Proof of Evidence - Ecology

Shepley Road, Stocksmoor

Planning Application Reference: 2024/62/91242/E
Appeal Reference: APP/Z4718/W/25/3375000

Newett Homes Limited

Thorp Arch Grange
Walton Road
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Acronyms and Abbreviations

BNG	Biodiversity Net Gain
CIEEM	Chartered Institute of Ecology and Environmental Management
CD	Core Document
CEMP	Construction Environmental Management Plan
CSO	Combined Sewer Overflow
EcIA	Ecological Impact Assessment
IEMA	Institute of Environmental Management and Assessment
ILP	Institute of Lighting Professionals
INNS	Invasive Non-Native Species
LWS	Local Wildlife Site
NPPF	National Planning Policy Framework
PEA	Preliminary Ecological Appraisal
POS	Public Open Space
RPA	Root Protection Area
SuDS	Sustainable Drainage System
§	Denoting paragraph numbers in relevant reports

1.0 Introduction

Qualifications and Experience

1.1 I am Robert Edmonds. I hold a BSc (Hons) degree in Ecology from Sheffield University, awarded in 1997 and I am a Full Member of the Chartered Institute of Ecology and Environmental Management (CIEEM; 2001 – present day) and a Chartered Environmentalist (2005 – present day). I have more than 25 years of professional experience in the ecology and biodiversity sector, working primarily as a consultant ecologist.

1.2 I work for SLR Consulting Ltd as a Technical Director, specialising in Ecological Impact Assessment (EcIA), Biodiversity Net Gain (BNG) and ecological mitigation design and delivery for development projects. I was a member of CIEEM's Professional Standards Committee from 2015 - 2024 and was co-Chair of this committee between 2021 – 2024. I was a member of the technical review group that prepared CIEEM's Guidelines for Ecological Impact Assessment (2018) and CIEEM's Guidelines for Preliminary Ecological Appraisal (2017), I was a contributing author to the 2016 Principles for Biodiversity Net Gain and a committee member on British Standard BS8683:2021 – Biodiversity Net Gain, and lead author of CIEEM's Biodiversity Net Gain Report and Audit Templates. I am a joint author of the UK Habitat Classification, a classification system for all terrestrial and freshwater habitats in the UK, which underpins the Statutory Biodiversity Metric (DEFRA, July 2025).

1.3 In respect of matters relating to Irreplaceable Habitats and Ancient Woodlands, I was lead author of Land Use Consultants (2001) Threats to Ancient Woodlands Report for The Woodland Trust and WWF-UK, which reviewed development pressures upon ancient woodlands. I have acted as lead ecologist on a number of development schemes where potential impacts to Ancient Woodlands have been considered. I was a member of the technical advisory panel to Natural England between 2022 – 2023, which was responsible for developing the scientific basis for policy on Irreplaceable Habitats; work which was presented to DEFRA to inform the Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024. I was recently accepted to an expert panel, convened by the British Ecological Society, to review policy and scientific understanding in relation to Irreplaceable Habitats, which intends to report later in 2026.

1.4 SLR is a leading environmental consultancy that has been awarded the Institute of Environmental Management and Assessment (IEMA) "EIA Quality Mark". SLR's Ecology and Biodiversity Team was established in 2001 and now has over 200 staff. SLR's Ecology and Biodiversity Team is recognised by CIEEM as a "Registered Practice".

Scope of Evidence

1.5 A full planning application was submitted on the 30th April 2024 and validated by the Local Authority, Kirklees Council, on the 10th May 2024. The application was for the erection of residential development (50 dwellings) with associated access, parking, public open space, landscaping and infrastructure.

1.6 The application was accompanied by an EcIA and BNG assessment (CD 1.26, 1.27 and 1.28) prepared by SLR. Prior to SLR's ecological assessment, a Preliminary Ecological Appraisal (PEA) was undertaken by FPCR in December 2022, as detailed within the EcIA report.

1.7 The application was determined on the 24th April 2025 with a Decision Notice, outlining two reasons for refusal (CD 3.2).

Reasons for Refusal

1.8 **Reason for Refusal 1** relates to the detrimental impact of development traffic on the local highway network and is not considered relevant to ecology matters. Highway matters will be dealt with in full by Mr Philip Owen of Optima Highways. The effects of traffic on the Ancient Woodland will be considered within this proof.

1.9 **Reason for Refusal 2** relates to insufficient information supporting the application to support local infrastructure, to offset the impacts of additional housing provision. A Section 106 agreement is required to secure on-site significant ecological habitats. For the purposes of my Proof of Evidence, it is considered that if the appeal is allowed, that a suitable agreement can be reached between the relevant parties. It is common ground between the Council and the Appellant that the proposed measures for ecological mitigation, BNG and review of biodiversity monitoring reports for 30 years can be secured by appropriately worded planning conditions and a legal agreement which references the BNG assessment (CD 1.26, 1.27 and 1.28).

1.10 The Appellant has set out the Heads of Terms for a draft Section 106 agreement in the draft Statement of Common Ground (CD 8.12). The Appellant has also drafted planning conditions, which have been shared with relevant parties. Subject to these obligations being agreed, there are no outstanding matters in relation to biodiversity that form a reason for refusal.

Rule 6 Party

1.11 One Rule 6 party has provided objections to the Appeal Scheme (CD 8.11). This party raised objections to the original application and have also made representation to the Inquiry which refer to woodland and ecology and biodiversity matters. The main reason for objection arises from the National Planning Policy Framework (NPPF)[1], the Kirklees Local Plan[2] and established guidance relating to ecology and hydrology. The Rule 6 party raise the matter that the development would result in ongoing 'deterioration' of 'irreplaceable habitat' (comprising two areas of Ancient Woodland: Shepley Mill Wood and Hartley Bank Wood).

1.12 My evidence will specifically consider the effects of the Appeal Scheme upon the two Ancient Woodlands and consider their status as both LWS and Irreplaceable Habitat. I will consider other matters relating to biodiversity raised by the Rule 6 Party in relation to the EcIA and BNG assessments (CD 1.26, 1.27 and 1.28).

1.13 The Rule 6 Party also state that the proposal is unsustainable on a number of other grounds, including travel, access to amenities and environmental health. My evidence will not consider these matters.

1.14 It is not my role to weigh the planning balance. That is a matter undertaken by Mr Mark Johnson of Johnson and Mowat. My role is to appraise the biodiversity matters and inform that planning balance.

Other Interested Parties

1.15 A number of individual representations have been received. These have been reviewed and are presented in Appendix A. No other interested parties have raised substantive additional matters that are not covered either within the application documents (CD 1.26, 1.27 and 1.28) or evidence presented at appeal.

My involvement in the present Appeal

1.16 My Proof of Evidence covers all matters relating to ecology and biodiversity (specifically Ancient Woodland), including policy matters, BNG, ecological impacts (or harm) in relation to

[1] Ministry of Housing, Communities & Local Government (December 2024) National Planning Policy Framework. Available at: https://assets.publishing.service.gov.uk/media/675abd214cbda57cacd3476e/NPPF-December-2024.pdf [Accessed: 14/01/2026].

[2] Kirklees Council (2019) Kirklees Local Plan Strategy and Policies adopted 27 February 2019. Available at: https://www.kirklees.gov.uk/beta/planning-policy/pdf/local-plan-strategy-and-policies.pdf [Accessed: 14/01/2026].

habitats and species and associated mitigation proposed by the Appeal Scheme to reduce or remove these impacts.

1.17 My firm, SLR Consulting Limited, have previously visited the Appeal Scheme to prepare the EcIA and BNG assessment (CD 1.26, 1.27 and 1.28). On the 19th January 2026, I completed a site visit to the Appeal Scheme to support the preparation of my proof. Photos of the site are provided in Appendix B.

Statement of Truth

1.18 I understand my duty to the Inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed, and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this Proof of Evidence are true and that the opinions expressed are correct. I do not have a conditional fee arrangement.

2.0 Relevant Legislation, Planning Policy and Guidance

2.1 The legislative and policy context of the appeal is set out in Section 1.5 and Appendix B of the EcIA (CD 1.26) and is therefore, not repeated here. As the Rule 6 Party raises the matter of NPPF, the relevant paragraph is presented below.

NPPF December 2024 (England)

2.2 The NPPF was updated in December 2024 and therefore, paragraphs referred to within the EcIA have been renumbered: Paragraph 180 is now 193. Paragraph 193 of the NPPF states that:

> "*When determining planning applications, local planning authorities should apply the following principles:*
>
> *a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
>
> *b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
>
> *c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
>
> *d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate*."

The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024[3]

2.3 Irreplaceable habitats, which include: Ancient Woodland; and Ancient trees and veteran trees (Table 2-1).

[3] UK Government (2024) The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. Available at: https://www.legislation.gov.uk/uksi/2024/48/schedule/made [Accessed: 15/01/2026].

Table 2-1: Irreplaceable habitat definitions[3]

Habitat	Description
Ancient woodland	Ancient woodland is areas of woodland that have been continuously wooded since at least 1600. Ancient woodland includes— (i) Ancient Semi-Natural Woodlands (ii) Plantations on Ancient Woodland Sites (iii) Ancient Wood Pasture and Parkland (iii) Infilled Ancient Wood Pasture and Parkland
Ancient trees and veteran trees	Ancient and veteran trees can be found as individual trees or collections of trees in any setting. Ancient trees have passed beyond maturity into an ancient life stage or are old in comparison with other trees of the same species which exhibit one or more of the following— (i) demonstrably great age relative to others of the same species (ii) changes to their crown and trunk development indicative of the ancient life stage Veteran trees are mature trees that share physical and other characteristics in common with ancient trees, due to their life or environment, but are neither developmentally nor chronologically ancient. All ancient trees are veteran trees, but not all veteran trees are ancient. Veteran and ancient trees which have died are still recognised as such because they retain significant biodiversity value for many decades. Veteran trees exhibit one or more of the following— (i) significant decay features such as deadwood, hollowing or signs of advanced decay in the trunk or major limbs (ii) a large girth, depending on and relative to species, site and management history (iii) a high value for nature, especially in hosting rare or specialist fungi, lichens and deadwood invertebrates

Ancient woodland, ancient trees and veteran trees: advice for making planning decisions[4]

2.4 This guidance has been prepared by Natural England and the Forestry Commission and outlines how to assess a planning application when there are ancient woodland, ancient trees or veteran trees on or near a proposed development site.

2.5 Recommendations are provided for buffer zones:

> "*The size and type of buffer zone should vary depending on the:*
>
> - *scale and type of development and its effect on ancient woodland, ancient and veteran trees*
> - *character of the surrounding area*
>
> *For example, larger buffer zones are more likely to be needed if the surrounding area is:*

[4] Natural England and Forestry Commission (2022) Guidance Ancient woodland, ancient trees and veteran trees: advice for making planning decisions. Available at: https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions [Accessed: 15/01/2026].

- *less densely wooded*
- *close to residential areas*
- *steeply sloped*

For ancient woodlands, the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic.

For ancient or veteran trees (including those on the woodland boundary), the buffer zone should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5 metres from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter. This will create a minimum root protection area.

Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone.

Where possible, a buffer zone should:

- *contribute to wider ecological networks*
- *be part of the green infrastructure of the area*

A buffer zone should consist of semi-natural habitats such as:

- *woodland*
- *a mix of scrub, grassland, heathland and wetland*

The proposal should include creating or establishing habitat with local and appropriate native species in the buffer zone.

You should consider if access is appropriate. You can allow access to buffer zones if the habitat is not harmed by trampling.

You should not approve development proposals, including gardens, within a buffer zone.

You should only approve sustainable drainage schemes if:

- *they do not affect root protection areas*
- *any change to the water table does not negatively affect ancient woodland or ancient and veteran trees"*

Keepers of time: ancient and native woodland and trees policy in England Policy Paper[5]

2.6 This statement provides an update to policy which was originally published in 2005, though the Government position has not changed. The update references the latest evidence and information available to recognise the value of ancient and native woodlands and ancient

[5] Department for Environment, Food and Rural Affairs (2022) Keepers of time: ancient and native woodland and trees policy in England Government's statement on England's ancient and native woodland and ancient and veteran trees. Available at: https://assets.publishing.service.gov.uk/media/628f7bdfe90e070394dbc10f/Keepers_of_time_woodlands_and_trees_policy_England.pdf [Accessed: 20/01/2026].

and veteran trees in England and the most important issues they face today. The policy sets out the principles and objectives to protect and improve these habitats for future generations.

2.7 This cross-refers to the Government guidance above to help local planning authorities and their decision-making process when affecting Ancient Woodland and ancient and veteran trees.

3.0 Ancient Woodland

3.1 It is common ground with the Council that the EcIA (CD 1.26) and Arboricultural Impact Assessment (CD 1.25), contain sufficient information to assess the impact of the Appeal Scheme on ecology and biodiversity, including the two Ancient Woodlands, Shepley Mill Wood and Hartley Bank Wood. The Council's Delegation Report (CD 3.1, page 34) outlines that the EcIA "*provides a comprehensive ecological assessment of the site… the proposed development is predicted to have no significant impacts on ecological receptors, subject to suitable mitigation measures, which can be delivered through appropriately-worded planning conditions… The proposal would not result in the loss or deterioration of the adjacent Ancient Woodland, subject to the given conditions. Furthermore, there would be no harmful impact on local species and, through the provision of a 10% net gain (via condition), most of which is expected to be delivered on site, the habitat would be enhanced. This ensures that the Ancient Woodland's function as a Local Wildlife Site and wildlife Habitat Network would be maintained and/or enhanced. As such the proposal is considered to comply with the objectives of LP30 of the Kirklees Local Plan*."

3.2 Shepley Mill Wood is located immediately east of the Appeal Scheme boundary and downstream, with hydrological connectivity between the Appeal Scheme and the Ancient Woodland through the unnamed watercourse present to the eastern corner of the site. The Appeal Scheme would discharge attenuated surface water to an outfall located in this watercourse. Hartley Bank Wood is located approximately 600 m northeast of the Appeal Scheme and approximately 1.34 km downstream (Figure 3-1). There is no hydrological connectivity between the Appeal Scheme and largest compartment of Hartley Bank Wood, which is located on the west and south facing slopes of the valley formed by Stone Wood Dike (Figure 3-2).

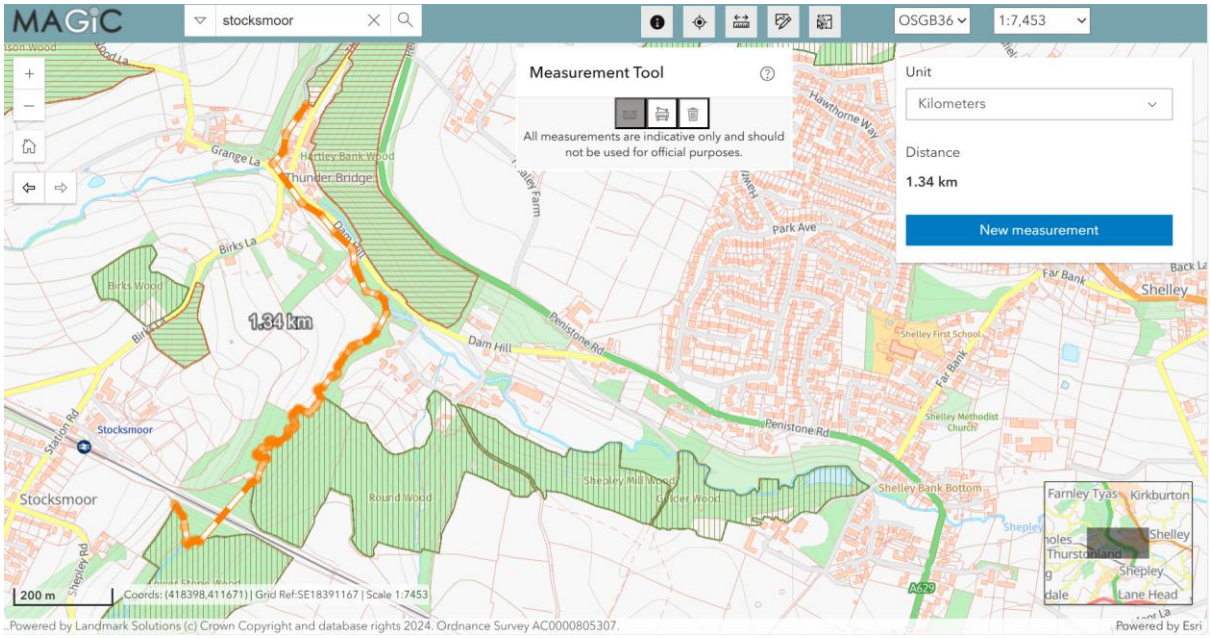

Figure 3-1: Downstream distance from Appeal Scheme to Hartley Bank Wood.

Figure 3-2: Thunder Bridge Dike, at Thunder Bridge, looking east along Dam Hill, with Hartley Bank Wood above and to the left.

3.3 The straight line and downstream distance between the Appeal Site and Hartley Bank Wood is material to this appeal, as it substantially reduces the likelihood of any impact upon this Ancient Woodland site as a result of the Appeal Scheme being allowed. My evidence will therefore focus upon Shepley Mill Wood, which is closer and has a direct hydrological link.

Potential for Direct Impacts to Ancient Woodland

3.4 The development will avoid direct loss of Ancient Woodland habitat as mapped by Natural England on the Ancient Woodland Inventory Database. No ancient or veteran trees, as defined in Table 2-1, were identified on-site or on the site boundaries by the EcIA. This is also in agreement with the arboricultural survey, assessing trees under the NPPF Annex 2 as outlined by Mrs Helen Kirk of FPCR in her evidence concerning Arboriculture. I did not observe any ancient or veteran trees within the Appeal Site, or on the immediate boundaries of the Appeal Site, during my site visit on 19th January 2026. There will be no impact to Root Protection Areas (RPA) of trees within Shepley Mill Wood (FPCR Annotated Tree Retention Plan).

3.5 There will be no direct loss of Ancient Woodland or ancient and veteran trees and as such no habitat fragmentation will occur. This is in accordance with the Government guidance, Keepers of Time policy, the NPPF §193 (c), and Kirklees Local Policy LP30 (CD 6.1).

Buffer Zones to Ancient Woodlands

3.6 An appropriate standoff or buffer between the built form of the Appeal Scheme and Shepley Mill Wood is provided within the Planning Layout (CD 2.1). The nearest works include the construction of the surface water outfall into the unnamed watercourse, which is located 16.7 m west of the Ancient Woodland (FPCR Annotated Tree Retention Plan (Figure 11329-T-02 Rev C) in evidence presented by Mrs Kirk on Arboriculture) and will adhere to a 15 m construction buffer zone for these works. The outfall will not affect the RPA of any tree forming part of Shepley Mill Wood and there will be no changes to the water table which would negatively affect the Ancient Woodland.

3.7 The outfall will require small-scale excavation within the RPA of T38. As described by Mrs Kirk, T38 is "*a mature sycamore situated on the railway embankment beyond a dry-stone wall which delineates the site boundary…. T38 does not form part of the Ancient Woodland designation*".

3.8 The next nearest component of the Appeal Scheme is the retaining wall, 23.5 m west of Shepley Mill Wood (at its nearest point), to facilitate the construction of the road and levels

for the site, where required[6]. A working area of approximately 2 m will be required to construct the retaining wall which will reduce the buffer zone to a minimum of 20 m for the construction of this element only. The potential construction effects are discussed below in further detail.

3.9 The design of the Appeal Scheme has been informed by Government guidance and non-statutory guidance in relation to Ancient Woodland and site-specific ecological considerations. The size of the buffer zone within the Appeal Scheme has been subject to criticism by the Rule 6 party and I have therefore undertaken a review of Ancient Woodland buffer zones in published literature and recent planning appeals (Appendix C). My review confirms that:

- 15 m is a recognised minimum buffer zone to ensure adequate protection of Ancient Woodland from loss and/or deterioration;
- Variable buffer zones are often recommended, depending on the nature of the specific development proposals and its predicted impacts; and
- Larger buffer zones are more likely to be suggested where there are larger developments (leading to the potential for larger magnitude impacts) or where more sensitive receptors are present.

3.10 Shepley Mill Wood is identified as a predominantly deciduous ancient semi-natural woodland, which is designated as a part of a wider Local Wildlife Site (LWS), contiguous with Upper and Lower Stone Woods LWS and a Local Geological Site (CD 1.26).

3.11 The Appeal Scheme has identified an absolute minimum buffer of 15 m from the Ancient Woodland boundary, and no construction-related activity is proposed within this zone. Adherence to this buffer zone during construction can be controlled by suitably worded planning condition. The design of the Appeal Scheme has sought to move construction activities, permanent infrastructure and residential areas further from this buffer zone where possible. For example, the nearest building (a pumping station) being approximately 34.5 m from the Ancient Woodland boundary. The Appeal Scheme, including the drainage design, is subject to detailed design and final regulatory approval, and through this process increasing the distance from the Ancient Woodland boundary will be explored. Therefore, the assessed scheme is considered a worst-case scenario.

[6] FPCR Annotated Tree Retention Plan (Figure 11329-T-02 Rev C) in evidence presented by Mrs Kirk on Arboriculture

3.12 The Appeal Scheme has been subject to arboricultural assessment (CD 1.25) and EcIA during this design process (CD 1.26). These assessments have concluded that the designed buffers are adequate to ensure no deterioration of Ancient Woodland. The buffers are suitable for avoiding disturbance to species, such as bats and birds, and with mitigation in place for potential construction effects. The Appeal Scheme will avoid RPAs of trees within the woodland and exceeds the buffers set out in statutory Standing Advice for Ancient Woodland.

Potential for Indirect Impacts to Ancient Woodland

Controlling the potential construction effects

3.13 The Appeal Scheme has been assessed for impacts arising on the Ancient Woodland and overlapping designation as a LWS, referred to as Upper and Lower Stone Woods, within the EcIA (CD 1.26, Section 4.0).

Dust, noise, vibration and lighting during construction

3.14 The construction works that would be associated with the Appeal Scheme are those associated with a standard residential development. The potential for air, light and noise pollution during construction has been identified; with mitigation measures outlined including construction site fencing to maintain a buffer of at least 15 m from the Ancient Woodland. Toolbox talks, dust and noise barriers, minimising lighting and directing construction activities away from the woodland during construction are all measures proposed to reduce the potential for adverse impacts to the woodland, which can be controlled via an appropriately worded condition.

3.15 The Rule 6 party highlights a risk of impacts through rock blasting. The Lithos report, Appendix G of the Flood Risk Assessment (CD 1.29), outlines that: "*It would therefore be prudent to allow for excavation of hard rock in any deep excavations such as those that may be required for drainage etc; a breaker, will be required and possibly even blasting*." The Appellant has confirmed that no blasting would occur during construction. This can be conditioned accordingly.

3.16 A rock breaker would lead to the most significant increase in levels of noise or vibration during construction. Many biodiversity features associated with the Ancient Woodland are not susceptible to noise disturbance during construction, but I have considered the potential for effects upon noise sensitive fauna including birds during the breeding season, and bats. Breeding bird surveys undertaken in 2024 (Appendix D) indicate a typical bird assemblage which is characterised as being of less than local importance. Reviewing the embedded mitigation and commitments to further mitigation and avoidance at the detailed design stage;

I consider that the buffer zones and mitigation measures proposed are appropriate. Mitigation measures proposed include reducing noise and vibration levels at source, such as using quieter machinery, installing acoustic screening along the woodland boundary buffer zone, minimising the duration of noisy activities during construction or programming these works to occur outside of the peak bird breeding season. The majority of the built development is also located further away from the Ancient Woodland; therefore, allowing for an increased construction buffer to be in place once the nearest activities are completed. These measures, in combination with the implementation of a minimum buffer of 15 m during construction are considered suitable and can be controlled by a planning condition e.g. for a Construction Environmental Management Plan (CEMP). These mitigation measures are suitable to reduce noise levels at the Ancient Woodland boundary to a level of 75 dB, which is considered an acceptable level to avoid impacts to noise sensitive fauna. Draft planning conditions for a CEMP are to be agreed with the Council (draft conditions 12 and 21).

Construction traffic

3.17 The proposed highways improvements will not result in any direct impacts on Ancient Woodland (Drawings 25072/GA/01 to 25072/GA/04). The small-scale nature of the Appeal Scheme will not result in increased traffic effects during construction on the Ancient Woodland. A minimum 15 m construction buffer can be adhered to, with the implementation of temporary fencing, and the topography of the site and existing barriers at the woodland boundary will facilitate no accidental entry by workers or machinery.

Invasive Non-Native Species (INNS)[7]

3.18 INNS have not been identified within Appeal Scheme boundary during previous surveys, and I did not observe any Wildlife and Countryside Act 1981 (as amended) Schedule 9 plants during my site visit on 19th January 2026 within the site. The naturalised and 'steadily invasive' snowberry[8] (*Symphoricarpos albus*) and non-native and aggressively spreading Cherry Laurel[9] (*Prunus laurocerasus*) were both recorded close to the western boundary of the Appeal Site. Two Schedule 9 INNS were identified outside of the site boundary, and the potential for the spread of INNS during construction is assessed in the EcIA (CD 1.26, Section 4.3) with mitigation measures proposed to minimise these risks. Subject to a suitably worded planning condition (draft condition 22), the Appellant would undertake pre-construction surveys between May-September to confirm the presence of INNS and other

[7] There is no definitive agreement on what constitutes an INNS, but Wildlife and Countryside Act 1981 (as amended) Schedule 9 includes those plants that are subject to the specific offence of causing to grow in the wild.

[8] https://www.nonnativespecies.org/non-native-species/information-portal/view/3440

[9] https://www.nonnativespecies.org/non-native-species/information-portal/view/2853

non-native and invasive plants within or close to the Appeal Scheme. Strict biosecurity measures would be implemented, including an INNS protocol, to be agreed with the Council.

Hydrological pollution during construction

3.19 The unnamed watercourse to the northeast of the Appeal Scheme, provides hydrological connectivity to the Ancient Woodland as it flows directly into and along the eastern boundary of Shepley Mill Wood and joins Stone Wood Dike. The Appeal Scheme proposes to connect surface water attenuation outfall to this watercourse, which could lead to indirect impacts on Shepley Mill Wood during construction.

3.20 Mitigation measures are set out in the EcIA (CD 1.26, Section 4.2), with works on the watercourse to be undertaken in low flow conditions, to limit bank disturbance and minimise the period of works wherever possible. Furthermore, a Pollution Prevention Plan is to be developed and implemented during construction to manage water (surface water and groundwater) and drainage. These measures are suitable to be controlled by a planning condition. Draft planning conditions 7, 12 and 20 control temporary surface water drainage for the construction phase, require the preparation of a CEMP and a Pollution Prevention Plan.

3.21 The above mitigation measures implemented during construction will also protect the small area of the downstream Ancient Woodland, Hartley Bank Wood, that is hydrologically connected to the Stone Wood Dike, from hydrological pollution impacts.

Controlling potential operational effects

3.22 Once operational, the EcIA (CD 1.26, Section 4.0) identified potential impacts to Shepley Mill Wood associated with lighting, noise and recreational effects of the Appeal Scheme. Suitable mitigation is proposed within the EcIA.

Operational lighting

3.23 Shepley Mill Wood is recognised for its importance in providing habitat for species which may be negatively impacted by increased levels of operational light, such as bats. A sensitive lighting scheme shall be adopted alongside the existing buffer zone to minimise the effects of light disturbance upon the woodland. This scheme shall be informed by guidance published by the Institute of Lighting Professionals (ILP), which is the current good practice guidance for considering the impact upon bats from artificial light[10]. As bats are considered highly light sensitive, a scheme that is designed to avoid impacts to bats would also protect

[10] The Institution of Lighting Professionals (2023) Bats and Artificial Light
https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released

other species from similar disturbance. The development of a sensitive lighting scheme is suitable to be controlled by a planning condition (draft condition 26).

Operational noise

3.24 The Noise Impact Assessment (CD 1.31) concluded that "*ambient noise levels throughout the site are relatively low.*" The Appeal Scheme comprises 50 residential dwellings which shall generate elevated noise levels in comparison to the existing use of the land for grazing. The majority of the development is sited over 40 m from Shepley Mill Wood, with accessible open greenspace, situated above the attenuation tank, over 20 m from the woodland boundary, which may be used recreationally by residents. These buffer distances are suitable to avoid noise disturbance to noise sensitive species utilising the Ancient Woodland and no further mitigation is required to address operational noise impacts.

Operational traffic

3.25 The Appeal Scheme may result in additional traffic within local roads with traffic generation of 28 to 30 two-way vehicle movements in the peak hours as outlined within the Transport Proof. Increases in traffic at the magnitude predicted is not considered to lead to any increased risk of conflict between traffic and fauna associated with ancient woodlands.

3.26 The scale of the development and predicted increase in traffic will not lead to any noticeable deterioration in air quality as a result of the increased operational traffic levels. This is in agreement with the Delegation Report (CD 3.1) which outlines the development "*is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment*."

Pets, shifts in bird populations and recreational pressure

3.27 As a residential development, there is likely to be an increase in pets (such as dogs and cats) which would be proportionate to the increased number of households above the current baseline situation. Whilst uncontrolled pets or feral animals could present a risk to wildlife, through predation, disturbance, competition and disease; the risks posed by domestic animals is largely controlled by the behaviour of their owners. Specific measures to control pets are not practical in any new residential area, but passive mitigation, such as the distance from the woodland boundary to residential areas, the provision of dog waste bins in Public Open Space (POS), adequate fencing to reduce pet and human access to Shepley Mill Wood and ensuring good access to the local footpath network, will help mitigate the potential risks posed by pets to wildlife associated with the Ancient Woodland to the point of no concern. These measures can be controlled by a suitably worded planning condition.

3.28 Breeding bird surveys were undertaken in April, May and June 2024 (Appendix D). The assemblage of breeding birds was of low diversity and characteristic of farmland on the urban fringe with activity concentrated around the woodland edge to the east of the Appeal

Scheme and / or within mature residential gardens. No bird activity, including ground nesting birds, was recorded within the central modified grassland field. The breeding bird interest of the site was of less than local importance and no further mitigation measures to address the risk of cat predation is considered necessary.

3.29 Bat species were assessed of local importance along the Appeal Scheme boundaries only and therefore, it is considered that the mitigation measures proposed within the EcIA are suitable and can be controlled by an appropriately worded planning condition.

3.30 The Appeal Scheme provides additional nesting habitat for birds associated with new housing. This will enhance the nesting opportunities for species in accordance with the Kirklees Biodiversity Action Plan. This is an appropriate enhancement and the scale of nesting provision and potential feeding of birds within residential properties is not considered to have significant negative impacts on the local bird population.

3.31 Recreational access to Shepley Mill Wood is specifically discouraged within the design of the Appeal Scheme: there are no paths or informal walkways leading into the woodland, which is down a steep slope (1:4 gradient) and is currently fenced off. The Landscape Masterplan (CD 1.6) provides hedgerows to the east of the developed area and additional planting and fencing to tie in with the retaining wall would further reduce the potential for recreational access to Shepley Mill Wood. Reinforcement of the existing stone wall and wire fence on the boundary of Shepley Mill Wood could also be provided, subject to a suitably worded planning condition. The topography of the eastern slope, which continues into Shepley Mill Wood is unsuitable for recreational access and no desire lines were identified within this area, in contrast to the paths into the woodland from Shepley Road, which contour along the valley side (Appendix B). The existing footpaths link up to additional areas of open space available in the wider landscape and therefore, the increased recreational pressure arising from 50 dwellings is not considered to lead to the deterioration of Shepley Mill Wood.

Final landscaping / planting

3.32 The proposed tree planting for the Appeal Scheme will include locally appropriate species, which are non-invasive and will be subject to agreement with the Council via a planning condition. Trees proposed within the eastern edge POS (approximately 30 m from the Ancient Woodland) would only comprise native species.

Water table changes during operation

3.33 The site falls within an area of less than 25% susceptibility to groundwater flooding and groundwater emergence risk is low, particularly as the site is located on higher land and groundwater emergence and flooding is most commonly associated with low-lying areas (Mr Shepherd's evidence concerning hydrology §7.1.3, §7.1.7, §7.1.8). The proposed

development does not involve deep dewatering, abstraction, groundwater diversion, or the introduction of subsurface barriers that could credibly affect groundwater levels or alter water tables of supporting hydrology of the Ancient Woodland.

3.34 During my site visit following a period of rainfall in January 2026, I did not observe any evidence of overland flows. The geology is free draining sandstone, and the habitats present on the eastern slope are typical mesic grasslands with no evidence of flushing or springs or vegetation associated with groundwater emergence or shallow groundwater flows. The Ancient Woodland also comprises of species which are not reliant on specific hydrological conditions.

Surface water pollution during operation

3.35 Surface water is to be attenuated on-site and discharged to the unnamed watercourse to the east of site. This unnamed watercourse is a tributary to Stone Wood Dike, which flows through Shepley Mill Wood and subsequently to Hartley Bank Wood in Thunder Bridge, at which point it is known as Thunder Bridge Dike.

3.36 The outfall has been designed to integrate into the surrounding landscape and bank profile with a soft, vegetated headwall, and associated ground disturbance will be minimised.

3.37 The Appeal Scheme proposes enhancement measures to this watercourse, through the removal of the water bath and large trash as well as bank top habitat enhancement (CD 1.26, Section 3.4.4). Construction impacts associated with these works can be managed, as described above.

3.38 The Appeal Scheme will include permeable paving to all private driveways; a widely recognised form of Sustainable Drainage System (SuDS). This provides effective source control by filtering sediments, absorbing hydrocarbons and promoting biological breakdown within the pavement sub base prior to water reaching the downstream drainage features, attenuation tank and eventually the outfall; therefore, providing improvements to water quality and slowing onwards conveyance.

3.39 Surface water from highways will flow into the attenuation tank, which will be fitted with a downstream defender to prevent oils and sediments discharging to the unnamed watercourse and causing pollution effects (Mr Shepherd's evidence §3.3). Surface water flows will not exceed the greenfield run off rate of 6.2 litres per second, though an increased duration of discharge from the site will occur during higher rainfall events. The on-site attenuation will ensure that current greenfield flows will not be exceeded even in higher rainfall events. The increased potential for erosion of this watercourse could be managed with local erosion protection and energy dissipation measures, such as natural stone or

similar materials immediately downstream of the outfall (subject to detailed design work and planning conditions), to provide energy dissipation within the site boundary and ensure that no deterioration of the downstream Shepley Mill Wood would occur (Mr Shepherd's evidence §5.1.4). Hartley Bank Wood is located further downstream and is sufficiently distanced from the site to remain unaffected by the changes in flows and volumes as a result of the Appeal Scheme, particularly when considered with additional tributaries to Thunder Bridge Dike. The surface water drainage strategy will be subject to detailed design work and mitigation for water quality and quantity can be controlled by planning conditions (draft conditions 3 to 6).

Foul water pollution during operation

3.40 Foul water is proposed to be pumped from the site to the pump station and into the public sewer. The Flood Risk Assessment and Drainage Strategy (CD 1.29) outline pre-development consultation with Yorkshire Water and have not advised of any known capacity issues with the public sewer network in the area. This connection is suitable to be controlled by a planning condition.

3.41 Both discharges to site will be subject to relevant licencing and permitting requirements from the Environment Agency and / or local Land Drainage Authority which will set water quality limits and discharge rates to adhere to. This will ensure that the Appeal Scheme will not lead to the deterioration of the Ancient Woodlands.

3.42 The responsibility for the Thunderbridge No. 2 Combined Sewer Overflow (CSO) lies with Yorkshire Water and would not be the responsibility of the Appellant. Mr Shepherd's proof §9.1.1 – §9.1.21 outlines that "*the development does not introduce new surface water inputs to the combined sewer system and therefore does not increase the volume or frequency of storm discharge via the CSO. The dominant driver of any such discharges will remain catchment rainfall, not the proposed development*" (§9.1.18). Therefore, there is no pathway for impacts to Hartley Bank Wood resulting from the discharge of treated foul water from the Appeal Scheme via the public sewer system, which discharges at Thunderbidge No. 2 CSO.

Policy Tests for Ancient Woodland

3.43 There are two policy tests which are relevant to Ancient Woodland as a habitat which supports biodiversity (NPPF §193 (a)) and as an Irreplaceable Habitat (NPPF §193(c)). The Rule 6 party raises that the incorrect test has been applied. The evidence outlined above demonstrates that instead both tests have been applied and can be passed.

3.44 The EcIA (CD 1.26) outlines the assessment of the potential impacts arising from the Appeal Scheme during construction and operation, which have followed the Mitigation Hierarchy, prioritising avoidance of impacts first then followed by mitigation measures. These mitigation measures are appropriate for the development and mitigating significant harm on

biodiversity, including species which may be present in the adjacent and downstream Ancient Woodlands. These can be controlled by planning conditions subject to agreement with the Council.

3.45 In addition, the paragraphs above also demonstrate that there will be no loss of Ancient Woodland or ancient and veteran trees. The mitigation measures described above and within the EcIA will also mitigate to the extent that there is no deterioration of Ancient Woodland. This is also documented within the Council's Delegation Report (CD 3.1, page 34).

4.0 Other Biodiversity Matters

4.1 The Rule 6 Party highlight the timing of the field surveys as a constraint of the EcIA. In fact, the timing of these surveys is specifically noted as a limitation of the baseline surveys within the EcIA and the assessment is undertaken with these limitations in mind. This approach (highlighting limitations and taking them into account in an assessment) is standard practice in EcIA where baseline surveys are constrained and accords with published good practice (CIEEM, 2018). The EcIA states:

> "*Both of the field surveys were undertaken at a sub-optimal time of the year for botanical surveys and for many protected species, such as nesting birds and reptiles: survey in December by FPCR and February by SLR.* ***An assessment of the suitability of the Site to support these species was therefore made. The habitat types were of low distinctiveness and it was possible to assess the broad habitat type during February***."

4.2 Sufficient information was provided during the application to allow for a comprehensive ecological assessment of the site, which is recognised within the Council's Delegation Report (CD 3.1, page 34).

4.3 Further surveys were conducted in Summer 2024 and are outlined in Appendix D. These surveys recorded bird species and made preliminary notes on the grassland sward within the Appeal Site. It is notable that barn owls (*Tyto alba*) were not observed during these surveys and the mitigation outlined above is appropriate for the potential impacts on the breeding bird population, rather than for this specific species.

4.4 I visited the site on 19th January 2026 and re-evaluated the habitats identified in the EcIA. I concluded that the eastern slope grassland is better described as 'Other neutral grassland, Scatted scrub, Sheep grazed with a Tall or tussocky sward' (UKHab g3c 10 102 128), rather than as currently identified as 'Modified grassland' (UKHab g4). The habitat is rough-grazed pasture, dominated by coarser grass species, e.g. abundant cock's-foot (*Dactylis glomerata*), with frequent common bent (*Agrostis capillaris*) and Timothy (*Phleum pratense*), with occasional red fescue (*Festuca rubra*) and Yorkshire Fog (*Holcus lanatus*). The grassland is not herb-rich, but those that are present are not typical of very high nutrient environments which are most frequently associated with more modified swards. Herbaceous species recorded were frequent ground ivy (*Glechoma hederacea*); occasional ribwort plantain (*Plantago lanceolata*), common sorrel (*Rumex acetosa*), and creeping buttercup (*Ranunculus repens*); and rare germander speedwell (*Veronica persica*), tormentil (*Potentilla erecta*), lesser celandine (*Ranunculus ficaria*) and spear thistle (*Cirsium arvense*). Bramble (*Rubus fruticosus agg.*), hawthorn (*Crataegus monogyna*) and birch (*Betula pendula*) are all uncommon, but form scattered scrub cover of around 5%. This change in habitat type makes no difference to the conclusions of the EcIA and this habitat would be largely retained in the

design proposed by the Appeal Scheme as this forms the eastern part of the undeveloped land.

4.5 The re-evaluation of the grassland baseline conditions to Other neutral grassland has a minor effect on the BNG calculations provided within the original application and additional units to achieve the statutory minimum of 10% gain will be required. It is usual practice for the BNG provisions to be controlled as a post-permission matter (https://www.gov.uk/guidance/biodiversity-net-gain p.002). BNG may be controlled by a suitably worded planning condition or a Section 106 legal agreement. An updated Biodiversity Metric, with the updated baseline conditions is provided as Appendix E and this can be further revised and updated with field surveys undertaken in the optimal season for grasslands, subject to a suitably worded planning condition.

4.6 The activity of ploughing as shown in aerial imagery on Google Earth in 2021 is unlikely to have resulted in the deterioration of habitats identified on-site, based on my review of aerial images in 2019 and 2020. It is my opinion that the field comprising the main part of the site would be most likely to be classified as ‘Modified grassland’ (UKHab g4), as it is currently recorded, based on the colour and consistency of aerial imagery. The Appellant does not own the site, and the landowner retains responsibility for its land management at the current time.

4.7 There is no ecological connectivity or pathway for effects on Brown’s Knoll Meadows LWS as this site is designated for a series of habitats and ponds which provide good habitat for amphibians. The railway line was therefore assessed as a significant barrier for terrestrial movement by amphibians and there are no hydrological connections. Therefore, no impacts on this site were considered within the EcIA (CD 1.26).

5.0 Conclusion

5.1 There are no reasons for refusal that relate directly to biodiversity.

5.2 It is common ground with Kirklees Council that the EcIA (CD1.26) and associated BNG assessments (CD 1.27 and 1.28) contain sufficient information to assess the impacts of the Appeal Scheme on ecology and biodiversity, and they have no concerns on ecological effects including on the Ancient Woodland or BNG. Table 4-1 within the EcIA outlines the ecological features which are relevant to the decision-maker, the proposed mitigation, compensation and enhancement as well as the means for delivering these proposals to result in no significant residual effects and no contravention of wildlife legislation as well as no loss or deterioration of Ancient Woodland. The key means of delivery include the production of a CEMP, Pollution Prevention Plan and relevant planning conditions.

5.3 There is no loss of Ancient Woodland habitat predicted through the Appeal Scheme. I have found no evidence that the nearby Ancient Woodlands would be subject to any impacts that could lead to a deterioration of their current condition.

5.4 Minor changes to the baseline conditions reported in the original application are insignificant to the EcIA. The Appellant is committed to delivering a 10% biodiversity net gain, in accordance with current policy and legislation, and this commitment to biodiversity gain can be delivered through post-permission detail following established practices.

Appendix A Public Representations

Proof of Evidence - Ecology

Shepley Road, Stocksmoor

Newett Homes Limited

SLR Project No.: 424.065717.00001

27 January 2026

The Delegation Report (CD 3.1) documents ecology matters raised in 307 public representations. These have been reviewed and the matters raised are addressed within the EcIA and BNG assessment (CD 1.26, 1.27 and 1.28) with further details provided within this proof.

Specific species such as the fungus (*Strobilomyces floccopus)*, wood anemone (*Anemonoides nemorosa*), bluebells (*Hyacinthoides non-scripta*) have been highlighted in association with Shepley Mill Wood and wild orchids with the on-site grassland. As outlined within this proof there will be no deterioration of the Ancient Woodland and therefore, any species within this habitat will also not be negatively affected by the Appeal Scheme. Planning conditions will enable the proposed mitigation measures to be secured and implemented on-site.

Other plant species, mammals and birds have also been highlighted which have been dealt with within the EcIA and this proof.

Appendix B Site Visit Photos – 19/01/2026

Proof of Evidence - Ecology

Shepley Road, Stocksmoor

Newett Homes Limited

SLR Project No.: 424.065717.00001

27 January 2026

Photo Number and Notes	**Photo**
1 – Modified grassland field to the centre of the Appeal Scheme.	
2 – Rhododendron (INNS) located within off-site neighbouring gardens.	

Photo Number and Notes	**Photo**
3 – Snowberry located on-site, western site boundary.	
4 – Railway cutting to the north of the Appeal Scheme.	

Photo Number and Notes	**Photo**
5 – Eastern grassland slope and boundary to Shepley Mill Wood.	
6 – Stone wall and wire fence on boundary with Shepley Mill Wood.	

Photo Number and Notes	**Photo**
7 – Proposed final manhole and outfall location to unnamed watercourse.	
8 – Unnamed watercourse.	

Photo Number and Notes	**Photo**
9 – View from within Shepley Mill Wood. Appeal Scheme eastern slope evident in background, indicating the steep topography into the Ancient Woodland.	

Photo Number and Notes	Photo
10 – Unnamed watercourse joining Stone Wood Dike within Shepley Mill Wood.	

Photo Number and Notes	**Photo**
11 – Footpath within Shepley Mill Wood along valley side of Stone Wood Dike.	

Appendix C Ancient Woodland Buffer Zones

Proof of Evidence - Ecology

Shepley Road, Stocksmoor

Newett Homes Limited

SLR Project No.: 424.065717.00001

27 January 2026

A review of the recent planning appeals and decision notices where buffer zones to Ancient Woodlands are relevant to the proposed development has been conducted to support the preparation of my proof of evidence and is presented below.

The 15 m buffer to Ancient Woodlands has been enshrined in formal government policy for more than 10 years. The Rule 6 Party claim that substantially larger buffers would be necessary to protect the Shepley Mill Ancient Woodland from deterioration, with reference to publications by the Woodland Trust[11, 12]. However, the Woodland Trust states that "*there is no 'one size fits all' with buffer design, each one should be designed to fulfil the specific requirements of its location and the type of proposed development*".

This review has identified five residential schemes, three which are similar in scale and type of development and two larger schemes, where the use of 15 m Ancient Woodland buffer zones has been identified and agreed by the relevant authority:

- Land off Hermitage Park, Lepton, West Yorkshire (planning application reference: 2022/60/91735/W), is a local residential development for 80 dwellings and associated work. This site agreed to a 15 m buffer to nearby Ancient Woodland, for both construction and operational uses.
- Clear View Farm, Chidingly Road, Horam, Heathfield (Appeal Ref: APP/C1435/W/23/3317468) A proposed development of 51 dwellings and associated access works, car parking, landscaping and woodland management for a site located at Clear View Farm, Heathfield. Most of the built form would be located in excess of 15 m from the Ancient Woodland, except for the drainage attenuation basin and associated infrastructure, some of which would be sited within the 15m buffer. The Inspector identified that national guidance advocates the provision of suitable sustainable drainage schemes within buffer zones and highlights that the buffer zone would be landscaped and not accessible to members of the public. The inspector concluded that *"there is no reason for me to consider the proposed buffers inadequate*."[13], although the appeal was dismissed on other, unrelated grounds.
- Land at Moorthorpe Way, Sheffield (Appeal Ref: APP/J4423/W/20/3258555). The appeal was allowed for the erection of 72 dwellings, new access roads, landscaping, public open space, play space and flood storage works. This site implemented a 15 m buffer between site works and Ancient Woodland, although the Inspector identified a mixture of road, car parking and other landscaping within the 15 m buffer, there was no incursions to the root protection area of any individual trees within the Ancient Woodland. It was deemed at appeal to be a sufficient buffer for the proposed scheme.
- Land at Ironbridge Power Station, Ironbridge, Telford, Shropshire (Planning ref: 19/05560/OUT) This scheme proposed the erection of 1000 dwellings, access tracks, allotments, sports pitches, a railway link, leisure uses, primary/nursery school, a park and ride facility, walking and cycling routes, and associated landscaping, drainage and infrastructure works located in Ironbridge, Telford, Shropshire. The planning permission was granted with a 15 m buffer between the

[11] Corney et al., (2008) Impacts of nearby development on the ecology of ancient woodland. Available at: https://www.woodlandtrust.org.uk/media/43620/impacts-of-nearby-development-on-the-ecology-of-ancient-woodland.pdf [Accessed: 20/01/2026].

[12] The Woodland Trust (2012) Impacts of nearby development on ancient woodland – addendum. Available at: https://www.woodlandtrust.org.uk/media/43619/impacts-of-nearby-development-on-the-ecology-of-ancient-woodland-addendum.pdf [Accessed: 20/01/2026].

[13] The Planning Inspectorate (2023) Appeal Decision. Hearing held on 14 and 15 June 2023 Site visit made on 14 June 2023 by M Woodward BA (Hons) MA MRTPI an Inspector appointed by the Secretary of State Decision date: 15th August 2023. (Appeal Ref: APP/C1435/W/23/3317468)

site construction work and the Ancient Woodland areas, protected by fencing and other barriers.

- Sandleford Park Site, Newtown Road, Newbury, Berkshire (West Berkshire Council) (Appeal Ref: APP/W0340/W/20/3265460)[14]. This scheme implemented a 15 m buffer for Ancient Woodland. This was a large-scale housing development (up to 1000units), 80 care home units, new road access areas, two schools and public infrastructure such as cycling lanes and footpaths. This site maintained a 15 m buffer around Ancient Woodland to protect the trees and their roots, which was considered sufficient to protect the habitats from damage and disturbance. The Inspector concluded that whilst public access would be increased, impacts would be managed by suitably worded Strategic Landscape and Green Infrastructure Plan, which allowed the conclusion that it was unlikely to result in the loss or deterioration of Ancient Woodland.

The Rule 6 Party suggests that a buffer zone of 400 m from Ancient Woodlands would be needed not to compromise bird populations, citing a study of the impacts of Spanish cities and roads upon avifauna as a source (Palomino and Carrascal (2007) in Woodland Trust12). In fact, the abstract for the original article states that “the bird communities of deciduous woodlands (ash groves, oak patches and poplars) show higher resilience to deleterious influences from nearby cities and roads” when compared to “threatened species from open habitats”. The 400 m buffer is an averaged modelled distance of 400 m for **cities**, i.e. very large-scale urban developments. The scale of development for the Appeal Scheme is therefore not comparable to the study cited. The breeding bird surveys confirm that a sensitive population of breeding birds is not present at the site (Appendix D).

Following my review of both planning decisions and published guidance, I conclude that the buffer zone of a minimum of 15 m from an Ancient Woodland is well established in policy and practice. Whilst there may be occasions where larger buffer zones are appropriate, these do not appear regularly in practice, in particular for developments such as the Appeal Scheme.

[14]West Berkshire Council Ancient Woodland Buffer Zones. Available at: PowerPoint Presentation [Accessed: 22/01/2026]

Appendix D Breeding Bird Survey Results 2024

Proof of Evidence - Ecology

Shepley Road, Stocksmoor

Newett Homes Limited

SLR Project No.: 424.065717.00001

27 January 2026

Breeding Bird Survey Results 2024

Shepley Road, Stocksmoor

Newett Homes Limited

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SLR Project No.: 424.065717.00001

16 January 2026

Revision: 1

Revision Record

Revision	Date	Prepared By	Checked By	Authorised By
01	16 January 2026	Charlotte Baldwin	Gary Oliver	Gary Oliver

Basis of Report

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Tables in Text

Appendices

1.0 Introduction

SLR Consulting Limited (SLR) was instructed by Newett Homes Limited to undertake breeding bird surveys on an approximately 2.52 ha Site off Shepley Road, Stocksmoor, West Yorkshire, HD4 6XW (approximate central Ordnance Survey Grid Reference (OSGR): SE 18467 10769), relating to a residential development comprising 49 new residential properties with associated infrastructure.

1.1 Background

The Site has previously been subject to a habitat mapping survey and desk study, the results of which were presented in an Ecological Impact Assessment (EcIA) submitted in April 2025[1]. This assessment identified that the Site comprises grassland, with field boundaries and immediately located off Site hedgerows offering suitable nesting habitat for a range of common and priority bird species.

Following submission of the planning application, an appeal was lodged. As part of the appeal process, concerns were raised regarding the timing of the original ecological surveys, specifically that field surveys were undertaken at a sub-optimal time of year for nesting birds. Although breeding bird surveys were completed during the spring/ summer 2024, these were not referenced in the original EcIA. This technical report presents the results of those surveys to address the concerns raised and to provide a more comprehensive assessment of the Site's use by breeding birds during the optimal survey period.

1.2 Scope of Study

A series of three breeding bird surveys were undertaken in April, May and June 2024, within the core breeding bird season.

1.3 Evidence of Technical Competence and Experience

The surveys were undertaken by Principal Ecologist Gary Oliver and Senior Field Ornithologist Edmund Austin. Gary and Edmund are both competent ornithologists, able to identify birds by sight and song/ call.

The report was authored by Project Ecologist Charlotte Baldwin whilst a technical review was conducted by Mr Gary Oliver MCIEEM, who is a Principal Ecologist with SLR Consulting, with over 29 years' relevant experience.

1.4 Nomenclature and Relevant Legislation and Policy

The phylogenetic order and nomenclature throughout this report follows The British List (10th Edition)[2], updated by the British Ornithologists' Union (BOU) Records Committee. A full list of the species referred to in this report, including scientific names, is provided in Appendix A.

Relevant legislation is found in Appendix B.

[1] SLR (2025) Shepley Road, Stocksmoor: Ecological Impact Assessment and Biodiversity Net Gain Assessment, Project Number: 424.065101.00001

[2] British Ornithologists' Union. 2022. The British List: A Checklist of Birds of Britain (10th edition), Ibis 164: pp.860 – 910.

2.0 Methodology

2.1 Desk Study

An ecological data search was requested from West Yorkshire Ecology Service (WYES) in February 2024, providing records of protected and otherwise notable bird species for the Site, and land within a 2 km radius of its centre.

2.2 Field Survey

Breeding bird surveys followed the methodology described by the Bird Survey Guidelines[3], which involved the surveyor walking a transect at a slow, steady pace, ensuring that all land within the Site was covered. The survey area was extended such that birds recorded within an immediate buffer of the Site boundary were also recorded.

Three survey visits were completed on the following dates:

- Visit 1 – 3rd April 2024 (06.06 – 07.36 hours);
- Visit 2 – 3rd May 2024 (06.05 – 07.35); and
- Visit 3 – 4th June 2024 (21.31 – 22.31 hours).

The dates, times and corresponding weather conditions for each survey are provided in Appendix C. Surveys were undertaken in suitable weather conditions, avoiding heavy rain, strong winds (Beaufort force >5) and low visibility (e.g. fog).

Two surveys were conducted in the early morning within the window of half an hour before sunrise to 10-11am, targeting species most active during this period. One survey was undertaken in the evening to target crepuscular species such as barn owl *Tyto alba*. The direction that the survey transect route was walked was varied between visits to ensure different parts of the survey area were accessed at different times.

The methods used aimed to measure in what way the survey area is important for avian diversity and which species may be breeding. The breeding status was determined using the BTO criteria[4] as detailed in **Table 2-1**.

Table 2-1 BTO breeding bird status criteria

Breeding Status	Evidence criteria
Confirmed breeding	Distraction display or injury feigning. Used nests or eggshells found (occupied or laid within the survey period). Recently fledged young or downy young. Adults entering or leaving a nest site in circumstances indicating occupation. Nest or an adult sitting on nest. Adults carrying food for young or faecal sacs. Nest containing eggs. Nest with young seen or heard.
Probable breeding	Pairs observed in suitable nesting habitat in the breeding season.

[3] Bird Survey and Assessment Steering Group. 2023. Bird Survey Guidelines for assessing ecological impacts, v.1.1.0. https://birdsurveyguidelines.org/

[4] https://www.bto.org/our-science/projects/birdatlas/methods/breeding-evidence

Breeding Status	Evidence criteria
	Permanent territory presumed through registration or territorial behaviour (song etc.) on at least two different days, a survey apart, at the same place. Display and courtship. Visiting probable nest site. Agitated behaviour or anxiety calls from adults. Building nest or excavating nest hole.
Possible breeding	Species observed in breeding season in possible nesting habitat. Singing male(s) present or breeding calls heard in breeding season.
Non-breeding	Flying over. Species observed but suspected to be still on migration. Species observed but suspected to be summering non-breeder.

3.0 Results

3.1 Desk Study

Seven bird species records were returned by the WYES including. Only one species was listed under Section 41 of the NERC Act, namely lapwing *Vanellus vanellus*, recorded 1.8 km north-west of the Site in 2019. The Site offers limited suitability to lapwing, and other ground-nesting birds, due to its relatively small size and enclosed nature.

3.2 Field Survey

3.2.1.1 Breeding Bird Surveys

During the 2024 field surveys only 21 bird species were recorded within the survey area, of which five were considered to probably be breeding, and five to be possibly breeding, with 11 species considered to be non-breeding. It is important to note that no species were considered to be probably or possibly breeding within the Site itself, but rather in habitats located off-Site.

Table 3-1 summarises the observations for each species, their abundance, and their breeding status.

No ground-nesting species, including skylark *Alauda arvensis* or lapwing, were recorded during any of the surveys, despite the surveys being conducted in the peak breeding bird survey window.

Table 3-1 Summary of species observations and breeding status 2024

Species	Number of Birds			Breeding status within survey area
	3rd April 2024	3rd May 2024	4th June 2024	
Pheasant *Phasianus colchicus*	1	-	-	Non-breeding
Woodpigeon *Columba palumbus*	8	4	3	Probable
Buzzard *Buteo buteo*	1	-	-	Non-breeding
Kestrel *Falco tinnunculus*	-	-	1	Non-breeding
Magpie *Pica pica*	1	-	-	Non-breeding
Jackdaw *Coloeus monedula*	1	-	-	Non-breeding
Carrion crow *Corvus corone*	3	1	1	Possible

Species	Number of Birds			Breeding status within survey area
	3rd April 2024	3rd May 2024	4th June 2024	
Coal tit *Periparus ater*	3	-	-	Non-breeding
Blue tit *Cyanistes caeruleus*	1	5	-	Possible
Great tit *Parus major*	1	1	-	Possible
Chiffchaff *Phylloscopus collybita*	3	3	-	Probable
Goldcrest *Regulus regulus*	1	2	-	Possible
Wren *Troglodytes troglodytes*	3	5	1	Probable
Nuthatch *Sitta europaea*	1	-	-	Non-breeding
Song thrush *Turdus philomelos*	-	1	-	Non-breeding
Blackbird *Turdus merula*	2	4	1	Probable
Robin *Erithacus rubecula*	4	3	4	Probable
House sparrow *Passer domesticus*	7	2	-	Non-breeding
Dunnock *Prunella modularis*	1	1	-	Possible
Chaffinch *Fringilla coelebs*	1	-	-	Non-breeding
Goldfinch *Carduelis carduelis*	-	2	-	Non-breeding

4.0 Summary

4.1 Legal and Conservation Status of Species Recorded

Table 4-1 provides a summary of the species recorded during the baseline surveys, their activity within the survey area, as well as their legal and conservation status. Figures 1 – 3 depict the registrations of target species across each survey visit.

Table 4-1 Summary of species recorded and their legal/conservation status

Target species	Legal and conservation status				UK Breeding Population and UK Breeding Population Change[5]	Summary of observations within the survey area	Peak Count[6]	Breeding Status Within Survey Area
	BoCC	Annex I	Sch. 1	Sec. 41				
Pheasant	Not Assessed	-	-	-	20% increase (1995-2023)	One individual observed foraging on one occasion.	1	Non-breeding
Woodpigeon	Amber	-	-	-	38% increase (1995-2023)	Recorded on every visit. Seen to be perching on Site boundaries, including northern treeline and eastern woodland edge to the east.	8	Probable
Buzzard	Green	-	-	-	200% increase (1995-2023)	Flew over Site on one visit and was not seen to land.	1	Non-breeding
Kestrel	Amber	-	-	-	24% decrease (1995-2023)	Observed flying off Site, to the south, on one occasion. Was not seen to land.	1	Non-breeding
Magpie	Green	-	-	-	2% increase (1995-2023)	One individual flew over the western aspect of Site on one visit and was not seen to land.	1	Non-breeding
Jackdaw	Green	-	-	-	78% increase (1995-2023)	On one visit, an individual was calling from the off-Site northern treeline.	1	Non-breeding

[5] BTO (2025) BirdFacts: profiles of birds occurring in the United Kingdom. (https://www.bto.org/birdfacts)

[6] The total number of individual birds recorded during a single survey, taken from the survey with the highest value.

Target species	Legal and conservation status				UK Breeding Population and UK Breeding Population Change[5]	Summary of observations within the survey area	Peak Count[6]	Breeding Status Within Survey Area
	BoCC	Annex I	Sch. 1	Sec. 41				
Carrion crow	Green	-	-	-	27% increase (1995-2023)	Recorded during every visit in suitable nesting habitat, such as the northern tree line and eastern woodland edge.	3	Possible
Coal tit	Green	-	-	-	12% increase (1995-2023)	On the first survey visit, two individuals were seen to fly into the residential gardens that border the west of Site, and one individual was observed singing within the woodland edge to the east of Site. Coal tit was not recorded again in subsequent visits.	3	Non-breeding
Blue tit	Green	-	-	-	4% decrease (1995-2023)	An individual was observed calling from the northwestern tree line that borders Site on two consecutive visits.	5	Possible
Great tit	Green	-	-	-	14% increase (1995-2023)	Observed singing and calling in the off Site woodland, to the east.	1	Possible
Chiffchaff	Green	-	-	-	181% increase (1995-2023)	Individuals were recorded singing in similar areas on two consecutive visits.	3	Probable
Goldcrest	Green	-	-	-	32% increase (1995-2023)	Individuals were seen singing in suitable nesting habitat on two occasions.	2	Possible
Wren	Amber	-	-	-	30% increase (1995-2023)	Recorded singing on all three survey visits. Mostly observed on woodland edge to the east of Site.	4	Probable
Nuthatch	Green	-	-	-	111% increase (1995-2023)	One individual recorded calling within off Site woodland to the east, only recorded on one occasion.	1	Non-breeding
Song thrush	Amber	-	-	Yes	25% increase (1995-2023)	One individual displaying non-breeding behaviour was recorded in a residential garden to the south of Site.	1	Non-breeding
Blackbird	Green	-	-	-	7% increase (1995-2023)	Observed singing from habitat located a short distance off-Site on all three visits.	4	Probable
Robin	Green	-	-	-	36% increase (1995-2023)	Observed singing across all boundaries bordering Site on all three visits.	3	Probable

Target species	Legal and conservation status				UK Breeding Population and UK Breeding Population Change[5]	Summary of observations within the survey area	Peak Count[6]	Breeding Status Within Survey Area
	BoCC	Annex I	Sch. 1	Sec. 41				
House sparrow	Red	-	-	Yes	25% decrease (1995-2023)	All registrations of house sparrow pertain to off Site housing.	7	Non-breeding
Dunnock	Amber	-	-	Yes	1% decrease (1995-2023)	An individual was recorded on two consecutive visits in suitable nesting habitat to the west of Site.	1	Possible
Chaffinch	Green	-	-	-	45% decrease (1995-2023)	Recorded on one visit only, and was not displaying breeding behaviour.	1	Non-breeding
Goldfinch	Green	-	-	-	141% increase (1995-2023)	Only recorded on one visit and was not seen to be displaying breeding behaviour.	2	Non-breeding

5.0 Conclusion

The breeding bird assemblage recorded during the 2024 surveys was of low diversity, with only 21 species recorded across three survey visits, of which five were assessed as probable breeding and five as possible breeding within the survey area. The assemblage is characteristic of farmland on the urban fringe, and activity was primarily concentrated around the woodland edge to the east of the Site and/ or within mature residential gardens.

No bird activity was recorded within the central areas of the grassland fields, which had low structural diversity and are considered of limited suitability for ground-nesting birds. Indeed, no ground-nesting species were recorded during any survey visit.

Based on these findings, the breeding bird interest of the Site is considered to be of less than local importance.

Figures 1 – 3

Results of Breeding Bird Surveys 2024

Shepley Road, Stocksmoor

Newett Homes Limited

SLR Project No.: 424.065717.00001

16 January 2026

418300 418350 418400 418450 418500 418550 418600

410900 410850 410800 410750 410700

Derwin Avenue

Station Road

Shepley Road

x2 WP

WR

WP

D.

D.

WR

WR

x5 WP

x7 HS

N

0 50 100

Metres

LEGEND

Site Boundary

Behaviour

Singing

Calling

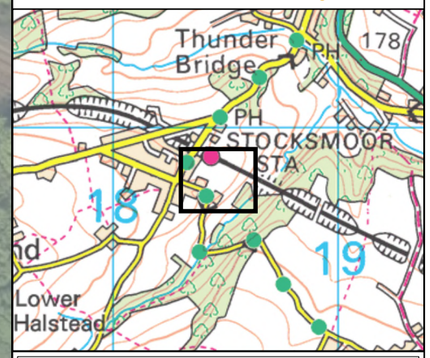
Male & Female Calling

Flight Line

BTO Species Code

D.	Dunnock
HS	House Sparrow
WP	Woodpigeon
WR	Wren

Note
Bird Species that are listed in Birds of Conservation Concern 5 Red List are labelled in Red
Bird Species that are listed in Birds of Conservation Concern 5 Amber List are labelled in Orange



NEWETT HOMES

SLR

SHEPLEY ROAD, STOCKSMOOR

BREEDING BIRD SURVEY

TARGET SPECIES - 03/04/2024

FIGURE 1

Scale 1:1,000 @ A3

Date JANUARY 2026

424.065101.00001.0002.0 Breeding Birds Figure 1

418300 418350 418400 418450 418500 418550 418600

410900 410850 410800 410750 410700

Derwin Avenue

Station Road

Shepley Road

WR WP HS D. WR WP ST HS WP WR WP WR WR

N

0 50 100

Metres

LEGEND

Site Boundary

Behaviour

Male & Female

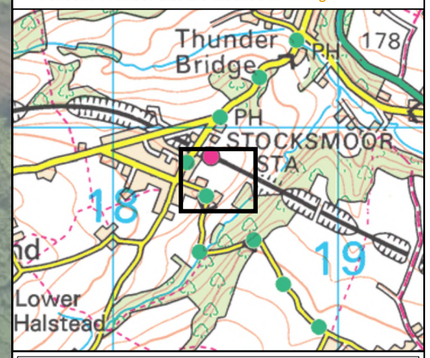
Singing

Calling

BTO Species Code

D.	Dunnock
HS	House Sparrow
WP	Woodpigeon
WR	Wren

Note
Bird Species that are listed in Birds of Conservation Concern 5 Red List are labelled in Red
Bird Species that are listed in Birds of Conservation Concern 5 Amber List are labelled in Orange



NEWETT HOMES

SLR

SHEPLEY ROAD, STOCKSMOOR

BREEDING BIRD SURVEY

TARGET SPECIES - 03/05/2024

FIGURE 2

Scale 1:1,000 @ A3

Date JANUARY 2026

424.065101.00001.0003.0 Breeding Birds Figure 2

418300 418350 418400 418450 418500 418550 418600

410900 410850 410800 410750 410700

Derwin Avenue

Station Road

Shepley Road

WR

WP

WP

WP

K.

N

0 50 100

Metres

LEGEND

Site Boundary

Behaviour

Singing

Flight Line

BTO Species Code

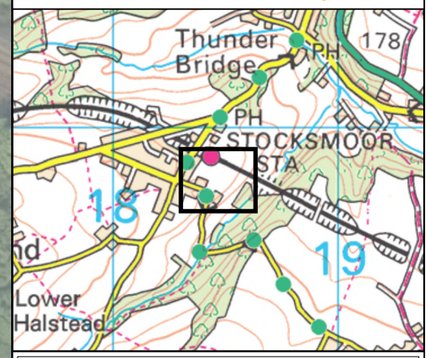
WP Woodpigeon

WR Wren

K. Kestrel

Note

Bird Species that are listed in Birds of Conservation Concern 5 Amber List are labelled in Orange



NEWETT HOMES

SLR

SHEPLEY ROAD, STOCKSMOOR

BREEDING BIRD SURVEY

TARGET SPECIES - 04/06/2024

FIGURE 3

Scale 1:1,000 @ A3

Date JANUARY 2026

424.065101.00001.0004.0 Breeding Birds Figure 3

Appendix A Full Bird Species List

Results of Breeding Bird Surveys 2024

Shepley Road, Stocksmoor

Newett Homes Limited

SLR Project No.: 424.065717.00001

16 January 2026

Table A-1 English and Latin names of birds mentioned in the report

English Name	BTO Code	Latin Name
Pheasant	PH	*Phasianus colchicus*
Woodpigeon	WP	*Columba palumbus*
Buzzard	BZ	*Buteo buteo*
Barn Owl	BO	*Tyto alba*
Kestrel	K.	*Falco tinnunculus*
Magpie	MG	*Pica pica*
Jackdaw	JD	*Coloeus monedula*
Carrion Crow	C.	*Corvus corone*
Coal Tit	CT	*Periparus ater*
Blue Tit	BT	*Cyanistes caeruleus*
Great Tit	GT	*Parus major*
Skylark	S.	*Alauda arvensis*
Chiffchaff	CC	*Phylloscopus collybita*
Goldcrest	GC	*Regulus regulus*
Wren	WR	*Troglodytes troglodytes*
Nuthatch	NH	*Sitta europaea*
Song Thrush	ST	*Turdus philomelos*
Blackbird	B.	*Turdus merula*
Robin	R.	*Erithacus rubecula*
House Sparrow	HS	*Passer domesticus*
Dunnock	D.	*Prunella modularis*
Chaffinch	CH	*Fringilla coelebs*
Goldfinch	GO	*Carduelis carduelis*

Appendix B Relevant Legislation

Results of Breeding Bird Surveys 2024

Shepley Road, Stocksmoor

Newett Homes Limited

SLR Project No.: 424.065717.00001

16 January 2026

B.1 Relevant legislation and information regarding conservation status

B.1.1 The Wildlife and Countryside Act 1981

Section 1, Part I of the Wildlife and Countryside Act 1981 (as amended) makes it an offence (with certain limited exceptions and in the absence of a licence) to **intentionally**:

- Kill, injure, or take any wild bird.
- Damage, take or destroy its nest while that nest is in use or being built.
- Take or destroy its eggs.

A person shall also be guilty of an offence if they possess or control any live or dead wild bird or any part of, or anything derived, from such a bird, or an egg of a wild bird or any part of such an egg.

Further, the Act affords additional protection to species listed in Schedule 1 (Sch. 1) of the Act. It is an offence **intentionally or recklessly** to:

- Disturb a bird listed on Sch. 1 while it is nest building, or at a nest containing eggs or young.
- Disturb the dependent young of such a bird.

B.1.2 The Natural Environment and Rural Communities (NERC) Act 2006

The NERC Act came into force on 1st October 2006. Section 41 (Sec. 41) of the Act requires the Secretary of State to publish a list of habitats and species which are of principal importance for the purpose of conserving biodiversity in England. The list has been drawn up in consultation with Natural England, as required by the Act. The Sec. 41 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 carrying out their normal functions.

Species of Principal Importance

There are 943 species of principal importance included on the Sec. 41 list, including a number of bird species. These are the species found in England which were identified as requiring action under the UK Biodiversity Action Plan (BAP) and which continue to be regarded as conservation priorities under the UK Post-2010 Biodiversity Framework. In addition, hen harrier *Circus cyaneus* has also been included on the list because it was deemed that without continued conservation action it is unlikely that the hen harrier population will increase from its current very low levels in England. In accordance with Section 41(4) the Secretary of State will, in consultation with Natural England, keep this list under review and will publish a revised list if necessary.

B.1.3 The Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017 (as amended), as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019[7], require the Secretary of State to secure compliance with the requirements of the Nature Directives[8]. The Habitats Directive (Council Directive 92/43/EEC) and the Wild Birds Directive (Directive 2009/147/EC) are known as the Nature Directives. Annex I of the Birds Directive is a list of threatened bird species for which Special Protection Areas (SPAs) must be classified.

Any new powers in the 2019 Regulations must be exercised in line with the Directives and retained EU case law up to 1 January 2021. Under the 2019 Regulations, if any technical and scientific progress is made, the appropriate authority may amend the schedules to the Regulations, and the list of those habitats and species in the annexes to the EU Directives, which apply to the UK. It is anticipated that

[7] http://www.legislation.gov.uk/uksi/2019/579/contents/made

[8] https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017#amending-annexes-and-schedules

changes will be rare but could, for example, include additions of new species in response to climate change or their successful reintroduction into Great Britain.

B.1.4 Birds of Conservation Concern

The Birds of Conservation Concern[9] is a list of avian species found in the UK, Channel Islands, and the Isle of Man. The programme uses a set of standardised criteria to allocate species to either the red, amber, or green list depending on their level of conservation concern. Species in the red list are of highest conservation priority, followed by species on the amber, and then green list. The criteria for each category are detailed in Table B-1.

Table B-1 BoCC criteria

Red criteria	Amber criteria
Species that are globally threatened according to the International Union for the Conservation of Nature (IUCN) criteria.	Species of European Conservation Concern.
Species with an historical decline in breeding population which have not shown a substantial recent recovery.	Species whose population has declined historically but which have made a substantial recent recovery.
Species that have shown a severe breeding decline over the last 25 years or longer term.	Species whose breeding population has declined moderately over the last 25 years or longer term.
Species that have shown a severe breeding range decline over the last 25 years or longer term.	Species that have shown a moderate breeding range decline over the last 25 years or longer term.
Species whose non-breeding population has declined over the last 25 years or longer term.	Species whose non-breeding population has declined moderately over the last 25 years or longer term.
	Rare breeders or non-breeding rarity species with internationally important or localised populations.
Green list criteria	
Species that fulfil none of the Red or Amber criteria detailed above at the publication of the most recent edition of BoCC, currently 2021.	

[9] 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. Available online at https://britishbirds.co.uk/content/status-our-bird-populations.

Appendix C Survey Metadata

Results of Breeding Bird Surveys 2024

Shepley Road, Stocksmoor

Newett Homes Limited

SLR Project No.: 424.065717.00001

16 January 2026

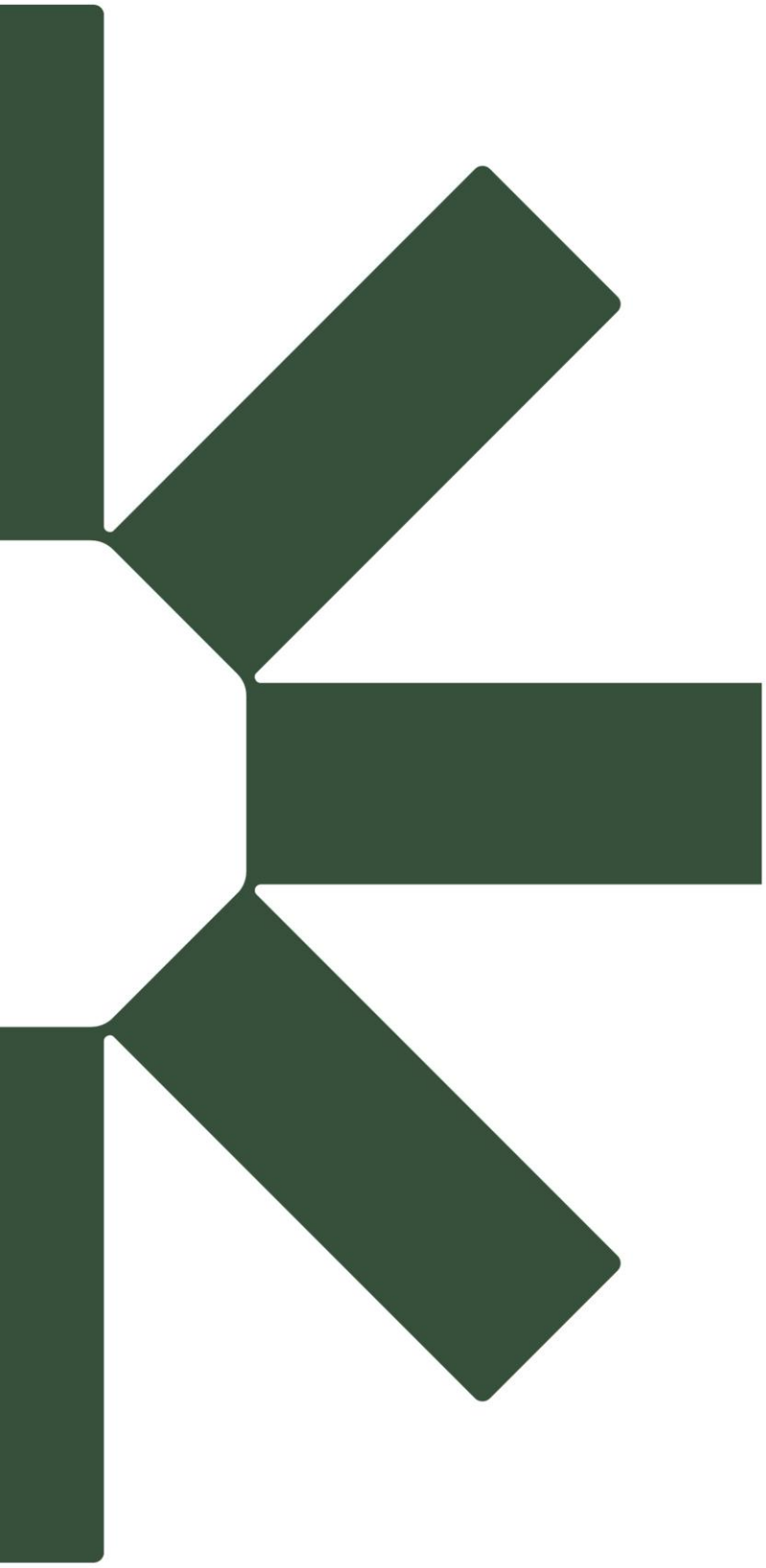
Table C-1 The Dates, Times, and Corresponding Weather Conditions for the Suite of 2024 Breeding Bird Surveys

Survey Date	Surveyor [10]	Start Time	End Time	Sunrise/ Sunset	Weather Conditions (Survey Start – Survey End)				
					Temperature (°C)	Precipitation[11]	Wind Speed (Beaufort[12])	Wind Direction	Cloud Cover (Oktas)
02/06/2025	EA	06:06	07:36	06:36	9	0	2	SE	8
03/05/2024	GO	06:05	07:35	05:37	8	0	2	SSW	8
04/06/2024	GO	21:31	22:31	21:31	10 / 8	0	3	W	0

[10] EA: Edmund Austin, GO: Gary Oliver

[11] None: 0, Drizzle: 1, Light Rain: 2, Moderate Rain: 3, Heavy Rain: 4.

[12] https://www.metoffice.gov.uk/weather/guides/coast-and-sea/beaufort-scale



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Appendix E Statutory Biodiversity Metric and Condiiton Assessments 2026

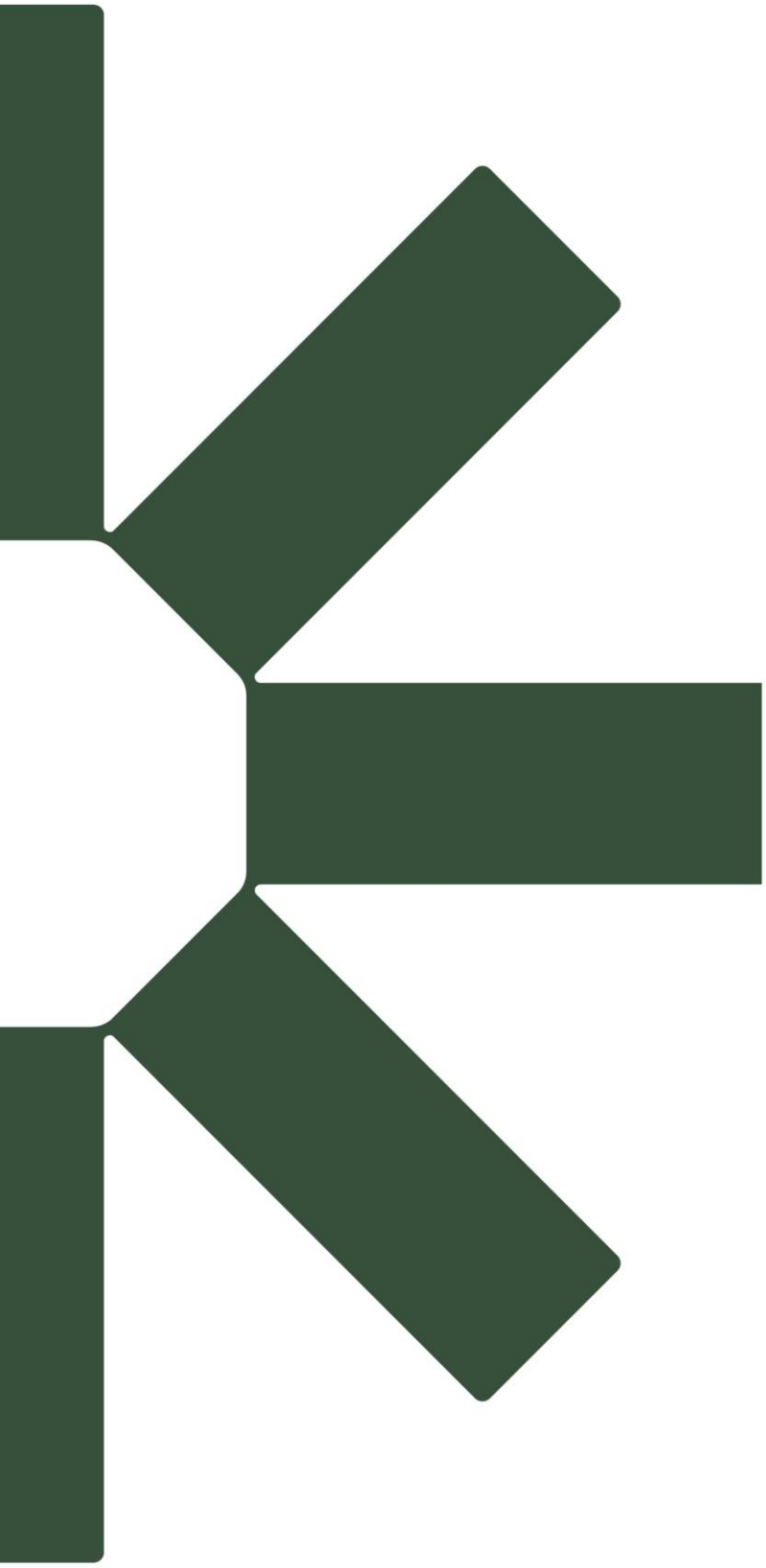
Proof of Evidence - Ecology

Shepley Road, Stocksmoor

Newett Homes Limited

SLR Project No.: 424.065717.00001

27 January 2026



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