

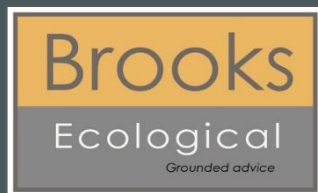


## Preliminary Ecological Appraisal Report

Report Ref.ER-7172-01A

30/09/2024

Strata Homes Ltd/Thirteen Group Ltd



|                         |                                                                                                                                                                                                                    |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Report reference</b> | <b>ER-7172-01A - Preliminary Ecological Appraisal Report</b>                                                                                                                                                       |
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| <b>Date</b>             | 30/09/2024                                                                                                                                                                                                         |
| <b>Report duration</b>  | In accordance with CIEEM (2019), unless otherwise stated the findings of this report remain valid for a period of 18 months. After this period advice should be sought on the scope of any updating work required. |

| <b>Amendment</b> | <b>Date</b> | <b>Author</b> | <b>QA</b> | <b>Summary of changes</b>                              |
|------------------|-------------|---------------|-----------|--------------------------------------------------------|
| ER-7172-02A      | 27/09/2024  | DL            | RB        | Updates to match new red-line and blue-line boundaries |



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## **Summary**

This report is produced to inform Strata Homes Ltd/Thirteen Group Ltd of potential ecological constraints associated with their proposed development site and the need for further reporting or output to support a planning application.

This report is based on a desk study of designated wildlife sites and records of protected or notable species, and an extended Phase 1 Habitat Survey carried out in May 2024, as well as dedicated vegetation surveys in June 2024.

## **Key Findings**

The Site comprises a mix of currently unmanaged grassland habitats, as well as smaller areas of scrub and woodland, with individual trees scattered across the Site. The habitats are typically of moderate ecological value and should be retained where possible.

## **Biodiversity Net Gain**

Details on measurement of the Site's biodiversity and the implications of complying with the requirement to provide a net gain for biodiversity are provided in our separate report ER-7172-02.

## **Further surveys**

Further surveys have been recommended for:

- Roosting bats
- Bat activity
- Badgers
- Breeding birds

## Introduction

1. Brooks Ecological Ltd was commissioned by Strata Homes Ltd/Thirteen Group Ltd to carry out a Preliminary Ecological Appraisal (PEA) of land at Main Avenue, Kirklees, grid ref. SE 11004 15121. The survey includes land within the red line boundary shown in Figure 1, opposite, with a total area of 2.14ha.
2. This report is produced with reference to British Standard BS:42020 'Biodiversity Code of Practice for Planning and Development' and the CIEEM (2017) Guidelines for Preliminary Ecological Appraisal.

### Purpose of a PEA

3. A PEA is an *initial assessment* of the baseline for a proposed development site and establishes whether the Site is likely to be constrained by ecology, and whether more information is needed to identify the ecological baseline.
4. The subsequent Preliminary Ecological Appraisal Report (PEAR) is intended to give guidance to a developer and assist with the early stages of project planning and design. Where a site is not complex or constrained, and no additional ecological input is necessary, the PEAR *may* be sufficient and suitable to support a planning application.
5. Biodiversity Accounting metrics are used separately to quantify the value of a Site in Biodiversity Units, which helps in the later stage of assessing the ecological impacts of the proposed development. This process is set out separately in the Biodiversity Gain Report which accompanies this PEAR.

### Proposals/Reason for PEA

6. The PEA has been commissioned to inform proposals to develop this Site for housing.

## The Site

7. The application-Site 'the Site' comprises a small plot of former pasture/farmland just off the southern edge of Cowlersley, a suburb of Huddersfield. For the purposes of metric calculations, the Site area has been measured using GIS against the provided red line boundary as 1.77ha.
8. Also included in this report is an area of similar land, adjacent to the south of the red-line land. This land has been included to explore options for BNG. Offsetting. The blue-line area has been measured using GIS as 0.366 ha.

**Figure 1** The Site (red line boundary).





## Desk Study

9. The assessment uses a 2km area of search around the Site for records of protected and notable species and locally or nationally designated wildlife sites.

### Landscape

10. The Site is located to the south of the suburb of Cowlersley, approximately 3.8km west of the centre of Huddersfield.
11. The Site is bordered to the north by residential areas of Cowlersley, with a mix of grassland, woodland and farmland to the south. Much of this area is included within the West Yorkshire Habitat Network and this is discussed further, later in the report.
12. The wider landscape includes further urban/suburban areas to the north and east, with farmland extending to the south and west.
13. The Site overlies freely draining slightly acid but loamy soils.

### Wildlife Corridors

14. The Site is directly linked to areas of woodland, scrub and grassland to the south, and these habitats extend east and west away from the Site, providing a corridor for species to move through the wider area.
15. In turn, this corridor is loosely linked to the Huddersfield Narrow Canal Local Wildlife Site, located approximately 450m north of the Site.

**Figure 2** Analysis of wildlife corridors visible on mapping in relation to the Site.



## Designations

16. The assessment uses a 2km area of search around the Site for records of protected and notable species and locally or nationally designated wildlife sites.

### Statutory Designations

17. A search has been made to identify any nationally designated sites within a 2km radius of the Site, or internationally designated sites within a 10km radius. The results are shown in the below table.

**Table 1** Statutory Designated Sites.

| Site Name                                         | Distance from Site | Designation                        | Summary Interest                                                                                                                                                                                                 |
|---------------------------------------------------|--------------------|------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Peak District Moors (South Pennine Moors Phase 1) | c.5.4km SW         | Special Protection Area (SPA)      | Designated for being used regularly by 1% or more of the Great Britain population of merlin, golden plover and short-eared owl, as well as a rich upland bird assemblage.                                        |
| South Pennine Moors                               | c.6.3km W          | Special Area of Conservation (SAC) | Designated for European dry heaths, blanket bogs, old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles.                                                                               |
| South Pennine Moors Phase 2                       | c.6.3km W          | SPA                                | Qualifies by supporting nationally important breeding populations of merlin and golden plover. The site also supports a diverse assemblage of breeding migratory birds of moorland and moorland fringe habitats. |

18. Direct impacts on all statutory sites as a result of this development are unlikely due to the Site's separation and distance.
19. The Site is evidently not suited to qualifying bird species (see faunal section).

### SSSI Impact Risk Zones (IRZs)

20. The Site lies within the IRZ for the South Pennine Moors and Dark Peak Sites of Special Scientific Interest (SSSIs) but does not fall into any of the highlighted categories which require the LPA to consult with Natural England in relation to potential impacts.

### Non-Statutory Designations

21. There are four Local Wildlife Sites (LWSs) in the search area, as well as two Local Geological Sites (LGSs).
22. Of these, the Huddersfield Narrow Canal LWS is closest to the Site, located approximately 455m north of the Site and separated by built-up residential areas.
23. Direct and indirect impacts on all non-statutory designated sites as a result of this development are unlikely due to the Site's separation and distance.

### Nature Improvement Area

24. The Site is not within any Nature Improvement Area.

### Wildlife Habitat Network

25. The Site is not within any mapped Wildlife Habitat Network.
26. Part of the Kirklees Wildlife Habitat Network is located close to the southern and eastern boundary of the Site.

### Granted EPSM Licences

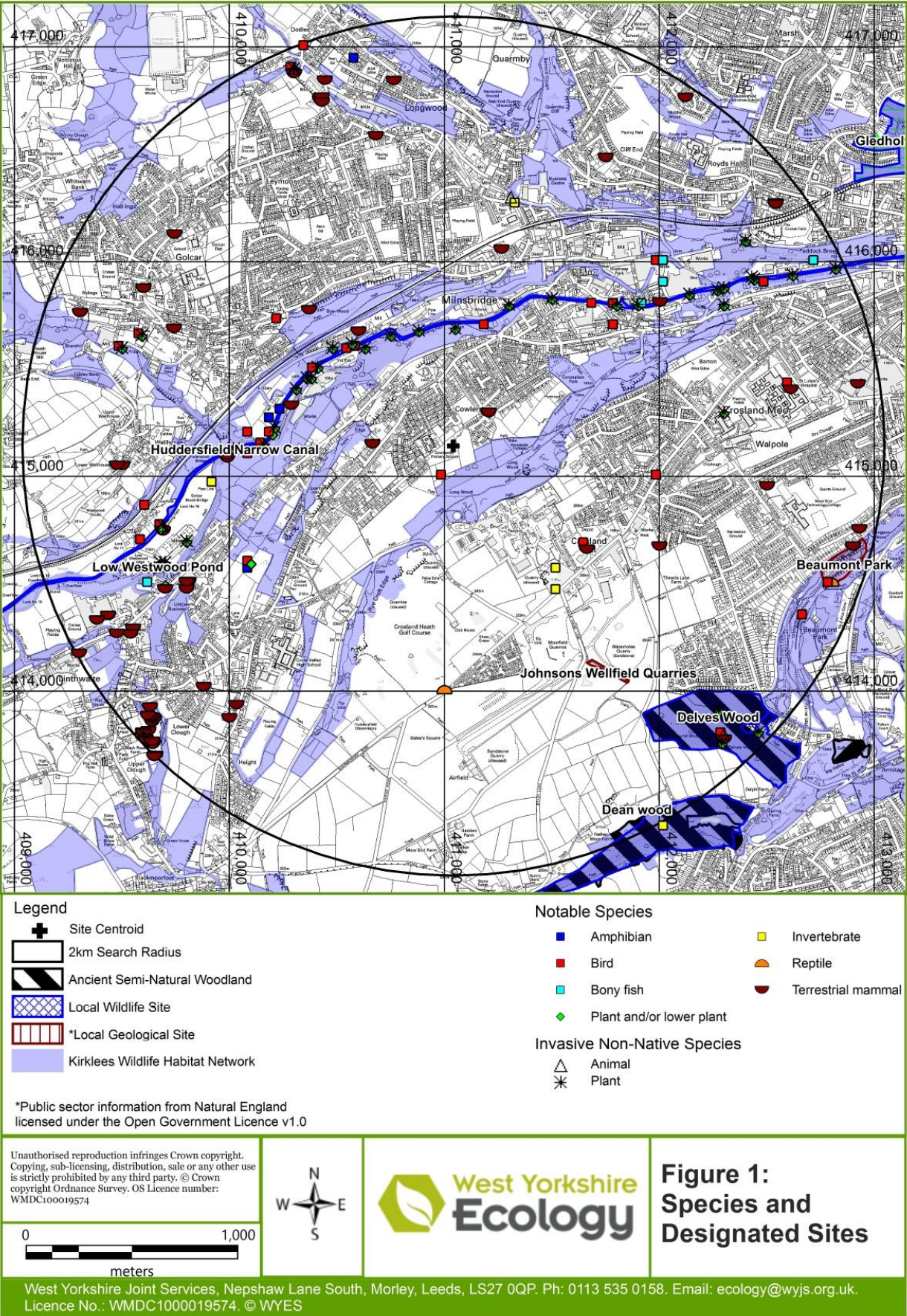
27. There are no granted European Protected Species Mitigation (EPSM) licences shown within 1km of the Site.

### Mapped Ancient Woodland

28. No part of the Site is within 15m of any mapped area of ancient woodland.



**Figure 3** Records of designated sites and notable species within 2km of the Site; West Yorkshire Ecology.





## Survey

29. The survey was carried out during May and June 2024<sup>1</sup> and followed the principles of Extended Phase 1 Habitat Survey methodology (JNCC, 2010).
30. Following the initial visit to Site, a second visit was recommended to best assess the grassland present on the Site. The timing of the second survey in June meant that it was possible to confidently classify the type and condition of habitats present on this Site.
31. Enough time was afforded the surveyor to carry out the survey. The survey was not constrained by poor weather.
32. Whilst the majority of the Site was accessible, at least 10% of the Site was inaccessible due to very dense vegetation, which could not be closely inspected. This could have concealed invasive species or protected species evidence.

## Habitat Appraisal

33. The Site's habitats are described in order on the following pages. In line with the requirement to provide information on Biodiversity Net Gain (BNG), habitats are named in accordance with the UK Habitats classification system. We have used the UK Habitats v2.01 guidance in identifying habitats. Habitat descriptions are divided into the 'distinctiveness' categories used in the calculations presented in the Biodiversity Gain Assessment, with more weight being afforded the more distinctive/important habitats.
34. Generally, the following apply to each tier of distinctiveness, although some authorities might highlight some lower distinctiveness habitats as having a higher importance locally. Where relevant we have highlighted these.

### Very Low Distinctiveness Habitats

35. Habitats of little or no habitat value, i. E., lacking any significant native vegetation, but could still provide supporting habitat for protected or notable fauna such as birds or bats. In the context of BNG, their areas are included in calculations, but mitigation or compensation is not required.

### Low Distinctiveness Habitats

36. Habitats which are ubiquitous, often which have been created or modified intentionally. They tend to lack diversity of species and structure. They are unlikely to support notable flora but could still provide supporting habitat for

protected or notable fauna. In the context of BNG, they are included in calculations, but compensation/mitigation needs only to provide habitat of similar or higher distinctiveness.

### Medium Distinctiveness Habitats

37. Habitats which are common but provide a higher level of structural and species diversity. Though unlikely to support more notable assemblages, species of interest could be present here and they are more likely to be important supporting habitat to fauna. In the context of BNG, mitigation needs to provide habitat of the same broad habitat type, or that of higher distinctiveness.

### High Distinctiveness Habitats

38. Habitats which are more natural and contain more important assemblages of plants and potentially species which are rare in their own right. They will provide good habitat for fauna. These habitats are likely to be targeted as conservation priorities and will be the subject of additional policy guidance or legislation. In the context of BNG, whilst mitigation or compensation for loss or damage is possible, provision of more of the same type of habitat would be required, which (with a few exceptions) is likely to be difficult.

### Very High Distinctiveness Habitats

39. These are the UK's rarest/best habitats. They will be present in very particular locations and a range of rare or important plant and animal species will depend on the particular conditions they provide. These habitats will be the subject of restrictive policy guidance or legislation. Whilst the BNG metric does not preclude mitigation or compensation in respect of these habitats, creation of the same habitat type would be required, and this would range between very difficult/expensive and impossible.
40. Each habitat is mapped and an area for each type is provided in the format of the Statutory Biodiversity Metric Calculation Tool. The areas can be used to quantify the impacts of development in an Ecological Impact Assessment if this is required by the Local Planning Authority.

## Condition Assessment

41. Our condition assessment for each habitat described references where available the criteria set out in DEFRA (2023) Statutory Biodiversity Metric Condition Assessments. A completed version of this spreadsheet is provided digitally with the Biodiversity Gain Report which accompanies this report.

<sup>1</sup> This Report has been prepared during June 2024 following a visit to the Site in May 2024, and our findings are based on the conditions of the Site that were reasonably visible and accessible at that date. We accept no liability for any areas that were not

reasonably visible or accessible, nor for any subsequent alteration, variation, or deviation from the Site conditions which affect the conclusions set out in this report.

# Red Line-Land - Habitats of Low/Very Low Distinctiveness

Figure 4 Approximate location and extent of these habitats.



Table 2 Summary - Habitats of Low/Very Low Distinctiveness.

| UK Habitats                              | Label Ref | Summary Description                                                                                                                                                                                                                    |
|------------------------------------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Artificial unvegetated, unsealed surface | AU1       | A small area of loose gravel, likely previously used as a car park, but now with access blocked.<br>The area has now been colonised by single specimens of soft rush, ragwort, creeping buttercup, creeping bent and creeping thistle. |
| Developed land; sealed surface           | DL1       | The eastern end of Main Avenue, covered by tarmacadam.                                                                                                                                                                                 |
|                                          | DL2       | The southern end of Windsor Road and Jubilee Lane, covered by tarmacadam.                                                                                                                                                              |
|                                          | DL3-7     | Single detached garages and concrete bases.                                                                                                                                                                                            |
| Introduced shrub                         | IS        | A dense stand of steppleshub, adjacent to residential properties.                                                                                                                                                                      |
| Vegetated garden                         | VG        | A small narrow section of land managed as a garden, with a rough lawn area with dandelion, Yorkshire fog, cock's foot and rough meadow grass, and planting of privet, elder and leylandii. Rosebay willowherb is growing in places.    |



## Habitats of Very Low/Low Distinctiveness

**Figure 5** Artificial unvegetated, unsealed surface.



**Figure 6** View of developed land; sealed surface DL2 and garages making up D3-7.



**Figure 7** View of introduced shrub.



**Figure 8** View of vegetated garden



# Red-line Land - Habitats of Medium Distinctiveness

Figure 9 Approximate location and extent of these habitats.



Table 3 Summary of Medium Distinctiveness habitats.

| UK Habitats                 | Label Ref | Summary Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Bramble scrub               | BS1-5     | Stands of scrub dominated by bramble. All areas are similar with a single dominant species and rough edges onto areas of grassland, as described below.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Mixed scrub                 | MS        | An area of dense scrub with a mix of blackthorn and hawthorn, as well as less frequent holly.<br>The density of the scrub species limits light getting to the ground flora, and this layer is limited, dandelion, common nettle, wood avens and bramble present.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Other woodland; broadleaved | WO        | A portion of woodland that extends off-Site to the north. Tree species here include pedunculate oak, sycamore, hazel, holly and cherry. The ground flora is limited, with bramble, cleavers, creeping buttercup and a low number of bluebells recorded. Large areas are bare, with large rocks scattered amongst the trees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Other neutral grassland     | ONG1      | The majority of the Site is covered by other neutral grassland.<br>ONG1 covers the west of the Site, where grassland covers the ground but is grown over in places with scattered individual trees and some areas of tall forbs, such as rosebay willowherb, flag iris and common nettle. These areas have been mapped as a secondary habitat.<br>The grassland includes rough meadow grass, false-oat grass, couch, meadow foxtail, sweet vernal grass, common bent, Yorkshire fog and cock's foot. Perennial rye-grass is present but is rare within the habitat.<br>Forbs found here include fox-and-cubs, yarrow, white clover, red clover, meadow buttercup, creeping buttercup, creeping thistle, ribwort plantain, cow parsley, and common daisy. In the northwest corner of this area, the ornamental species Endres's cranesbill is present, growing amongst dense rosebay willowherb stands, |
|                             | ONG2      | A sloping field, that was likely previously grazed. The species composition is very similar to that of ONG1, but access is limited and there is less bare ground and fewer trees and tall forbs found growing over this section of grassland. Some of the more acidic species described are present in low numbers here, in particular heath bedstraw, common woodrush and wavy hair-grass. Common cat's ear was also recorded in this area.                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                             | ONG3      | An area of grassland that runs to the eastern edge of the Site, this area is more disturbed than the other two, with a footpath                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |



|  |  |                                                                                                                                                                                                                          |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | creating areas of compacted and bare ground, as well as large stands of rosebay willowherb and common nettle covering much of this area. Amongst these taller species, the species mix is similar to that found in ONG1. |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Habitats of Medium Distinctiveness

**Figure 10** View of bramble scrub BS3.



**Figure 11** View of bramble scrub BS4.



**Figure 12** View of mixed scrub MS.



**Figure 13** View of acid grassland AG.



**Figure 14** View of other neutral grassland ONG1.



**Figure 15** View of other neutral grassland ONG2.





**Figure 16** Example of tall forbs growing over other neutral grassland.



**Figure 17** View of other neutral grassland ONG3, with tall forbs.



**Figure 18** Interior view of woodland WO.



**Figure 19** Bluebells growing at the western edge of acid grassland.



Blue-line Land - Habitats of Medium Distinctiveness

Figure 20 Approximate location and extent of these habitats.



Table 4 Summary of Medium Distinctiveness habitats.

| UK Habitats                  | Label Ref | Summary Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Other lowland acid grassland | AG1       | <p>The southeast corner of the Site is a sloping field, likely previously grazed.</p> <p>As the gradient becomes steeper, the species composition moves away from that of the other neutral grassland described below and includes a greater proportion of acid indicator species. Those found include bilberry, heather, heath bedstraw, pignut, sheep's sorrel and tormentil. These species are mixed in amongst common woodrush, sweet vernal grass, red fescue, wavy hair-grass and springy turf-moss.</p> <p>Bluebell is also recorded here, extending out from the tree cover to the west, which suggests that the ground in this area is relatively undisturbed.</p> <p>This area has not been classed as lowland dry acid grassland as it does not meet the requirements in terms of &gt;12 species per m<sup>2</sup>, and for the indicator species' required prevalence according to the DAFOR scale.</p> |
| Other neutral grassland      | ONG4      | <p>A continuation of ONG1, as described above.</p> <p>The grassland is grown over in places with scattered individual trees and some areas of tall forbs, such as rosebay willowherb, and common nettle. These areas have been mapped as a secondary habitat.</p> <p>The grassland includes rough meadow grass, false-oat grass, couch, meadow foxtail, sweet vernal grass, common bent, Yorkshire fog and cock's foot. Perennial rye-grass is present but is rare within the habitat.</p> <p>Forbs found here include fox-and-cubs, yarrow, white clover, red clover, meadow buttercup, creeping buttercup, creeping thistle, ribwort plantain, cow parsley, and common daisy. In the northwest corner of this area, the ornamental species Endres's cranesbill is present, growing amongst dense rosebay willowherb stands,</p>                                                                                   |
|                              | ONG5      | <p>The southern part of ONG2, a sloping field, that was likely previously grazed. The species composition is very similar to that of ONG1 and ONG4, but access is limited and there is less bare ground and fewer trees, and tall forbs found growing over this section of grassland. Some of the more acidic species described are present in low numbers here, in particular heath bedstraw, common woodrush and wavy hair-grass. Common cat's ear was also recorded in this area.</p>                                                                                                                                                                                                                                                                                                                                                                                                                            |



## Habitats of Medium Distinctiveness

**Figure 21** View of acid grassland AG1



**Figure 22** View of other neutral grassland ONG4.



**Figure 23** View of other neutral grassland ONG5



# Red-line and Blue-line land - Trees

**Figure 24** Approximate location and extent of these habitats.



**Table 5** Summary – trees.

| UK Habitats | Label Ref | Summary Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rural tree  | -         | <p>A total of 134 trees have been mapped individually, with 107 within the red-line land and 27 within the blue-line land. These range in size, including small, medium and large trees.</p> <p>Species present include cherry, alder, apple, sycamore, rowan, hazel, pedunculate oak, hawthorn, whitebeam and goat willow.</p> <p>The trees have been mapped individually as many are growing individually or in small groups. There are some groups with larger numbers of trees but they are still distinct from the small area of woodland in the north of the Site, and the obvious area of woodland off-Site to the south.</p> <p>A small number of trees close to the Site boundary have been included, in line with the Arboricultural Report.</p> |



**Figure 25** Example of different trees present on-Site.



**Figure 26** Example of different trees present on-Site.



**Figure 27** Example of different trees present on-Site.



**Figure 28** Example of different trees present on-Site.



## Faunal Appraisal

42. The following pages discuss only the groups and species that could be reasonably expected to be found on the type of habitats present on, or adjacent to, the Site.

### Amphibians

#### ***Desk evidence***

43. No records were returned for great crested newt (GCN).  
44. Records of common frog and palmate newt were the only amphibian records returned for the search area.

#### ***Field Evidence***

45. No ponds are visible on mapping within 250m of the Site.  
46. Suitable terrestrial habitat for amphibians is present throughout the Site.

#### ***Summary Evaluation***

47. The absence of potential breeding sites and local records means the risk of GCN being found on-Site is negligible and likely absence can be reasonably concluded.  
48. The Site does have suitable terrestrial habitat for other common amphibians, and small numbers could be expected to occur on-Site.

#### ***Further Surveys and Recommendations***

49. No further surveys or precautions are considered necessary.

## Bats

#### ***Desk evidence***

50. A total of 73 records for bats have been returned for the search area, with species present being common and soprano pipistrelle, noctule, brown long-eared and Daubenton's. Also recorded are indeterminate pipistrelle species, as well as unidentified bat species.  
51. A total of 30 of the records relate to roosting bats. The closest of these relates to a roost of common pipistrelle bats, located approximately 140m east of the Site, dating from 2006.

#### ***Field Evidence (Roosting)***

52. Four garages are present in the northeast of the Site. All four are single storey and constructed with pebble-dash walls. Two have gable-end corrugated sheet roofs (buildings 1 and 3), whilst the other two have flat roofs, but still with corrugated sheet roofs (buildings 2 and 4).  
53. Fascia boards and soffits are well fitted on all four structures, with cobwebs noted around all four of the garages.  
54. The garages with corrugated sheeting roofs did have some small crevices where the sheeting overlapped and building 2 had an opening at the rear of the structure where the fascia is missing. Despite this, the roofing material is likely to create very high temperatures unsuitable for roosting bats.  
55. In addition to the lack of potential roost features, tall forb vegetation growing around the garages also limits to number of clear flight routes to the buildings themselves.  
56. For these reasons, all four garages have been assessed as having negligible roosting potential for bats.  
57. There are many trees on-Site, ranging in size from saplings to mature specimens. Once a tree removal plan has been drawn up, a Preliminary Roost Assessment should be conducted on any trees to be removed or pruned, to check for any suitable roosting features.

#### ***Field Evidence (foraging and commuting)***

58. The Site has many suitable features for foraging and commuting bats, such as woodland edges, small groups of trees, scrub edges and unmanaged grassland. The Site has good connectivity to the wider landscape.



59. Overall, the Site provides habitat and features of moderate suitability for both foraging and commuting bats.

### **Summary Evaluation**

60. The Site's size and location suggest that it could be important to this group.

### **Further Surveys and Recommendations**

61. A Preliminary Roost Assessment should be carried out once a tree removal plan is produced and finalised to identify any suitable roosting features. These may then require further survey prior to tree works, to determine the status of roosting.
62. In accordance with current best practice guidelines (Bat Conservation Trust, 2023), a full suite of bat activity surveys should be carried out, consisting of a total of five static monitoring surveys and three walked transects between May and October. Two of these monitoring and transect surveys have already been carried out.

**Figure 29** Buildings assessed for bat roost suitability on-Site.



## Bat Roost Suitability Assessment

View of B1



View of B2 and B3



View of east wall of B4



Sealed fixtures on B1



Sealed eaves on B4





## Birds

### **Desk Evidence**

63. A number of bird species have been returned for the search area, with all species being typical of the suburban habitat that the Site is located in.
64. No records were returned of species for which the South Pennine Moors SPA is designated.

### **Field Evidence**

65. Suitable habitat for a variety of bird species is present across the Site, with woodland, scrub and open grassland providing nesting and foraging opportunities.
66. A variety of bird species have been encountered during the surveys carried out to date, including jay, great spotted woodpecker, willow warbler, bullfinch, starling, and a tawny owl seen during a bat activity survey.
67. The Site does not support moorland habitats that would be used by species for which the South Pennine Moors SPA is designated. Furthermore, the Site is subject to high levels of disturbance, being surrounded on all sides by houses, business units and roads. The Site is also well-used by members of the public for recreational use.

### **Summary Evaluation**

68. Based on its size, habitats and location in the local landscape, the Site may be important to local bird populations.

### **Further Surveys and Recommendations**

69. A full suite of breeding bird surveys is recommended to determine which species are present and how they are using the Site. This would require six visits between mid-March and June.
70. Standard precautions apply in respect of restrictions on clearing vegetation during the nesting season.

## Badgers

### **Desk Evidence**

71. No records for badgers were returned for the search area.
72. The Site does fall within the area of increased probability for badger activity.

### **Field Evidence**

73. The Site provides potential habitat for sett building, with sloping ground covered by woodland and scrub.
74. A single mammal hole was found during the PEA walkover survey. No bedding was found in association with the hole, nor was any other sign of badgers. The hole is likely in use by foxes at the current time, with this species seen repeatedly on evening survey visits.

### **Summary Evaluation**

75. There is a risk of badger setts being present on-Site. A badger walkover survey is recommended to determine the presence/presumed absence of this species, which should take place during autumn/winter when vegetation has died back.

### **Further Surveys and Recommendations**

76. Given that absence cannot be demonstrated at this stage a walkover survey is recommended.

**Figure 30** View of mammal hole on-Site.



## Hedgehogs (NERC Act 2006/Local BAP)

### **Desk evidence**

77. Hedgehogs are recorded within the search area.

### **Field Evidence**

78. A single hedgehog was seen during the May bat activity survey.

### **Summary Evaluation**

79. This species is present on-Site and measures to allow them to access gardens and continue to inhabit the area need to be planned for.

### **Further Surveys and Recommendations**

80. Presence confirmed; no further surveys are considered necessary.

**Figure 31** Single hedgehog found on-Site.



## Reptiles

### **Desk evidence**

81. Records of common lizard, grass snake and slow worm have been returned for the search area. All are historical records, with the most recent dating from 1986.

### **Field Evidence**

82. The Site provides some marginal basking and cover habitat.  
83. No field evidence was found.

### **Summary Evaluation**

84. Whilst some small pockets of suitable habitat are present for reptiles, much of the Site is covered by tall and dense vegetation, with little opportunity for basking. In addition, the Site slope is north-facing.  
85. Reptiles are assessed as likely absent from the Site.

### **Further Surveys and Recommendations**

86. No further surveys or precautions are considered necessary.



## **Invasive Non-Native Species (INNS)**

87. INNS are species listed on Schedule 9 of the Wildlife and Countryside Act (1981), for which it is an offence to cause or allow it to grow in the wild.

88. No INNS were noted during survey<sup>2</sup>.

### *Survey constraints*

89. This survey is constrained by the presence of areas that were inaccessible due to the density of vegetation.

90. Although no INNS have been identified in this preliminary survey, it is not always possible to conclude absence from preliminary survey alone due to factors such as season, accessibility, third-party attempts to hide evidence, or undisclosed treatment programmes. For this reason, this report should not be relied upon as definitive evidence of absence of INNS.

91. This site presents a small risk of supporting undetected INNS based on the following factors:

- Areas of site inaccessible to survey
- Potential for recent earthworks or management which may have obscured viable material
- Proximity to nearby potential sources of infection
- Potential for tipping of material

92. Should further assurances be needed in relations to INNS, a dedicated Invasive Weed Survey should be commissioned.

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<sup>2</sup> Whilst our ecologists are trained in the identification of invasive species, this report is not a dedicated invasive species survey. Detectability of invasive plant species can be affected by several factors, and conclusive determination status, or extent, is not

possible through preliminary survey alone. As the presence of invasive species can generate significant costs to development, the client may wish to instruct a dedicated invasive species survey prior to entering into contracts.

## Ecological Constraints

### Habitat Value

93. The usual approach to development is to minimise any net loss of biodiversity towards a gain in biodiversity value where this is possible on-Site. Our separate report on Biodiversity Gain sets out the position of the Site in terms of measured biodiversity.
94. Irrespective of the Biodiversity Gain process, development should still seek to retain what is best about the Site.
95. The plan opposite shows the Site in the context of mapped habitat distinctiveness (as assessed at the time of the survey) with the aim of informing the design of any layout. It shows that whilst there are no targets of very high or high distinctiveness or irreplaceable habitat, most of the Site is covered by medium distinctiveness habitats. These should be avoided by the proposals wherever possible. Overall, the Site is relatively uniform in terms of potential impact.
96. Habitats do not impose any particular design constraints. Loss of habitats of this nature are not of the order which (outside of Biodiversity Net Gain) would require specific mitigation or compensation as they are common locally.
97. Land included in the Kirklees Wildlife Habitat Network is present along the southern and eastern edge of the Site. The WHN land should be protected from damage during construction and a buffer area created with suitable planting between it and the built areas of the Site.
98. In terms of structure and connectivity, trees and scrub throughout the Site will allow species to move through the area. In particular, more mature specimens should be protected and retained.

### Faunal constraints

99. Further surveys are recommended for bats, with activity surveys having commenced in May 2024 and a Preliminary Roost Assessment to be carried out once a tree removal plan has been created.

100. Surveys are also recommended for breeding birds and badgers.

**Figure 32** Distinctiveness of habitat.





## Ecological Opportunities

101. Ecological opportunities at the Site relate to:

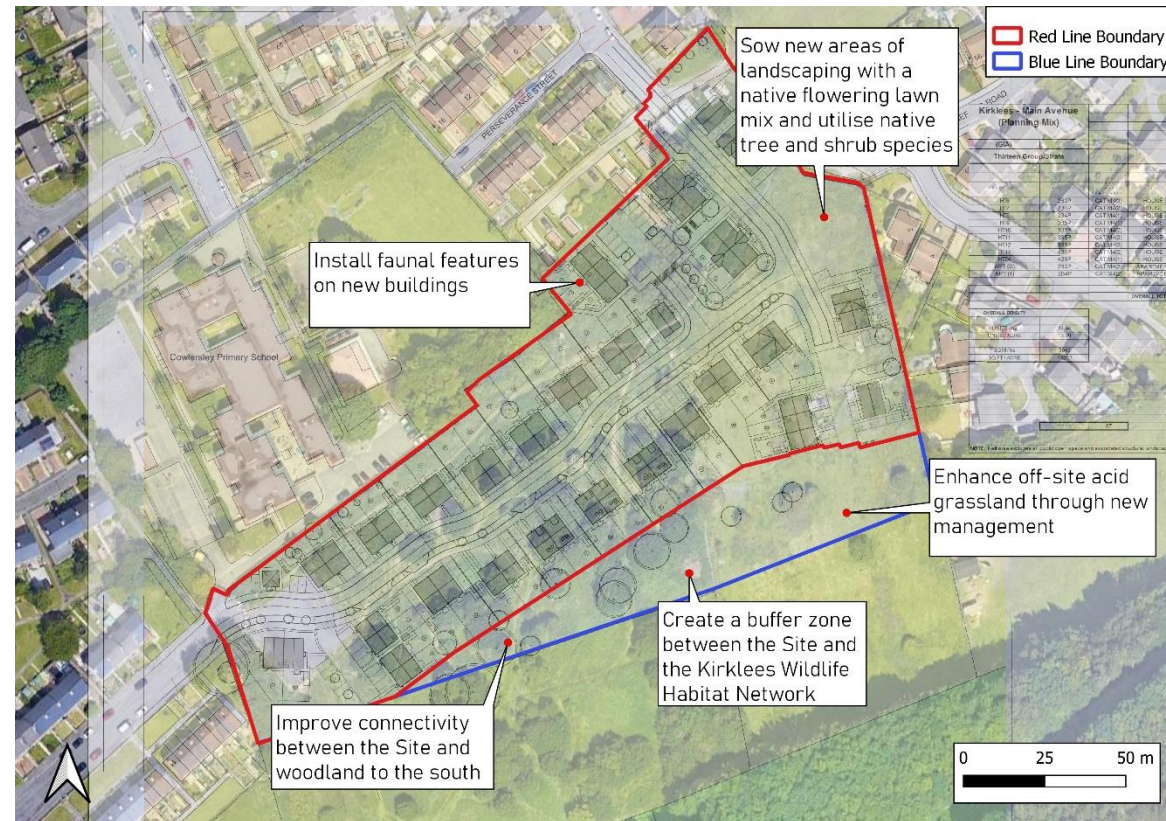
- Areas of landscaping could be sown with a flowering lawn mix which would provide attractive, valuable and easily managed habitat.
- New street trees and shrubs should be native species. Including fruiting species would provide food for a range of birds and attract beneficial insects.
- Installing roosting or nesting features on new buildings.

102. Opportunities within the blue-line land include:

- Potential to improve connectivity to established woodland to the south of the Site through tree and scrub planting and grassland management.
- The small area of acid grassland in the southeast corner, not currently a high distinctiveness habitat, could be enhanced through sympathetic management.

103. A Biodiversity Management Plan would be useful in defining these enhancements and can be secured by standard condition.

**Figure 33** Ecological Opportunities.



## Conclusions and Recommendations

| Planning considerations                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                      |
|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| Recommendation                                                  | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | When                                                                                                                 |
| <b>R1</b> Additional Surveys                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                      |
| <b>R1.1</b> Vegetation                                          | Following the initial PEA visit in May, further vegetation survey was recommended to better determine habitat classification and condition. This was carried out during June prior to the completion of this report. The grassland had not been cut or grazed prior to the survey.                                                                                                                                                                                                                                                                                | June - completed                                                                                                     |
| <b>R1.2</b> Fauna                                               | <b>Bats - activity</b><br>Static monitoring and evening transects to be completed between May and September 2024                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Monthly monitoring visits from May to September 2024. Visits in May and June have been completed                     |
|                                                                 | <b>Bats - roosting</b><br>A Preliminary Roost Assessment should be carried out once a tree removal plan for the Site has been produced.                                                                                                                                                                                                                                                                                                                                                                                                                           | After a tree removal plan has been produced, survey ideally during winter/spring when no leaves are present on trees |
|                                                                 | <b>Breeding birds</b><br>Six survey visits to determine which species are using the Site and how.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Six visits between mid-March and the end of June, comprising five morning visits and one evening visit               |
|                                                                 | <b>Badgers</b><br>A walkover survey to check for signs of presence/activity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | One survey visit during autumn/winter/early spring when vegetation has died back                                     |
| <b>R2</b> Produce a layout which minimises loss of biodiversity | Engage with the Constraints and Opportunities set out above, involve your ecologist in designs at an early stage. The proposals will need to consider the NPPF hierarchy of Avoid–Mitigate–Compensate in minimising any loss of biodiversity. Biodiversity Net Gain (BNG) policy mandates a minimum 10% Net Gain in Biodiversity Units, and the LPA may request additional gains. Your layout may need to change to accommodate your findings from R1 surveys.                                                                                                    | During the design process                                                                                            |
| <b>R3</b> Design                                                | Make sure your design team follows ecological advice and make sure there are no design conflicts.<br><u>Produce a habitat retention plan at an early stage</u> - which can be used to inform BNG and maximise scores. A habitat retention plan should identify areas which can be excluded from any impacts of clearance and construction. In producing a plan you should consider the need to provide (amongst other things) Site compounds, to store and move materials, to install drainage, flood storage, access and services - all with suitable easements. | During the design process                                                                                            |
| <b>R4</b> Biodiversity Net Gain (BNG)                           | Carry out a BNG Assessment using the Statutory Biodiversity Metric Calculation Tool and accompanying Condition sheets produced by Defra.                                                                                                                                                                                                                                                                                                                                                                                                                          | During the design process.                                                                                           |
| <b>R5</b> Ecological Impact Assessment (EclA)                   | This report summarises all survey findings and assesses the impacts of the scheme in respect of these. Due to the scale of this development and the potential issues at hand it would seem an unlikely requirement, but may be requested by the LPA.                                                                                                                                                                                                                                                                                                              | Prior to submission, after a fixed design is agreed and all key additional surveys are completed                     |
| <b>R6</b> Produce a Biodiversity Management Plan                | To specify in detail how the development will cater for biodiversity on-Site and to show how habitats incorporated will be managed.                                                                                                                                                                                                                                                                                                                                                                                                                               | Delivery report<br>Suitable for planning condition                                                                   |



| Planning considerations                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                    |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------|
| Recommendation                          | Rationale                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  | When                                               |
| <b>R7</b> Produce a CEMP (Biodiversity) | To show how the site will be built without affecting surrounding habitats and minimising risk of affecting protected or notable fauna. The CEMP will detail the following protection measures: <ul style="list-style-type: none"><li>• Location of Biodiversity Protection zones or fences</li><li>• Dealing with known or discovered invasive species</li><li>• Pre- or during- clearance ecology checks for protected species</li><li>• Protected/notable species method statements where licensing is not needed</li><li>• Nesting bird management</li></ul> |  | Delivery report<br>Suitable for planning condition |

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## Appendix 1 Habitats and Ecological Features





## Appendix 2 List of species recorded

|                     |                                                    |                      |                                   |
|---------------------|----------------------------------------------------|----------------------|-----------------------------------|
| Alder               | <i>Alnus glutinosa</i>                             | English oak          | <i>Quercus robur</i>              |
| Apple               | <i>Malus</i> sp.                                   | False oat grass      | <i>Arrhenatherum elatius</i>      |
| Bilberry            | <i>Vaccinium myrtillus</i>                         | Field woodrush       | <i>Luzula campestris</i>          |
| Black medic         | <i>Medicago lupulina</i>                           | Fox-and-cubs         | <i>Pilosella aurantiaca</i>       |
| Blackthorn          | <i>Prunus spinosa</i>                              | Goat willow          | <i>Salix caprea</i>               |
| Bluebell            | <i>Hyacinthoides non-scripta</i>                   | Greater plantain     | <i>Plantago major</i>             |
| Boxleaf honeysuckle | <i>Lonicera ligustrina</i> var. <i>Yunnanensis</i> | Hawthorn             | <i>Crataegus monogyna</i>         |
| Bramble             | <i>Rubus fruticosus</i> agg.                       | Heath bedstraw       | <i>Galium saxatile</i>            |
| Broad buckler fern  | <i>Dryopteris dilatata</i>                         | Heather              | <i>Calluna vulgaris</i>           |
| Broad-leaved dock   | <i>Rumex obtusifolius</i>                          | Herb Robert          | <i>Geranium robertianum</i>       |
| California privet   | <i>Ligustrum ovalifolium</i>                       | Holly                | <i>Ilex aquifolium</i>            |
| Cat's ear           | <i>Hypochaeris radicata</i>                        | Honeysuckle          | <i>Lonicera periclymenum</i>      |
| Cherry              | <i>Prunus</i> sp.                                  | Japanese honeysuckle | <i>Lonicera japonica</i>          |
| Chinese elm         | <i>Ulmus parvifolia</i>                            | Leylandii            | <i>Cupressus x leylandii</i>      |
| Cleavers            | <i>Galium aparine</i>                              | Male fern            | <i>Dryopteris filix-mas</i>       |
| Cock's foot         | <i>Dactylis glomerata</i>                          | Marsh thistle        | <i>Cirsium palustre</i>           |
| Common bent         | <i>Agrostis capillaris</i>                         | Meadow buttercup     | <i>Ranunculus acris</i>           |
| Common hazel        | <i>Corylus avellana</i>                            | Meadow foxtail       | <i>Alopecurus pratensis</i>       |
| Common lilac        | <i>Syringa vulgaris</i>                            | Mouse-ear hawkweed   | <i>Pilosella officinarum</i>      |
| Common nettle       | <i>Urtica dioica</i>                               | Ox-eye daisy         | <i>Leucanthemum vulgare</i>       |
| Couch grass         | <i>Elymus repens</i>                               | Perennial cornflower | <i>Centaurea montana</i>          |
| Cow parsley         | <i>Anthriscus sylvestris</i>                       | Perennial ryegrass   | <i>Lolium perenne</i>             |
| Creeping bent       | <i>Agrostis stolonifera</i>                        | Pig-nut              | <i>Conopodium majus</i>           |
| Creeping buttercup  | <i>Ranunculus repens</i>                           | Plum                 | <i>Prunus domestica</i>           |
| Creeping thistle    | <i>Cirsium arvense</i>                             | Privet               | <i>Ligustrum</i> sp.              |
| Crested dog's tail  | <i>Cynosurus cristatus</i>                         | Ragwort              | <i>Jacobaea vulgaris</i>          |
| Daisy               | <i>Bellis perennis</i>                             | Raspberry            | <i>Rubus idaeus</i>               |
| Dandelion           | <i>Taraxacum officinale</i> agg.                   | Red clover           | <i>Trifolium pratense</i>         |
| Dog rose            | <i>Rosa canina</i>                                 | Red fescue           | <i>Festuca rubra</i>              |
| Elder               | <i>Sambucus nigra</i>                              | Red valerian         | <i>Centranthus ruber</i>          |
| Endres's cranesbill | <i>Geranium endressii</i>                          | Ribwort plantain     | <i>Plantago lanceolata</i>        |
|                     |                                                    | Rosebay willowherb   | <i>Chamaenerion angustifolium</i> |
|                     |                                                    | Rough hawkbit        | <i>Leontodon hispidus</i>         |
|                     |                                                    | Rough meadow grass   | <i>Poa trivialis</i>              |

|                    |                                   |
|--------------------|-----------------------------------|
| Rowan              | <i>Sorbus aucuparia</i>           |
| Sheep's sorrel     | <i>Rumex acetosella</i>           |
| Soft rush          | <i>Juncus effusus</i>             |
| Sorrel             | <i>Rumex acetosa</i>              |
| Springy turf-moss  | <i>Rhytidiadelphus squarrosus</i> |
| Steeple bush       | <i>Spiraea douglasii</i>          |
| Sweet vernal grass | <i>Anthoxanthum odoratum</i>      |
| Sycamore           | <i>Acer pseudoplatanus</i>        |
| Tormentil          | <i>Potentilla erecta</i>          |
| Tufted hairgrass   | <i>Deschampsia cespitosa</i>      |
| Wavy hair-grass    | <i>Deschampsia flexuosa</i>       |
| Whitebeam          | <i>Sorbus aria</i>                |
| Wood avens         | <i>Geum urbanum</i>               |
| Yellow flag iris   | <i>Iris pseudacorus</i>           |
| Yorkshire fog      | <i>Holcus lanatus</i>             |
| Zig-zag clover     | <i>Trifolium medium</i>           |



## Appendix 3 Explanatory Notes and Resources Used

### Site Context

Aerial photographs published on commonly used websites were studied to place the site in its wider context and to look for ecological features that would not be evident on the ground during the walkover survey. This approach can be very useful in determining if a site is potentially a key part of a wider wildlife corridor or an important node of habitat in an otherwise ecologically poor landscape. It can also identify potentially important faunal habitat (in particular ponds) which could have a bearing on the ecology of the application-Site. Ponds may sometimes not be apparent on aerial photographs so we also refer to close detailed maps that identify all ponds issues and drains.

### Designated Sites

A search of the MAGIC (Multi-Agency Geographic Information for the Countryside) website was undertaken. The MAGIC site is a Geographical Information System that contains all statutory (e. G. Sites of Special Scientific Interest [SSSIs]) as well as many non-statutory listed habitats (e. G. Ancient woodlands and grassland inventory sites). It is a valuable tool when considering the relationship of a potential development site with nearby important habitats. In addition, information from the local record holders was referred to on locally designated sites.

### Functional linkage with off-Site habitats

When assessing these we consider whether the Site could be functionally linked to them, considering links such as:

- Hydrological links - is the Site upstream downstream, or could ground water issues affect it?
- Physical links - is the site in close proximity and could it be directly or indirectly affected by construction and operational effects? Conversely it may be that despite proximity major barriers separate the two.
- Recreational links - do footpaths and roads make it likely that increased recreational pressure could be felt?
- Habitat links - is the site part of a network of similar habitat types in the wider area? These could be joined by linear corridors or could simply be 'stepping stones' of habitat of similar form or function.

### Method

Phase 1 habitat survey methodology (JNCC, 2010). This involves walking the site, mapping and describing different habitats (for example: woodland, grassland, scrub). The survey method was "Extended" in that evidence of fauna and faunal habitat was also recorded (for example droppings, tracks or specialist habitat such as ponds for breeding amphibians). This modified approach to the Phase 1 survey is in accordance with the approach recommended by the Guidelines for Baseline Ecological Assessment (IEA, 1995) and Guidelines for Preliminary Ecological Appraisal (CIEEM 2017).

### Faunal Appraisal

This section first looks at the types of habitat found on-Site or within the sphere of influence of potential development, then considers whether these could support protected, scarce, or NERC Act 2006 Section 41 species (referred to collectively as 'notable species').

Records of notable species supplied from a 2km area of search by West Yorkshire Ecology are used to inform this appraisal.

We discuss further only notable species or groups which could be a potential constraint due to the presence of suitable habitat and their presence (or potential presence) in the wider area. We screen out and do not present accounts of notable species or groups which do not meet these criteria - in some cases it may be necessary to explain this reasoning.

Consideration is given to the Local Biodiversity Action Plan (LBAP), which for this site is the 'Kirklees Biodiversity Action Plan'.

| Species/group           | Habitat                                                |
|-------------------------|--------------------------------------------------------|
| Floating water plantain | Semi-natural pasture                                   |
| Great crested newt      | Lowland and upland meadows                             |
| Marsh helleborine       | Lowland dry acid grassland                             |
| Northern wood ant       | Blanket bog                                            |
| Twite                   | Upland heathland                                       |
| Water vole              | Upland flushes                                         |
| White clawed crayfish   | Lowland heathland                                      |
|                         | Upland oak woodland                                    |
|                         | Lowland deciduous and other woodlands                  |
|                         | Upland mixed ashwoods                                  |
|                         | Wet woodland                                           |
|                         | Arable field margins                                   |
|                         | Hedgerows                                              |
|                         | Rivers, riverine corridors and associated habitats     |
|                         | Reedbeds                                               |
|                         | Scrub and habitat mosaics on previously developed land |

### Bats

Bat roosting potential is classified according to the following criteria set out below, taken from the Bat Conservation Trust Good Practice Guidelines (2023).

### Bat Roosting Suitability of Buildings

| Suitability       | Criteria                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>None</i>       | No habitat features on-Site likely to be used by any roosting bats at any time of the year (i. E. A complete absence of crevices/suitable shelter at all ground/underground levels).                                                                                                                                                                                                                                                                                                             |
| <i>Negligible</i> | No obvious habitat features on-Site likely to be used by roosting bats; however, a small element of uncertainty remains as bats can use small and apparently unsuitable features on occasion.                                                                                                                                                                                                                                                                                                    |
| <i>Low</i>        | A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. However, these potential roost sites do not provide enough space, shelter, protection, appropriate conditions and/or suitable surrounding habitat to be used on a regular basis or by larger numbers of bats (i. E. Unlikely to be suitable for maternity and not a classic cool/stable hibernation-Site, but could be used by individual hibernating bats). |
| <i>Moderate</i>   | A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only, such as maternity and hibernation – the categorisation described in this table is made irrespective of species conservation status, which is established after presence is confirmed).                                                    |
| <i>High</i>       | A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat. These structures have the potential to support high conservation status roosts, e. G. Maternity or classic cool/stable hibernation-Site.                                                                                         |

**Bat Roosting Suitability of Trees**

| Suitability | Criteria                                                                      |
|-------------|-------------------------------------------------------------------------------|
| <i>None</i> | Either no PRFs in the tree, or highly unlikely to be any.                     |
| <i>FAR</i>  | Further assessment required to establish if PRFs are present within the tree. |
| <i>PRF</i>  | A tree with at least one PRF present.                                         |

Evaluation

In evaluating the Site, the ecologist will take into account a number of factors in combination, such as:

- the baseline presented above,
- the Site's position in the local landscape,
- its current management and
- its size, rarity or threats to its integrity.

There are a number of tools available to aid this consideration, including established frameworks such as Ratcliffe Criteria or concepts such as Favourable Conservation Status. Also of help is reference to Biodiversity Action Plans in the form of the Local BAP and Section 41 of the NERC Act (2006) to determine if the Site supports any Priority habitats or presents any opportunities in this respect.

The assessment of impacts considers the generic development proposals from which potential effects include:

- Vegetation and habitat removal
- Direct effects on significant faunal groups or protected species
- Effects on adjacent habitats or species such as disturbance, pollution and severance
- Operation effects on wildlife such as noise and light disturbance



## Appendix 4 Bat Activity Survey Rationale

The Bat Conservation Trust Guidelines (BCTG) (Collins 2023) is now widely accepted as providing a basis and rationale for scoping and conducting bat surveys. It is acknowledged that the guidelines provide a wealth of background and are a very useful tool in standardising approaches to survey, it is also felt that an over reliance on some of the guidelines within this document can result in the provision of complicated surveys where they have significant consequences for the cost, or timescale of a large project, but could never deliver positives for bat conservation.

Taking the BCTG document as a whole, Chapter 2 helps the reader understand whether or not surveys are required, and that in the context of planning and development survey is required in relation to ensure;

- the avoidance of legal offences, and;
- the provision of a sufficient level of information – such that will allow the Local Planning Authority to make an informed decision on the proposals and their potential impacts on the Favourable Conservation Status (FCS) of bats.

Attendance at seminars presented by, and discussions with, those involved in production of the BCTG document has emphasised the point that it is within the remit of the consultant ecologist to make a decision on the necessity and scope of surveys – they will use the guidelines in doing so but are not in any way bound by them: this is reflected in Section 1.1 of the guidelines –

‘The Guidelines do not aim to either override or replace knowledge and experience. It is accepted that departures from the guidelines (e. G. Either decreasing or increasing the number of surveys carried out or using alternative methods) are often appropriate. However, in this scenario an ecologist should provide documentary evidence of (a) their expertise in making this judgement and (b) the ecological rationale behind the judgement.’

Such decisions require a consideration of the potential of the project to impact on bat habitat, alongside analysis of the value of habitat on and around the site and of local records and the likelihood that bats might occur in significant numbers. Our reports aim to present information on how we have arrived at our decision on the Site, what assumptions we have based this on, and where further survey is recommended we indicate what the objective of this survey should be and how best this would be achieved.

The Site is of moderate size, has good connections to the wider landscape and contains a variety of habitat features that could be used by bats. Further survey is recommended to fully assess how bats use the Site currently.

This assessment was made by David Lovett MBiolSci (Hons) ACIEEM. David has 11 years of experience scoping and delivering bat surveys and has carried out many activity surveys.

## Appendix 5 Wildlife Legislation, Policy and Guidance

This is not an exhaustive list but sets out briefly the relevance of Legislation, Policy and Guidance in terms of planning applications and this assessment.

### Legislation

Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora (EC Habitats Directive).

Provides framework at an international (EU) level for the consideration/protection of European Protected Species (EPS), and habitats through the designation of sites.

Council Directive 79/409/EEC on the Conservation of wild birds (EC Birds Directive) and The Ramsar Convention on Wetlands of International Importance (1971)

Provides framework at an international (EU) level for the consideration/protection of important bird populations and the sites on which they are dependant.

The Conservation of Habitats and Species Regulations (2010)

This transposes the EC Habitats Directive into UK law and provides the basis on which all EPS are protected and impacts on them can be licensed in the UK.

The Wildlife and Countryside Act (1981) as amended

This provides the basis on which UK species are legally protected or restricted and confers protection on Sites of Special Scientific Interest (SSSIs). It contains annexes of plants and animals which are legally protected as well as those which are considered to be invasive or harmful. It provides the basis on which impacts on such species can be licensed in the UK and provides controls on work on or near SSSIs.

The Countryside and Rights of Way Act 2000 (CROW)

Provides a statutory basis for nature conservation, strengthens the protection of SSSIs and UK protected species and requires the consideration of habitats and species listed on the UK and Local Biodiversity Action Plans (UKBAP/LBAP).

Natural Environment and Rural Communities Act 2006 (NERC)

Sets out the responsibilities of Local Authorities in conserving biodiversity. Section 41 of the Act requires the publishing of lists of habitats and species which are "of principal importance for the purpose of conserving biodiversity". At present these largely reflect those making up the UKBAP lists.

Hedgerows Regulations (1997)

Define and provide protection for Important Hedgerows.

Protection of Badgers Act (1992)

Protects badgers from persecution, this includes excavation/development in the proximity of setts.

**Protected Sites**Statutory EU/International Protected Sites

Special Areas of Conservation (SACs); and Special Protection Areas (SPAs) and Ramsar Sites contain examples of some of the most important natural ecosystems in Europe. Work on or near these sites is strictly protected and Local Authorities will be expected to carry out 'Appropriate Assessment' of development in proximity of them. In this case there is often an increased burden on the developer in relation to provision of information and assessment.

Statutory UK Protected Sites

Local Nature Reserves (LNRs); National Nature Reserves (NNRs); Sites of Special Scientific Interest (SSSIs) all receive strict protection under UK legislation. Work in or in proximity to these sites would be restricted with any needing to be agreed with Natural England. Natural England now provide guidance on the nature of development which could impact on SSSIs through Impact Risk Zones.

Locally Protected Sites

Local Authorities have a variety of protected wildlife sites designated at a local or regional level. These are gradually being brought under the banner of Local Wildlife Sites (LWS) but at present a plethora of different designations exist – all subject to local policy.

**Protected Species**European Protected Species

A number of species (most relevantly bats, great crested newts [GCN], and otters) receive strict protection from killing, injury and disturbance under The Conservation of Habitats and Species Regulations (2010). Protection is also conferred on the habitats on which they rely such as roost space in the case of bats and ponds and fields etc. In the case of GCN.

UK Protected Species

A number of species (including bats, GCN, water vole and white clawed crayfish) are strictly protected under The Wildlife and Countryside Act (1981) as amended, from killing, injury, disturbance and damage or destruction of their resting places etc. Certain species (such as reptiles) and some birds (such as barn owl) receive partial protection e. G. At certain times of the year or from certain activities only. All

nesting bird species are protected from damage or destruction of their nests – whilst active.

**Invasive species**Schedule 9 of the Wildlife and Countryside Act (1981) as amended.

Lists these species and makes it an offence to cause or allow their spread in the wild. This often has impacts on development and planning in relation to the presence of invasive plant species such as: Himalayan balsam (*Impatiens glandulifera*), Japanese knotweed (*Reynoutria japonica*), and giant hogweed (*Heracleum mantegazzianum*).



**Planning Policy/Guidance**The National Planning Policy Framework (NPPF)

The National Planning Policy Framework was updated in December 2023. The most relevant paragraphs from the NPPF are set out below.

The approach to assessing the natural environment is now embedded within the definition of what 'sustainable development' is and this falls under one of three objectives of the planning system – the 'environmental objective' applying in this case. Paragraph 8c (P8c) of the NPPF states that sustainable development should "protect and enhance our natural, built and historic environment", including "improving biodiversity". P10 sets out the Framework's presumption in favour of sustainable development.

Section 11 of the NPPF details making effective use of land. The Framework states that planning policies and decisions should "take opportunities to achieve net environmental gains – such as developments that would enable new habitat creation" and should "recognise that some undeveloped land can perform many functions, such as for wildlife" (P124).

Section 15 details conserving and enhancing the natural environment; policies and decisions should be "protecting and enhancing valued landscape [and] sites of biodiversity [...] value", "recognise the intrinsic character and beauty of the countryside" and contribute to conserving and enhancing the natural environment and reducing pollution (P180). Allocations of land for development should, "allocate land with the least environmental or amenity value, where consistent with other policies in this Framework" and "take a strategic approach to maintaining and enhancing networks of habitats" (P181).

The Framework sets out ways to minimise the impacts on biodiversity through plans which "identify, map and safeguard components of local wildlife rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity" and promote the "conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity" (P185).

It is made clear in P186 that local planning authorities should apply a set of principles when determining planning applications. Planning permission should be refused "if significant harm to biodiversity resulting from development cannot be avoided [...], adequately mitigated, or, as a last resort, compensated for". Development should not normally be permitted where an adverse effect on a SSSI

is likely, and "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".

UK Biodiversity Indicators 2023; update to Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services

The UK Biodiversity Indicators 2023 provide updates to the indicators set out in Biodiversity 2020 including new species abundance targets as set out in the Environment Act 2021. Biodiversity 2020 builds on the Natural Environment White Paper (June 2011) – Setting out the current UK Government's approach to nature conservation. It promotes a more coherent and inclusive approach to conservation and the valuing in economic and social terms of economic resources.

The strategy promotes initiatives such as Biodiversity Offsetting, Nature Improvement Areas and a focus on well-connected natural networks and introduces the concept of securing a 'no net loss' situation with regard to UKBAP/Section 41 habitats and species.

ODPM circular 06/05 (2005) Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within the Planning System  
Provides guidance to Local Authorities on their obligations to biodiversity – particularly in relation to assessing planning applications and ensuring the adequacy of information.

BSI (2013) British Standards Institute BS 42020:2013 Biodiversity – Code of Practice for Planning and Development

Provides a standard for the biodiversity assessment and development industries and decision makers such as Local Planning Authorities to work to.