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Willow Lane, Huddersfield / Preliminary Ecological Appraisal / Teakwood Investments Ltd

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Author	James Walker BSc (Hons), MSc			
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1.0	Lucy Elliott BSc (Hons) MSc MCIEEM	Jess Clitheroe BSc (Hons)	07/06/2024	Issue

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Willow Lane, Huddersfield

Preliminary Ecological Appraisal

Report for Teakwood Investments Ltd

Contents

Executive Summary

Temple was commissioned in May 2024 by Teakwood Investments Ltd to carry out a Preliminary Ecological Appraisal (PEA), comprising a habitat survey and ecological evaluation of land at Willow Lane, Huddersfield (henceforth referred to as 'the Site') and the woodland edge surrounding it (henceforth referred to as the 'additional survey area'). The PEA is required to inform a planning application for a proposed change of use to a container storage site. The main findings are as follows:

- The Site is not subject to any statutory or non-statutory nature conservation designations. The nearest non-statutory designated site is the Huddersfield Broad Canal Local Wildlife Site (LWS) located 700m east of the Site.
- The Site comprised areas of hardstanding at the entrance and within the former car park, with areas of sparsely vegetated urban land around the edges and single mature horse chestnut and sycamore trees. The additional survey area comprised the deciduous woodland on the edges of the Site. The Site was surrounded by roads and urban areas in the immediate vicinity.
- Habitats present within the Site and the additional survey area are considered to be of importance for biodiversity within the immediate vicinity of the Site only but may be of higher value where they have potential to support protected and/or notable species.
- **Roosting Bats –** The mature horse chestnut and sycamore tree on Site have suitability to support roosting bats, as did several trees within the woodland that runs adjacent to the survey area.
- **Foraging Bats** – The Site is of low suitability for foraging bats; the lack of vegetation is likely to result in a lower abundance and diversity of invertebrate prey.

- **Breeding birds –** The trees within the Site and the trees and shrubs in the additional survey area are suitable for breeding birds; a blackbird was seen returning to a nest during the survey.
- **Invasive plants –** *Rhododendron sp.* was present in a garden on the border of the site. Cherry laurel and Wilson's honeysuckle were present in the woodland in the additional survey area, although these are not Schedule 9 species and are unlikely to affect hardstanding areas.

Further surveys of the trees with bat roost potential will be required to determine the presence/absence of roosting bats if activities associated with construction and/or operation have the potential to harm or disturb bats (e.g. through pruning/felling, noise, vibration and/or lighting).

Where possible recommendations to enhance the Site for biodiversity with reference to the Environment Act 2021 and national and local planning policies, have been provided.

1 Introduction

BACKGROUND TO COMMISSION

1.1 Temple was commissioned by Teakwood Investments Ltd in May 2024 to carry out a Preliminary Ecological Appraisal (PEA) of land at Willow Lane, Huddersfield. The appraisal was carried out to provide ecological information to inform a planning application for change of use from former car park to a proposed container storage facility. This appraisal considers land within the planning application site boundary (henceforth referred to as 'the Site') as indicated on the plan provided by the client (SPX Architects, 2024) and the woodland around the edge (henceforth referred to as the 'additional survey area').

SCOPE OF THE REPORT

1.2 The aim of this appraisal is to provide baseline ecological information about the Site. This will be used to identify any potential ecological constraints associated with the proposed development and/or to identify the need for additional survey work to further evaluate any impact that may risk contravention of legislation or policy relating to protected species and nature conservation. Where possible, this report outlines any avoidance, mitigation, compensation and enhancement measures as may be required to ensure compliance with legislation and policy. Although enhancement measures may be used to achieve a net gain in biodiversity in line with national and local planning policies, this does not comprise a formal Biodiversity Net Gain assessment, which is provided in a separate report (Temple, 2024), including metric calculations.

1.3 This appraisal is based on the following information sources:

- a desk study of the Site and land within a 2km surrounding radius;

- a search for international wildlife sites within a 15km surrounding radius;
- a UK Habitat Classification survey (UKHab, July 2023) of the Site to identify and map the habitats present;
- a Species Assessment of the Site to identify features with potential to support legally protected and/or notable species including those defined by Section 41 of the NERC Act 2006 as Species of Principal Importance;
- a Daytime Bat Walkover (DBW) and Ground Level Roost Assessment (GLTA), undertaken concurrently, of trees on site for roosting bats and nesting birds; and
- an evaluation of the Site's importance for nature conservation.

1.4 This appraisal has been prepared with reference to best practice guidance published by the Chartered Institute for Ecology and Environmental Management (CIEEM, 2017) and as detailed in British Standard 42020:2013 *Biodiversity - Code of Practice for Biodiversity and Development* (BSI, 2013).

1.5 The survey, assessment and report were conducted and written by James Walker BSc (Hons), MSc, a Senior Ecologist with seven years' experience who is trained and competent in carrying out UK Habitat Classification surveys and protected species assessment.

1.6 Maps of the Site's location, surrounding designated sites and the habitats recorded during the survey are presented in Appendix 1 with a list of plant species recorded in Appendix 2 and target notes for features too small to map in Appendix 3. Photographs of the site are presented in Appendix 4 and habitat condition assessments are presented in Appendix 5. Relevant legislation is detailed in Appendix 6.

SITE CONTEXT AND STATUS

1.7 The Site is 0.28ha in size and is centred on Ordnance Survey National Grid reference SE 14150 17802. It was originally constructed as a car park in the 1970s. The additional survey area is 0.20ha in size. The Site is situated to the north of the centre of Huddersfield within a predominantly urban area. Roads run along the southern and western boundaries with a surrounding mix of residential and commercial buildings on all sides, limiting habitat connectivity in the wider landscape.

DEVELOPMENT PROPOSALS

1.8 The development proposals for the Site, based on current plans provided by the client, are for the former car park to be converted into a container storage facility. It is assumed that the mature tree on site will be retained and no works will take place on the woodland in the additional survey area.

RELEVANT LEGISLATION AND PLANNING POLICY

1.9 The following key pieces of nature conservation legislation are relevant to this appraisal. A more detailed description of legislation is provided in Appendix 7:

- The Conservation of Habitats and Species Regulations 2017 (as amended);
- Wildlife and Countryside Act 1981 (as amended);
- Natural Environment and Rural Communities Act 2006;
- The Environment Act 2021; and
- Wild Mammals (Protection) Act 1996.

1.10 The National Planning Policy Framework (Department for Levelling Up, Housing & Communities, 2023) requires public authorities to contribute to

and enhance the natural and local environment including by minimising impacts on and providing net gains for biodiversity when taking planning decisions. The Environment Act, 2021 has strengthened the duty to conserve biodiversity within the Natural Environment and Rural Communities Act 2006, such that all public authorities are required to conserve and enhance biodiversity.

1.11 Other planning policies at the local level of relevance to this development include Policies LP28, LP30, LP31, LP32 and LP33 of the Kirklees Local Plan (Kirklees Council, 2019). Further information is provided in Appendix 6.

NOMENCLATURE

1.12 A botanical species list, including scientific names in accordance with Stace (2019), is provided in Appendix 2. Common names of species, in accordance with the Natural History Museum Species Dictionary (Natural History Museum (2022), are used throughout this report with scientific names given at first mention only for fauna.

2 Methodology

DESK STUDY

2.1 The following data sources were reviewed to provide information on the location of statutory designated sites[1], non-statutory designated sites[2], legally protected species[3], Species and Habitats of Principal Importance[4], and other notable species[5] and habitats[6] that have been recorded within a 2-15km radius of the Site:

- West Yorkshire Ecology, the local Biological Records Centre, principally for species records and information on non-statutory sites;
- MAGIC (http://www.magic.gov.uk/), the Government's on-line mapping service; and
- Ordnance Survey mapping and publicly available aerial photography.

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1 **Statutory designations** include Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites (referred to collectively as National Site Network sites in England), National Nature Reserves (NNR), Sites of Special Scientific Interest (SSSI) and Local Nature Reserves (LNR).

2 **Non-statutory sites** are designated by local authorities (e.g. Sites of Importance for Nature Conservation or Local Wildlife Sites).

3 **Legally protected species** include those listed in Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981; Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended); or in the Protection of Badgers Act 1992.

4 **Species/Habitats of Principal Importance** are those defined by Section 41 of the Natural Environment and Rural Communities Act, 2006.

5 **Notable species** include Species of Principal Importance under the Natural Environment and Rural Communities Act 2006; Local Biodiversity Action Plan (LBAP) species; Birds of Conservation Concern (Stanbury *et al.* 2021); and/or Red Data Book/nationally notable species (JNCC, undated).

6 **Notable habitats** include Habitats of Principal Importance under the Natural Environment and Rural Communities Act, 2006; those included in an LBAP; Ancient Woodland Inventory sites; and Important Hedgerows as defined by the Hedgerow Regulations 1997.

2.2 A summary of key records provided by the desk study is presented in Table 3.4 of this report, where they contribute to the assessment of the potential for protected or otherwise notable species to be present at the Site. Records received from biological records centres and other sources are not presented in full in the report.

HABITAT SURVEY

2.3 A habitat survey of the entire Site and additional survey area, including boundary features, was carried out on the 13th of May 2024 in dry, warm and clear conditions. Habitats were described and mapped following standard UK Habitat Classification survey methodology (UKHab, July 2023). Habitats were also assessed against descriptions of Habitat of Principal Importance as set out by the JNCC (BRIG, 2008)[7] where appropriate.

2.4 Habitats are described with reference to characteristic, dominant and notable plant species, any notable variation in species composition and vegetation structure, and the distribution of habitats within the Site. Target notes (Appendix 3) are used to provide information on specific features of ecological interest (e.g. a badger sett or notable plant species) or habitat features that were too small to be mapped Incidental observations of birds and other fauna noted during the course of the habitat survey have been recorded and may be used to justify the potential presence of protected and notable species.

[7] Collection of data required to confirm that certain habitats (including rivers and ponds) meet criteria for HPI is beyond that obtained during a Phase 1 habitat survey. In these cases, the potential for such habitats to meet relevant criteria is noted but further surveys to confirm this assessment may be recommended.

2.5 The Site was also surveyed for the presence of invasive plant species as defined by Schedule 9 of the Wildlife and Countryside Act 1981 (as amended); however, detailed mapping of such species is beyond the scope of this commission and locations on the habitat plan are indicative only.

PRELIMINARY BAT ASSESSMENT

2.6 The preliminary bat assessment followed Bat Conservation Trust's (BCT) Good Practice Guidelines (Collins, *et al;* 2023). The aim of the survey methodologies outlined below is to establish the suitability of the Site for bats, through evaluating the quality of roosting, foraging and commuting habitat at the Site, and habitat connectivity in the surrounding area.

Initial assessment

2.1 Following BCT Good Practice Guidelines (Collins, *et al*; 2023) a 'Daytime Bat Walkover' (DBW) was carried out identify any habitats suitable for bats both on-Site and in the surrounding area. The assessment is based on findings of the walkover survey and review of desk study records, and on-line mapping sources to identify connectivity for bats. The information is used to establish whether activity transects and static monitoring surveys are necessary to fully understand how bats are using the Site for foraging and commuting.

The value of habitats recorded on and off-Site were assessed following Table 4.1 of the BCT Good Practice Guidelines (Collins, *et al*; 2023) to determine the suitability of the Site for bats:

- *None* – No habitat features are present on site likely to be used by any commuting or foraging bats at any time of the year. (i.e. no habitats that provide continuous lines of shade/protection for flight lines or generate/shelter insects populations available for foraging bats).

- *Negligible* - No obvious habitat features on site likely to be used as flight paths or by foraging bats however a small element of uncertainty remains in order to account for non-standard bat behaviour.
- *Low* - Habitat that could be used by small numbers of bats as flight-paths such as a gappy hedgerow or unvegetated stream but isolated i.e. not very well connected to the surrounding landscape by other habitat and/or suitable but isolated habitat that could be used by small numbers of foraging bats such as a lone tree or a patch of scrub.
- *Moderate* - Continuous habitat connected to the wider landscape that could be used by bats for flight-paths, such as lines of trees and scrub or linked back gardens. Habitat that is connected to the wider landscape that could be used by foraging bats such as trees scrub grassland or water.
- *High* - Continuous high-quality habitat that is well connected to the wider landscape that is likely to be used regularly by bats for flight-paths such as river valleys streams hedgerows lines of trees and woodland edge, or/and high quality habitat that is well connected to the wider landscape that is likely to be used regularly by foraging bats. Site is close to and connected to known roosts.

Ground Level Tree Assessment

2.1 A preliminary ground level tree assessment (GLTA) was completed on the 13th May 2024, concurrently with the DBW, which identified the requirement. Trees were inspected from all angles using binoculars and any potential roost features were noted. Trees were inspected for the presence of features suitable for roosting bats, including the following:

- woodpecker holes;
- knot holes;

- pruning cuts;
- tear outs;
- cankers;
- compression forks;
- butt rots;
- cracks;
- lifting bark; and,
- ivy.

2.2 Features are categorised as shown below and as detailed in the bat survey guidelines (Collins, 2023).

- *PRF – I* – feature only suitable for individual or very small numbers of bats, either due to lack of size or suitable surrounding habitats.
- *PRF – M* – feature suitable for multiple bats and may therefore be used by a maternity colony.

PROTECTED, NOTABLE AND INVASIVE SPECIES ASSESSMENT

2.3 The assessment of the Site's suitability for legally protected species and notable species is based on relevant desk study records , field observations from the habitat survey and best practice survey guidance. It relies on professional judgement drawing on experience of carrying out surveys of a large number of urban and rural sites. The likelihood of the habitat(s) supporting protected and/or notable species was ranked on a scale from 'negligible' to 'present' as described in Table 2.1.

Table 2.1: Protected species assessment

Category	Description

Present	Presence confirmed by the current survey and/or recent desk study records.
High	Habitat present provides all of the known key requirements for a given species/species group. Local records are provided by desk study. The Site is within or close to a national or regional stronghold for a particular species. Good quality surrounding habitat and good connectivity.
Moderate	Habitat present provide the requirements for a given species/species group. Several desk study records and/or the Site are within known national distribution and with suitable surrounding habitat. Factors limiting the likelihood of occurrence may include small habitat area, barriers to movement and disturbance.
Low	Habitat present is of relatively poor quality for a given species/species group. Few or no desk study records. Presence cannot be discounted on the basis of national distribution, nature of surrounding habitats or habitat fragmentation.
Negligible	Suitable habitat is either absent or of very poor quality for a particular species or species group. No desk study records. Surrounding habitat unlikely to support wider populations of a species/species group. Outside or peripheral to the known range of a species.

2.4 The findings of this assessment help establish the need for protected species surveys. Surveys may be required where a site is judged to be of suitability for a particular species/ species group even if that suitability is deemed to be low - this is particularly the case where there the risk of contravening the relevant conservation legislation is unknown or cannot be quantified on the basis of the information available. However, in some cases there may be opportunities to ensure compliance with the legislation without further survey through precautionary measures prior to and during construction.

SITE EVALUATION

2.5 Where sufficient baseline data are available, the Site's ecological importance has been evaluated broadly following guidance issued by CIEEM (CIEEM, 2018) which ranks the nature conservation importance of a site according to a geographic scale of reference: international, national, regional (north-west England), metropolitan, county, vice-county or other local authority-wide area (Kirklees); and of importance at the zone of influence of the Site only. In evaluating the nature conservation importance of the Site, the following factors were considered: nature conservation designations; species/habitat rarity; naturalness; fragility and connectivity to other habitats. Where no importance has been assigned this is due to insufficient information.

2.6 An assessment of likely ecological impacts has been undertaken in accordance with CIEEM guidelines (CIEEM, 2018) only where clear evidence is available to substantiate and justify the findings. In the absence of such evidence, the ecological feature is merely identified as a potential constraint to development. Reference is also made to Section 4 of the Bat Mitigation Guidelines (Reason and Wray, 2023) and Natural England's standing advice and includes a summary of the scale of impact according to bat roost type and development effect, if known.

2.7 Where ecological constraints to development are identified, further survey requirements and/or mitigation measures that are proportionate to the predicted degree of risk to biodiversity and to the nature and scale of the proposed development are described. In addition, in accordance with the Environment Act 2021, National Planning Policy Framework (NPPF) and local/regional planning policies, opportunities to enhance or create benefits for wildlife are provided where this is possible based on the information available to date. These measures may be appropriate for the attainment of net gains in biodiversity, although this assessment does not provide a formal measure of Biodiversity Net Gain.

DATA VALIDITY AND LIMITATIONS

2.8 Every effort has been made to provide a comprehensive description of the Site; however, the following limitations apply to this assessment.

- The protected species assessment provides a preliminary view of the likelihood of protected species occurring on the Site. It should not be taken as providing a full and definitive survey of any protected species group. Additional surveys may be recommended if on the basis of the preliminary assessment or during subsequent surveys it is considered reasonably likely that protected species may be present and potentially affected by the proposed development.
- The ecological evaluation is preliminary and may change subject to the findings of further ecological surveys (should these be required).
- The GLTA survey focused on trees along the edge of the hardstanding area as it was considered that these have the potential to be affected by the proposed developments. Trees along the edge of Willow Lane and St John's Road are already subject to artificial light pollution and disturbance from traffic and pedestrians on the pavement and therefore

any bats potentially present would be habituated to this type of disturbance. Additionally, as there is sufficient distance between the road and trees, it is not considered that there would be at risk of negative impacts from the proposed development.

- Even where data for a particular species group are provided in the desk study, a lack of records for a defined geographical area does not necessarily mean that there is a lack of ecological interest, the area may simply be under-recorded.
- Where only four figure grid references are provided for protected species by third parties, the precise location of species records can be difficult to determine and they could potentially be present anywhere within the given 1km x 1km square. Equally, six figure grid references are accurate to the nearest 100m only.
- The UK Habitat Classification survey does not constitute a full botanical survey or provide accurate mapping of invasive plant species.
- Ecological survey data are typically valid for 12-18 months unless otherwise specified (CIEEM, 2019). Data used to support a bat mitigation licence application to Natural England must be from the most recent survey season; depending on the timing of the application, this may mean from the same or previous year.

2.9 Despite these limitations, it is considered that this report accurately reflects the habitats present, their biodiversity importance and the potential of the Site to support protected and otherwise notable species.

3 Results and Evaluation

DESIGNATED SITES

Statutory designated nature conservation sites

3.1 The Site is not subject to any statutory nature conservation designations. Several internationally important sites are located within a 15km radius of the Site, including the South Pennine Moors Phase 1 and 2 Special Protection Areas (SPA) and the South Pennine Moors Special Area of Conservation (SAC) (see Table 3.1).

3.2 One nationally designated statutory site, Gledholt Woods Local Nature Reserve (LNR) is located within 2km of the Site (see Table 3.1).

Table 3.1: Statutory Designated Sites

Site Name	Distance from Site and orientation	Ecological Importance	Qualifying features/Description	Potential constraint
Peak District Moors (South Pennine Moors Phase 1) SPA	9.6km south-west	International	The site qualifies under article 4.1 as it is used regularly by 1% or more of the GB breeding population of the following Annex I species: merlin, golden plover and short-eared owl. As well as the qualifying species listed above, the site supports a rich upland breeding bird assemblage.	None
South Pennine Moors Phase 2 SPA	10.1km south-west	International	The site qualifies under article 4.1 as during the breeding season it regularly supports 0.3% of the UK short eared owl population and 1.3% of the merlin population.	None

South Pennine Moors SAC	10.1km south-west	International	The site contains areas of Annex 1 habitats including European dry heaths, blanket bog and oak woodland. Wet heaths and transitional mires and quaking bogs are also present, but not a primary reason for selection.	None
Denby Grange Colliery Ponds SAC	12.8km south-east	International	Waterbody with high counts of great crested newt.	None
Gledholt Woods LNR	1.4km south-west	Local	An area of mature woodland and meadow, with an unusual range of fungi for an urban site. White clawed crayfish have been recorded in the pond.	None

Non-statutory designated nature conservation sites

3.3 The Site is not subject to any non-statutory nature conservation designations. Four non-statutory sites designated as Local Wildlife Sites (LWS) are present within 2km of the Site (see Table 3.2).

Table 3.2: Non-Statutory Designated Site

Site Name	Distance from Site and orientation	Ecological Importance	Qualifying features/Description	Potential constraint
Sir John Ramsden Canal, also known as Huddersfield Broad Canal Local Wildlife Site (LWS)	700m east	Local	A canal with stretches of open standing water containing emergent and submerged aquatic plants. An area of high wildlife value with good public access.	None
Grimescar Wood LWS	1.1km south-west	Local	An area of replanted ancient woodland, with a canopy dominated by beech, sycamore, and	None

			sessile oak. Designated for its expanse of native bluebell, which covers an estimated 70 percent of the site. Other ground flora includes ramsons, dog's mercury, and yellow archangel.	
Gledholt Woods LWS	1.4km south-west	Local	Qualifies as an LWS due to its designation as an LNR (as described in Table 3.1).	None
Huddersfield Narrow Canal LWS	1.8km south	Local	A canal with stretches of open water and plant species including soft rush, bulrush, water mint, and watercress. It features good public access and high wildlife value.	None

Habitat inventories and landscape-scale conservation initiatives

Ancient woodland

3.4 One area of woodland within a 2km radius of the Site appears on the Ancient Woodland Inventory (Natural England, 2022). Grimescar Wood is an area of ancient replanted woodland located approximately 1.1km north-west of the Site.

Habitats of Principal Importance

3.5 There are 103 areas of Habitats of Principal Importance located within 2km of the Site (Natural England, 2022). The closest habitat is an area of deciduous woodland approximately 170m south of the Site.

UK HABITAT CLASSIFICATION SURVEY

Site character

3.6 The Site comprised a former car park surrounded by a deciduous woodland edge between 10-15m in width. Residential properties with gardens were present on the northern boundary, a factory was present to the east, Willow Lane lies on the southern boundary and St John's Road on the western boundary. The wider area is predominantly urban to the north of the centre of Huddersfield.

3.7 A description of dominant and notable species and the composition of each habitat is provided below, with a species list (including all scientific names) provided in Appendix 2. Target notes, which are used to provide information on specific features of ecological interest, are included in Appendix 3 and photographs are presented in Appendix 4. The habitat condition forms are presented in full in Appendix 5.

Table 3.3: UK Habitat Classification Areas

UK Habitat Classification	Condition	Extent (ha)	%
Site			
u1b Developed land; sealed surface	N/A	0.14	50
u1f Sparsely vegetated urban land (203 mature tree)	N/A	0.137	48.93
w1f7 Lowland mixed deciduous woodland	Moderate	0.003	1.07
Additional Survey Area			
w1f7 Lowland mixed deciduous woodland	Moderate	0.20	100.00

Habitat Description

u1b Developed land; sealed surface

3.8 The entrance into the Site was comprised entirely of hardstanding with no vegetation, used as a shared pedestrian and vehicle access to the houses on the northern boundary as well as the Site itself when in use.

3.9 Part of the former car park area within the centre remains hardstanding, with small areas of moss and vegetation but not at a high enough proportion to be classified as sparsely vegetated urban land. Tarmac was the main surface with a narrow concrete strip extending from the entrance to the western boundary. A concrete block was in place to prevent vehicles gaining access to the Site. Scattered debris was present across the hardstanding. This habitat is shown in Appendix 4, photographs 1 to 3.

u1f Sparsely vegetated urban land (203 mature tree)

3.10 The outer edges of the Site comprised an area of sparsely vegetated urban land, on the former hardstanding car park. A greater proportion of vegetation had begun to grow through the hardstanding, with species from the woodland flora surrounding the car park, meaning it classified as sparsely vegetated urban land, although condition was variable. The species comprised a mixture of dominant rosebay willowherb, abundant coltsfoot and cock's foot, occasional herb Robert, meadow buttercup, willow *sp.*, goosegrass and hawkweed *sp.*, and rare dandelion and ash (sapling). Some areas had less structure than others. This habitat is shown in Appendix 4, photographs 1 to 3.

3.11 A mature horse chestnut tree was present on the northern corner of the Site. At the base was a small, raised bed with species comprising dominant ivy, occasional herb Robert, goosegrass, pignut, wood avens, bramble and rare dandelion.

w1f7 Lowland mixed deciduous woodland

3.12 A small area of woodland is present in the red line boundary close to the car park entrance comprised of a dominant mature sycamore tree, with woodland flora in line with the connected additional survey area.

3.13 The additional survey area comprised an area of lowland mixed deciduous woodland extending around all sides of the sparsely vegetated urban land, apart from at the entrance and a small area in the north-western corner. The woodland on the southern boundary can be seen in Appendix 4, photograph 4. Species recorded included beech, horse chestnut, sycamore, cherry *sp*., sessile oak, rowan and ash. Fly tipping was evident, with various debris, including horticultural material, having been dumped over the wall on Willow Lane. This can be seen in Appendix 4, photograph 5. The ground and shrub layer comprised of dominant ivy, abundant bramble, goosegrass, herb Robert and common nettle, occasional shining cranesbill, holly, Norway maple, hawthorn, ash, meadow buttercup, broad leaved dock and horse chestnut and rare cherry laurel, hybrid bluebell, common male fern, elder, Wilson's honeysuckle, and elm.

PROTECTED, NOTABLE AND INVASIVE SPECIES ASSESSMENT

3.14 The potential for the Site to support protected and/or notable species has been assessed using criteria provided in Table 2.1 and is based on the results of the desk study and observations made during the survey of habitats at the Site. Those legally protected species not referred to in Table 3.4 and 3.5 below have been scoped out as it is considered that the Site does not contain habitats suitable to support them.

3.15 Key pieces of statute are summarised in Section 1 and set out in greater detail in Appendix 6.

Table 3.4. Protected, notable and invasive species assessment

Ecological feature	Status[89]	Likelihood of occurrence	Ecological importance	Potential constraint
Bats: Roosting	HR WCA S5	**Moderate**: The desk study returned one European Protected Species Licence for the last ten years, for destruction of a common pipistrelle *Pipistrellus pipistrellus* roost from 2014, located 1.5km south-east of the Site. Five records of pipistrelle species roosts were returned in the data search, the nearest of which was approximately 610m north-east of the site.	Unknown – two trees on-site and multiple trees adjacent to the site have features with the potential to support roosting bats. Further surveys would be required to determine the presence/ likely absence of bat roosts.	Yes
Foraging/commuting		Several trees were identified with potential roosting features. The Site is currently not subject to artificial lighting apart from spill from public roads which would increase suitability.	Importance on foraging and commuting bats likely to be restricted to site level only.	

[8] The following abbreviations have been used to signify the legislation afforded different species: HR = Conservation of Habitats and Species Regulations 2017 (as amended); WCA S1 = Schedule 1 of the Wildlife and Countryside Act 1981 (as amended); WCA S5 = Schedule 5 of the Wildlife and Countryside Act 1981 (as amended); WCA S9 = Schedule 9 of the Wildlife and Countryside Act 1981 (as amended); PBA = Protection of Badgers Act 1992.

[9] The following abbreviations have been used to signify the policy of conservation assessments applying to notable species: SPI = Species of Principal Importance under the NERC Act 2006; LBAP = Local Biodiversity Action Plan species; BoCC = Birds of Conservation Concern - amber list / red list (Stanbury *et al*., 2021); and/or RD/NN = red data book/nationally notable species (JNCC, undated).

		Low: The data search returned 69 records for bats within the search area within the last ten years, 36 of which were to species level. These were common pipistrelle, Leisler's bat *Nyctalus leisleri*, soprano pipistrelle *Pipistrellus pygmaeus*, noctule *Nyctalus noctula*, and brown long-eared bat *Plecotus auritus*. The latter three were the closest records being 600m from the Site. Open area of hardstanding suitable for foraging but limited vegetation will reduce diversity of invertebrates.		
Birds: Breeding	WCA Sections 1-8	**High**: There were 15 records for birds from the last ten years from within 2km. These include grey wagtail, moorhen, and peregrine falcon. The closest record is for mallard, 700m away from the Site. The mature trees on Site and in the additional survey area, some with ivy, and shrubs are suitable for breeding birds, likely to be common and widespread species able to nest in urban environments. A blackbird was seen carrying nesting material into dense ivy on a tree in the	Site importance.	Yes - precautionary

Wintering		additional survey area on the southern side. **Negligible**: The Site is not suitable for wildfowl or waders. Wintering bird assemblage is likely to be comprised of common and widespread resident species.	N/A	No
Invasive plants	WCA S9	**Moderate**: The data search returned 17 records for invasive plant species from the last ten years. These were for wall cotoneaster, giant hogweed, rhododendron, and Japanese knotweed. The closest record was for Japanese knotweed, recorded 1km away. There were records for invasive aquatic species but these were dismissed as not being relevant due to the lack of water on the Site. Cherry laurel and abuca sp.. and Wilson's honeysuckle were present in the additional survey area. Rhododendron sp. was recorded in one of the gardens on the other side of the northern border of the Site, although there was no evidence that it was present on Site or in the additional survey area. These species are unlikely to	N/A	No

		colonise or affect the hardstanding on the Site itself.		
Badger	PBA	**Low**: The nearest record returned in the data search was for a sett 1.5km away from the Site, which also falls outside the area of 'Increased Probability of Badger Activity', as defined by the West Yorkshire Ecology Service. Due to the lack of records and the urban nature of the Site and fragmentation due to busy roads, the Site is considered to be of limited suitability for badger.	N/A	No
Hedgehog	S41 NERC	**Low**: The data search/desk study returned no records for hedgehog. The woodland edge habitat is suitable for hedgehog and is linked to other suitable habitat such as gardens, although road traffic is a potential hazard.	Site level importance (if present).	Yes - precautionary

Table 3.5 Preliminary Bat Roost Assessment

Tree	Description	Potential Roost Features (PRFs)	Factors influencing suitability for bats	Tree suitability	Evaluation
Site					
T001	Mature horse chestnut tree in hardstanding area with small, raised bed at base.	Dense Ivy – 0.5m upwards. Branch cavity – 4m, north facing. Knot hole – 4m, north facing. Branch cavity – 4m, west facing. Branch cavity – 4m, north-west facing. Knot holes x2 – 5m, south-west facing.	Urban location.	PRF-M	The tree contains a number of features suitable for multiple bats to roost. The features are shown in Appendix 4, Photograph 6.

T002	Mature sycamore tree at car park entrance – GR SE 14189 17835	Trunk cavity – 4m, north facing. Knot hole – 5m, north-west facing.	Urban location close to entrance with factory opposite.	PRF-M	Tree has features suitable for multiple bats but is already subject to disturbance from footpath and vehicles on the road going past, so it is unlikely the proposed development would make a significant difference, subject to lighting plans. The features are shown in Appendix 4, Photograph 7.
Additional Survey Area					
T003	Semi-mature sycamore, GR SE 14186 17814.	Knot hole – 5m, east facing.	Location on edge of former car park.	PRF-M	Tree has a feature suitable for multiple bats. Will not be suitable for climbing inspection. The feature is shown in Appendix 4, Photograph 8.
T004	Semi-mature sycamore, GR SE 14168 17799	Knot hole – 5m, west facing.	Location on edge of former car park.	PRF-I	Tree has a feature suitable for individual or very low number of bats. Will not be suitable for climbing inspection. The feature is shown in Appendix 4, Photograph 9.
T005	Sycamore, GR SE 14147 17778	Knot hole – 5m, west facing.	Location on edge of former car park.	PRF-M	Tree has a feature suitable for multiple bats. The feature is shown in Appendix 4, Photograph 10.
T006	Mature sycamore, GR SE 14132 17787	Knot holes x 2 – 5m, east facing.	Location on edge of former car park.	PRF-M	Tree has features suitable for multiple bats. The feature is shown in Appendix 4, Photograph 11.
T007	Mature sycamore, GR SE 14123 17799	Dense ivy, 1m upwards.	Location on edge of former car park.	PRF-I	Tree has a feature suitable for individual or very low number of bats. The feature is shown in Appendix 4, Photograph 12.

T008	Mature sycamore, GR SE 14120 17807	Dense ivy, 1m upwards. Lifted bark – 5m, north-east facing. Knot hole – 6m, south-west facing.	Location on edge of former car park.	PRF-M	Tree has features suitable for multiple bats. The features are shown in Appendix 4, Photograph 13.
NW corner	Group of trees, GR SE 14130 17824	Dense ivy cover.	Location on edge of former car park.	PRF-I	Ivy cover suitable for individual or very low numbers of bats. The trees are shown in Appendix 4, Photograph 14.
S boundary	Group of trees from approximately GR SE 14189 17819 to GR SE 14152 17783	Dense ivy cover.	Location on edge of former car park.	PRF-I	Ivy cover suitable for individual or very low numbers of bats. The trees are shown in Appendix 4, Photograph 4.

NATURE CONSERVATION EVALUATION

3.16 The Site is not subject to any nature conservation designations. The additional survey area is comprised of lowland mixed deciduous woodland, which is a Habitat of Principal Importance. It is situated within an urban area surrounded by roads and residential and commercial property which isolate it from other areas of habitat. It is also distant from sites or habitats of nature conservation importance.

3.17 The habitats on the Site and additional survey area were suitable for a small number of noteworthy species, including Species of Principal Importance and Kirklees BAP species, as reported in the desk study or recorded during the survey, as follows:

- Common pipistrelle and other species of bat;
- dunnock and other widespread but declining species of birds that are also species of conservation concern[10]; and
- hedgehog.

3.18 The habitats present on the Site and within the additional survey area, as well as populations of the above species are likely to be of importance within the immediate vicinity of the Site only. It is unlikely that the Site would support rare species, or diverse assemblages or large populations of any noteworthy species.

3.19 It is not possible to confirm the importance of bat populations that may be present at the Site without further surveys which may be required depending

[10] Birds of Conservation Concern - amber list / red list (Stanbury *et al.,* 2021);

on post development plans. Recommendations for further survey are provided in Section 4.

4 Recommendations

4.1 This section summarises the potential impacts on habitats and notable species that may be present at the Site. It also sets out the recommendations for further survey and mitigation where required.

FURTHER SURVEY AND MITIGATION

4.2 For each constraint identified as being of importance at greater than the site level, all mitigation options provided follow the established Mitigation Hierarchy as set out in Section 5.2 of BS42020:2013. This seeks as a preference to avoid impacts then to mitigate unavoidable impacts, and, as a last resort, to compensate for unavoidable residual impacts that remain after avoidance and mitigation measures. The measures set out below will address no net loss of biodiversity, although no formal calculation of losses and gains has been carried out. Features deemed important at the site level only are considered here only where further survey and/or mitigation is necessary to ensure legal compliance.

4.3 In the absence of mitigation, the following key ecological issues have been identified:

- Disturbance/destruction of bat roosts through construction or operational activities (e.g., artificial lighting, noise/vibration, pruning).
- Loss of connectivity through site design for species such as hedgehog.
- Disturbance of breeding birds through change of use of site.

STATUTORY AND NON-STATUTORY SITES

4.4 No impacts are anticipated on the South Pennine Moors Phases 1 and 2 SPA, South Pennine Moors SAC, Denby Colliery Ponds SAC, and Gledholt Woods LNR from the proposed development. The container storage facility will not

impact the species and habitats specified in the qualifying features, as shown in table 3.1, increase pressures on these sites or cause residual effects such as pollution.

HABITATS

Lowland mixed deciduous woodland

4.5 Based on the final layout plans available at the time of reporting, it is assumed that the storage containers will not infringe upon the lowland mixed deciduous woodland in the additional survey area, and that all trees within this area will be retained. The layout design should be adapted where necessary to minimise excessive shading onto the woodland which may have negative impacts on the ground flora.

4.6 It is understood that the area will not be resurfaced as part of the development. If this is not the case, then measures should be implemented during any resurfacing works on the hardstanding and placement of storage containers to avoid impacts on trees and ground flora. These measures should adhere to British Standard 5837:2012 (BSI, 2012) and good practice guidance relating to pollution and the storage of fuels and chemicals.

4.7 The current boundaries between the former car park and the on and off-site woodland should remain, as well as the area around the base of the mature horse chestnut tree on-site. If any works to the hardstanding are required, including resurfacing, then liaison with the landowner of the woodland should be undertaken and a qualified arboricultural consultant used to produce an Arboricultural Method Statement to outline suitable measures to protect trees from any negative impacts, which also applies to the on-site trees.

BATS

4.8 Two trees on the Site and six individual trees in the additional survey area on the edge of the Site were identified with features suitable to support roosting

bats, with two groups of trees in the additional survey area also being covered in ivy.

4.9 Trees 1 and 2, within the hardstanding area and car park entrance on Site respectively, have features which could support multiple bats and would be potentially most at risk of disturbance as a result of the proposed development. Trees adjacent to the site, in the additional survey area, also have bat roost potential and could be subject to development related disturbance.

4.10 Bats and their roosts are protected from harm and disturbance under UK and European legislation. Further surveys of trees with bat roost potential will therefore be required, if construction and/or operational activities, (including associated tree works, lighting strategies, noise and vibration) cannot be demonstrated to avoid potential to disturb/harm roosting bats. Additionally, the Natural Environment and Rural Communities Act (2006) places a duty on Local Authorities to have regard to the conservation of bat species in the determination of planning applications. Measures should therefore be proposed to reduce the potential for increased lighting levels to adversely affect bat commuting/foraging.

4.11 Potential measures to avoid disturbance/harm to bats may include:

- Development of a suitable Construction (and operational) Environment Management Plan including measures to avoid/minimise noise and vibration.
- Suitable protection of trees with bat roost potential to prevent harm/destruction/disturbance of roosts during construction.
- Artificial lighting to be avoided during the active flight season for bats (April-October inclusive).

- Where lighting cannot be avoided it should be minimised through: reduced light intensity (e.g. below 1 lux), sensitive height and direction of lighting to minimise light spillage; the use of low-height lighting columns; using angle/shield/hood/cowl to directs below the horizontal plane and restrict the lit area); avoiding direct illumination of trees/potential roost locations; and lighting sensors to reduce the duration of lighting effects. The lighting strategy should be devised with reference to best practice guidance (e.g., Jones, 2000; Fure, 2006; Institution of Lighting Professionals, 2023) and in consultation with a suitably qualified and experienced ecologist.

4.12 Should further bat surveys be conducted and confirm the likely absence of roosting bats, associated constraints/mitigation relating to this species group may be reduced.

BREEDING BIRDS

4.13 The storage container layout should be designed to keep a one metre buffer from the back of the containers and the woodland edge, to maintain functionality for breeding birds. As with bats, artificial lighting should seek to avoid lighting trees and shrubs.

SPECIES OF PRINCIPAL IMPORTANCE

Hedgehog

4.14 The final design layout should ensure that connectivity is maintained across the Site for hedgehogs, particularly in the north-western corner where the hardstanding separates the different areas of woodland edge.

INVASIVE PLANTS

4.15 A rhododendron *sp*. was recorded in a garden on the northern boundary of the additional survey area. If this does spread onto site, some species are

listed on Schedule 9 of the Wildlife and Countryside Act 1981 and precautions will be needed to avoid spread and safely dispose of any waste. The plant material, including contaminated soil would need to be taken off-site by a licensed waste carrier to a licensed disposal site.

4.16 Cherry laurel and Wilson's honeysuckle were also present in the woodland in the additional survey area. Although these are not listed on Schedule 9 of the Wildlife and Countryside Act 1981, they can have impacts on ground flora in woodland but are unlikely to affect the hardstanding on the majority of the Site.

FURTHER SURVEY REQUIREMENTS

4.17 Table 4.1 lists further survey requirements as recommended in the constraints section.

Table 4.1: Further survey requirements

Ecological Feature	Survey Requirement	Number of surveys and seasonal considerations
Bats	If the development cannot demonstrate suitable measures to avoid the potential to harm/disturb bats then further surveys will be required to confirm the presence/likely absence of bat roosts within trees on and adjacent to the site.	Trees 1 and 2 – Subject to a PRF inspection survey comprising a climbing inspection by a suitably qualified ecologist with a safety second. Following detailed inspection, the tree should then be assigned, based on the highest value feature present, into one of the following categories: • Negligible - no further action required. • PRF-I - no further assessment, sensitive felling technique to be used if required. • PRF-M - 3 climbing and/or emergence surveys – the PRF inspection survey counts as 1 survey if undertaken in the active season for bats (April to October). If the trees are deemed as unsafe to climb or where inspection of a feature by endoscope is not possible, dusk emergence surveys using night vision aids should be undertaken to be determine use by bats and characterise roosts where required.

SUMMARY OF RESIDUAL EFFECTS

4.18 Provided that the above is adhered to, with the exception of the additional information required to assess impacts on roosting bats, all identified impacts to ecological receptors will have been addressed, with no residual impacts.

OPPORTUNITIES FOR ECOLOGICAL ENHANCEMENT

4.19 Planning policy at the national and local level and strategic biodiversity partnerships encourage inclusion of ecological enhancements in development projects. Ecological enhancements can also contribute to green

infrastructure and ecosystem services such as storm water attenuation and reducing the urban heat island effect. Measures set out below can be used to achieve a net gain in biodiversity. Please note, however, that no formal calculations have been provided in this instance.

4.20 The following measures would be suitable for integration into the Site's design.

- A soft planting scheme comprising native shade tolerant species, such as the 'Native British Wildflower Seeds For Woodland Shade' mix (Meadowmania, 2024) or similar, between the edges of the woodland and the containers.

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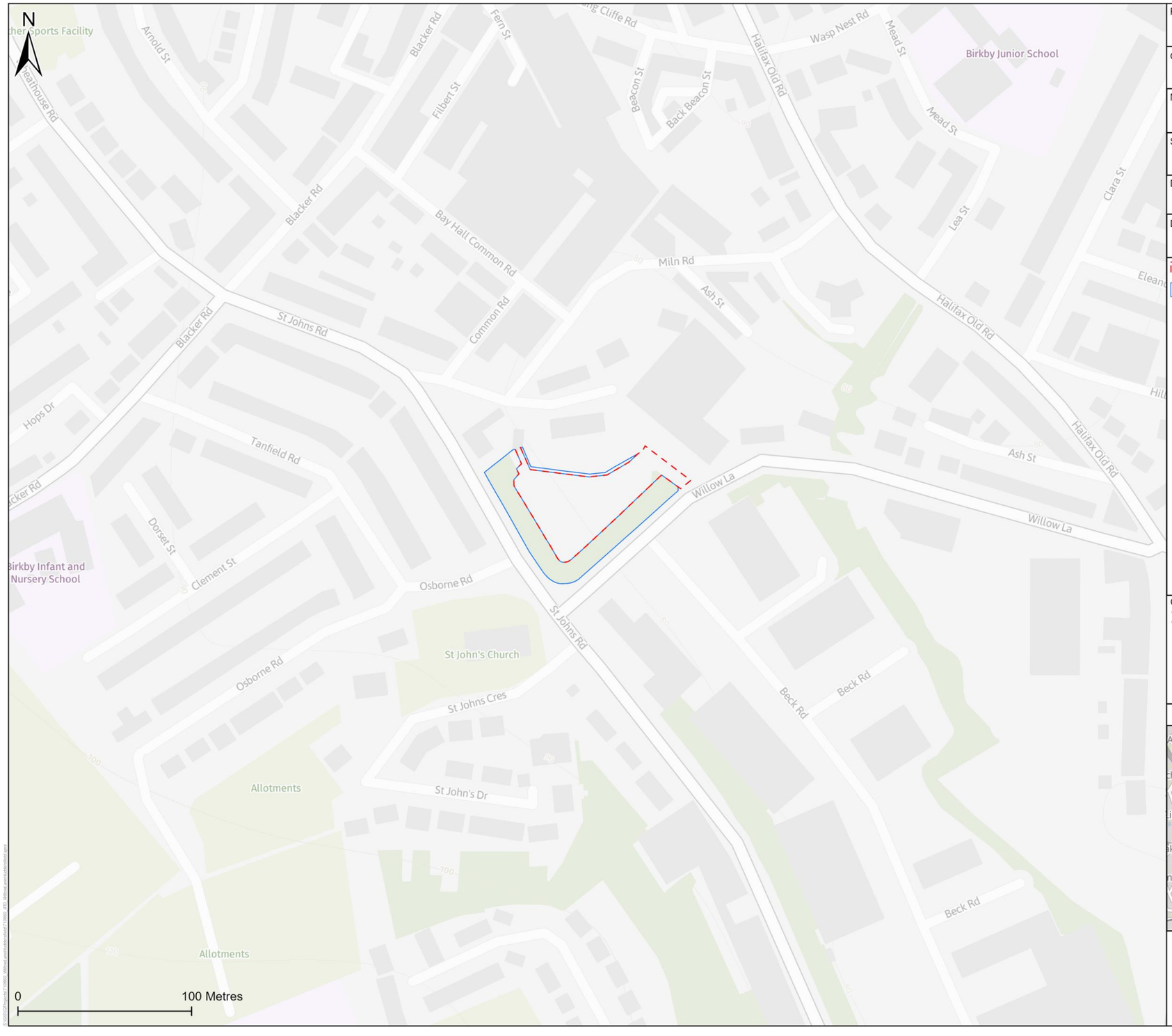
Appendix 1: Maps

Figure 1: Site Context Map

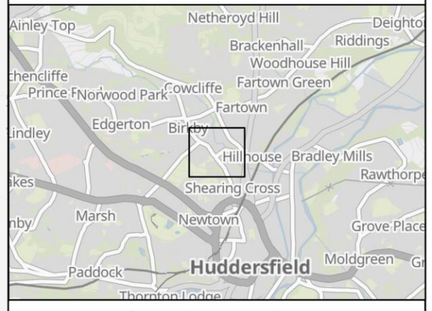


Project Title	T10860: Willow Lane, Huddersfield
Client	ID Planning Ltd
Map Title	Site Context
Scale	1:2,000
Version	1.4
Drawn	JET
Reviewed	JW
Date of Survey	N/A
Surveyor	N/A

Site boundary

Additional Survey Area

Date: 07/06/2024



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Tel. 020 7394 3700

Figure 2: Designated Sites Map

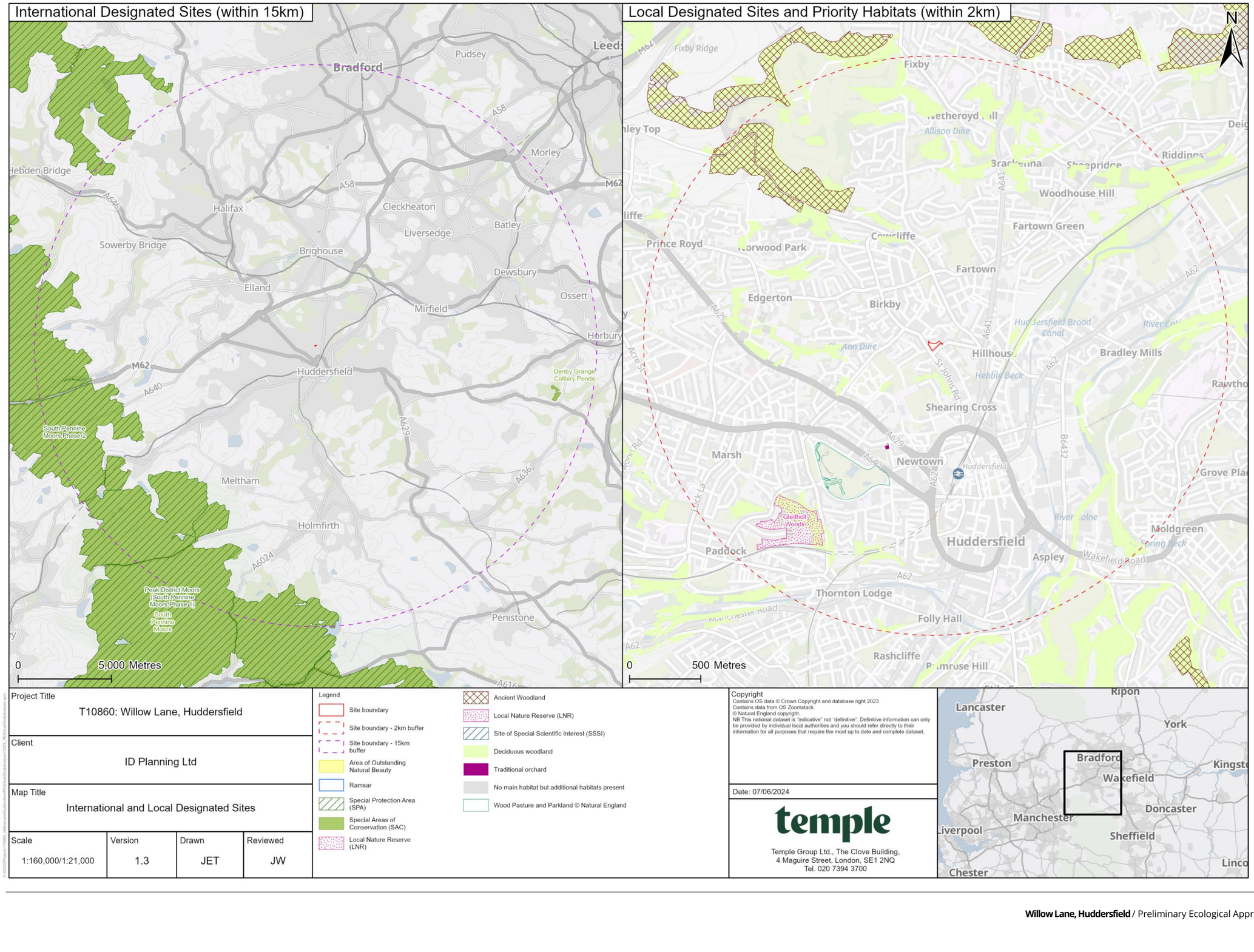
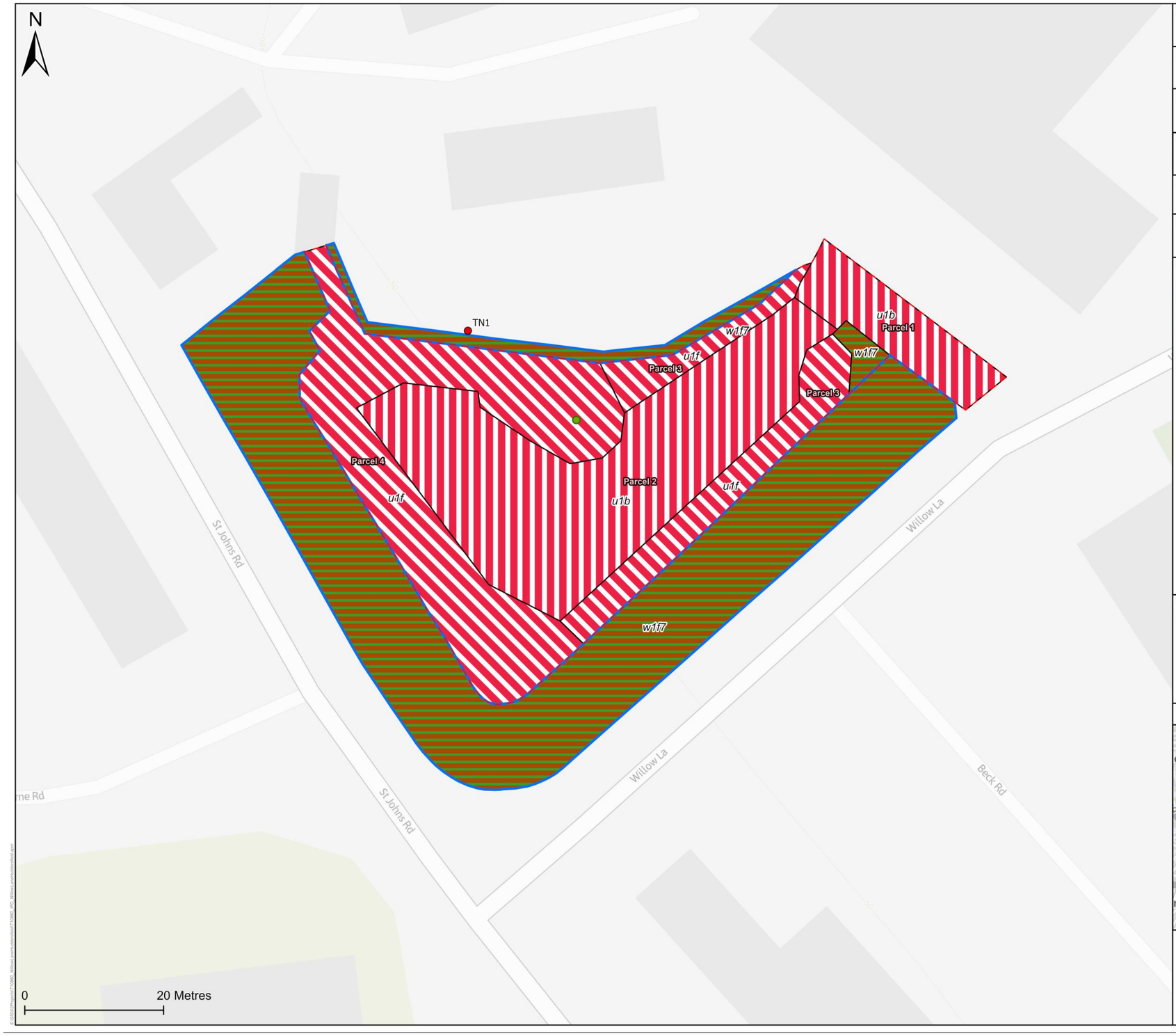


Figure 3: Habitat Survey Map



Project Title
T10860: Willow Lane, Huddersfield

Client
ID Planning Ltd

Map Title
Preliminary Ecological Appraisal

Scale	Version
1:500	1.6
Drawn	**Reviewed**
JET	JW
Date of Survey	**Surveyor**
13/05/2024	JW

- Site boundary
- Additional Survey Area
- u1b - Developed land, sealed surface
- u1f - Sparsely vegetated urban land
- w1f7 - Other Lowland mixed deciduous woodland
- Scattered tree
- Target note

Date: 02/07/2024

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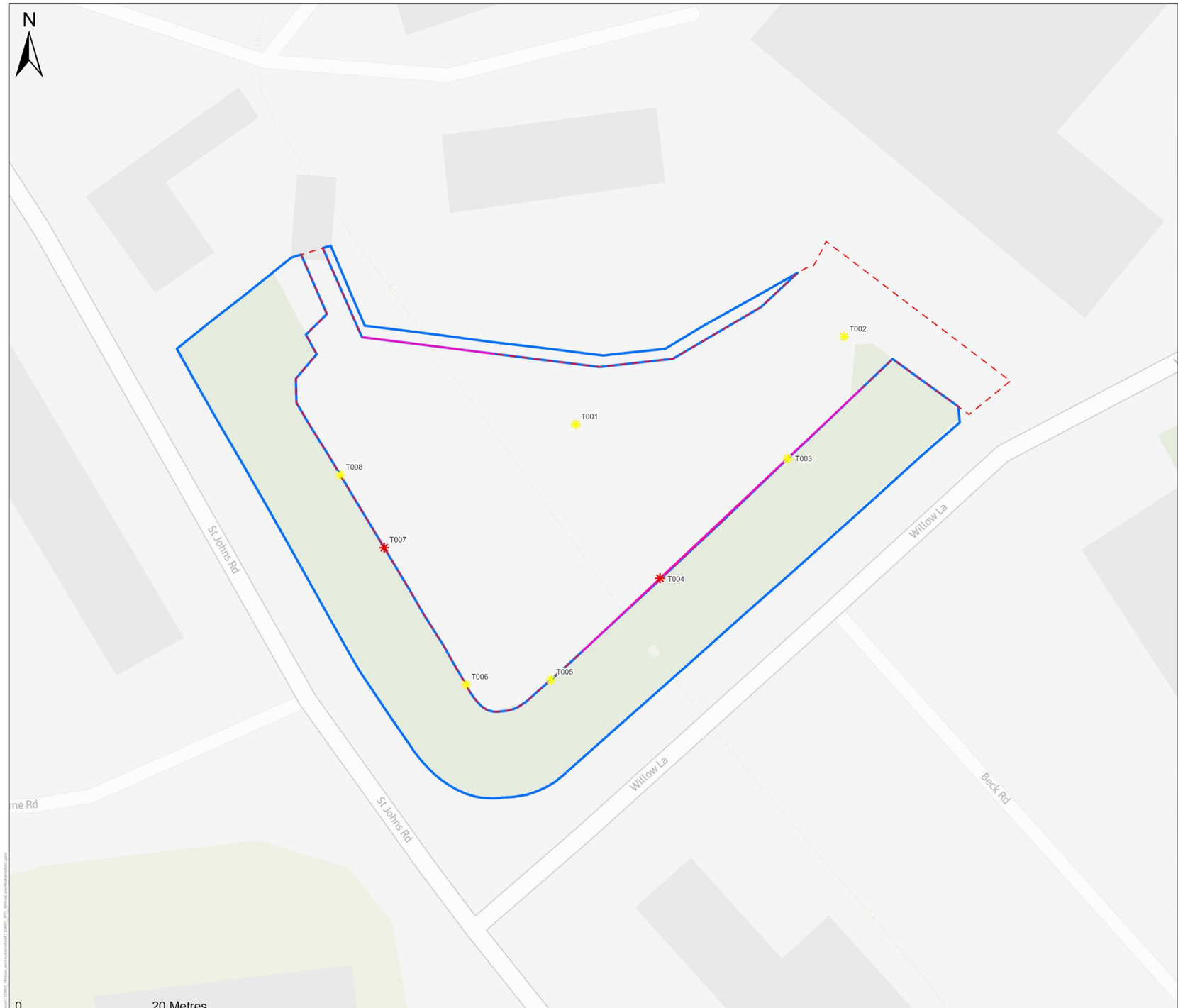
4 Maguire Street, London, SE1 2NQ
Tel. 020 7394 3700

Figure 4: Preliminary Roost Assessment Results Map



Project Title
T10860: Willow Lane, Huddersfield

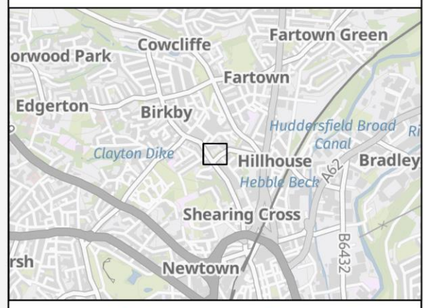
Client
ID Planning Ltd

Map Title
Preliminary Roost Appraisal

Scale	Version
1:500	1.3
Drawn	Reviewed
JET	JW
Date of Survey	Surveyor
13/05/2024	JW

Site boundary
Additional Survey Area
Dense ivy cover - PRF-I
PRF-I
PRF-M

Date: 07/06/2024



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Appendix 2: Species List

Botanical Species List for Willow Lane, Huddersfield compiled from the UK Habitat Classification survey carried out on the 13th May 2024.

Scientific nomenclature and common names for vascular plants follow Stace (2019) and Blockeel and Long (1998) for bryophyte species. Please note that this plant species list was generated as part of a UKHabs survey, does not constitute a full botanical survey and should be read in conjunction with the associated results section of this PEA.

Abundance was estimated using the DAFOR scale and additional notes taken as follows:

D = dominant, A = abundant, F = frequent, O = occasional, R = rare, L = locally

c=clumped, e=edge only, g=garden origin, p=planted, y = young, s=seedling or sucker, t=tree, h=hedgerow, w=water

Scientific Name	Common Name	Abundance
u1f Sparsely vegetated urban land (203 mature tree)		
Chamaenerion angustifolium	Rosebay willowherb	Dominant
Tussilago farfara	Coltsfoot	Abundant
Dactylis glomerata	Cock's foot	Abundant
Geranium robertianum	Herb Robert	Occasional
Ranunculus acris	Meadow buttercup	Occasional
Salix sp.	Willow sp.	Occasional
Galium aparine	Goosegrass	Occasional
Hieracium sp.	Hawkweed sp.	Occasional
Taraxacum sp.	Dandelion	Rare
Fraxinus excelsior	Ash (sapling)	Rare
Aesculus hippocastanum	Horse chestnut	Rare
Hedera helix	Ivy	Rare
Rubus fruticosus agg.	Bramble	Rare
Conopodium majus	Pignut	Rare
Geum urbanum	Wood Avens	Rare

Acer pseudoplatanus	Sycamore	Rare
w1f7 Lowland mixed deciduous woodland		
Acer pseudoplatanus	Sycamore	Dominant
Aesculus hippocastanum	Horse Chestnut	Abundant
Prunus sp.	Cherry	Occasional
Acer platanoides	Norway maple	Occasional
Fraxinus excelsior	Ash	Rare
Sorbus aucuparia	Rowan	Rare
Quercus petraea	Sessile Oak	Rare
Fagus sylvatica	Beech	Rare
Hedera helix	Ivy	Abundant
Rubus fruticosus agg.	Bramble	Abundant
Fraxinus excelsior	Goosegrass	Abundant
Geranium robertianum	Herb Robert	Abundant
Urtica dioica	Common nettle	Abundant
Crataegus monogyna	Hawthorn	Occasional
Ilex aquifolium	Holly	Occasional
Ranunculus acris	Meadow buttercup	Occasional
Geranium lucidum	Shining cranesbill	Occasional
Rumex obtusifolius	Broad-leaved dock	Occasional
Hyacinthoides × massartiana	Hybrid bluebell	Occasional
Sambucus nigra	Elder	Rare
Dryopteris filix-mas	Common male fern	Rare
Lonicera nitida	Wilson's honeysuckle	Rare
Ulmus procera	Elm	Rare

Appendix 3: Target Notes

Target Notes List for Willow Lane, Huddersfield from the UK Habitat Classification survey and protected and notable species assessment carried out on the 13th May 2024.

Target note (TN)	Description
1	Rhododendron sp. located in garden on boundary at SE 14150 17823.

Appendix 4: Photographs

Photograph 1

A view towards the vehicle entrance in the north-east of the Site. The habitat is predominantly hardstanding, with sparsely vegetated land on the edges.

Photograph 2

South-west corner of the Site showing the woodland edge (additional survey area) and hardstanding with vegetation growing through on the edges, where the sparsely vegetated urban land begins.

Photograph 3

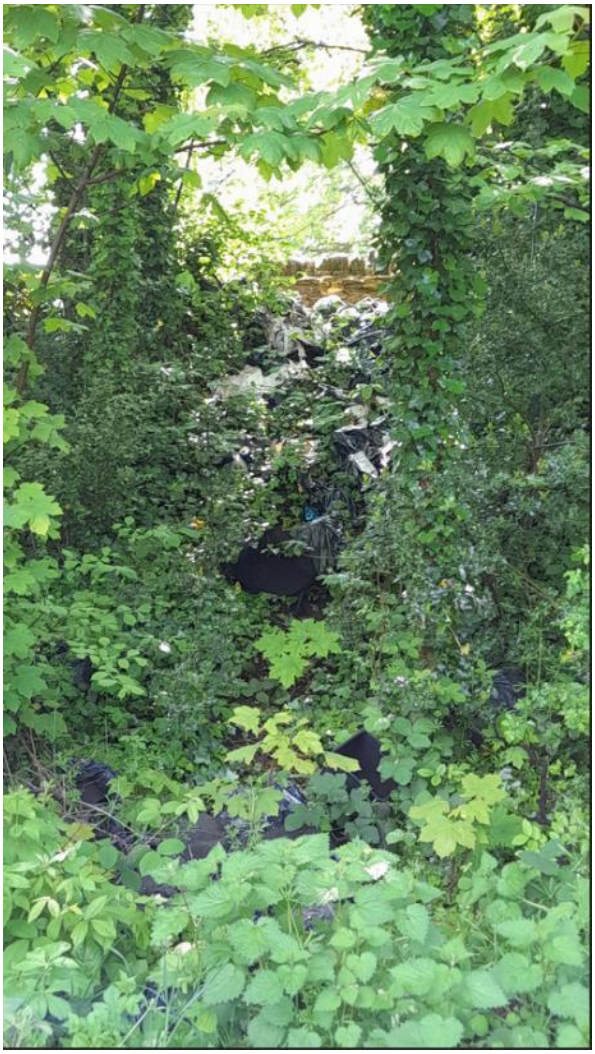
The north-eastern corner of the Site, where the hardstanding ends, with sparsely vegetated land around the edges.

Photograph 4

The woodland on the southern edge of the Site in the additional survey area, which also shows the trees covered in ivy.

Photograph 5

Evidence of fly tipping in woodland.



Photograph 6

Tree 1, potential roost features 1 – 6.






Photograph 7

Tree 2, potential roost features 1 – 2.

Photograph 8

Tree 3, potential roost feature 1.

Photograph 9

Tree 4, potential roost feature 1.

Photograph 10

Tree 5, potential roost feature 1.

Photograph 11

Tree 6, potential roost feature 1.

Photograph 12

Tree 7, potential roost feature 1.

Photograph 13

Tree 8, potential roost features 1 – 3 (clockwise).

Photograph 14

Trees in the additional survey area in the north-west of the Site covered in ivy.

Photograph 15

Wilson's honeysuckle recorded in the additional survey area.

Appendix 5: Habitat Condition Assessments

Habitat Condition Assessment Proforma 1: Vacant or derelict land (u1f sparsely vegetated urban land)

CONDITION ASSESSMENT PROFORMA FOR USE WITH STATUTORY BIODIVERSITY METRIC - AREA BASED HABITATS			
Date	13/05/2024	Survey reference (if condition assessment of this polygon relates to a wider habitat survey)	N/A
Weather conditions	Dry, warm and bright		
Surveyor name(s)	James Walker	Unique polygon reference(s)	3
Project / development name	Willow Lane	Metric habitat type	Vacant or derelict land
Site name or location	Huddersfield	Condition assessment required? (y/n)	Yes
Onsite or offsite?	On site	Condition sheet used	Urban
Reason for assessment (if not baseline condition survey)	N/A		
Limitations (if applicable)	None		

Habitat description
Formerly hardstanding used as a car park. Tarmac was the main surface with a narrow concrete strip extending from the entrance to the western boundary. No barrier was present on the entrance; however, a concrete block was in place to prevent vehicles gaining access to the site. Scattered debris was also present across the hardstanding. Due to lack of use, vegetation had begun to grow through the hardstanding, with species from the woodland flora surrounding the car park. The species were comprised of the same as parcel 4, although there was distinctly less structure within this area.

Criteria Passed - Yes (Y) or No (N).														
Criterion	A	B	C	D	E	F	G	H	I	J	K	L	M	**TOTAL**

Result	N	N	Y	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1
Photo ref	2													
Target note ref														
Are any criteria non-negotiable? (Y/N) If Yes are they passed?	Yes - passed						Condition (Good/Moderate/Poor):			Poor				
Suggested enhancement interventions to improve condition score	None – habitat would need to evolve over time.													

Habitat Condition Assessment Proforma 2: Vacant or derelict land (u1f sparsely vegetated urban land)

CONDITION ASSESSMENT PROFORMA FOR USE WITH STATUTORY BIODIVERSITY METRIC - AREA BASED HABITATS			
Date	13/05/2024	Survey reference (if condition assessment of this polygon relates to a wider habitat survey)	N/A
Weather conditions	Dry, warm and bright		
Surveyor name(s)	James Walker	Unique polygon reference(s)	4
Project / development name	Willow Lane	Metric habitat type	Vacant or derelict land
Site name or location	Huddersfield	Condition assessment required? (y/n)	Yes
Onsite or offsite?	On site	Condition sheet used	Urban
Reason for assessment (if not baseline condition survey)	N/A		
Limitations (if applicable)	None		

Habitat description
Formerly hardstanding used as a car park. Tarmac was the main surface with a narrow concrete strip extending from the entrance to the western boundary. No barrier was present on the entrance; however, a concrete block was in place to prevent vehicles gaining access to the site. Scattered debris was also present across the hardstanding. Due to lack of use, vegetation had begun to grow through the hardstanding, with species from the woodland flora surrounding the car park. The species comprised a mixture of dominant rosebay willowherb, abundant coltsfoot and cock's foot, occasional herb Robert, meadow buttercup, willow sp., goosegrass and hawkweed sp., and rare dandelion and ash (sapling).

Criteria Passed - Yes (Y) or No (N).														
Criterion	A	B	C	D	E	F	G	H	I	J	K	L	M	**TOTAL**

Result	Y	N	Y	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2
Photo ref	2													
Target note ref														
Are any criteria non-negotiable? (Y/N) If Yes are they passed?			Yes - passed				Condition (Good/Moderate/Poor):			Moderate				
Suggested enhancement interventions to improve condition score			None – habitat would need to evolve over time.											

Habitat Condition Assessment Proforma 3: Lowland mixed deciduous woodland

CONDITION ASSESSMENT PROFORMA FOR USE WITH STATUTORY BIODIVERSITY METRIC - AREA BASED HABITATS			
Date	13/05/2024	Survey reference (if condition assessment of this polygon relates to a wider habitat survey)	N/A
Weather conditions	Dry, warm and bright		
Surveyor name(s)	James Walker	Unique polygon reference(s)	w1f7
Project / development name	Willow Lane	Metric habitat type	Lowland mixed deciduous woodland
Site name or location	Huddersfield	Condition assessment required? (y/n)	Yes
Onsite or offsite?	Off site – tiny patch on-site mainly comprised of a mature Sycamore.	Condition sheet used	Woodland habitat type
Reason for assessment (if not baseline condition survey)	N/A		
Limitations (if applicable)	None		
Habitat description			
The lowland mixed deciduous woodland extended all around the Site, apart from the vehicle entrance. Fly tipping was evident, with various debris, including horticultural material, having been dumped over the wall on Willow Lane. There was a distinct ground flora and shrub layer and a diverse range of species, including mature trees.			

Allocate scores of '1' '2' or '3' against each criteria assessed.														
Criterion	A	B	C	D	E	F	G	H	I	J	K	L	M	**TOTAL**
Result	3	3	2	3	3	3	2	3	2	3	1	1	2	31
Photo ref													5	
Target note ref			1											
Are any criteria non-negotiable? (Y/N) If Yes are they passed?			N/A				Condition (Good/Moderate/Poor):			Moderate				
Suggested enhancement interventions to improve condition score			Remove fly tipping waste, invasive species and increase amount of deadwood.											

Appendix 6: Legislation and Planning Policy

Important Notice: This section contains details of legislation applicable in England and Wales only (i.e. not including Scotland, the Isle of Man, Northern Ireland, the Republic of Ireland or the Channel Islands) and is provided for general guidance only. While every effort has been made to represent the current (at the time of writing) situation with respect to the UK's position outside of the EU and to ensure accuracy throughout, this section should not be relied upon as a definitive statement of the law.

Over the past few years, three important bills have been published which are intended to shape how growing pressures on the environment post-Brexit (post-transition period) are tackled. Both the Agriculture Bill and Fisheries Bill gained Royal Assent in November 2020 and are now the Agriculture Act 2020 and Fisheries Act 2020 respectively; and, more recently, the Environment Bill was passed into law in November 2021, becoming the Environment Act 2021. *N.B. as environment policy is a devolved matter, most of this Act applies to England only.*

A LEGISLATION AFFORDED TO SPECIES

The objective of the EC Habitats Directive[11] is to conserve the various species of plant and animal which are considered rare across Europe. The Directive is transposed into UK law by **The Conservation of Habitats and Species Regulations 2017 (as amended)** and **The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended)**.

Various amendments to the 2017 Regulations in England and Wales have been made through the Conservation of Habitats and Species (Amendment) (EU Exit)

[11] Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora

Regulations 2019. These changes came into effect on the 1 January 2021 following the UK's departure from the EU and the end of the Transition Period. The changes are largely limited to 'operability changes' that will ensure the Regulations can continue to have the same working effect as before.

The Wildlife and Countryside Act 1981 (as amended) is a key piece of national legislation which implements the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and implements the species protection obligations of Council Directive 2009/147/EC (formerly 79/409/EEC) on the Conservation of Wild Birds (EC Birds Directive) in Great Britain.

Since the passing of the Wildlife & Countryside Act 1981, various amendments have been made, details of which can be found on www.opsi.gov.uk. Key amendments have been made through the Countryside and Rights of Way (CRoW) Act (2000).

As well as delivering long-term targets to reduce waste and improve resource efficiency and improve air and water quality targets, the **Environment Act 2021** aims to halt the decline of nature by 2030, mandates Biodiversity Net Gain for developments in England and amends the Wildlife and Countryside Act 1981 (as amended) to introduce an additional purpose for granting a protected species licence in relation to development which is 'for reasons of overriding public interest'. The Act also introduces the Office for Environmental Protection (OEP), which will be a new public body intended to hold government and public authorities to account, although the government will be able to issue guidance to the OEP on how it enforces policies and legislation.

Some of the key biodiversity elements in the Act that will have a bearing on species protection in the UK include:

- A strengthened biodiversity duty on Local Planning Authorities;
- Biodiversity net gain to ensure developments, including Nationally Significant Infrastructure Projects (NSIP), deliver at least 10% increase in biodiversity;
- Local Nature Recovery Strategies to support a Nature Recovery Network;
- Duty upon Local Authorities to consult on street tree felling;
- Strengthen woodland protection enforcement measures;
- Conservation Covenants;
- Protected Site Strategies and Species Conservation Strategies to support the design and delivery of strategic approaches to deliver better outcomes for nature;
- Introduces the power for the Habitats Regulations to be amended or 'refocused' to 'to deliver creative public policy thinking that delivers results'.

The Environment Act (the Act) gained Royal Assent on the 9 November 2021 and is now enshrined within UK law. The Act provides a mechanism for implementing Government's ambitions for 'improving the natural environment', which were previously set out in publications including the 25 Year Environment Plan (25YEP). The Act provides recognition of the 25YEP as the first "environmental improvement plan" which, through the enactment of relevant regulations serves as the basis for the steps Government intends to take to improve the natural environment. The 25YEP has now been replaced by the Environmental Improvement Plan (also referred to as the EIP23) in January 2023. The Act implements the ambitions for an improved natural environment, by setting out statutory or legal requirements which mandate action, under the oversight of the newly formed Office for Environmental Protection (OEP). The focus of the Act is the "…provision [of] targets, plans and policies for improving the natural

environment…" and its requirements are structured around a number of broad themes.

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

- Salmon and Freshwater Fisheries Act 1975;
- Deer Act 1991;
- Protection of Badgers Act 1992;
- Wild Mammals (Protection) Act 1996;
- Countryside and Rights of Way (CRoW) Act 2000;
- Natural Environment & Rural Communities (NERC) Act 2006;
- The Eels (England and Wales) Regulations 2009; and

Species and species groups that are protected or otherwise regulated under the aforementioned legislation, and that are most likely to be affected by development activities, include herpetofauna (amphibians and reptiles), badger, bats, birds, dormouse, invasive species, otter, plants, red squirrel, water vole and white clawed crayfish.

Explanatory notes relating to species protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which includes smooth snake, sand lizard, great crested newt, natterjack toad, all bat species, otter, dormouse and some plant, invertebrate and fish species, are given below. **These should be read in conjunction with the relevant species sections that follow.**

- In the Habitats Directive, the term 'deliberate' is interpreted as being somewhat wider than intentional and may be thought of as including an element of recklessness.

- The Conservation of Habitats and Species Regulations 2017 (as amended) does not define the act of 'migration' and therefore, as a precaution, it is recommended that short distance movement of animals for e.g. foraging, breeding or dispersal purposes are also considered where relevant.
- In order to obtain a mitigation licence for species protected under the Conservation of Habitats and Species Regulations 2017 (as amended), the application must demonstrate that it meets all of the following three 'tests': i) the action(s) are necessary for the purpose of preserving public health or safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequence of primary importance for the environment; ii) that there is no satisfactory alternative and iii) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

BATS

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on Schedule 2. Regulation 43 prohibits:

- Deliberate killing, injuring or capturing of Schedule 2 species (e.g. all bats);
- Deliberate disturbance of bat species as:

  a) to impair their ability:
  - to survive, breed, or reproduce, or to rear or nurture young; or
  - to hibernate or migrate.

  b) to affect significantly the local distribution or abundance of the species.
- Damage or destruction of a breeding site or resting place; and

- Keeping, transporting, selling, exchanging or offering for sale whether live or dead or of any part thereof.

Bats are also protected under the Wildlife and Countryside Act 1981 (as amended) in respect to sub-sections 9 (4) (b) and (c) and 9 (5) through their inclusion on Schedule 5. Under this Act, they are additionally protected from:

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

How is the legislation pertaining to bats liable to affect development works?

The appropriate licence issued by the relevant countryside agency (e.g. Natural England, Natural Resources Wales) will be required for works liable to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to derogate from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficacy to be monitored.

Though there is no case law to date, the legislation may also be interpreted such that, in certain circumstances, important foraging areas and/or commuting routes can be regarded as being afforded protection, for example, where it can be proven

that the continued usage of such areas is crucial to maintaining the integrity and long-term viability of a bat roost[12].

BIRDS

All wild birds, their nests and eggs are protected under Sections 1-8 of the Wildlife and Countryside Act 1981 (as amended). A wild bird is defined as any bird of a species that is resident in or is a visitor to the European Territory of any member state in a wild state. Among other things, the legislation makes it an offence to:

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

Certain species of bird, for example the barn owl *Tyto alba*, black redstart *Phoenicurus ochruros*, hobby *Falco subbuteo*, bittern *Botaurus stellaris* and kingfisher *Alcedo atthis* receive additional special protection under Schedule 1 of the Act. This affords them protection against:

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

[12] Garland and Markham (2008) Is important bat foraging and commuting habitat legally protected? Mammal News, No. **150**. The Mammal Society, Southampton.

How is the legislation pertaining to birds liable to affect development works?

To avoid contravention of the Wildlife and Countryside Act 1981 (as amended), works should be planned to avoid the possibility of killing or injuring any wild bird, or damaging or destroying their nests. The most effective way to reduce the likelihood of nest destruction is to undertake work outside the main bird nesting season which typically runs from March to August[13]. Where this is not feasible, it will be necessary to have any areas of suitable habitat thoroughly checked for nests prior to vegetation clearance.

Those species of bird listed on Schedule 1 are also protected against disturbance during the nesting season. Thus, it will be necessary to ensure that no potentially disturbing works are undertaken in the vicinity of the nest. The most effective way to avoid disturbance is to postpone works until the young have fledged. If this is not feasible, it may be possible to maintain an appropriate buffer zone or standoff around the nest. It should be noted that there is no threshold under which disturbance is not an offence, that is to say that disturbance need not be 'significant' for an offence to be committed.

While it is possible to obtain a licence to permit some activities that would otherwise constitute an offence, these can only be issued for specific purposes set out in the Act. This includes damage to crops, to preserve public health or safety and to preserve air safety, but does not include development, some land management and recreational activities and damage to property.

[13] It should be noted that this is the main breeding period. Breeding activity may occur outside this period (depending on the particular species, geographical location of the site and vagaries of the season in any particular year) and thus due care and attention should be given when undertaking potentially disturbing works at any time of year.

WILD MAMMALS (PROTECTION) ACT 1996

All wild mammals are protected against intentional acts of cruelty under the above legislation. This makes it an offence to:

- Mutilate, kick, beat, nail or otherwise impale, stab, burn, stone, crush, drown, drag or asphyxiate any wild mammal with intent to inflict unnecessary suffering.

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

INVASIVE PLANT SPECIES

Under Section 14 (2) of the Wildlife and Countryside Act 1981 (as amended), it is an offence to plant or otherwise cause to grow in the wild any species of plant listed on Part II of Schedule 9. Schedule 9 plant species include Japanese knotweed *Reynoutria japonica* giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera*. In the main, Schedule 9 species are those that are already established in the wild, but which continue to pose a threat to the conservation of native biodiversity and habitats, such that further releases should be regulated.

How is the legislation pertaining to invasive plants liable to affect development works?

Although it is not an offence to have these plants on your land per se, it is an offence to cause these species to grow in the wild. Therefore, if they are present on site and development activities (for example movement of spoil, disposal of cut

waste or vehicular movements) have the potential to cause the further spread of these species to new areas, it will be necessary to ensure appropriate measures are in place to prevent this happening prior to the commencement of works.

As a rule, planting on managed land (private gardens, estates and amenity planting, for example), where it is expected that the spread of the plant will be kept under control, and where the plant will not have an adverse impact, is not regarded as planting in the wild and thus would not constitute an offence. However, where the plant is inadequately managed or contained and is likely to have an adverse effect, it may. Whether or not planting is an offence should therefore be judged on a case by case basis, taking into account the potential impacts on habitats and native flora and fauna, and the existence or extent of management practices to be employed[14].

B EUROPEAN AND NATIONAL LEGISLATION AFFORDED TO SITES AND HABITATS

As for certain species described above, habitats and sites are also protected directly through the Wildlife & Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 (as amended) and The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) through the notification, classification or designation of various protected sites as detailed below.

In addition, The Environment Act 2021 and the Water Framework Directive indirectly afford protection to non-designated habitats through the duties placed on public and private bodies to promote nature conservation and biodiversity, for

[14] Defra (2010) Guidance on Section 14 of the Wildlife and Countryside Act, 1981. [ARCHIVED CONTENT] (nationalarchives.gov.uk)

example, the creation of Local Nature Recovery Strategies (LNRS) and associated Species Conservation and Protected Site strategies, and to reduce or avoid harmful activities. Many of these duties and targets form the basis for national and local planning policy and wider conservation strategies and are not covered in detail here.

STATUTORY SITE DESIGNATIONS: NATIONAL

Nationally important areas of special scientific interest, by reason of their flora, fauna, or geological or physiographical features, are notified by the countryside agencies as statutory **Sites of Special Scientific Interest** (SSSI) under the National Parks and Access to the Countryside Act 1949 and latterly the Wildlife & Countryside Act 1981 (as amended). As well as underpinning other national designations (such as **National Nature Reserves** which are declared by the countryside agencies under the same legislation), the system also provides statutory protection for terrestrial and coastal sites which are important within a European context (formerly referred to as part of the Natura 2000 network and recently amended to the National Site Network in line with the UK's departure from the EU) and globally (such as Wetlands of International Importance) - see subsequent sections for details of these designations. Improved provisions for the protection and management of SSSI have been introduced by the Countryside and Rights of Way Act 2000.

The Wildlife & Countryside Act 1981 (as amended) also provides for the making of **Limestone Pavement Orders**, which prohibit the disturbance and removal of limestone from such designated areas, and the designation of **Marine Nature Reserves**, for which byelaws must be made to protect them.

STATUTORY SITE DESIGNATIONS: INTERNATIONAL

Special Protection Areas (SPAs), together with **Special Areas of Conservation** (SACs) form the basis of the **National Site Network** (until recently, these were part of the Natura 2000 network whilst the UK was part of the EU). SPAs are identified and classified by the

Government under the EC Birds Directive (Council Directive 2009/147/EC (formerly 79/409/EEC)) on the Conservation of Wild Birds) via the mechanisms set out in the Habitats Regulations (as applicable at the time of classification).

SPAs are areas of the most important habitat for rare (listed on Annex I of the Directive) and migratory birds within the European Union. Protection afforded SPAs in terrestrial areas and territorial marine waters out to 12 nautical miles (nm) is given by The Conservation of Habitats & Species Regulations 2017 (as amended). The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) provide a mechanism for the classification and protection of European Marine Sites or EMS (SPAs and SACs) in UK offshore waters (from 12-200 nm).

SACs are identified and designated under the EC Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora) via the mechanisms set out in the Habitats Regulations (as applicable at the time of designation). These are areas which have been identified as best representing the range and variety of habitats and (non-bird) species listed on Annexes I and II to the Directive within the European Union. SACs in terrestrial areas and territorial marine waters out to 12 nautical miles are protected under The Conservation of Habitats & Species Regulations 2017 (as amended). The 'Conservation of Offshore Marine Habitats and Species Regulations 2017 (as amended) provide a mechanism for the designation and protection of European marine sites or EMS (SACs and SPAs) in UK offshore waters (from 12-200 nm).

Ramsar sites are listed under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. The Convention covers all aspects of wetland conservation and wise use, in particular recognizing wetlands as ecosystems that are globally important for biodiversity conservation. Wetlands can include areas of marsh, fen, peatland or water and may be natural or artificial, permanent or temporary. Wetlands may also incorporate riparian and coastal zones adjacent to the wetlands. Ramsar sites are underpinned through prior notification as Sites of Special Scientific Interest (SSSI) and as such receive statutory protection under the Wildlife & Countryside Act 1981 (as

amended) with further protection provided by the Countryside and Rights of Way (CRoW) Act 2000. Policy statements have been issued by the Government highlighting the special status of Ramsar sites. This effectively extends the level of protection to that afforded to sites in England and Wales which have been designated under the EC Birds and Habitats Directives as part of the Natura 2000 network and now the National Site Network (e.g. SACs and SPAs).

STATUTORY DESIGNATIONS: LOCAL

Under the National Parks and Access to the Countryside Act 1949 **Local Nature Reserves** (LNRs) may be declared by local authorities after consultation with the relevant countryside agency. LNRs are declared for sites holding special wildlife or geological interest at a local level and are managed for nature conservation and provide opportunities for research and education and enjoyment of nature.

NON-STATUTORY DESIGNATIONS

Areas considered to be of local conservation interest may be designated by local authorities as a **Wildlife Site**, under a variety of names such as **Local Wildlife Sites** (LWS), **County Wildlife Sites** (CWS), **Listed Wildlife Sites** (LWS), **Local Nature Conservation Sites** (LNCS), **Sites of Biological Importance** (SBIs), **Sites of Importance for Nature Conservation** (SINCs), or **Sites of Nature Conservation Importance** (SNCIs). The criteria for designation may vary between counties.

Together with the statutory designations, these are defined in Local Plan documents under the Town and Country Planning system and are a material consideration when planning applications are being determined. The level of protection afforded to these sites through local planning policies may vary between counties.

C PLANNING POLICY

NATIONAL PLANNING POLICY FRAMEWORK

The National Planning Policy Framework (2023) emphasises the need for sustainable development. The Framework specifies the need for protection of designated sites and priority habitats and priority species (see Section D below). An emphasis is also made for the need for ecological networks via preservation, restoration and re-creation. The protection and recovery of priority species is also listed as a requirement of planning policy. In determining planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from adverse harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate biodiversity in and around developments are encouraged; planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats including aged or veteran trees and also ancient woodland.

THE NATURAL ENVIRONMENT AND RURAL COMMUNITIES ACT 2006 AND THE BIODIVERSITY DUTY

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

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

LOCAL PLANS

The Kirklees Local Plan (adopted 27th February 2019) covers the area where the Site is located. Relevant policies include LP1 Achieving Sustainable Development, LP28 Drainage, LP30 Biodiversity and Geodiversity, LP31 Strategic Green Infrastructure Network, LP32 Landscape and LP33 Trees.

D BIODIVERSITY ACTION PLANS (BAPs)

Since the publication of the UK BAP in 1994, new strategies and frameworks have resulted in the development of biodiversity issues and changes in the terminology used to describe these habitats and species in England. This has been brought about through the replacement of the previous England Biodiversity Strategy with *Biodiversity 2020: A Strategy For England's Wildlife and Ecosystem Services* (2011) and the replacement of the UK BAP itself with the *UK Post-2010 Biodiversity Framework* (2012). All previous UK BAP species and habitats are still of material consideration in the planning process but are now referred to as Habitats and Species of Principal Importance (as described under the NERC Act 2006 above).

The distribution of BAP/priority habitats has been used to identify Biodiversity Opportunity Areas at a regional scale through Biodiversity Strategies/Partnerships. They represent a strategic landscape scale approach to habitat creation, restoration or expansion. They represent regional priority areas of opportunity to restore and create key habitats. They are therefore a spatial representation of targets for Habitats of Principal Importance and are areas of opportunity, not constraint.

- London: 3rd floor, The Clove Building, 4 Maguire Street, London, SE1 2NQ. T: +44 (0)20 7394 3700
- Haywards Heath: Unit 6 Basepoint; John De Mierre House, 20 Bridge Road, Haywards Heath, RH16 1UA. T: +44 (0)20 7394 3700
- Lewes: 3 Upper Stalls, Iford, Lewes, East Sussex, BN7 3EJ. T: +44 (0) 1273 813739
- Lichfield: 1-2 Trent Park, Eastern Avenue, Lichfield, Staffordshire, WS13 6RN. T: +44 (0)1543 229049
- Manchester: Express Building, 3 George Leigh Street, Manchester, M4 5AD. T: +44 (0)161 509 4900
- Norwich: 60 Thorpe Road, Norwich, Norfolk, NR1 1RY. T: +44 (0)1603 628408
- Wakefield: St James Suite, Nostell Business Park, Doncaster Road, Wakefield, WF4 1AB. T: +44 (0)1924 921900
- Cardiff: Brunel House, 2 Fitzalan Place, Cardiff CF24 0EB