Ecological Impact Assessment (ECIA) Report	
For:	Wakefield Acoustics Ltd.
Site:	Land off St. Peg Lane, Cleckheaton, Leeds, West Yorkshire, BD19 3SL
Report Date:	22nd February 2024
Report Reference:	SQ-1524

Surveying Ecologists:

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- *Natural England Bat Licence: 2018-35446-CLS-CLS*

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Client:	Wakefield Acoustics Ltd.
Site Name:	Land off St. Peg Lane, Cleckheaton, Leeds, West Yorkshire, BD19 3SL
Grid Reference:	SE 19457 25238
Report:	Ecological Impact Assessment Report
Date of survey:	7th February 2024
Lead Ecologist by:	Sam Toon BSc (hons), GradCIEEM *Natural England Bat Licence: 2018-35446-CLS-CLS*

Issue:	Revision:	Stage:	Date:	Prepared by:	Approved by:
1	-	Draft for review	21st February 2024	John Davies BSc (hons) - Estrada Ecology Ltd	Sam Toon BSc (hons), GradCIEEM, Estrada Ecology Ltd
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The contents of this report have been produced with consideration of current best practice guidance, and in accordance with the Chartered Institute of Ecology and Environmental Management (CIEEM) Code of Professional Conduct.

This report should not be submitted as part of a planning application without any accompanying species-specific reports which may have been recommended herein.

Data within this report is valid for a maximum of eighteen months from the date of the survey. After this period, an updated site visit will be required to determine a new ecological baseline.

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Contents:

Whilst every effort has been taken to ensure the accuracy of this report and its contents in view of potential ecological constraints to development or the likely presence or absence of species it must only be viewed as a snapshot in time and not be viewed as definitive. Due to external factors, such as seasonality, weather etc having the potential to affect survey results no liability can be assumed for omissions or changes that may or may not occur after the date this report was produced.

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1 Executive Summary

1.1 Estrada Ecology Ltd was commissioned by Wakefield Acoustics Ltd to carry out an Ecological Impact Assessment (EcIA) of the Land off St. Peg Lane, Cleckheaton, BD19 3SL (hereon referred to as 'the site') to inform any ecological constraints. It is understood that the site is planned to be used for external assembly work which does not involve any redevelopment of the site, other than the erection of additional perimeter security fencing and modification to the site entrance.

1.2 This report details the methodologies used to assess the ecological value of the site and identify potential ecological constraints. The results of the initial survey work are presented along with any additional species-specific survey recommendations.

1.3 The site is recorded to comprise habitats of negligible suitability for any protected species such as Eurasian badger (*Meles meles*), western European hedgehog (*Erinaceus europaeus*), Eurasian otter (*Lutra lutra*), European water vole (*Arvicola amphibius*), hazel dormouse (*Muscardinus avellanarius*), brown hare (*Lepus europaeus*), white-clawed crayfish (*Austropotamobius pallipes*) or barn owl (*Tyto alba*), as well as any bat species, any amphibian specie, or any reptilian species. The site is deemed to have negligible potential for use by breeding birds. No field sign evidence of any protected species was recorded during the survey.

1.4 The site was recorded to lack significant floral diversity and is unlikely to support important assemblages of invertebrates. No protected or notable species listed on Schedule 8 of the Wildlife and Countryside Act (1981) were recorded within the site. No non-native / invasive species listed on Schedule 9 of the Act were recorded within the site.

1.5 The River Spen runs adjacent to the east of the area the site sits within. The river was recorded to be separated from the property by a security fence and low stone / concrete wall. Furthermore, the river is approximately eight-to-ten foot lower in elevation than the site with steep retaining walls bounding the river. The river besides the site features negligible riparian habitat and is deemed to offer negligible suitability for any riparian / aquatic mammals and the elevation difference between the site and the river makes use of the site by any amphibian species highly unlikely.

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1.6 As a precaution, a Construction Environmental Management Plan (CEMP) has been recommended to mitigate potential impacts of pollution of the watercourse and aquatically linked receptors.

1.7 The adjacent River Spen is deemed to offer foraging and commuting suitability for local bat populations, which may be impacted by the proposed use of the site if not mitigated. A lighting scheme has been recommended to prevent any light splay from within the site area directed eastwards towards the river and surrounding trees. With a lighting scheme in place, no impacts towards the use of the river by local bats are predicted.

1.8 No impacts towards any protected species which may be using the Spen are predicted, with adherence to a CEMP for the mitigation of any potential pollution of the water course and a lighting scheme to mitigate impacts of light pollution affecting the commuting / foraging corridor for bats.

2 Introduction

2.1 The principal author of this report is Samuel Toon BSc (hons) GradCIEEM, Ecologist for Estrada Ecology Ltd. Samuel has been a professional ecologist for over eight years and is a qualifying member of the Chartered Institute of Ecology and Environmental Management (GradCIEEM); a licensed bat and great crested newt ecologist.

2.2 This report has been designed to comply with standard reporting guidelines provided within Chartered Institute of Ecology and Environmental Management Guidelines for Ecological Impact assessment in the UK and Ireland Report Writing (CIEEM, 2018).

2.3 The contents of this report have been produced with due consideration of current best practice guidance and in accordance with the Chartered Institute of Ecology and Environmental Management's (CIEEM) Code of Professional Conduct and guidelines.

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2.4 Background to the Survey:

2.4.1 Estrada Ecology Ltd was commissioned by the client to conduct an ecological assessment of the site to inform an Ecological Impact Assessment (ECIA) for the proposed use of the site, at St Peg Lane, Cleckheaton, BD19 3SL.

2.4.2 All the habitats / features present within the site (blueline boundary) property were assessed during the survey, along with the adjacent length of the river Spen. The proposed application area (redline boundary) was not definitive at the time of the survey given the flexible nature of the site application. It is understood that the redline boundary will not include the small area of grassland and utility building in the south of the site.

2.4.3 It is understood that the site is not proposed for redevelopment, beyond additional security fencing and modification of the entryway in the north of the site. The land is proposed for use for external assembly work, subject to the necessary conditions. No formal plans have been submitted regarding proposals at this stage. This was not deemed a restrictive factor when assessing the site to identify any ecological constraints that may require further survey to inform the ECIA.

2.4.4 This report details the survey methodologies used to map existing habitats on site and assess their potential to support protected species. Results from the data search and findings of the ecological survey are then presented and discussed to identify potential ecological impacts as a result of development.

2.4.5 Recommendations for further species-specific survey work are provided along within an assessment of mitigation strategies, where applicable.

2.5 Site Location and Overview

2.5.1 The survey site is approximately 1.4 hectares in size and is composed of cleared urban land dominated by Developed Land Sealed Surface (u1b) and Artificial Unvegetated Unsealed Surface (u1c) habitats, with a small area of Modified Grassland (g4) in the south, and two small Buildings (u1b5) in the east and southeast of the site.

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2.5.2 The site boundaries are comprised of a tall brick wall on the north boundary, a stone brick / concrete wall with security fencing on the eastern boundary, metal security fencing on the southern boundary, and wooden panel fencing on the western and part of the northern boundaries. The river Spen exists outside the length of the eastern boundary, and Peg Road runs outside the northern boundary.

Figure 1: The Property (blueline) within its Wider Setting.

Google Earth (2024)

2.5.3 The site is located on the eastern edge of the town of Cleckheaton. It is located approximately 9.8 km northeast of Huddersfield town centre and approximately 13.6 km southwest from Leeds city centre. The site's central OS grid reference is recorded as SE 19457 25238.

2.5.4 The wider landscape outside the site consists largely of low-density urban developments to the south, west, and northwest of site. Areas of allotment, disused land, paddocks, and arable land are present to the south, southeast, and east of site. Small areas of grassland and woodland are present to the east, northeast, and north from site.

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2.6 Report Objectives

2.6.1 The key objectives of this report are to:

- Present the findings of the ecological survey.
- Assess the potential of existing on-site habitats to support protected or notable species.
- Identify ecological constraints that will need to be taken into consideration within the scheme design.
- Evaluate any likely ecological impacts on protected and notable species or habitats because of the proposed development.
- Provide recommendations for any further species-specific survey and mitigation measures that may be required; and
- Provide habitat enhancement recommendations in line with the National Planning Policy Framework (NPPF, 2023).

3 Planning Policy and UK Legislation

3.1 Local Planning Policy

3.1.1 The Local Plan for the area of Cleckheaton (Kirklees Metropolitan Council) lists several policies relating to biodiversity, habitats, and the environment. Policies relevant to the site include:

3.1.1.1 **Policy LP1** - Presumption in Favour of Sustainable Development

When considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the area.

Where there are no policies relevant to the proposal or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise – taking into account whether:

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a. *any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*

b. *specific policies in that Framework indicate that development.*

National planning policy confirms that the purpose of the planning system is to contribute to the achievement of sustainable development for an environmental role – contributing to protecting and enhancing our natural, built, and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

3.1.1.2 **Policy LP24** – Design

Good design should be at the core of all proposals in the district and should be considered at the outset of the development process, ensuring that design forms part of pre-application consultation of a proposal. Development briefs, design codes and masterplans should be used to secure high quality, green, accessible, inclusive, and safe design, where applicable. Where appropriate and in agreement with the developer schemes will be submitted for design review.

Proposals should promote good design by ensuring:

h. *development contributes towards enhancement of the natural environment, supports biodiversity, and connects to and enhances ecological networks and green infrastructure; and*

i. *the retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits.*

The diverse built and natural environment in the district presents a range of different challenges, requiring bespoke solutions to help respect and enhance character, particularly within conservation areas and when development proposals may impact on the setting of listed buildings. The urban areas of the district are surrounded by Green Belt where national policy states that local planning authorities should plan positively to retain and enhance landscapes, visual amenity, and biodiversity. Development in the Green Belt should wherever possible

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ensure the use of vernacular building styles and traditional materials and that surface and boundary treatments are sensitive to their setting. Native species should be used if any planting is required in order to mitigate the impact of development.

3.1.1.3 **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.

Statutory Designated Sites:

Statutory designated sites, including the South Pennine Moors Special Protection Area (SPA) and Special Area for Conservation (SAC) and Sites of Special Scientific Interest, are already highly protected through existing laws and legislation. In accordance with legislation, the Council will seek to ensure that harmful impacts to these areas as a result of development proposals are avoided. Development proposed within or outside a designated Site of Special Scientific Interest, likely to have an adverse effect on the site's special nature conservation features, will not normally be permitted. Exceptionally development will be allowed where the benefits of the development clearly outweigh the impacts on the site's special conservation features and measures are provided to mitigate harmful impacts.

Local Designated Sites & Important Local Ecological Features:

Proposals having a direct or indirect adverse effect on a Local Wildlife Site or Local Geological Site, Ancient Woodland, Veteran Tree, or other important tree, will not be permitted unless the benefits of the development can be clearly shown to outweigh the need to safeguard the local conservation value of the site or feature and there is no alternative means to deliver the proposal. In all cases, full compensatory measures would be required and secured in the long term.

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Habitats and Species of Principal Importance:

Proposals will be required to protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.

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.

Within Kirklees, there is an extensive range of sites designated and protected for their biodiversity and geodiversity importance. These include international and European designations, such as Special Protection Areas, Special Areas of Conservation; national designations, such as Sites of Special Scientific Interest; Ancient Woodland, Local Wildlife Sites, Local Geological Sites and the Wildlife Habitat Network.

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West Yorkshire Ecology have identified the Kirklees Wildlife Habitat Network which connects designated sites of biodiversity and geological importance and notable habitat links within the district, such as woodlands, watercourses, natural and semi-natural areas. The identification of the Wildlife Habitat Network is intended to protect and strengthen ecological links within the district. The purpose of the network is to enable species populations to be sustained by protecting and enhancing the ecological corridors and linkages within the wider environment, including links to adjoining districts. Development within the Wildlife Habitat Network will not necessarily be prevented but the council will seek to ensure that development proposals maintain the integrity and continuity of the network and protect the nature conservation value of the land affected. The Wildlife Habitat Network forms the basis for increasing the robustness and inter-connectivity of ecological corridors. As such, development proposals within and adjacent to the Wildlife Habitat Network should be considered as opportunities to enhance and expand its functionality.

All development in Kirklees, as set out in national policy and the policies described in this document, will be expected to not result in significant loss or harm to biodiversity through avoidance, mitigation and compensatory measures and seek opportunities to enhance biodiversity value and ecological links. Opportunities to achieve net gains in biodiversity within development proposals will be sought through good design, including specific habitat creation and biodiversity enhancements. Regard will need to be given to the relevant Biodiversity Opportunity Zone in which the proposed development is located, and biodiversity enhancement measures will be sought which reflect the priority habitats and species identified for each zone. The purpose of the Biodiversity Opportunity Zones and associated tables of species is to guide developers in providing appropriate compensation and enhancements of maximum benefit for nature conservation. In order to safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network, the council will also seek to ensure that development proposals do not result in the fragmentation of the network and provide improved ecological links, particularly to the Kirklees Wildlife Habitat Network, where opportunities exist.

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3.1.1.4 **Policy LP31 –** Strategic Green Infrastructure Network

Within the Strategic Green Infrastructure Network identified on the Policies Map, priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. Development proposals within and adjacent to the Strategic Green Infrastructure Network should ensure:

(i) the function and connectivity of green infrastructure networks and assets are retained or replaced;

(ii) new or enhanced green infrastructure is designed and integrated into the development scheme where appropriate, including natural greenspace, woodland and street trees;

(iii) the scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;

(iv) the protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network. The council will support proposals for the creation of new or enhanced green infrastructure provided these do not conflict with other Local Plan policies.

Green infrastructure is defined as networks of accessible green spaces and natural habitats that occur within and form connections between towns and villages. It functions in different ways and provides multiple benefits for wildlife, improved health and well-being of people, local food growing, mitigating climate change, such as flood alleviation, and for the local economy by providing a high-quality environment to help attract further economic investment.

Green infrastructure assets include parks, recreation grounds, public and private playing fields, street trees, allotments and local food growing, amenity green space, churchyards and cemeteries, natural and semi-natural greenspaces, such as woodlands, local nature reserves, some grazing land, heathland, and moorland. River and canal corridors, footpaths, bridleways, and cycleways provide green infrastructure links which thread through the towns and villages and connect into the countryside.

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Natural England has mapped and analysed green infrastructure across the region. Using this information, areas of strategic green infrastructure have been identified in Kirklees where the functions of green infrastructure are considered to be significant and wide ranging. These are identified on the Policies Map where there is a concentration of green infrastructure assets and includes the following:

- *The South Pennine Moors Special Protection Area/Special Area of Conservation*
- *River Calder corridor*
- *River Dearne corridor River Colne corridor*
- *Fenay Beck corridor*
- *Spen Valley corridor*
- *Holme Valley corridor*

Development proposals within the Strategic Green Infrastructure Network will not necessarily be prevented provided they do not conflict with other Local Plan Policies. However, the Council will seek to ensure that development proposals protect and enhance existing green infrastructure assets; minimise fragmentation of green infrastructure networks and maximise opportunities for new and improved green infrastructure and connecting links into the network where opportunities exist.

3.1.1.5 **Policy LP33** – Trees

The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks. Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.

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3.1.1.6 **Policy LP34** – Conserving and Enhancing the Water Environment

Proposals must:

1. *Ensure no deterioration of water courses or water bodies (including groundwater) by conserving and, where practicable, enhancing:*

    a. *the natural geomorphology of watercourses, including reinstating watercourses to their natural state through removal of modifications resulting from past industrial uses;*

    b. *water quality; and*

    c. *the ecological value of the water environment, including the functionality of habitat networks.*

2. *Ensure Source Protection Zones are protected from contamination as a result of the proposal in line with national guidance.*

3. *Dispose of surface water appropriately (in accordance with the Local Plan drainage policy) adhering to the following networks in order of preference:*

    a. *to an infiltration-based system wherever possible (such as soakaways);*

    b. *discharge into a watercourse with the prior approval of the landowner, navigation authority or Environment Agency, where applicable. To comply with part 1 of this policy this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse;*

    c. *discharge to a public sewer.*

Proposals are encouraged to:

4. *Make positive progress towards achieving 'good status or potential' under the Water Framework Directive in surface and groundwater bodies.*

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5. *Manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling as well as considering water availability from surface water and groundwater sources.*

6. *Improve water quality through the incorporation of appropriately constructed and maintained Sustainable Drainage Systems and surface water management techniques taking into account the sensitivity of groundwater.*

3.1.1.7 **Policy LP51** – Protection and Improvement of Local Air Quality

1. *Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people.*

2. *Proposals that have the potential to increase local air pollution either individually or cumulatively must be accompanied by evidence to show that the impact of the development has been assessed in accordance with the relevant guidance. Development which has the potential to cause levels of local air pollution to increase must incorporate sustainable mitigation measures that reduce the level of this impact. If sustainable measures cannot be introduced the development will not be permitted.*

3. *Where the development introduces new receptors into Air Quality Management Areas or Areas of Concern or near other areas of relatively poor air quality, for example near roads or junctions, the development must incorporate sustainable mitigation measures that protect the new receptors from unacceptable levels of air pollution. Where sustainable mitigation measures cannot be introduced which prevent receptors from being exposed to unsafe levels of air pollution, development will not be permitted.*

3.1.1.8 **Policy LP52** – Protection and Improvement of Environmental Quality

Proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally

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sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.

Such developments which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted.

Where possible, all new development should improve the existing environment.

3.1.1.9 **Policy LP59** – Brownfield Sites in the Green Belt

Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:

a. *in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*
b. *in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*
c. *redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.*

Land at Storthes Hall has been designated in the Local Plan in order to recognise it as a major brownfield site in the Green Belt. Development proposals should be accompanied by a masterplan with special attention paid to the impact of any proposal on the openness of the Green Belt.

In all cases regard should be had to relevant design polices to ensure that the resultant development does not materially detract from its Green Belt setting.

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3.2 UK Legislation

3.2.1 Relevant legislation includes the Conservation of Natural Habitats and Species Amendment (EU Exit) Regulations which came into force on 31 December 2020.

3.2.2 The Natural Environment and Rural Communities (NERC) Act came into force on 1 Oct 2006. Section 41 (S41) 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 in England. The list has been drawn up in consultation with Natural England, as required by the Act. The S41 list is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006, to have regard to the conservation of biodiversity in England, when conducting their normal functions.

3.2.3 The UK Post-2010 Biodiversity Framework was developed in response to the Convention on Biological Diversity's Strategic Plan for Biodiversity 2011 – 2020. Its five strategic goals and twenty biodiversity targets supersede the UK Biodiversity Action Plan.

3.2.4 Environment and Biodiversity

3.2.4.1 Under the National Planning Policy Framework (NPPF, 2023), local planning authorities should aim to conserve and enhance the natural environment when determining planning applications. Local planning authorities also have an obligation to seek opportunities to further enhance the conservation status of Species and Principal Habitats.

3.2.4.2 Species and Habitats of Principal Importance for the conservation of biodiversity in England (JNCC, 2009) are covered under section 41 of the Natural Environmental and Rural Communities (NERC) Act (2006). Species and habitats listed within Section 41 need to be taken into consideration by a public body when performing any of its functions, such as assessing planning applications.

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3.2.5 Wildlife

3.2.5.1 European Protected Species, such as bats (all species) and great crested newt (*Triturus cristatus*), are afforded protection under the Conservation of Habitats and Species Regulations 2017, as well as under the Wildlife and Countryside Act 1981 (as amended) and the Countryside Rights of Way Act 2000. It is an offence to:

- Deliberately or recklessly capture, injure, or kill any wild animal of a European protected species.
- Deliberately or recklessly disturb any such animal.
- Damage or destroy their breeding site or resting place.
- Keep, transport, or offer for sale / exchange any live or dead animal, or any part of, or anything from these species.

3.2.5.2 Disturbance of European Protected Species constitutes any activity which is likely to:

- To impair their ability to survive, to breed or reproduce, or to rear or nurture their young; or, in the case of animals of a hibernating or migratory species, to hibernate or migrate; and
- To significantly affect the local distribution or abundance of the species to which they belong.

3.2.6 Species Specific UK Legislation

3.2.6.1 **Breeding birds** (all species) are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill, injure or take any wild bird and to take, damage or destroy the nest (whilst being built or in use) or eggs. Schedule 1 species are afforded protection from disturbance at or near nest sites, including reckless disturbance under the Countryside Rights of Way (CRoW) Act 2000.

3.2.6.2 **Reptiles** (common species of adder, grass snake, common lizard, and slow worm) are protected under the Wildlife and Countryside Act 1981 (as amended). It is an offence to intentionally kill, injure and trade these animals.

3.2.6.3 **Amphibians** (smooth newt, palmate newt, common frog, and common toad) are protected by the Wildlife and Countryside Act 1981 (as amended). The sale, barter, exchange, transporting for sale and advertising to sell or to buy are an offence.

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3.2.6.4 **Badgers** are protected by the Protection of Badgers Act 1992 and under the Wildlife and Countryside Act 1981 (as amended). It is an offence: to wilfully, or attempt, to kill, capture, ill-treat or injure any badger; to obstruct, destroy or damage a badger sett or to disturb a badger whilst within its sett; to sell or offer for sale a live badger, or have possession or control of a live badger; and marking a badger or attaching any ring, tag, or other marking device to a badger.

3.2.6.5 **Otters** are a European Protected Species (EPS) and are also fully protected under Schedule 5 of the Wildlife and Countryside Act 1981. It is against the law to capture, kill, disturb or injure otters (on purpose or by not taking enough care); damage or destroy a breeding or resting place (deliberately or by not taking enough care); obstruct access to their resting or sheltering places (deliberately or by not taking enough care); and possess, sell, control or transport live or dead otters, or parts of otters.

3.2.6.6 **Water voles** are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 and is a priority conservation species. It is against the law to:

- Intentionally capture, kill, or injure water voles.
- Damage, destroy or block access to their places of shelter or protection (on purpose or by not taking enough care).
- disturb them in a place of shelter or protection (on purpose or by not taking enough care); and
- possess, sell, control or transport live or dead water voles or parts of them (not water voles bred in captivity).

4 Survey Methodology

4.1 Zone of Influence

4.1.1 The potential impact of a development is not always limited to land within an application boundary. Developments may also have the potential to impact on ecologically valuable sites, species, and habitats beyond the boundaries of proposed developments. The Zone of Influence (ZoI) refers to an area of ecologically valuable receptors which a development may impact.

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4.1.2 A zone of Influence is determined by multiple factors including:

- The type of impact.
- Potential pathways for impact.
- The location of ecological receptors; and
- The sensitivity of ecological receptors outside the site's boundary.

4.1.3 For the purposes of assessment the zone of influence is considered to be the site plus a 500-metre radius.

4.2 Desktop Survey

4.2.1 A biological data records search was commissioned from West Yorkshire Ecology Services for a 2 km radius from the central grid reference.

4.2.2 Further inspection, using colour 1:25,000 OS base maps (www.ordnancesurvey.co.uk), MAGIC (www.magic.defra.gov.uk), aerial photographs from Google Earth (www.maps.google.co.uk), was also undertaken to provide additional context and identify any features of potential importance for nature conservation in the wider countryside.

4.2.3 Furthermore, consultation with MAGIC was undertaken to ascertain any European Protected Species Mitigation Licences granted within a 2 km radius from grid.

4.2.4 Natural England's Geoportal: England-wide data for great crested newts (*Triturus cristatus*) was analysed for any records within a 1 km radius from grid. The dataset contains eDNA pond surveys for district level licensing (England). When available for the location, the DEFRA Risk Zones for GCN are considered for the site.

4.3 Assessment Methodology

4.3.1 Biological records returned within the data search for species that are listed within the International Union for the Conservation of Nature (IUCN) Red Data Books are provided (where applicable) with their associated categories:

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- Extinct;
- Extinct in the Wild;
- Critically Endangered;
- Endangered;
- Vulnerable; and
- Lower Risk (Conservation Dependent, Near Threatened, and Least Concern).

4.3.2 Bird species are given the red data categories of 'red' or 'amber' where applicable.

4.4 Baseline Survey

4.4.1 The baseline survey was conducted on the 7th of February 2024 by ecologist, Sam Toon, BSc (Hons), GradCIEEM of Estrada Ecology Ltd; an experienced ecologist for eight years and the holder of Natural England survey licences. Accompanying Sam was assistant Ecologist John Davies BSc (hons) to maximise survey efforts.

4.4.2 The site visit consisted of a Phase 1 Habitat Survey which covered the full area within the property boundaries (Figure 1). Further habitats surrounding the site, including the river to the east of the site, were surveyed where possible and reviewed using aerial photography and mapping.

4.4.3 Weather conditions at the time of the site visit were dry, with 30% cloud cover, a gentle breeze, and temperatures of 12°C.

4.5 Phase 1 Habitat Survey

4.5.1 The phase 1 habitat survey was carried out using methodology based on that described in the JNCC Handbook for Phase 1 habitat survey (2010, revised 2016) and CIEEM's Guidelines for Ecological Impact Assessment (2018).

4.5.2 Distinct habitats were identified, coded, and mapped based on the vascular plant species present and species composition. The Latin names of identified plant species were confirmed using Stace (2010). Features of ecological interest are described within the accompanying Target Notes.

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4.5.3 Habitats and features with potential to support protected and / or conservation priority faunal species, together with any field signs of such species were recorded on the field map using target notes. A search was undertaken for the following key habitats and field signs for protected or conservation priority species highlighted in Table 1.

Table 1: Key habitats and field signs of protected and priority species.

Taxon	Indicative habitats	Field signs
Bats	Roosts – Trees, buildings, bridges caves etc. Foraging areas – e.g., parkland, water bodies and streams, wetlands, woodland edge, hedgerow Commuting routes – linear features (e.g., hedgerows).	In or on potential roost sites: Droppings stuck to walls; urine spotting in roof spaces; oil from fur staining around roost entrances; feeding remains (e.g., moth wings).
Great crested newt	Ponds within 500m of suitable habitat within the site boundary. Suitable (terrestrial) habitat includes rough grassland, scrub and woodland, log and rubble piles and other debris, animal burrows.	Eggs, Individuals of all life stages. Egg rolled plants.
Reptiles	Rough grassland, log and rubble piles, compost heaps.	Sloughed skins; eggs, individuals.
Birds	Trees, scrub, hedgerow, field margins, grassland.	Nests; droppings below nest sites (especially in buildings of trees); tree holes.
Badger	Found in most rural and many urban habitats.	Excavations and tracks: sett entrances, latrines, hairs, well-worn paths; prints; snuffle holes.
Water vole	Water bodies / water courses.	Burrow entrances; prints; latrine areas; faeces; feeding stations.
Otters	Water bodies / water courses.	Holt entrances; prints; latrine / spraint sites; anal jelly / smears; feeding remains.
BAP invertebrates	Each butterfly species has its own habitat requirements determined by the food plant of the caterpillar, the nectar source for the adult and the conditions needed for the caterpillar to survive and then pupate successfully.	Eggs, larva, Pupa, adult butterfly. Habitat type and presence of food plants.

4.5.4 The assessments were made based on habitat quality, structure, extent, and connectivity within the wider landscape, supported by the results of the data search. It should be noted that an assessment of the potential for on-site habitats to support protected or notable species does not substitute species-specific survey.

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4.6 Preliminary Roost Assessment

4.6.1 Where access could be gained, any trees and buildings within the site were subject to inspection to determine their suitability to support roosting bats. Any inspections are conducted in accordance with current best practice guidance (Collins, 2023).

4.6.2 Potential bat roost features and field sign evidence of use of the site by bats include the presence of droppings, stain, or grease marks, feeding remains, or the observations of the bats themselves.

4.6.3 Where present, trees, buildings and the quality of on-site habitats were then categorised based on the classification criteria in 'Bat Surveys for Professional Ecologists' (Collins, 2023). Classification criteria is presented below:

- **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.
- **Moderate:** A structure with one or 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.
- **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).

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4.7 Evaluation Criteria

4.7.1 The importance and ecological value of habitats and species within the site was evaluated following established factors as set out with the Chartered Institute of Ecology and Environmental Management Guidelines.

4.7.2 When assessing the ecological value of a site and its features, consideration has been given to the Ratcliffe criteria (Ratcliffe 1977) as outlined in Table 2.

Table 2: The Ratcliffe Criteria

Criteria for assessing Nature Conservation Value	
Size	In lowland Britan, semi-natural habitats tend to be highly fragmented, and the value of a site usually increases with its size.
Diversity	The variety in number of both communities and species depends largely on the diversity of the habitat. Diversity is also related to the area and the number of both plants and animal species shows a marked tendency to increase with the size of the area.
Naturalness	Truly natural habitats, unmodified by human activity, are rare in Britain, and nature conservation deals largely with semi-natural habitats. Semi-natural habitats must nevertheless exhibit a level of quality marked by a lack of features which indicates a gross or recent human modification. This criterion takes into account the fact that some habitats (e.g., grassland / heathlands) are anthropogenic in origin.
Rarity	One of the most important purposes of nature conservation is to protect rare or local species and communities. The general principle is that the rarer the species or community, the greater the value for nature conservation. Rarity is related to the frequency of occurrence at a national or county level.
Fragility	Fragility reflects the degree of sensitivity of habitats, communities and species to environmental changes and involves a consideration of intrinsic and extrinsic factors.
Typicalness	It is necessary to represent the typical and commonplace within a field of ecological variation as well as the best examples of particular ecosystems.
Recorded History	The extent to which a site has been used for scientific study and research is a factor of some importance.
Position in an ecological / geographical unit	The relationship of a site to adjacent areas of nature conservation value. It is important to recognise the important and characteristic formations, communities, and species of a district.
Potential Value	Certain sites could, through appropriate management or natural change, develop a greater nature conservation interest.
Intrinsic Appeal	The knowledge of the distribution and numbers of popular groups of species, such as birds, is greater than for obscure groups. Similarly, colourful wildflowers and rare orchids arouse more enthusiasm than liverworts. It is pragmatic to give more weight to some groups than others.

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4.7.3 An evaluation of the importance of species groups and habitats recorded within the site was undertaken and evaluated in a geographical context as outlined in best practice guidance (CIEEM 2018). The following criteria were used:

- International and European.
- National.
- Regional.
- Metropolitan County.
- Local authority wide.

Table 3: Ecological Resources / Features Relevant for Consideration.

Resource / Feature
Internationally Designated Sites within a 2-kilometre radius of site. Development will only be permitted in cases where suitable mitigation is included which satisfies the local council.
Nationally Designated Wildlife Sites within a 2-kilometre radius of site.
Locally Designated Wildlife Sites within a 2-kilometre radius of site.
European Protected Species within a 1-kilometre radius (sessile) and 2-kilometre radius (mobile).
Habitats of principal importance for conservation of biodiversity (Priority Habitats)
UKBAP Species / Habitats
Wildlife and Countryside Act species

5 Ecological Constraints

5.1 It should be noted that this ecological appraisal provides baseline ecological data at the time of survey only and does not include flora or fauna which may be present at different times of the year.

5.2 An absence of species records from within a search radius does not provide confirmation that a species is absent from within the search area.

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6 Survey Results

6.1 Field Survey Results

6.1.1 Habitat Overview

6.1.1.1 A summary of the habitats recorded during the site inspection are listed as follows:

Table 4: Recorded Habitats Within the Site Boundaries.

Habitat	UK HABS Codes	
	Primary	*Secondary*
Building	**u1b5**	519
Developed Land, Sealed Surface	**u1b**	-
Artificial, Unvegetated, Unsealed Surface	**u1c**	-
Modified Grassland	**g4**	521

6.1.1.2 A list of all species recorded on the site during the survey can be found in Appendix Two.

6.1.2 Buildings

6.1.2.1 In the east of the site is a small, unused building constructed largely of concrete panels with some lower portions of walls being comprised of the stone brickwork of the adjacent walls forming the site's eastern boundary. The wall's construction is recorded as being in poor condition; cracks and deteriorated concrete are present on every elevation. The western elevation of the building demonstrates two large openings which provide unimpeded access into the interior of the building by bat or bird. Cracks in the walls were recorded, though these were deemed to be too large to be suitable for use as a bat roost, and some were ingressive through into the interior of the structure.

6.1.2.2 The roof of the building could be inspected from the openings on the western elevation; however, visibility was limited. The roof appears to be constructed of metal or asbestos sheeting internally with no potential roosting features for bat or bird. The exterior edges of the roof were comprised of deteriorated flashing over a concrete

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structure. While gaps and lifting were recorded of this flashing, this feature was deemed to offer negligible suitability for use by bats given the lack of thermal and environmental protection.

6.1.2.3 An additional small utility structure is present in the southeastern corner of the property. It is comprised of concrete which was recorded as well sealed.

6.1.2.4 These structures were deemed to offer negligible potential to be used by bats for roosting or as a place of shelter, when assessed by a licenced bat ecologist (2018-35446-CLS-CLS).

Figure 2: Building and Utility Structure

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6.1.3 Developed Land, Sealed Surface

6.1.3.1 Comprising the majority of the site is an expansive area of developed land. It was recorded as sparsely vegetated by scattered grass and ruderal species between seems.

6.1.3.2 Developed Surface habitat in this condition is deemed to offer negligible intrinsic ecological value.

Figure 3: Developed Surface

6.1.4 Artificial, Unvegetated, Unsealed Surface

6.1.4.1 Recorded comprising the northwestern corner of the site as well as in patches across the site, areas of unsealed surface are recorded. The composition of these areas includes mixed hardcore rubble, aggregates, and soil which was recorded as demonstrating minor colonisation by ruderal vegetation. Piles of this rubble and soil are present in the northwest of the site, associated with the previous clearance of the site.

6.1.4.2 Unsealed Surface habitat in this condition is deemed to offer negligible intrinsic ecological value.

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Figure 4: Unsealed Surface

6.1.5 Modified Grassland

6.1.5.1 Along the southern boundary of the property is a small strip of poor-quality grassland which is not maintained. Small areas within this habitat have been developed and subsequently colonised by grassland species, sparce ruderals, and moss.

6.1.5.2 The habitat is dominantly comprised of perennial rye grass (*Lolium perenne*) cocksfoot (*Dactylis glomerata*) and fescue grass (*Festuca sp.*), featuring scattered examples of common dandelion (*Taraxacum officinale*), ribwort plantain (*Plantago laceolata*), common teasel (Dipsacus fullonum) and broad-leaved dock (*Rumex obtusifolius*), among others. Scattered examples of colonising buddleia (*Buddleja sp.*) and self-set willow (*Salix sp.*) were also recorded.

6.1.5.3 No field sign evidence suggesting the use of this habitat by any protected species was recorded at the time of the survey. With consideration to the habitat composition, the site, and its surroundings, this habitat is deemed to offer negligible suitability for any protected species.

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Figure 5: Modified Grassland

6.1.6 River Spen

6.1.6.1 The river Spen does not exist within the property boundaries, however due to its proximity to the site's eastern boundary, it has been considered within this report.

6.1.6.2 The Spen runs adjacent to the site's eastern boundary. At the time of the survey, a moderate southward flow was recorded. The river is highly modified in this location; there is very little recorded riparian habitat, and the river boundaries are largely formed by brick-built retaining walls at the location of the site. Where the river is not immediately adjacent to the site's eastern boundary, trees are present on steep vegetated banks.

6.1.6.3 Further upriver north of the site, some riparian habitats are recorded. While steep retaining walls are still present, they are at a much smaller elevation difference and some non-developed habitats are present either side of the embankments.

6.1.6.4 The river Spen adjacent the site is deemed to offer negligible suitability for use by riparian mammals for occupation, though transient use is considered feasible. There is considered negligible potential for any species associated with the river to enter the site given the significant elevation difference.

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Figure 6: River Spen at Eastern Site Boundary

6.1.6.5 As a necessary precaution, a Construction Environmental Management Plan (CEMP) has been recommended to mitigate for any potential impacts affecting the Spen during the site mobilisation, demolition and construction phases.

6.1.6.6 The trees along the river outside the site were assessed for their potential to function as a roost or place of rest for bats. No suitable features were recorded; the trees outside the eastern boundary of the site were deemed to offer negligible potential to be use by bats for roosting or as a place of shelter, when assessed by a licenced bat ecologist (2018-35446-CLS-CLS).

6.1.6.7 The river Spen is considered to have the potential to function as a suitable foraging / commuting corridor for local bat populations. Impacts towards this feature are considered a possibility if not mitigated. Recommendations regarding potential impacts towards local commuting and foraging bat activity is provided in the conclusion of this report.

6.2 Desktop Survey Results

6.2.1 Two-hundred and fifty-nine records were returned from West Yorkshire Ecology for a 2 km radius from the central grid reference (Figure 7). The list of protected and notable species data records is available upon request. In summary, the following records were returned:

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- No records relating to Eurasian badger were returned for the search radius.
- Five western European hedgehog record was returned by the records search, dated between 2015 and 2018.
- One-hundred and seven records for bat species were returned by the records search. These include sixty-two for common pipistrelle (*Pipistrellus pipistrellus*) dated 2006 to 2022, eight for soprano pipistrelle (*Pipistrellus pygmaeus*) dated 2014 to 2021, five for non-specific *Pipistrellus* species dated 2006 to 2021, six for greater noctule (*Nyctalus noctula*) dated 2011 to 2018, seven for lesser noctule (*Nyctalus leisleri*) dated 2002 to 2022, one for Daubenton's bat (*Myotis daubentoni*) dated 2010, one for Brandt's Bat (*Myotis brandti*) dated 2018, four for non-specific *Myotis* species dated 2014 to 2022, one for brown long-eared bat (*Plecotus auritus*) dated 2018, and fourteen records for non-specific bat species, dated 1996 to 2009.
- One record relating to Eurasian otter was returned for the search radius, dated 2006 and located 195 meters north from grid within the Spen Valley bottoms area (SE19492543).
- No records for European water vole were returned by the records search.
- Eleven records for amphibian species were returned by the search radius. These include five for common frog (R*ana temporaria*) dated 2005 and 2008, five for smooth newt (*Lissotriton vulgaris*) dated between 1994 and 2017, and one record for great crested newts dated 2018, located in Drub.
- No records for any reptilian species were returned for the search radius.
- The remaining records are comprised of bird, invertebrate, and flowering plant records.

6.2.2 Consultation with MAGIC Maps returned five European Protected Species Mitigation (EPSM) licences granted within a 2 km radius from grid (Table 5).

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Table 5: Granted EPSM Licences with the 2 km Search Radius

Reference	Species	Purpose	Distance from Site
EPSM2012-4277	Common Pipistrelle	Destruction of a Resting Place	1433 meters west-northwest
2016-20721-EPS-MIT	Common Pipistrelle	Destruction of a Resting Place	1532 meters west-northwest
2016-20721-EPS-MIT-1	Common Pipistrelle	Destruction of a Resting Place	
2016-20721-EPS-MIT-2	Common Pipistrelle	Destruction of a Resting Place; Destruction of a breeding site	
2016-20721-EPS-MIT-3	Common Pipistrelle	Destruction of a Resting Place; Destruction of a breeding site	

6.2.3 No records for confirmed Great Crested Newt presence were recorded within a 1 km radius from grid via consultation with Natural England's eDNA pond surveys for District Level Licensing (England).

6.3 Designated Sites

6.3.1 Consultation with MAGIC map returned no Statutory Designated Sites recorded within the 2 km search radius from grid. The closest being the Oakwell Park Local Nature Reserve, located approximately 2175 meters northwest from the site boundaries.

6.3.2 One Non-Statutory Designated Sites was recorded within the 2 km search radius from grid, it being the Hunsworth Little Wood Local Wildlife Site located approximately 1933 meters northwest of the site boundaries.

6.3.3 The site is included within the Kirklees Wildlife Habitat Network. As the site is recorded as dominantly comprising habitats with negligible intrinsic ecological worth, it is deemed the site does not contribute significantly to the value of the Kirklees Wildlife Habitat Network. Local policies regarding enhancement or expansion of the Kirklees Wildlife Habitat Network are provided in sections 3.1.1.3 and 3.1.1.4.

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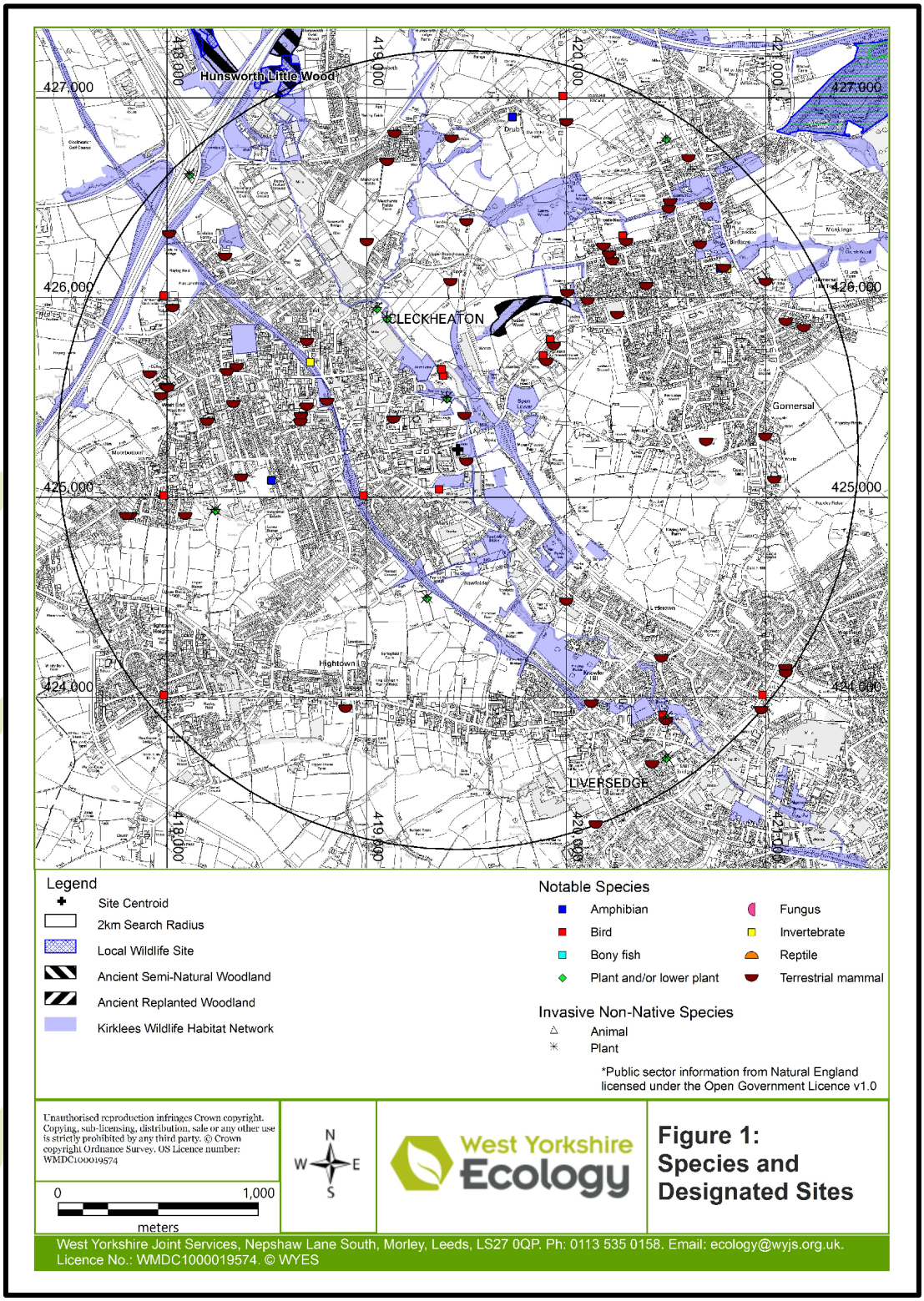
Figure 7: Non-Statutory Designated Sites Within the Search Radius



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6.4 Priority Habitats

6.4.1 No priority habitats were recorded within the site boundaries or adjacent to the site boundaries.

6.4.2 Priority habitats recorded within the 2 km search radius but outside the site include:

- Deciduous Woodland – The closest compartment being approximately 72 meters northeast from site boundaries.
- Traditional Orchard – The closest compartment being approximately 752 metres southeast from site boundaries.

6.4.3 No ancient planted / semi-natural woodland is present within one-hundred meters from the site.

6.4.4 No protected species listed on Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) were recorded within the site. No non-native / invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were recorded within the site.

6.5 Protected Species

6.5.1 Breeding Birds

6.5.1.1 No significant trees are recorded within the site. The structures within the site are deemed to offer negligible suitability for use by breeding birds. Trees adjacent to the site outside the eastern boundary are deemed to have suitability for use by breeding birds. These trees overhang very minimally into the site property at the time of survey. No field sign evidence suggesting active or inactive use of these features was recorded at the time of survey.

6.5.1.2 It is understood that the trees outside the property boundary are not to be impacted by the proposed use of the site, thus no impacts towards breeding birds are expected.

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6.5.2 Bats

6.5.2.1 No records for roosting bats were returned for within 800 meters of the site. Returned records suggest bats are common within the wider area.

6.5.2.2 The building and utility structure were assessed for their potential to be used by bats for roosting or as a place of rest. Both constructions were deemed to offer negligible roosting potential, as assessed by a licenced bat ecologist (2015-12213-CLS-CLS). No impacts towards roosting bats are anticipated.

6.5.2.3 The property sits adjacent to the Spen river which is deemed to offer some suitability for use by local bat populations for commuting or foraging purposes. Impacts towards this feature are considered a possibility if not mitigated. Recommendations regarding potential impacts towards local commuting and foraging bat activity is provided in the conclusion of this report.

6.5.3 Badger

6.5.3.1 No records for Eurasian badger were returned for the search radius. No field-sign evidence suggesting the use of the site by badger was recorded.

6.5.3.2 The site is deemed to offer negligible suitability for badger given the habitats on site and urban obstructions between the site and suitable habitats in the wider area.

6.5.3.3 No impacts towards badger are predicted and no further survey effort is recommended regarding this species.

6.5.4 Western European Hedgehog

6.5.4.1 Five records for western European hedgehog were returned for the search radius. No field-sign evidence suggesting the use of the site by hedgehog was recorded.

6.5.4.2 The site is deemed to offer negligible suitability for the species given the habitats on site and the barriers to dispersal present on all elevations.

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6.5.4.3 No impacts towards hedgehog are predicted and no further survey effort is recommended regarding this species.

6.5.5 Riparian / Aquatic Mammals

6.5.5.1 One record for Eurasian otter was returned by the records search within 200 meters of the site (2006), located just north of the site within the river Spen. No records for water vole were returned. No field sign evidence suggesting the presence of any aquatic / riparian mammal was recorded during the survey period within the site or within the surveyed length of the Spen river at the time of the survey.

6.5.5.2 The length of the Spen adjacent to the site's eastern boundary is recorded as featuring negligible suitable riparian habitat and banks mainly comprised of built walls and steep surfaces. This length of the Spen is deemed to have negligible suitability for use by otters or water voles for occupation, however, transient use is feasible. A significant drop in elevation between the site and the river is recorded, and barriers to dispersal are present separating the river from the property, making it highly unlikely that any riparian / aquatic mammal will be able to access the site directly from the river.

6.5.5.3 With consideration to the scope of works on the site, no impacts towards riparian / aquatic mammals are expected, given adherence to a CEMP to mitigate any residual potential impacts towards the river and any connected aquatic receptors. No further survey effort has been recommended.

6.5.6 Amphibians and Reptiles

6.5.6.1 Multiple records for amphibians were returned by the data search. No records for reptiles were returned. No field-sign evidence suggesting the use of the site or the Spen river by amphibian or reptilian species was recorded during the survey.

6.5.6.2 The site is considered to offer negligible suitability for any amphibian or reptilian species given the habitats on site and the barriers to dispersal surrounding the site. The river Spen sits adjacent to the property boundaries, however, a significant drop in elevation between the site and the river is recorded, making it highly unlikely that amphibians or reptiles will be able to access the site directly from the river.

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6.5.6.3 With consideration to the scope of works on the site, no impacts towards amphibian or reptilian species are expected, given adherence to a CEMP to mitigate any residual potential impacts towards the river and any connected aquatic receptors. No further survey effort has been recommended.

6.5.7 Other species

5.5.7.1 The site does not support suitable habitat for any other protected or significant fauna, such as: barn owl, dormouse, brown hare, or white-clawed crayfish. No impacts towards these species are anticipated.

7 Identified Ecological Constraints

7.1 Ecological constraints pertaining to the proposals based on the survey conducted at site were deemed to be relevant regarding bats (commuting and foraging) and impacts towards the Spen river and aquatically linked receptors.

7.2 Foraging / Commuting of Local Bat Populations

7.2.1 During the ecological appraisal of the site, conducted February 2024, the Spen river outside the eastern boundary of the property was identified as having the potential to be used by local bat populations for commuting or foraging purposes.

7.2.2 This assessment was based on:

- Tree-lined aquatic corridor
- Connection to further suitable habitats northwards from site likely in a low-light environment.

7.2.3 Recommendations regarding mitigating the impacts of light splay caused by the proposed use of the site can be mitigated with a lighting scheme. This will have to purpose of mitigating / preventing impacts of light splay directed towards the Spen corridor during dark hours.

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7.3 Impacts Towards the River Spen

7.3.1 Given the proximity of the Spen to the eastern boundary of the wider property, impacts such as pollution, cannot be assumed to be negligible. No physical encroachment towards the river is assumed, given the difference in elevation of the river and the site, as well as multiple fences / barriers separating the site from the river. It is also known that the proposed occupation of the site will not be situated close to the east of the site nearer the river, as the proposed use of the site will be situated on the areas of existing developed land.

7.3.2 It is deemed suitable, that a Construction Environmental Management Plan (CEMP) will be sufficient to mitigate any potential impacts towards the adjacent watercourse and any aquatically linked receptors, and in conjunction, mitigate potential impacts towards any amphibians / reptiles / otters / water voles which may use the Spen or connected watercourses.

8 Discussion and Recommendations

8.1 The current proposals for the site include the finite occupation of a portion of the property area for 'external assembly'. Developments at the location are limited to the addition of extra security fencing on three elevations, as well as modifications on the entrance to the site. It is understood that the proposed use of the site will be limited to the existing areas of hardstanding within the site, and as advised by Estrada Ecology, will maintain a suitable buffer distance between site activities and the river Spen.

8.2 Statutory and Non-Statutory Designated Areas

8.2.1 No statutory designated sites are present within a two-kilometre search radius. One non-statutory designated site is present within the search radius; it being the Hunsworth Little Wood Local Wildlife Site, located approximately 1933 meters northwest of the site boundaries.

8.2.2 No direct or indirect impacts towards any designated site is anticipated. Due to the size of the proposed development, it is considered likely that any ecological impacts will be restricted to a site level, as works will be concentrated within the site itself and no impacts are predicted.

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8.2.3 The site is included within the Kirklees Wildlife Habitat Network. Policy LP30 - Biodiversity & Geodiversity of the Kirklees Local Plan (2019) asks that:

> *'Development proposals will be required to 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. Development proposals will also be required and establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist.'*

8.2.4 The site is a cleared, ex-industrial site which at the time of survey consists largely of habitats with negligible intrinsic ecological value. Consequently, it is deemed that the site offers very little to the Kirklees Wildlife Habitat Network and does not contribute to its functionality or connectivity. The scant, self-set vegetation on the site present after the previous development was demolished (2018), had been removed before April 2021 (with reference to Google Earth historic imagery).

8.2.5 Furthermore, the requirement within the Local Policy that developments demonstrate an improvement to the Wildlife Habitat Network where possible is considered likely to be infeasible given the site is under a lease for the proposed application and therefore, is not in a position to uphold any long-term enhancement / management obligations.

8.3 Potential Impacts on Habitats

8.3.1 No priority habitats were recorded within the site. The nearest priority habitat is Deciduous Woodland located approximately 77 meters east of the site boundaries. No impacts towards any priority habitat are anticipated with consideration to the size and scope of the proposed use of the site.

8.3.2 Habitats within the site of any ecological value are limited to the small section of modified grassland in the south of the site. It is understood that this habitat is not to be encroached upon as the proposed use of the site will be limited to existing areas of hardstanding.

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8.3.3 No trees on the Ancient Tree Inventory were recorded on site.

8.3.4 No protected or notable flora listed on Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) was recorded during the survey. No non-native / invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) were recorded on site.

8.3.5 Habitats outside of the site which may be impacted by the development include the river Spen which is situated immediately outside the eastern property boundary. Furthermore, trees within this river corridor overhang minorly into the site.

8.3.6 With adherence to the mitigation outlined in a Construction Environmental Management Plan (CEMP), no impacts towards the Spen are predicted. A suitable buffer distance between the operational area within the site and the river is suggested to reduce the risk of potential impacts towards the river through the occupation of the site. Similarly, the trees which minorly overhang into the east of the site will not be impacted given this buffer of separation from the eastern aspect of the site.

8.4 Potential Impacts on Protected Species

8.4.1 Bats

8.4.1.1 The site has been assessed as offering negligible roost suitability for bats, when assessed by a licenced bat ecologist (2018-35446-CLS-CLS). However, the river Spen corridor is considered to have the potential to be use by local bat populations for commuting and foraging activities. Without mitigation, the works on the site could lead to detrimental impacts, relating light splay.

8.4.1.2 Illuminating habitat used for foraging and commuting bats can affect the way bats respond to features in the landscape. Artificial light can act as a barrier to bats and disrupt flight paths of some species. Different species of bats have differing light tolerances when commuting and foraging, with bat species that emerge later in the evening such as *Myotis* or *Plecotus* species being more sensitive to increased light levels (Stone, 2014). Species such as *Pipistrellus*, *Nyctalus* and *Eptesicus* are thought to be less affected. Without mitigation the development could lead to enhance light levels splaying over the boundary features.

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8.4.1.3 It has also been shown that insect prey can be attracted to artificial lighting drawing insects away from their natural habitat creating a 'vacuum effect' (Eisenbeis, 2006), disadvantaging light-sensitive bat species and lead to a competitive advantage of those species unable to take advantage of new artificially lit areas (Artettaz, et al., 2000 and Davies, et al 2012).

8.4.1.4 It is unknown at this juncture what the proposals for the site will entail. When a formal masterplan has been completed and submitted, a formal lighting scheme can be compiled to ensure any artificial light splay caused by the proposed development can be implemented in a biodiversity friendly manner.

8.4.1.5 Mitigation Measures:

- Artificial light splay from the proposed development should be avoided on the eastern site boundary.
- A suitable lighting strategy should be compiled to ensure no disturbance from artificial light associated with the development onto the noted boundary feature and associated habitats.

8.4.1.6 Significance of Residual Effects:

- Subject to a suitable lighting strategy, bats are not considered a constraint to the proposals, provided the trees are to be retained.

8.4.2 Construction Environmental Management Plan (CEMP)

8.4.2.1 The river Spen which is located adjacent to the eastern boundary of the site has the potential to be impacted by works on the site without mitigation. Species such as otter are recorded using the waterbody (2006).

8.4.2.2 Impacts towards protected species using the river Spen are considered unlikely, however, as a necessary precaution, a CEMP has been recommended to mitigate for any potential impacts towards the Spen and any species which may use it or down-stream aquatic receptors.

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8.4.2.3 The CEMP should focus on measures to mitigate any potential negative impacts from pollution encroachment impacting the river and any connected aquatic receptors during the works at the site. It has also been recommended that a suitable buffer distance (ten meters minimum) is maintained between operations on the site and the eastern boundary to further reduce the potential for impacts.

9 Biodiversity Enhancement

9.1 Biodiversity Net Gain Policy

9.1.1 Under the current national Biodiversity Net Gain (BNG) government guidelines (February 14th, 2024), developments are expected, unless exempt, to demonstrate a 10% net gain in biodiversity value.

> *'Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.'*

9.1.2 The updated National Planning Policy Framework (NPPF) published December 2023, states (in paragraph 185):

> *'To protect and enhance biodiversity and geodiversity, plans should:*
>
> *a. Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national, and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration, or creation; and*
> *b. promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.'*

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9.1.3 The Kirklees Local Plan (2018) states in Policy LP30 – Biodiversity & Geodiversity:

'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.'

9.2 Biodiversity Assessment:

9.2.1 The Proposed Scheme has adopted the Statutory Metric (2024) to undertake a baseline area and linear habitat calculations to quantify the biodiversity value predicted to be lost to the application. This assessment has been produced in accordance with the methodology set out in The Statutory Biodiversity Metric User Guide (DEFRA 2024). The baseline habitat assessment was undertaken in February 2024 and was undertaken by a suitably qualified ecologist.

9.2.2 At this juncture, no definite redline development boundary has been submitted, however, it has been expressed that the works on the site will be limited only to the existing areas of hardstanding and avoiding encroaching on the grassland in the south of the site.

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9.2.3 The baseline survey of the land off St. Peg Lane, Cleckheaton, BD19 3SL, records the site as being dominated by zero-scoring habitats, namely Developed Land Sealed Surface (u1b), Artificial Unvegetated Unsealed Surface (u1c), and buildings (u1b5). In the south of the site a small area of modified grassland (g4) exists; however, this is understood to be outside the scope of the proposed application.

9.2.4 Consequently, the baseline value for the site is 0 area habitat units; no linear hedgerow or watercourse features units exist within the boundary. Following this, the application at the site is exempt from the BNG requirements.

> 'The de minimis exemption only applies to development if the following two conditions are met:
>
> - The development must not impact on any onsite priority habitat; and
> - If there is an impact on other onsite habitat, that impact must be on less than 25 square metres (e.g. less than a 5m-by-5m square) of onsite habitat with a biodiversity value greater than zero and on less than 5 metres of onsite linear habitat (such as a hedgerow)'

9.2.5 In addition to this, it is understood that the application for use of the site is under an ownership lease for the property. Therefore, the application will not be able to uphold any reasonable biodiversity enhancements associated with enhancement of the site. It is considered that there is not a suitable and meaningful opportunity to enhance the biodiversity, given created habitats will be legally bound to managing and maintaining such habitats for a thirty-year period which is undesirable for the temporary lease of the site.

9.2.6 With consideration for the current state of the site and the proposed use of the site, there is not deemed to be any significant loss or deterioration to the Kirklees Wildlife Habitat Network, given the recommended mitigation is upheld.

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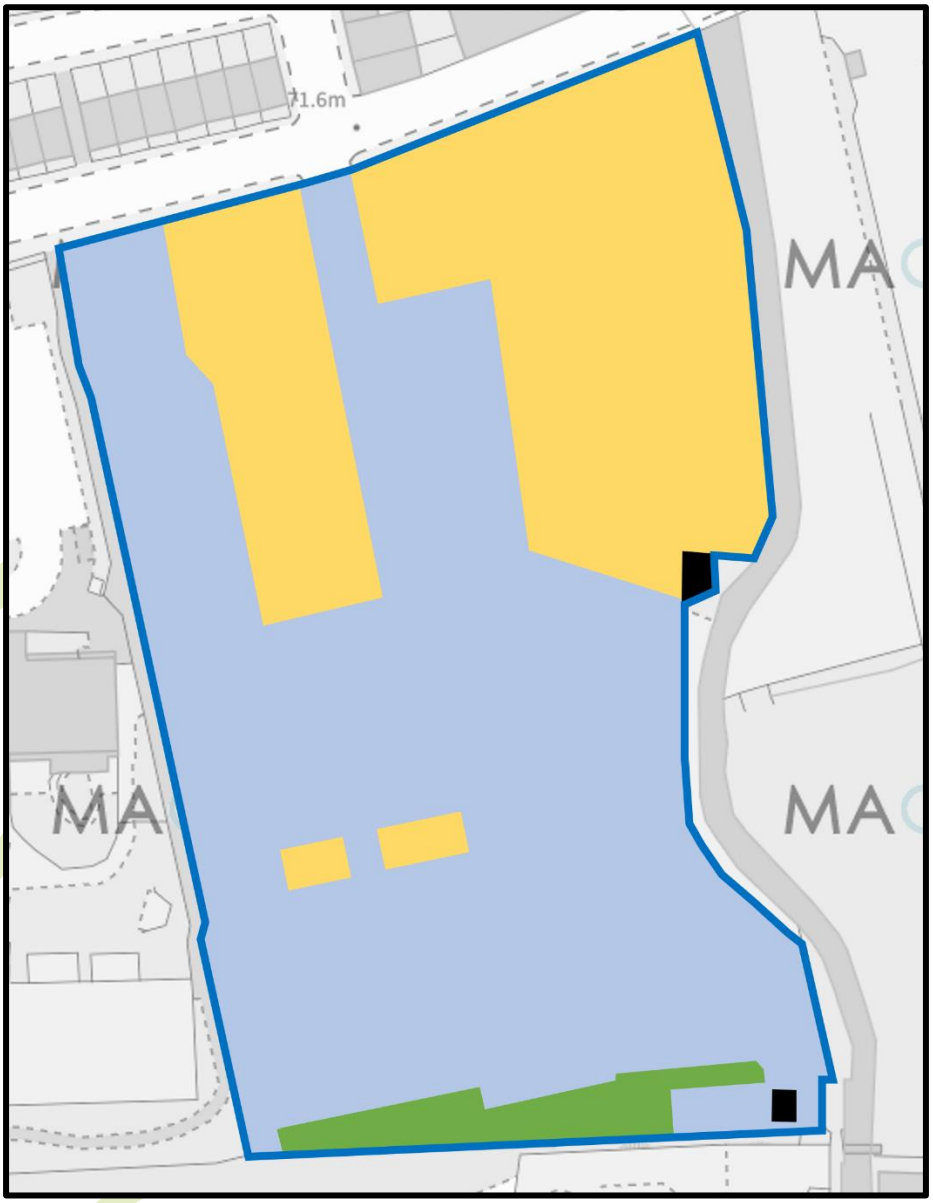
Appendix One: Phase 1 Map



MAGIC Map

Habitat Key	
	Property Boundary (Blueline)
	Developed Land, Sealed Surface
	Artificial Unvegetated, Unsealed Surface
	Buildings
	Modified Grassland

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Appendix Two: Species List

Vernacular	***Taxon***
Flora	
Bramble	*Rubus fruticosus*
Broad-leaved plantain	*Plantago lanceolata*
Buddleia	*Buddleja sp.*
Cocksfoot grass	*Dactylis glomerata*
Common dandelion	*Taraxacum officinale*
Common dock	*Rumex obtusifolius*
Common ivy	*Hedera helix*
Common teasel	*Dipsacus fullonum*
Creeping buttercup	*Ranunculus repens*
Fescue	*Festuca sp.*
Hawthorn	*Crataegus monogyna*
Perennial ryegrass	*Lolium perenne*
Ribwort plantain	*Plantago lanceolata*
Rose	*Rosa sp.*
Sycamore	*Acer pseudoplatanus*
White clover	*Trifolium repens*
Willow	*Salix sp.*

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Appendix Three: Non-Statutory Designated Site Citation

West Yorkshire Local Sites Partnership
Local Wildlife Site

Site name: Hunsworth Little Wood
Planning authority: Kirklees
Grid reference: SE185271
Date of review: 01/05/2015
Date approved by LS Partnership: 21/01/2016
Site boundary:

Qualifying criteria:
Wd3 - species rich acid woodland

Criteria version: 21/01/16

This designation does not confer any rights of public access

West Yorkshire Ecology Service, West Yorkshire Joint Services, Nepshaw Lane South, Morley, Leeds, LS237 0QP | LS27 7JQ (Sat Nav) ecology@wyjs.org.uk

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