ~0.6km east – 1 record • Kingfisher (Schedule 1 species) – ~1.9km southwest – 1 record • Mallard – between ~0.6-1.9km from various directions – 6 records

	nesting birds associated with the site are likely to be more common species (e.g., pigeon).	• Moorhen – ~1.5km northeast, ~1.6km northeast – 2 records • Peregrine (Schedule 1 species)– ~0.6km northeast, ~1.1km northeast – 2 records • Woodpigeon – ~1.2km northeast – 1 record
Invertebrates	The site does not have the vegetation, habitat structure, or diversity suitable for any notable species of invertebrates. There are also no on-site or adjacent watercourses (i.e., suitable crayfish habitat). More common species of invertebrates will likely utilise this site.	West Yorkshire Ecology (WYE) data: There are 5 records for signal crayfish (a Schedule 9 species of invertebrate), ~0.6km south of the site.

4.0 Conclusions, Impacts and Recommendations

4.1 Informative Guidelines

A summary of the relevant legislation and planning policies is provided in Appendix 4.

Likelihood of the Presence of Protected Species

Where physical evidence of the presence of protected species is indeterminate during the survey, the habitats on site are evaluated as to their likelihood to provide sheltering, roosting, foraging, basking or nesting habitat.

Where this report supports a planning application, the ecological interest of the study area (i.e. the area covered by the desk study and field survey) and the proposed development has also been evaluated in terms of the planning policies relating to biodiversity.

4.2 Evaluation

Taking the desk study and field survey results into account, Table 7 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 extension of the on-site building (B1).

Table 7: Evaluation of the site and any ecological constraints

Feature	Survey Results Summary	Impact Assessment	Recommendations	Biodiversity Enhancement Opportunities[1]
Designated sites	There is one statutory site within 2km of the site, it being Gledholt Woods LNR located ~900m west from the site. There are three non-statutory sites within 2km of the site, the closest being Huddersfield Narrow	No impacts to designated sites are anticipated due to the small scale and distance of the proposed development from such sites (where known) as well as the urban location of the site with surrounding physical barriers.	None.	None.

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

	Canal located ~460m south from the site. The site lies within the impact risk zone for the Dark Peak SSSI and South Pennine Moors SSSI and the proposed development is not listed as a possible high risk for these designations.			
Habitats and flora	There are no notable habitats within the site, but priority deciduous woodland habitat is present within 2km of the site, with the closest located ~470m southwest from the site. Other habitats within the site are common and widespread and have low ecological value. Habitats on site comprise structures and hardstanding. No protected or notable plant species were recorded during the survey.	No impacts to any notable habitats are anticipated due to the small scale and distance of the proposed development from such habitats as well as the urban location of the site with surrounding physical barriers. The proposed development will result in the loss of <0.1ha developed land. This is likely to have a minimal impact on biodiversity due to the low ecological value of these habitats.	Best practice measures to minimise the possibility of pollution must be implemented during construction.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development: • Installation of on-site planters with vegetation. • Installation of a green roof or green wall. Species-specific enhancement opportunities are detailed later in this table.
Amphibians	The site does not comprise any suitable GCN habitat and is disconnected from any suitable habitat and possible GCN breeding ponds. More common amphibians are also unlikely to use this site	No impacts are anticipated on GCN, as a result of the proposed development as this species is considered to be absent from the site.	None.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for amphibians:

	given the built-up nature of the site and lack of suitable habitats on-site.			• Installation of on-site planters with vegetation.
Reptiles	The site does not comprise any suitable reptile habitat and is disconnected from any suitable habitat. It is highly unlikely reptiles will use this site or be found in the nearby vicinity of the site, due to the built-up nature of the site and surrounding areas.	No impacts are anticipated on reptiles as a result of the proposed development.	None.	None.
Roosting bats (B1)	B1 has low value for roosting bats, based on the suboptimal features present and built-up location of the site.	The proposed development will result in the upward extension of this building, including renovation and conversion works. This could result in damage/modification/destruction of any bat roosts present and could cause disturbance, death or injury to bats.	**Typically for low value buildings:** One Bat Emergence Re-entry Survey (BERS) would need to be completed in line with guidance during the bat active season (optimal May to August, suboptimal September), to confirm the presence or likely absence of a bat roost in the building. This survey would be required to be undertaken during the optimal survey period mid-May to August inclusive. Infra-red cameras should be used as an aid. If bat roosts are confirmed in the building, two additional surveys are usually required to inform an EPSL application to Natural England. These surveys should be three weeks apart. The EPSL application requires that the 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. However, detection of roosts by a single BERS is low and is likely to be further limited due to restricted views of the building which may significantly reduce the reliability of BERS therefore a non-licensed Bat Mitigation Plan (BMP) may be a more appropriate approach to minimising the risk to bats.	To be confirmed within the BMP.

			The BMP will include a pre-commencement inspection of the roof utilities level and basement including endoscoping of crevices/cavities, as well as the supervision of the removal of features by hand by a licensed bat consultant. The new roof will include bat boxes to replace any roost features which are lost during the upward extension. Roof works would be undertaken between November and March insofar as possible, when bats are least likely to be present. In the event bats or evidence of bats are found works would cease and advice sought from the licensed bat consultant regarding survey and licensing requirements. This will be detailed more fully in the BMP. This approach would need to be agreed with the Local Planning Authority (LPA) as it deviates from standard guidance.	
Foraging and commuting bats	Nearby trees and grassland fragments 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 not result in the removal of any habitats which could be used by foraging or commuting 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 any vegetation 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,	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 to increase foraging opportunities.

			cowls, louvers and shields. Lights will also be 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	The site does not comprise any suitable badger habitat and is disconnected from any suitable habitat. It is unlikely badgers will use this site or be found in the nearby vicinity of the site, due to the built-up nature of the site and surrounding areas.	No impacts are anticipated on badgers as a result of the proposed development.	None.	None.
Hazel dormouse	The site does not comprise any suitable hazel dormouse habitat. It is highly unlikely hazel dormice will use this site or be found in the nearby vicinity of the site as it is located outside of their known geographical range and lies within a densely built-up area.	No impacts are anticipated on hazel dormice as a result of the proposed development.	None.	None.

Hedgehog	The site does not comprise any suitable hedgehog habitat and is disconnected from any suitable habitat. However, it is possible hedgehogs will commute across this site or be found in the nearby vicinity of the site, due to their urban tolerance.	<0.1ha developed land will undergo works during construction. The modification of such habitats is likely to be inconsequential to local hedgehog populations owing to its 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: • 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. • 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.	The following habitat creation and enhancement opportunities could be incorporated into the proposed development which would be beneficial for hedgehogs: • Planting of vegetative areas within the site boundary.
Otter	The site does not comprise any suitable otter habitat and is disconnected from any suitable habitat. It is highly unlikely otters will use this site or be found in the nearby vicinity of the site, due to the built-up nature of the site and surrounding areas.	No impacts are anticipated on otters as a result of the proposed development.	None.	None.
Water vole	The site does not comprise any suitable water vole habitat and is disconnected from any suitable habitat. It is highly unlikely water voles will use this site or be found in the nearby vicinity of the site, due to the built-up nature of the site and surrounding areas.	No impacts are anticipated on water vole as a result of the proposed development.	None.	None.

Birds	There are opportunities for common nesting birds (e.g., pigeon), associated with the roof and basement of the on-site building.	<0.1ha developed land will undergo works during construction. The modification of such habitats is likely to be inconsequential to local bird populations owing to its 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.	Works to the building should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building 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 four bird boxes at the site will provide additional nesting habitat for birds. The bird boxes will be installed on the on-site building (B1). Such as: • Vivara Pro WoodStone Swift Nest Box • House Sparrow Terrace FSC Nest Box • 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.
Invertebrates	The site does not comprise any suitable notable invertebrate habitat and is disconnected from any suitable habitat. More common invertebrates will use this site or be found in the nearby vicinity of the site, due to the built-up nature of the site and surrounding areas.	No impacts are anticipated on notable species or populations of invertebrates as a result of the proposed development.	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. • Installation of a green roof or green wall.

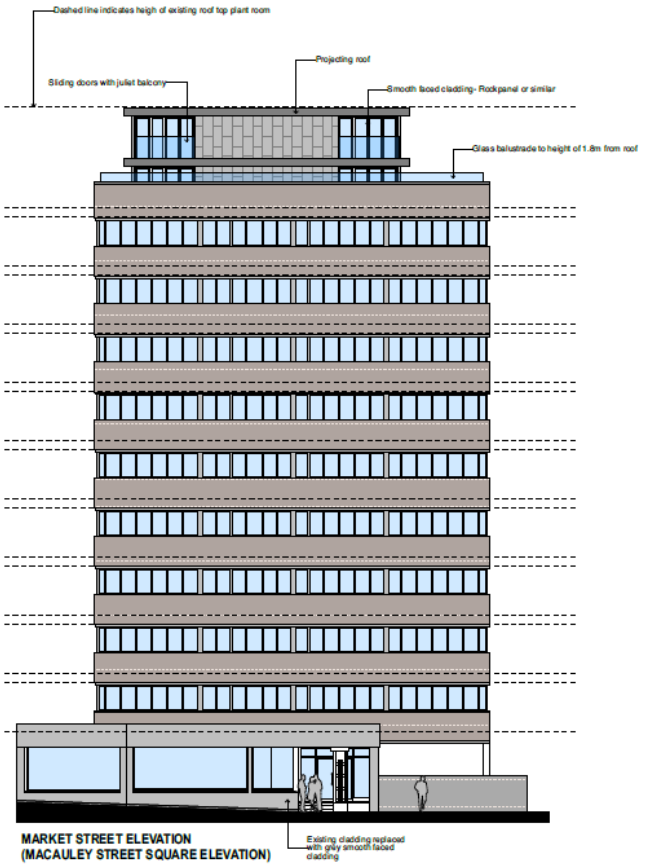
5.0 Bibliography

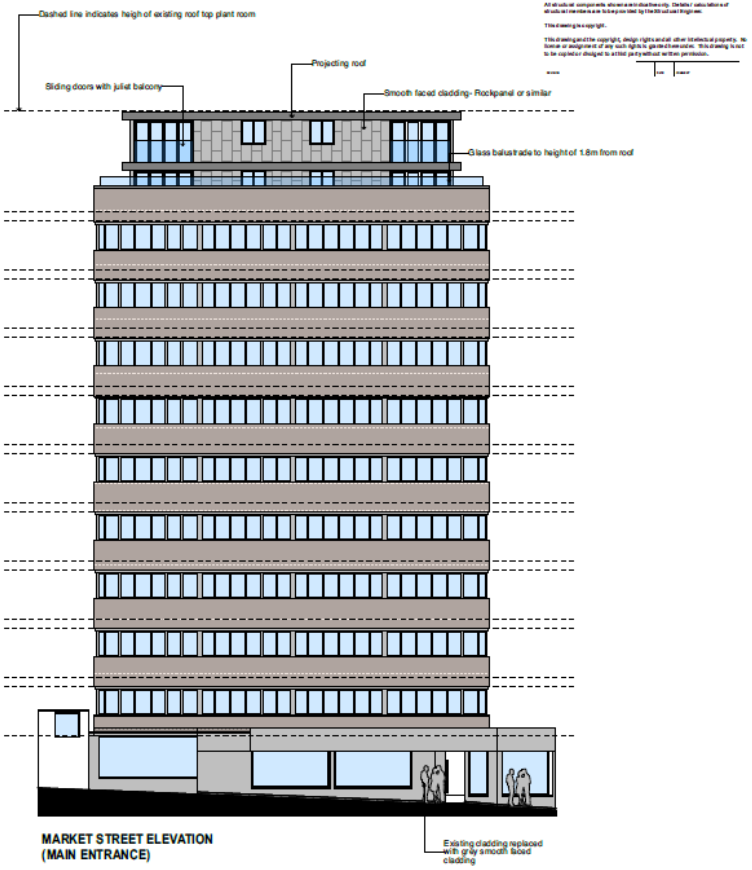
- Biggs, J., Ewald, N., Valentini, A., Gaboriaud, C., Dejean, T., Griffiths, R., Foster, J., Wilkinson, J., Arnell, A., Brotherton, P., Williams, P. and Dunn, F. (2014). Using eDNA to Develop a National Citizen Science-based Monitoring Programme for the Great Crested Newt (*Triturus cristatus*). Biological Conservation. 183. 10.1016/j.biocon.2014.11.029.
- Bright, P., Morris, P., Mitchell-Jones, T. and Wroot, S. (2006). The Dormouse Conservation Handbook Second Edition.
- 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.
- Chanin, P. (2003). Ecology of the European Otter. Conserving Natura 2000 Rivers Ecology Series No. 10. Natural England, Peterborough.
- 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 (2017). Guidelines on Ecological Report Writing. 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 (2020). Guidelines for Accessing, Using and Sharing Biodiversity Data in the UK. 2nd Edition. Chartered Institute of Ecology and Environmental Management, Winchester.
- Collins, J. (2023). Bat Surveys for Professional Ecologists —Good Practice Guidelines, 4th edition, Bat Conservation Trust, London.
- Defra (2007). Hedgerow Survey Handbook. A Standard Procedure for Local Surveys in the UK. Defra, London.
- Edgar, P., Foster, J. and Baker, J (2010). Reptile Habitat Management Handbook. Amphibian and Reptile Conservation, Bournemouth http://downloads.gigl.org.uk/website/Reptile%20Habitat%20Management%20Handbook.pdf
- Garland, L. & Markham, S. (2008) Is Important Bat Foraging and Commuting Habitat Legally Protected? http://biodiversitybydesign.co.uk/cmsAdmin/uploads/protection-for-bat-habitat-sep-2007.pdf
- Gent, T. and Gibson, S. (2003). Herpetofauna Workers' Manual. JNCC, Peterborough.
- Gilbert, G., Gibbons, D.W., and Evans, J. (1998) Bird Monitoring Methods: A Manual of Techniques for UK Key Species. The Royal Society for the protection of Birds, Sandy, Bedfordshire, England.
- Google Earth. Accessed on 01/01/2024.
- Harris, S., Cresswell, P. and Jefferies, D.J. (1989). Surveying badgers. Mammal Society, London.

- HMSO: Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 https://www.legislation.gov.uk/uksi/2019/579/contents/made
- HMSO: Countryside & Rights of Way Act (2000) http://jncc.defra.gov.uk/page-1378
- HMSO: Natural Environmental and Rural Communities Act (2006) http://www.legislation.gov.uk/ukpga/2006/16/contents
- HMSO: The Protection of Badgers Act 1992 (as amended) http://www.legislation.gov.uk/ukpga/1992/51/contents
- HMSO: Wildlife and Countryside Act 1981 (as amended 01.04.1996) http://jncc.defra.gov.uk/page-1377
- Institution of Lighting Professionals (2018). Guidance Note 08/18 Bats and Artificial Lighting in the UK. Bats and the Built Environment Series Publication: http://www.bats.org.uk/news.php/406/new_guidance_on_bats_and_lighting
- JNCC (2004). Bat Workers Manual, 3rd Edition. http://jncc.defra.gov.uk/page-2861
- Joint Nature Conservation Committee (2010). Handbook for Phase 1 habitat survey a technique for environmental audit. http://jncc.defra.gov.uk/PDF/pub10_handbookforphase1habitatsurvey.pdf
- Kirklees Council (2019). Kirklees Local Plan. https://www.kirklees.gov.uk/beta/planning-policy/local-plan.aspx
- Langton, T., Beckett, C. and Foster, J (2001). Great Crested Newt Conservation Handbook. Froglife. Suffolk. http://www.froglife.org/wp-content/uploads/2013/06/GCN-Conservation-Handbook_compressed.pdf
- Magic Database. http://www.magic.gov.uk/MagicMap.aspx Accessed on 01/01/2024.
- Mitchell-Jones, A.J. (2004). Bat Mitigation Guidelines. English Nature, Peterborough.
- National Planning Policy Framework (2023). https://www.gov.uk/government/publications/national-planning-policy-framework--2
- Natural England Designated Sites View. https://designatedsites.naturalengland.org.uk/SiteSearch.aspx Accessed on 01/01/2024.
- Natural England (2005). Organising Surveys to Determine Site Quality for Invertebrates: A Framework Guide for Ecologists. Natural England, Peterborough.
- Natural England (2007). Badgers and Development a Guide to Best Practice and Licensing. Natural England. Bristol. http://www.wildlifeco.co.uk/wp-content/uploads/2014/03/badgers-and-development.pdf
- Oldham R.S., Keeble J., Swan M.J.S. and Jeffcote M. (2000). Evaluating the Suitability of Habitat for the Great Crested Newt (*Triturus cristatus*). Herpetological Journal 10(4), 143-155. https://www.thebhs.org/publications/the-herpetological-journal/volume-10-number-4-october-2000/1617-03-evaluating-the-suitability-of-habitat-for-the-great-crested-newt-triturus-cristatus/file
- Panks, S., White., N., Newsome, A., Potter, J., Heydon, M., Mayhew, E., Alvarez, M., Russell, T., Scott, S.J., Heaver, M., Scott, S.H., Treweek, J., Butcher, B. and Stone, D. (2021). Biodiversity Metric 3.0: Auditing and Accounting for Biodiversity – Technical Supplement. Natural England.
- Stanbury, A., Eaton, M., Aebischer, N., Balmer, D., Brown, A., Douse, A., Lindley, P., McCulloch, N., Noble, D., and Win I. 2021. The status of our bird populations: the fifth Birds of Conservation Concern in the United Kingdom, Channel Islands and Isle of Man and second IUCN Red List assessment of extinction risk for Great Britain. British Birds 114: 723-747.

- Strachan, R., Moorhouse, T. and Gelling, M. (2011). Water Vole Conservation Handbook. Third Edition. Wildlife Conservation Research Unit, Oxford.
- The UK Habitat Classification Habitat Definitions Version 2.0 (The UK Habitat Classification Working Group, July 2023)
- West Yorkshire Ecology (WYE). Biological Records Data (BRD) (within 2km of the site). Obtained: 06/02/2024.
- Wray, S., Wells, D., Long, E. and Mitchell-Jones, T (2010). Valuing Bats in Ecological Impact Assessment. IEEM In-Practice. Number 70 (December 2010). Pp. 23-25.

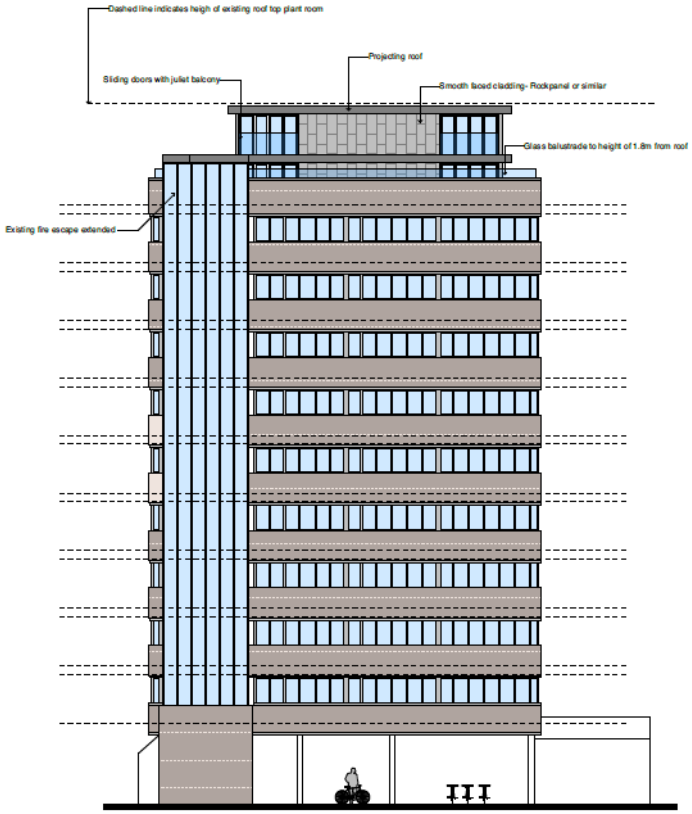
Appendix 1: Proposed Development Plan



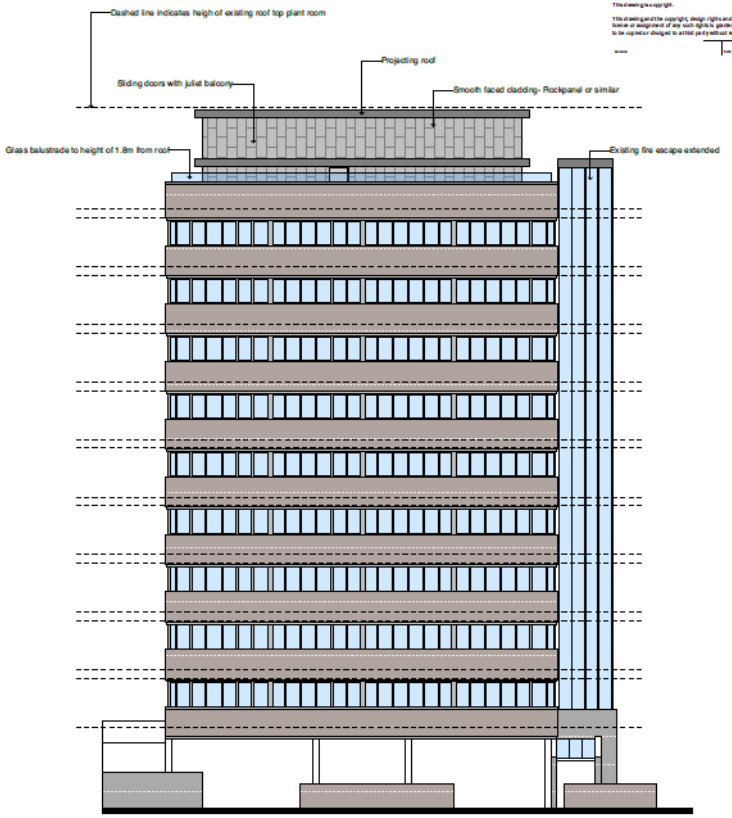


C49 ARCHITECTURE

CLIENT DETAILS	DRAWING No	REVISION
MARKET STREET HUDDERSFIELD	NTL FL 030	
DRAWING INFO: Elevations as Proposed	SCALE: 1:100	DATE: 29/09/2023
		DRAWN BY: JH



REAR COURTYARD ELEVATION



THREADNEEDLE STREET ELEVATION

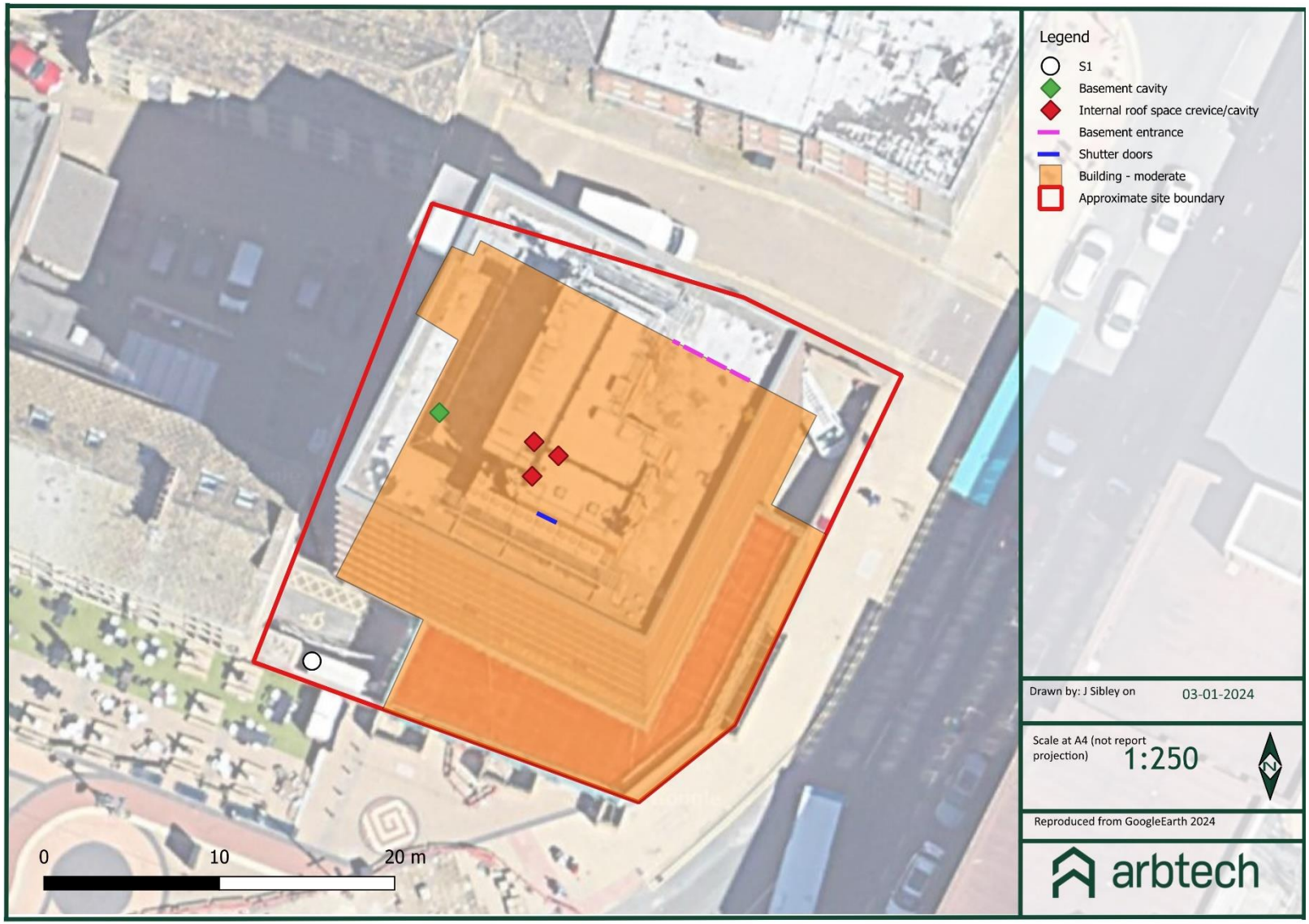
C49 ARCHITECTURE
www.C49-Architecture.co.uk
Info@C49-Architecture.co.uk
Tel: 01535 281 432

CLIENT DETAILS	DRAWING No	REVISION
MARKET STREET HUDDERSFIELD	NTL PL 03	
DRAWING INFO	**SCALE**	**DATE** / **DRAWN BY**
Elevation as Proposed Sheet 2	1:100	29/09/2023 / JH

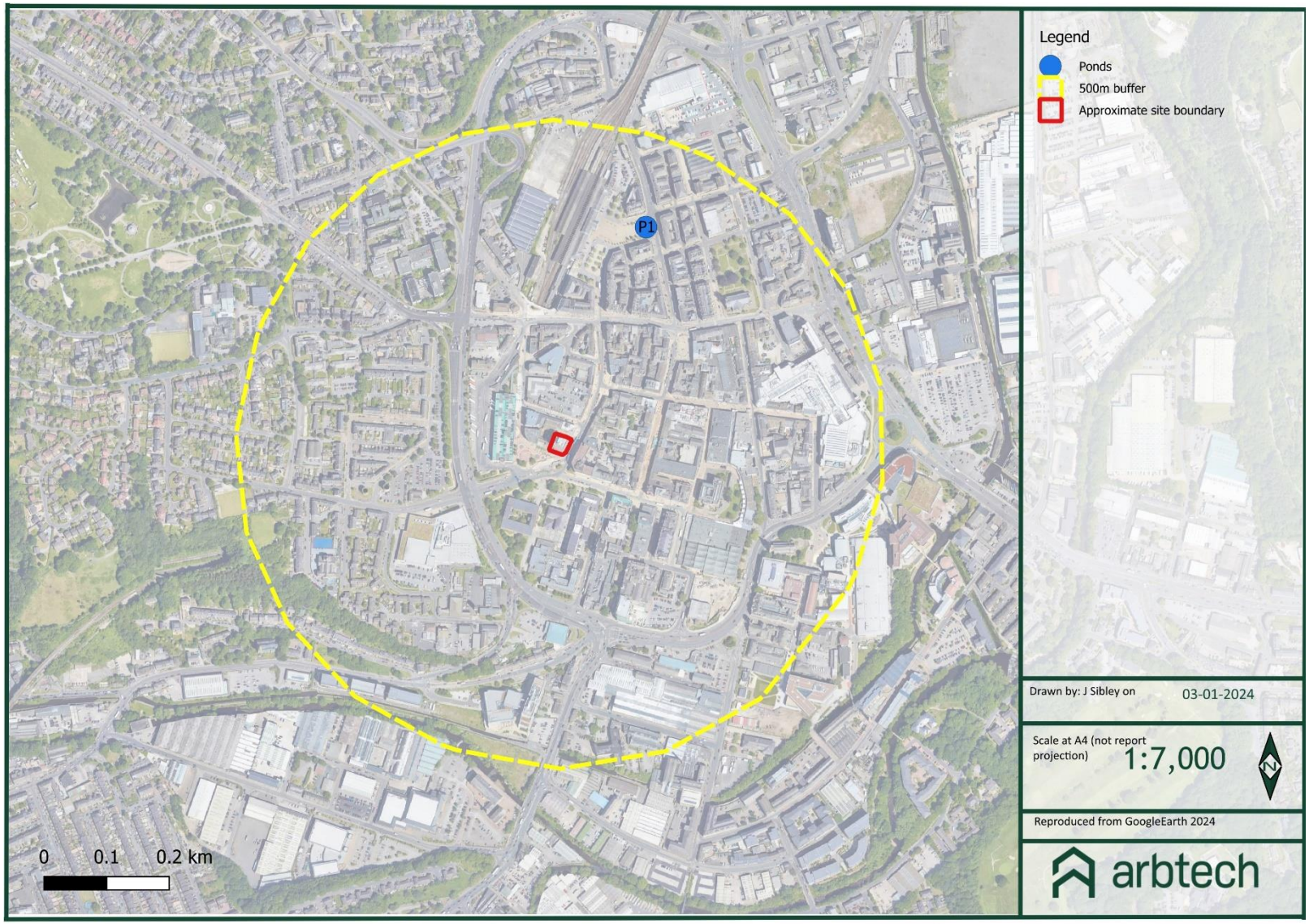
Appendix 2: Site Location Plan

Appendix 3a: Habitat Survey Plan

Appendix 3b: PRA Plan



Appendix 3c: 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 2023

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.