

NetworkRail

Transpennine Route Upgrade

Flint Street Compound Hub

Ecological Impact Assessment

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1. INTRODUCTION

1.1. Background

- 1.1.1. Waterman Infrastructure & Environment Limited (Waterman) was commissioned by Atkins, on behalf of Network Rail, to carry out an Ecological Impact Assessment (EclA) of a land parcel known as Flint Street; central Ordnance Survey national grid reference (OSNGR) SE 14680 18260.
- 1.1.2. The land parcel is approximately 1.21ha and is hereafter referred to as the 'Site', see Figure 1 for the planning application boundary. The Site planning application boundary is outside the adjacent Transpennine Route Upgrade (TRU) Transport and Works Act Order (TWAO) boundary (see below), however, the Site has been identified as being required to provide welfare and parking provision for the wider TRU Scheme, and is subject to its own planning application.
- 1.1.3. This EclA report is intended to accompany a planning application for the above use of the Site and seeks to provide the following:
- Identify important ecological features (IEFs) present within the Site and zone of influence (Zoi) of the development;
 - Describe potentially significant ecological effects associated with the development;
 - Set out environmental measures in line with the Mitigation Hierarchy required to comply with relevant planning policies and nature conservation legislation; and
 - Provide an assessment of significant residual effects.

1.2. Project Background

- 1.2.1. The TRU is a transformative, long-term railway infrastructure programme that will improve connectivity in the North of England. The Huddersfield to Westtown section of the TRU Scheme (which was the subject of the TWAO (The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022), aims to deliver the following improvements:
- Improved journey time;
 - New four-tracking and a grade-separated junction between Huddersfield and Ravensthorpe for reliability and capacity, to help remove delays and prevent them from perpetuating from one side of the Pennines to the other;
 - The ability to run eight passenger trains per hour;
 - Full electrification; and,
 - A contribution to Network Rail's Decarbonisation Strategy and climate policy.
- 1.2.2. Planning Direction for the Huddersfield to Westtown (Dewsbury) section of the TRU was received from the Department for Transport referenced TWA/21/APP/03, dated 13 October 2022. The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements) Order 2022) SI 2022 No. 1067 came into force on 3rd November 2022.
- 1.2.3. The Site has been identified as being required for welfare and parking provision to support the Scheme and is subject to its own planning application.

1.3. Proposed Works

- 1.3.1. The proposals seek to provide a new compound location to support the upgrading of the TransPennine line between Huddersfield and Westtown. The site will be accessed via the existing access point off of Flint Street.
- 1.3.2. The proposals for this compound are as follows:
- 1-tier 80-desk office with a 150-person multi-purpose briefing room;
 - Office operation 24/7 but with primary use between 0700-1700hrs Monday to Friday (operating at 20% capacity outside the primary use time);
 - Briefing room operational 24/7 but only at full capacity 10% of the time, with peak usage on Tuesdays and Thursdays 1000-1400 hrs, Fridays 2200-0600hrs (operating at 20% capacity outside these times);
 - Up to 200 parking spaces consisting of:
 - 75% for small or medium sized vehicles;
 - 25% large sized vehicles;
 - 50 3.2kW Electric Vehicle charging points;
 - 12 parking spaces for disabled users; and
 - Unloading bays.
- 1.3.3. Fencing is already in place on the site perimeter and there is no requirement to modify the existing arrangement as part of the proposed development.
- 1.3.4. There is no vegetation clearance requirement as part of the proposed development. All boundary and on-site vegetation will be protected and retained throughout the works and compound use. There will also be no increase in artificial light spill onto adjacent habitats or structures. There will be some maintenance of light boundary vegetation.
- 1.3.5. Access to the site will be via the existing access/egress point from Flint Street. This was the access point used during the sites previous use as a council depot. There will be no alterations to the existing access/egress arrangements as part of the proposed development.

2.1. Scope of the Assessment

- 2.1.1. The scope of this EclA is based on current guidelines¹. Consideration is applied to identifying IEFs within the Zol, as detailed below. If IEFs are identified, they are subject to evaluation and impact assessment.
- 2.1.2. The Zol is the area(s) over which ecological features may be impacted by the biophysical changes caused by the proposed development. Based on the scale and nature of the development, it has been assessed that the Zol arising from these works is unlikely to be greater than 1km from the Site and 2km for Statutory Designated Sites and 10km for internationally Designated Sites. Therefore, these distances have been used to collect the ecological data search information.
- 2.1.3. In this report, designated sites, habitats and species within the Zol that fall into the categories in Table 1 and Table 2 have been identified as being IEFs.

Table 1: Important Ecological Features Categories

Geographical Level of Importance	Category
International	<p>Statutory designated sites: Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites (including candidate SACs and proposed SACs, SPAs and Ramsar sites).</p> <p>A viable area of a habitat type listed in Annex I of the Habitats Directive, or smaller areas of such habitat essential to maintain the viability of a larger whole.</p> <p>Regularly occurring populations of a species large enough in number to be of international importance where:</p> <ul style="list-style-type: none"> • The loss or degradation of these populations would adversely affect the conservation status or distribution of the species at this geographic scale; or • The population forms a critical part of a wider population at an international level; or • The species is at a critical phase of its life cycle at this scale.
National	<p>Statutory designated sites: Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR).</p> <p>Ancient Woodland Inventory.</p> <p>A viable area of a Habitat of Principal Importance as listed on Section 41 of the Natural Environments Rural Communities (NERC) Act 2006 or smaller areas of such habitat essential to maintain the viability of a larger whole.</p> <ul style="list-style-type: none"> • Resident, or regularly occurring, populations of species² significant at a National level where:

¹ CIEEM (2018): 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine.' Chartered Institute of Ecology and Environmental Management, Winchester.

² Legally protected and other notable species including listed on Section 41 of the NERC Act 2006.

Geographical Level of Importance	Category
	<ul style="list-style-type: none"> • The loss of these populations would adversely affect the conservation status or distribution of the species at a national level; or • The population forms a critical part of a wider population at this scale; or • The species is at a critical phase of its life cycle at this scale.
County	<p>Local Nature Reserves (LNR); and Non-statutory designated wildlife sites of county value.</p> <p>Areas which meet the published selection criteria for county site designations, but which are not themselves designated as such.</p> <p>Species – as per National level but where the loss of these populations would negatively affect the conservation status or distribution of the species at a county level and where populations/species are critical at the county scale.</p> <p>This may include locally significant populations of a species listed in county Biodiversity Action Plan (Kirklees Local Biodiversity Action Plan³) on account of its regional rarity or localisation.</p>
District/Borough	<p>Non-statutory designated wildlife sites of district/borough value.</p> <p>Species – as per County level but where the loss of these populations would negatively affect the conservation status or distribution of the species at a district level and where populations/species are critical at the district scale.</p> <p>This may include locally significant populations of a species listed in a District/Borough BAP on account of its regional rarity or localisation (Kirklees Species of Principal Importance and Kirklees Habitats of Principal Importance^{4 5}).</p>
Local	<p>Non statutory designated sites of local value (e.g. where degradation in conditions does not meet higher levels).</p> <p>Areas of habitat considered to appreciably enrich the habitat resource within the local context (e.g. species-rich hedgerows, ponds etc.). It may also include sites that retain other elements of semi-natural vegetation that due to their size, quality or the wide distribution of such habitats within the local area are not considered for local designations.</p> <p>Populations/assemblages of species that appreciably enrich the biodiversity resource within the local context. Populations of county level important species that are not threatened or rare in the county and are not integral to maintaining those populations.</p>

³ Kirklees Council (2015). Kirklees Local Plan. Available at: <https://www.kirklees.gov.uk/beta/planning-policy/pdf/supportingDocuments/methodologyTechnicalPapers/DLP-Environmental-Designations-Technical-Paper.pdf>

⁴ Kirklees Council (2007). Kirklees Species of Principal Importance. Available at: <https://www.kirklees.gov.uk/beta/delivering-services/pdf/biodiversity-species.pdf>

⁵ Kirklees Council (2007). Kirklees Habitats of Principal Importance. Available at: <https://www.kirklees.gov.uk/beta/delivering-services/pdf/biodiversity-habitats.pdf>

Geographical Level of Importance	Category
Site	Habitats and/or species that are of limited ecological importance due to their size, species composition or other factors. Areas of heavily modified or managed vegetation of low species diversity. Low or moderate numbers of common and widespread species.

Table 2: Legally Protected Species

Legislation
Species included on Schedules II ⁶ and V ⁷ of The Conservation of Habitat and Species Regulations 2017 (as amended); Native Species included on Schedules 1 ⁸ , 5 ⁹ and 8 ¹⁰ of the Wildlife and Countryside Act 1981 (as amended), excluding species that are only protected in relation to their sale (Section 9[5] and 13[2]); Invasive Non-native Species (INNS) listed on Schedule 9 ¹¹ of the Wildlife and Countryside Act 1981 (as amended); and, Badgers, which are protected under the Protection of Badgers Act 1992 ¹² .

2.2. Desk Study

- 2.2.1. The sources of information and search areas used in the desk study are summarised in Table 3. The search areas reflect the likely maximum zone of influence of the development. Aerial photography for the area has also been reviewed using Multi-Agency Geographic Information for the Countryside (MAGIC) website¹³ and Google Maps¹⁴. Previous ecology surveys undertaken on the site were also reviewed for context.

Table 3: Desk Study Data Sources and Search Areas

⁶ Legislation.gov.uk (2017) The conservation of Habitats and species regulations 2017, The Conservation of Habitats and Species Regulations 2017 - SCHEDULE 2 European Protected Species of animals. Available at: <https://www.legislation.gov.uk/ukksi/2017/1012/schedule/2/made> (Accessed: 16 February 2024).

⁷ Legislation.gov.uk (2017) The conservation of Habitats and species regulations 2017, The Conservation of Habitats and Species Regulations 2017 - SCHEDULE 5 European Protected Species of plants. Available at: <https://www.legislation.gov.uk/ukksi/2017/1012/schedule/2/made> (Accessed: 16 February 2024).

⁸ Legislation.gov.uk (2011) Wildlife and Countryside Act 1981, SCHEDULE 1
 Birds which are Protected by Special Penalties. Available at: <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>

⁹ Legislation.gov.uk (2021) Wildlife and Countryside Act 1981, SCHEDULE 5
 Animals which are Protected. Available at: <https://www.legislation.gov.uk/ukpga/1981/69/schedule/5>

¹⁰ Legislation.gov.uk (2011) Wildlife and Countryside Act 1981, SCHEDULE 8
 Plants which are Protected. Available at: <https://www.legislation.gov.uk/ukpga/1981/69/schedule/8>

¹¹ Legislation.gov.uk (2022) Wildlife and Countryside Act 1981, SCHEDULE 9 Available at: <https://www.legislation.gov.uk/ukpga/1981/69/schedule/9>

¹² Legislation.gov.uk (1992) Protection of Badgers Act 1992. Available at: <https://www.legislation.gov.uk/ukpga/1992/51/contents>. The Conservation of Habitats and Species Regulations 2017 - SCHEDULE 5 European Protected Species of plants. Available at: <https://www.legislation.gov.uk/ukksi/2017/1012/schedule/2/made> (Accessed: 16 February 2024).

¹³ <https://magic.defra.gov.uk/>

¹⁴ <https://www.google.co.uk/maps>

Data source	Ecological feature	Search area
Multi-Agency Geographic Information for the Countryside (MAGIC) website ¹⁵ August 2024.	International Statutory designated sites for nature conservation: Ramsar, SAC, SPA,	10km
	National Statutory designated sites for nature conservation: Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR), Local Nature Reserve (LNR).	2km
	Priority Habitats ¹⁶ and Ancient Woodlands.	1km
	Granted European Protected Species Mitigation (EPSM) licences.	1km
West Yorkshire Ecology Service (WYES) ¹⁷ supplied in July 2024.	Non-statutory designated sites for nature conservation: Local Wildlife Site (LWS)	2km
	Records of protected and priority flora and fauna ¹⁸ . Whilst a full set of records were requested and considered, only recent records (in the last 10 years) are described in this report unless more historic records are considered particular pertinent.	2km
Online Ordnance Survey (OS) maps and publicly available satellite imagery (accessed July 2024).	Information on habitats (including ponds) and habitat connectivity relevant to the assessment of protected and priority species.	250m
Kirklees Council Planning Application Portal.	Full site - Review of previous Ecology Reporting for the site ¹⁹ in particular bats.	Site

2.3. Field Survey

- 2.3.1. The Field Survey area is indicated in Figure 1 and comprises the planning application boundary and immediately adjacent vegetation. AUK Habitat Classification survey (hereafter referred to as the UKHab Survey) of the Site was undertaken on 21st May 2024 by Zinnia Pennington (Waterman Consultant Ecologist Qualified CIEEM, FISC 3²⁰) and Erin Nolan (Waterman Ecology apprentice). Weather conditions were good 16°C, dry, mainly sunny, wind 4.97mph north westerly. The survey was conducted within the optimum period for undertaking habitat surveys i.e. April to September when flowering plants are most visible.

¹⁵ <https://magic.defra.gov.uk/>

¹⁶ Priority Habitats are those listed under the Habitats of Principal Importance (HoPI) for nature conservation in England listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006; and habitats listed in the Kirklees Local Biodiversity Action Plan. It should be noted that MAGIC.gov.uk provides a priority habitat layer taken from the (now superseded) UK BAP layers, but confirmation of whether these are HoPIs should be verified on site.

¹⁷ West Yorkshire Ecology Service (2024) Ecological Records Search for Flint Street. Ref: 20240702 K1235 LM

¹⁸ As listed under Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended); Schedules 2 and 4 of The Conservation of Habitats and Species Regulations 2017 (as amended); Species of Principal Importance for nature conservation in England listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006; and species listed in the Greater Manchester Biodiversity Action Plan. Records of invasive non-native plant species (listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)) were also reviewed.

¹⁹ Kirklees Council (2023). Kirklees, Technical Services - Prior notification for demolition of office buildings, Application number: 2023/N/91335/W. Available at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/91335>

²⁰ Field Identification Skills Certificate – Botanical Society of Britain and Ireland.

- 2.3.2. Habitats were characterised using the UKHab classification system²¹, and their condition was assessed according to Statutory Condition Assessment Criteria²². This included scoping for protected species with any evidence or potential of protected species or groups recorded²³. This included observation of field signs and an assessment of the suitability of the habitats present to support protected species. The value and sensitivity of ecological features present within the Site were determined based on guidance given by CIEEM^{24 25}. Any evidence for the presence of invasive non-native species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) was also recorded. A fine scale Minimum Mapping Unit (MMU) was deemed an appropriate level for mapping habitats i.e. a habitat area was only mapped if the habitat was greater than 25m² (area habitats) or 20m in length / 5m width (linear habitats). Trees were only mapped whereby their stem diameter was >30cm.
- 2.3.3. As part of the field survey, scoping was also undertaken for protected and priority species.

2.4. Daytime Bat Walkover

- 2.4.1. Habitats on Site were deduced to have the ability to support bats therefore a Daytime Bat Walkover (DBW) was undertaken as part of the Field Survey. One building (B1) was present on site but close access was restricted therefore a detailed inspection of the exterior and interior was not possible, with observations made from vantage points approximately 10m away from the building. The aim of the DBW was to identify and record structures, trees and other features that could be suitable for bats to roost in and any habitats that could be suitable for bats to commute, forage or swarm in/at. An assessment of the Site was made in terms of its suitability to support bats using the criteria set out within current guidance²⁶ and summarised in Table 4 below.

Table 4: Daytime Bat Walkover¹⁸

Suitability	Roosting within Structures	Foraging and Commuting
None	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).	No habitat features on site likely to be used by any commuting or foraging bats at any time of the year (i.e. no habitats that provide shade/protection for flight-lines, shelter, or insect populations for foraging bats).
Negligible	No obvious habitat features on site likely to be used by roosting bats; however, slight uncertainty.	No obvious habitat features on site likely to be used as flight-paths or by foraging bats; however a small element of uncertainty still remains for non-standard bat behaviour.

²¹ UKHab Ltd (2023). *UK Habitat Classification Version 2.0* (at <https://www.ukhab.org>)

²² Department for Environment, Food & Rural Affairs (2024). *The Statutory Biodiversity Metric User Guide*. Available at: https://assets.publishing.service.gov.uk/media/669e45fba3c2a28abb50d426/The_Statutory_Biodiversity_Metric_-_User_Guide__23.07.24_.pdf

²³ Species listed under Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as amended); Schedules 2 and 4 of The Conservation of Habitat & Species Regulations 2017 (as amended); species of Principal Importance listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006; and species listed in the Kirklees Biodiversity Action Plan.

²⁴ CIEEM (2018) 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine.' Chartered Institute of Ecology and Environmental Management, Winchester.

²⁵ CIEEM (2017) *Guidelines for Preliminary Ecological Appraisal*, 2nd edition. Chartered Institute of Ecology and Environmental Management, Winchester.

²⁶ Collins, J. (ed) (2023) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (4th edn). The Bat Conservation Trust, London. ISBN 978-1-7395126-0-6

Suitability	Roosting within Structures	Foraging and Commuting
Low	A structure with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year, however, they do not provide factors to support large numbers of bats.	Habitats that could be used by a small number of bats as flight-paths or foraging locations such as gappy hedgerows or lone trees, respectively. However, these habitats are isolated from other suitable habitats.
Moderate	A structure with one or more potential roost sites that could be used by bats due to their size, shelter, protection, conditions and surrounding habitat but unlikely to support a roost of high conservation status (with respect to roost type only).	Continuous habitat with suitable connectivity to the wider habitat/landscape that supports foraging and flight-paths such as lines of trees, scrub, grasslands or water.
High	A structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time due to their size, shelter, protection, conditions and surrounding habitat.	Continuous high-quality habitat well connected to the wider landscape that supports foraging and flight-paths such as river valleys, woodland edged, grazed parklands or hedgerows.

2.5. Ground Level Tree Assessment

2.5.1. The Ground Level Tree Assessment (GLTA) was based on the current best practice guidelines at the time of the survey (Collins, 2023)²¹. An assessment of each tree was made in terms of its suitability to support roosting bats using the criteria set out within Table 5 below. The survey consisted of a visual inspection (including the use of binoculars) of the exterior of each tree for evidence of bat use (e.g. droppings, scratch marks, staining and sightings). Several factors were considered, including presence of features suitable for use by roosting bats, proximity to foraging habitats or cover and potential for disturbance. Notes were made relating to relevant characteristics of features providing potential access points and roosting opportunities for bats.

Table 5: Tree Suitability for Roosting Bats Guidelines (Collins, 2023)

Suitability	Description
PRF	A tree with at least one PRF present.
FAR	Further Assessment Required to establish if PRFs are present in the tree.
NONE	Either no PRFs in the tree or highly unlikely to be any.

2.6. Constraints, Limitations and Assumptions

2.6.1. Access to the building (B1) was restricted due to fencing, preventing close inspection for roosting features. Observations taken from a 10m distance enabled characteristics of the building to be identified. Review of previous site-based reports enabled sufficient information to be collected to assess the feature. The building will be retained as part of the proposed development. As such this has not prevented the objectives of the report from being met.

- 2.6.2. The line of trees along the north boundary are located outside of the planning application boundary and therefore a detailed inspection of these trees was not undertaken. Sufficient information has been collected to enable potential impacts and avoidance measures to be identified for the purpose of this assessment.

3.1. Site Overview

- 3.1.1. The Site (Figure 1) is located north of Flint Street, Huddersfield. The Site is situated between Bradford Road along the west boundary of the Site and Alder Street on the east boundary of the Site. To the north is an area of greenspace associated with the national cycle network Birkby Bradley Greenway. In the immediate vicinity located around the entire of the Site is residential and commercial buildings as well as car parks to the southeast and south.
- 3.1.2. Within the local area is the Huddersfield active railway line (running from Huddersfield to Leeds) which is located approximately 0.24km east of the Site, beyond which is the Huddersfield Broad Canal and the River Colne, which are located approximately 0.41km east and 0.8km east of the Site respectively, as well as pockets of woodland. The Birkby Bradley Greenway provides connectivity between the site and the railway corridor to the east which in turn provides connectivity to the wider landscape. The Site contains no watercourses and therefore is not hydrologically connected to other habitats.
- 3.1.3. A review of recent aerial photography indicates that several more buildings were present on site, which appear to have been demolished in 2023.

3.2. Designated Sites

- 3.2.1. Whilst no statutory designated sites are present within the defined Zol, the Site does fall within two SSSI risk zones²⁷ that trigger further considerations in the following development categories:
- Infrastructure: Airports, helipads and other aviation proposals.
 - Minerals, Oil and Gas: Oil & gas exploration/extraction.
 - Air Pollution: Livestock & poultry units with floorspace > 500m², slurry lagoons > 750m² & manure stores > 3500t.
 - Combustion: General combustion processes >20MW energy input. Including: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.
- 3.2.2. As the development is not associated with these development categories further consideration of SSSIs is not considered necessary.
- 3.2.3. Table 6 outlines non statutory designated sites within the Zol and their description and value (Figure 2). Whilst these are located within the search areas, further review has identified no habitat connectivity or hydrological connectivity between the Site and these designated sites. As such they are not considered further in this assessment.

²⁷ The Impact Risk Zones (IRZs) are a GIS tool developed by Natural England to assess the potential risks posed by development proposals to Sites of Special Scientific Interest (SSSIs). The zones define areas around each SSSI that reflect the sensitivities of the features for which it is notified and indicate the types of development proposals that could have adverse impacts. Local planning authorities use the IRZs to determine whether a proposed development is likely to affect a SSSI and whether they need to consult Natural England for advice on how to avoid or mitigate potential impacts. The SSSI IRZs can also be used by developers, consultants, and the public to consider potential impacts and seek pre-application advice from Natural England. SSSI IRZ User Guidance MAGIC.pdf (defra.gov.uk)

Table 6: Designated Sites for Nature Conservation within Zol

Name and Designation	Approximate distance and direction from the Site	Description and value
Huddersfield Broad Canal (originally known as Sir John Ramsden Canal) Local Wildlife Site	0.24km east. No habitat connectivity identified	This area is comprised of standing open water with a collection of habitats including woodland, scrub and grassland along either side of the canal. This Local Wildlife site is of District/Borough value.
Grimescar Wood Local Wildlife Site	1.50km northwest. No habitat connectivity identified	This woodland is located in the north of Huddersfield and contains an ancient yew tree, located at OSNGR SE12901920. This Local Wildlife site is of District/Borough value, although the ancient yew tree may be of greater importance (not assessed).

3.3. Ancient Woodland and Priority Habitats

- 3.3.1. The search identified no ancient woodlands within 1km, and no pathways have been identified connecting the Site to the ancient woodland.
- 3.3.2. The Habitats of Principal Importance Inventory²⁸ shows several areas of deciduous woodland within 1km of the Site scattered throughout the wider area with the closest woodland located 270m south which makes up part of the railway corridor.

3.4. European Protected Species Mitigation Licenses

- 3.4.1. No granted European Protected Species Mitigation licence applications were recorded from within 1km of the Site.
- 3.4.2. Details available on the Kirklees Planning Application Portal, show that the demolition of an office building previously present on Site was approved in 2023. Information submitted to accompany the 2023 application included ecology reports particularly related to bats and their roosts present on site (see Table 3). It is assumed that a bat licence would have been sought prior to demolition of the buildings as part of the 2023 planning application (if required). The site visit confirmed that these buildings have now been demolished. Further details are provided in Table 8.

²⁸ <https://magic.defra.gov.uk/>

3.5. Site Habitats

3.5.1. Habitats within and immediately adjacent to the Site are described in Table 7, illustrated on Figure 1 (including Target Notes) and correlate with Photographs within Appendix B.

Table 7: Description of Site Habitats

Habitat	Description and Evaluation
<p>Other Native Hedgerow h2a6 On Site</p>	<p>Native hedgerow is located at the north site boundary (Photograph 8, 9, 10) running parallel to the line of trees adjacent to the Site. Species include: wild cherry <i>Prunus avium</i>, common elder <i>Sambucus nigra</i>, sycamore <i>Acer pseudoplatanus</i> saplings, dog-rose <i>Rosa canina</i>, firethorn <i>Pyracantha coccinea.</i>, with a ground layer of red valerian <i>Centranthus ruber</i>. This hedgerow has been assigned a Poor condition (i.e. three out of the eight condition criteria were passed and two were within the same functional group (passed criteria included B1, B2, D1 of the statutory metric condition assessment)).</p> <p>Native hedgerow is a habitat of principal importance. Whilst this is a relatively short stretch (approximately 100m) this hedgerow provides wider connectivity to the local surroundings through the Birkby Bradley Greenway. As such it is considered important at a Local level.</p>
<p>Mixed Scrub h3h On Site and adjacent</p>	<p>One patch of mixed scrub (Photograph 4 & 5) was located centrally on Site and was comprised of the following species; ribwort plantain <i>Plantago lanceolata</i>, sycamore saplings, dogwood <i>Cornus sanguinea</i>, rowan <i>Sorbus aucuparia</i>, wild cherry saplings, hawthorn <i>Crataegus monogyna</i>, birch <i>Betula</i> sp., reflexed stonecrop <i>Petrosedum rupestre</i>, dog-rose, brome sp. <i>Bromus</i> sp., red valerian ash <i>Fraxinus excelsior</i> sapling, broad-leaved willowherb <i>Epilobium montanum</i>, horsetail <i>Equisetum</i> sp., common dandelion <i>Taraxacum officinale</i> agg. and purple toadflax <i>Linaria purpure</i>. This mixed scrub has been assigned a Poor condition due to two of the five condition criteria being met (passed criteria include A and C of the statutory metric condition assessment).</p> <p>A second area of mixed scrub is located to the immediate west of the site boundary and has a similar character.</p> <p>This habitat is common and widespread and is of importance to nature conservation at the Site level only.</p>
<p>Line of trees SC 33 Adjacent to the Site</p>	<p>A line of semi mature trees (Photograph 8) was located adjacent to the Site along the northern boundary. Trees are beyond a boundary fence. Species include wild cherry, sycamore, and small-leaved lime <i>Tilia cordata</i>. The trees are considered to be important at a Site level.</p> <p>It should be noted that these features are located adjacent but outside the planning application boundary, as such they were not subject to a condition assessment.</p>
<p>Urban trees On Site</p>	<p>Two young sycamore trees were located to the northeast of the Site. These were assigned a Moderate condition due to four out of the six condition criteria being met (passed criteria included A, B, D, F of the statutory metric condition assessment). These trees are considered to be important at a Site level.</p>

Habitat	Description and Evaluation
Developed Land; Sealed surface u1b On Site	The majority of the Site contains Developed Land; Sealed surface (Photograph 1, 3, 6 & 7) which is comprised of a tarmac car park. Previously work has already been conducted by Network Rail which has consisted of the demolition of previous buildings located on this Site. Considered as a habitat only, the hard surfaces are of no nature conservation value and are not further discussed in this report.
Building u1b5 SC825 – ruined building On Site	A single storey derelict building was present within the Site boundary, located in the southeast corner (Photograph 2). The building roof slates had been removed and there were two large openings in the front of the building. The building was comprised of red brick. Considered as a habitat only, the building has no intrinsic value other than its potential value for protected species (described below).

3.6. Protected and Priority Species

3.6.1. Table 8 provides a summary of desk study and Field Survey results for protected species and species of principal importance.

Table 8: Summary of Results for Protected Species and Species of Principal Importance

Species	Summary Results and Evaluation
Amphibians including great crested newt	WYES returned two recent records of amphibians from within 2km associated with common toad <i>Bufo bufo</i> and common frog <i>Rana rana</i> . There are no ponds on or within 250m of the Site, and terrestrial habitat provides limited value due to presence of tarmac and disturbance arising from use of the site as a car park. Therefore, the Site is not considered suitable to support amphibians. Great crested newt are considered likely absent from the Site and are scoped out of the assessment.
Badger	Due to the ongoing persecution of badger <i>Meles meles</i> detailed locations of badger records were not provided during the desk study, however the presence of badger beyond ~1.5km from site was confirmed. No setts were found on Site during the Field Survey and no suitable habitat was present on Site for sett building. The majority of the Site is made up of tarmac sealed surface functioning as an active car park. Given the lack of suitable habitat for badger sett excavation, badger are considered likely absent and have been scoped out of assessment.
Bats - Roosting	A total of 29 WYES recent records relate to bat roosts within 2km of the site. These related to pipistrelle species, Daubenton's bat <i>Myotis daubentonii</i> , and noctule bat <i>Nyctalus noctule</i> . The closest tree roost was of an unidentified bat located 0.5km to the east.

Species	Summary Results and Evaluation
	<p>A planning application for the demolition of a complex of office buildings previously present on Site was approved in 2023²⁹. Supporting information included a Bat Survey Report which took place in 2023 by Middleton Bell Ecology²³. This report identified two common pipistrelle day roosts within the site within a now demolished building (referred to as Building 5). The report specified after demolition of the building, bat boxes to be erected on telegraph poles as an alternative location to buildings for bat boxes, however no bat boxes were identified on Site during the Field Survey or the desk study in or adjacent to the Site.</p> <p>Building B1 within the south-east corner of site appears to have recently had its roof stripped, with tiles removed. The Middleton Bell Ecology survey assessed the building as moderate (referred to as Building 10 in this previous report), based on the presence of cavities between and beneath roof tiles. In addition activity surveys confirmed the likely absence of roosting bats in this building. A review of the photos in the previous report indicates the stripping and tile removing to have taken place since the Middleton Bell report was produced, as such those features which resulted in a previously moderate potential being assigned have now been removed. Based on its exposure to the elements and the lack of a sealed wall cavity, the building is assessed as negligible bat roost suitability.</p> <p>Trees T1 and T2 were young sycamore trees and of an age class and height unsuitable to support roosting bats. It should be noted that the tree line (immediately outside of the site boundary) has not been assessed for roosting bats.</p> <p>Roosting bats are considered to be likely absent from the Site, and no features of bat roost suitability are present on Site. As such the Site is considered to be of no current importance to roosting bats.</p> <p>It should be noted that there may be trees or structures within the Zol of the Site (outside of the site boundary) that may have unidentified bat roosts present. This is considered in Section 4.</p>
<p>Bats – Foraging and commuting</p>	<p>WYES returned 139 recent records of bats within 2km of the Site. Approximately 100 of these are attributed to foraging and commuting with common species including pipistrelle species, Daubenton’s bat, one whiskered bat <i>Myotis mystacinus</i>, unclassified <i>Myotis</i> bat species, noctule bat and Leisler’s bat <i>Nyctalus leisleri</i>.</p> <p>The Middleton Bell bat report stated that, with the exception of the two roost observations (described above), a very low level of bat activity was recorded</p>

²⁹ Kirklees Council (2023). Kirklees, Technical Services - Prior notification for demolition of office buildings, Application number: 2023/N/91335/W. Available at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023/91335>

Species	Summary Results and Evaluation
	<p>from the site during nocturnal survey work undertaken, with all activity relating to common pipistrelle only.</p> <p>Hedgerow habitat on the northern boundary of the Site, supplemented by the adjacent line of trees immediately adjacent of the site are integral to the mainly tree-lined footpath associated with the Birkby Bradley Greenway. This feature provides suitable bat foraging habitat as well as a connective commuting feature to the local area (including the railway corridor and Huddersfield Broad Canal). Given the site is known to have previously supported roosting bats, this connectivity feature (which includes the hedgerow within the northern boundary of the site) is given a moderate suitability for foraging bats. This feature is considered to be of importance to foraging and commuting bats at a Local level. It should be noted that the rest of the site is considered to be of negligible value to foraging and commuting bats.</p>
Birds	<p>WYES returned 64 recent records of birds from within 2km of the Site, the closest located 0.41km southeast from the Site.</p> <p>No nesting birds were identified on Site during the Field Survey. The Site provides limited nesting habitats within trees, hedgerow and scrub. The Site is not considered suitable to support ground nesting birds.</p> <p>Due to the Site being a car park and lacking large areas of vegetation, the Site is not considered suitable to support notable breeding birds. The value of habitat within the Site for local bird populations is considered to be at the Site level only.</p>
Reptiles	<p>WYES returned no recent records of widespread species of reptiles. The Site provides some open basking and occasional shelter locations for reptiles with the presence of hardstanding and mixed scrub respectively. However, the Site lacks a complex mosaic of habitats of varying heights that would support notable communities. Furthermore, the Site is an active car park causing high levels of disturbance. Given the minimal suitable habitat for reptiles, lack of records in 2km and high level of disturbance, reptile are considered absent from the Site.</p>
Invertebrates	<p>WYES returned three records of invertebrate from within 2km of the Site, the closest record was a <i>Odonteus armiger</i> beetle (the date is unknown) located 0.98km southeast from the central grid reference of the Site. The Site lacks a large and complex mosaic of vegetation and is therefore not considered suitable to support a notable population of invertebrates. Invertebrates are not considered further in this assessment.</p>

3.7. Invasive Non-Native Plant Species

- 3.7.1. WYES returned 49 recent records of invasive plant species within 2km of the Site, predominantly Himalayan balsam *Impatiens glandulifera* and Japanese knotweed *Fallopia japonica*, the closest being a Japanese knotweed located 0.50km southeast of the Site. No invasive species were identified on Site during the Field Survey. INNS are not considered further in this assessment.

4. IMPACT

4.1.1. The ecological constraints and potential impacts arising from the development are summarised in Table 9, together with an assessment of the need for further preconstruction survey, recommendations for mitigation and anticipated residual effects from the development after mitigation has been implemented. See **Appendix A** for a summary of relevant legislation.

Table 9: Impact Assessment, Mitigation and Residual Effects table.

Important Ecological Feature	Importance	Summary of potential impacts	Pre - construction Survey	Avoidance, Reduction and Mitigation	Residual Effects
Other Native Hedgerow (Priority Habitat)	Local	<p>An approximate 100m of native hedgerow is located at the northern boundary of the site, , which, alongside a line of trees (adjacent but outside of the boundary) contributes to the functionality of the Birkby Bradley Greenway (green corridor) to the north. The hedgerows and line of trees are shown in Figure 1.</p> <p>Removal of a hedgerow would result in the loss of a HoPI habitat, and also reduce the value of the green corridor to the immediate north of the Site. This would result in an impact significant at the Local level.</p>	No	The proposals will retain and protect the hedgerow and line of trees.	No
Urban Trees	Site	Two young sycamore trees located to the northeast of the Site provide limited vegetation within a highly urbanised site. The removal of these trees would be significant at a Site level.	No	The proposals for the site will protect and retain these trees. Damage will be avoided through implementing standard good practice avoidance measures in	No

Important Ecological Feature	Importance	Summary of potential impacts	Pre - construction Survey	Avoidance, Reduction and Mitigation	Residual Effects
				line with BS 5837:2012 ³⁰ .	
Line of Trees (adjacent to site)	Site	A line of trees are located within the Zol but immediately outside of the northern boundary of the Site. Construction activities and vegetation removal within the site has the potential to affect the trees. Damage to the trees would be significant on a Site level.	No	Works on site will retain and protect the hedgerow and line of trees. Damage will be avoided through implementing standard good practice avoidance measures in line with BS 5837:2012 ³¹ .	No
Mixed scrub	Site	Mixed scrub located within and adjacent to the site provides limited vegetation within a highly urbanised site. The removal of this scrub would be significant at a Site level.	No	Works will retain and protect the scrub on site.	No
Bats	Local	No roosting habitat within the site has been noted. Adjacent trees and buildings have not been assessed so the potential exists for unidentified bat roosts to be located in close proximity to the Site (i.e. within the Zol).	No	As above the trees and boundary tree line/hedgerows on/adjacent to the site will be retained/protected	No

³⁰ BSI Standards Publication (2012) BS 5837:2012 Trees in relation to design, demolition and construction– Recommendations

³¹ BSI Standards Publication (2012) BS 5837:2012 Trees in relation to design, demolition and construction– Recommendations

Important Ecological Feature	Importance	Summary of potential impacts	Pre - construction Survey	Avoidance, Reduction and Mitigation	Residual Effects
		<p>Potential exists for temporary disturbance to unknown bat roosts located outside of the Site boundary during construction.</p> <p>Low numbers of common and widespread species of bats may commute and forage within the northern boundary Site in particular associated with the Birkby Bradley Greenway.</p> <p>The potential exists for temporary disturbance of foraging and commuting bats particularly associated with the Birkby Bradley Greenway to the north of the site, through vegetation loss, noise and lighting.</p> <p>On the basis that the tree line to the north of the site provides screening between the site and the greenway, it is expected the temporary impact arising from disturbance would be significant at a Site level.</p>		<p>maintaining commuting routes.</p> <p>Night work will be avoided if possible. If night work is undertaken, lighting will be minimal and directional. Light spill will be avoided and lighting will be switched off when not absolutely necessary, in line with standard guidance³². These requirements will be fully described in the Environmental and Social Management Plan (ESMP). This will reduce the risk of temporary disturbance to foraging or commuting bats, and/or unknown bat roosts located outside of the Site boundary.</p>	

³² Bat Conservation Trust (2018) Guidance Note 8 Bats and Artificial Lighting in the UK

Important Ecological Feature	Importance	Summary of potential impacts	Pre - construction Survey	Avoidance, Reduction and Mitigation	Residual Effects
Breeding Birds (excluding ground nesting)	Site	<p>Common breeding birds may be present within scrub and hedgerow habitats on site, and in adjacent trees.</p> <p>Vegetation clearance could cause damage to nests and eggs and/or killing and injury of young and adult birds, and contravene wildlife legislation. The impact would be significant at a Site level.</p>	Yes	<p>No vegetation removal is proposed as part of the works.</p> <p>Should any vegetation management be required, Network Rail's guidance on vegetation works and conducting bird nesting checks will be complied with. This would be undertaken outside the core bird breeding season, which runs from 1st March to 31st August (inclusive).</p> <p>If this is not possible, a competent person would check for active nests within and around the vegetation to be cleared no more than 24 h prior to the clearance. This requirement will be fully described in the ESMP.</p> <p>If there is uncertainty about the possible</p>	No

Important Ecological Feature	Importance	Summary of potential impacts	Pre - construction Survey	Avoidance, Reduction and Mitigation	Residual Effects
				<p>presence of a nest, then an ecologist will be contacted for further advice (good photographs of the area in question are usually helpful).</p> <p>If an active nest were to be found, a no disturbance exclusion zone (area to be determined by an ecologist) would be established around the nest until it was satisfactorily proved that it was no longer in use.</p>	

5.1.1. In conclusion the IEFs within the Zol of the site comprise:

- Other Native Hedgerow (priority Habitat) (Local importance)
- Urban Trees (Site importance)
- Mixed scrub (Site importance)
- Line of trees (Site importance)
- Bats (Local importance)
- Breeding birds (Local importance)

5.1.2. The following avoidance and standard mitigation measures will be implemented:

- There will be no vegetation removal arising from the proposals
- Trees on and adjacent to the site will be protected through implementing standard good practice avoidance measures in line with BS 5837:2012³³.
- Night work will be avoided if possible, but where it is required lighting is required to satisfy Health and Safety requirements. If night work is undertaken, lighting will be minimal and directional. Light spill will be avoided and lighting will be switched off when not absolutely necessary, in line with standard guidance³⁴. These requirements will be fully described in the Environmental and Social Management Plan (ESMP). This will reduce the risk of temporary disturbance to foraging or commuting bats, and/or unknown bat roosts located outside of the Site boundary.
- Should any vegetation management be required, Network Rail's guidance on vegetation works and conducting bird nesting checks will be complied with. This would be undertaken outside the core bird breeding season, which runs from 1st March to 31st August (inclusive). If this is not possible, a competent person would check for active nests within and around the vegetation to be cleared no more than 24 h prior to the clearance. This requirement will be fully described in the ESMP. If there is uncertainty about the possible presence of a nest, then an ecologist will be contacted for further advice (good photographs of the area in question are usually helpful). If an active nest were to be found, a no disturbance exclusion zone (area to be determined by an ecologist) would be established around the nest until it was satisfactorily proved that it was no longer in use.

5.1.3. No residual effects are anticipated as a result of the works and the implementation of the above measures.

5.1.4. The proposed development is exempt from Statutory Biodiversity Net Gain (BNG) as it does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat

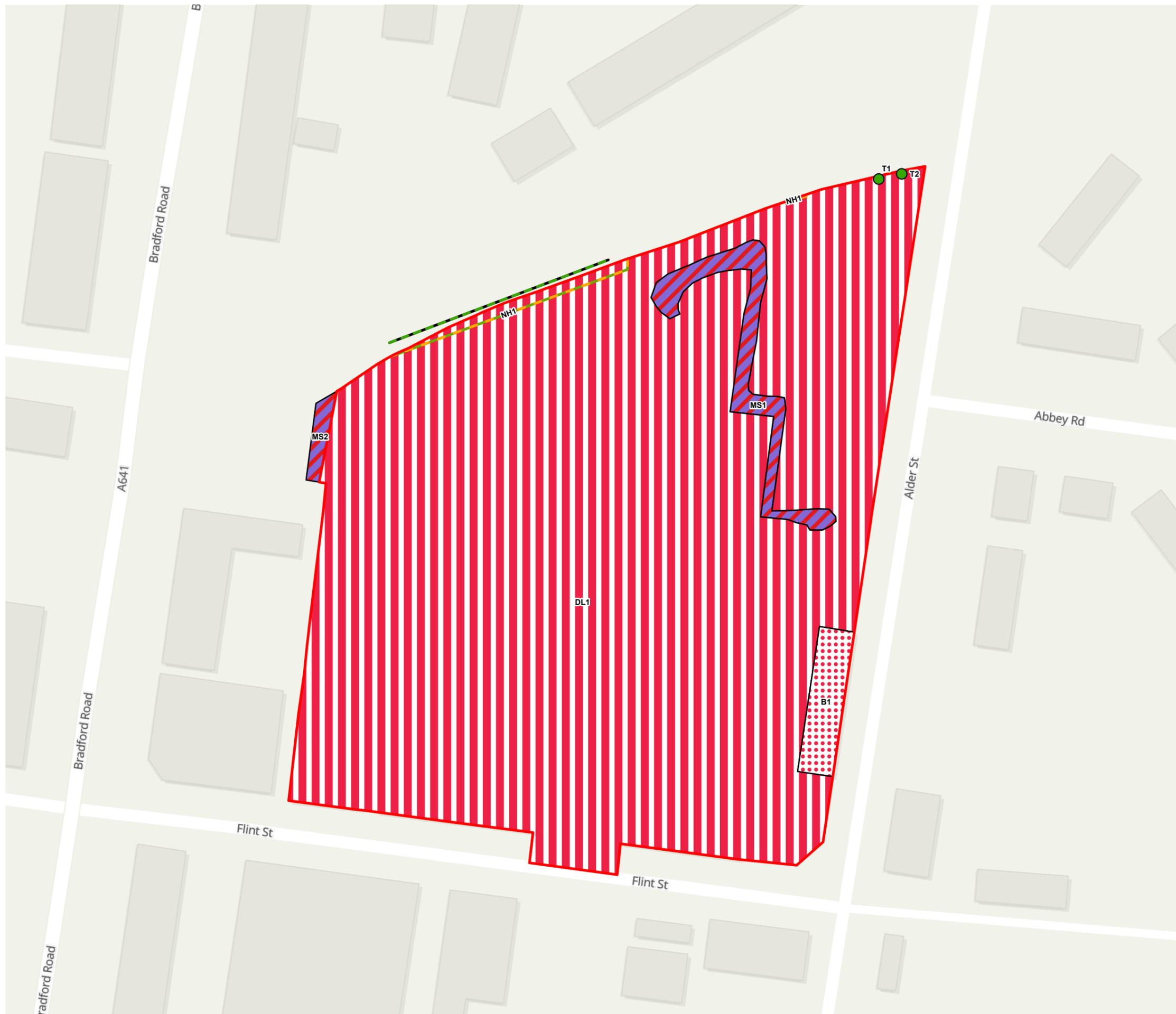
³³ BSI Standards Publication (2012) BS 5837:2012 Trees in relation to design, demolition and construction– Recommendations

³⁴ Bat Conservation Trust (2018) Guidance Note 8 Bats and Artificial Lighting in the UK

FIGURES

Figure 1: UKHab Habitat Mapping

Figure 2: Designated Sites for Nature Conservation within the Zol

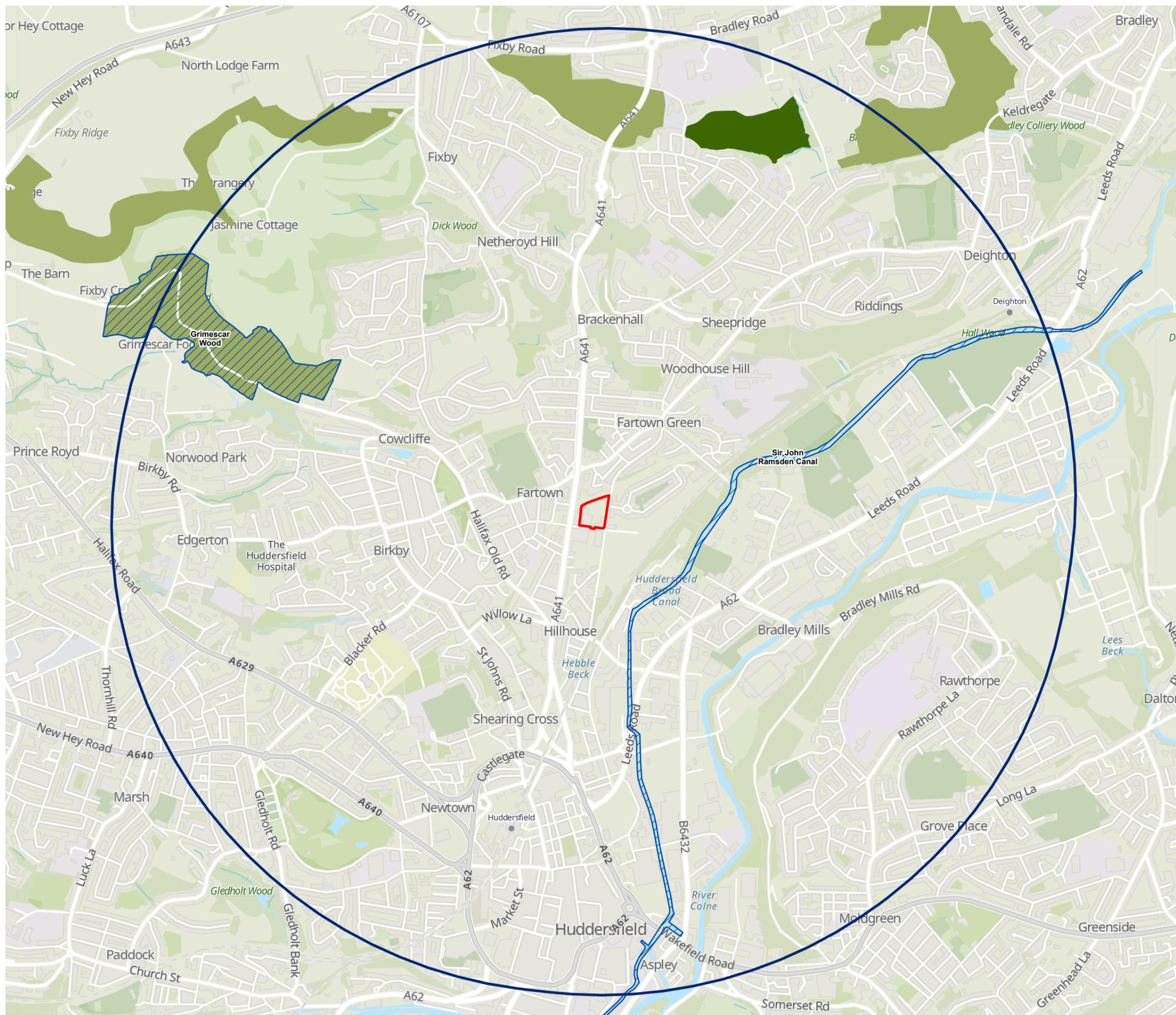


- Planning Application Boundary - 1.281ha
- h3h - Mixed scrub - 0.032ha
- u1b - Developed land; sealed surface - 1.228ha
- u1b5 - Buildings - 0.021ha
- h2a - Native hedgerow - 0.058km
- SC33 - Line of trees - 0.047km
- Tree (2No)



Project Details	WIE15642-231: Flint Street
Figure Title	Figure 1: Habitat Features
Figure Ref	WIE15642-231_GIS_EcIA_1B
Date	January 2025
File Location	N:\Projects\WIE15642-231\GIS\WIE15642-231_GIS_EC

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Contains data from OS Zoomstack



- Planning Application Boundary
- 2km Study Area
- Local Wildlife Sites
- Ancient & Semi-Natural Woodland
- Ancient Replanted Woodland



Project Details WIE15642-231: Flint Street

Figure Title Figure 2: Designated Sites

Figure Ref WIE15642-231_GIS_EcIA_2B

Date January 2025

File Location N:\Projects\WIE15642-231\9_GIS\WIE15642-231_GIS_EC

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APPENDICES

A. Relevant Planning Policy and Legislation

National Planning Policy

National Planning Policy Framework, 2024

The National Planning Policy Framework (NPPF) was published in 2012 and last updated December 2024³⁵. Section 15 (outlined below) of the NPPF, 'Conserving and Enhancing the Natural Environment', is of relevance to this report. No significant changes to Section 15 are noted between the 2021³⁶ and 2024 update. The Government Circular 06/200537 - Biodiversity and Geological Conservation: Statutory Obligations and Their Impact within the Planning System, remains valid and is still referenced within the NPPF.

Of particular significance with respect to biodiversity in the NPPF revision, is the amendment to para 175(d) of the NPPF 2019 (now para 180(d) of the NPPF 2021), which now requires opportunities to incorporate biodiversity improvements in and around Proposed Development, rather than simply making it optional. This demonstrates further steps taken by the government towards achieving the 25 Year Environment Plan (2018). Otherwise, there have been no further changes to the wording of "Conserving and enhancing the natural environment" Chapter of the NPPF.

The NPPF encourages the planning system to contribute to and enhance the natural and local environment. This should be achieved by:

- "Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;
- preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate".

The NPPF also stipulates that Local Planning Authorities (LPAs), when determining planning applications, should apply the following principles:

"If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

³⁵ [National Planning Policy Framework - GOV.UK](#)

³⁶ Ministry of Housing, Communities and Local Government (2021): National Planning Policy Framework

³⁷ Department of Communities and Local Government (2005): Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.

- development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.*"

National Planning Practice Guidance, 2024

The Government's National Planning Practice Guidance³⁸ (NPPG) is intended to provide guidance to local planning authorities and developers on the implementation of the planning policies set out within the NPPF. The guidance of most relevance to ecology and biodiversity is the Natural Environment Chapter, which explains key issues in implementing policy to protect biodiversity, including local requirements. In addition, to the biodiversity net gain guidance³⁹ which requires development to have a positive impact ('net gain') on biodiversity by delivering at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.

Natural Environment and Rural Communities Act 2006

The majority of former Priority national (English) BAP habitats and species are now those listed as Habitats of Principal Importance (HoPI) and Species of Principal Importance (SoPI) in England under Section 41 (S41) of the NERC Act 2006. For the purpose of this report, habitats and species listed under S41 of the NERC Act are referred to as having superseded the UK BAP. All public bodies have a legal obligation or 'biodiversity duty' under Section 40 of the NERC Act 2006 to conserve biodiversity by having particular regard to those species and habitats listed under S41.

Environmental Improvement Plan 2023

In 2023, following the proceedings 15 (COP15) a quarter-of-a century of action to help the natural world regain and retain good health was developed, which on a five-year cycle will be renewed to ensure the commitments align with the current law in the Environment Act 2021. This plan was named the 25Year Environmental Plan (25YEP). Ten goals were set out for the 25YEP, which include the following:

Goal 1: Thriving plants and wildlife;

Goal 2: Clean air;

Goal 3: Clean and plentiful water;

Goal 4: Managing exposure to chemicals and pesticides;

Goal 5: Maximise our resources, minimise our waste;

Goal 6: Using resources from nature sustainably;

³⁸ Department for Communities and Local Government. (2024). *National Planning Practice Guidance*. Available at: <https://www.gov.uk/government/collections/planning-practice-guidance#full-publication-update-history>.

³⁹ Department for Communities and Local Government. (2024). *National Planning Practice Guidance*. Available at: <https://www.gov.uk/guidance/biodiversity-net-gain>.

Goal 7: Mitigating and adapting to climate change;

Goal 8: Reduced risk of harm from environmental hazards;

Goal 9: Enhancing biosecurity;

Goal 10: Enhanced beauty, heritage, and engagement with the natural environment.

BS 42020: 2013 Biodiversity: Code of Practice for Planning and Development

This British Standard sets out to assist those concerned with ecological issues as they arise through the planning process in matters relating to permitted development and activities involved in the management of land outside the scope of land use planning, which could have site-specific ecological implications.

The standard has been produced with input from a number of organisations including the Chartered Institute of Ecology and Environmental Management (CIEEM) and the Association of Local Government Ecologists (ALGE) and provides:

- Guidance on how to produce clear and concise ecological information to accompany planning applications;
- recommendations on professional ethics, conduct, competence and judgement to give confidence that proposals for biodiversity conservation, and consequent decisions/actions taken, are sound and appropriate; and
- direction on effective decision-making in biodiversity management a framework to demonstrate how biodiversity has been managed during the development process to minimize impact.

Local Planning Policy

Kirklees Biodiversity Action Plan

Kirklees Council has selected biodiversity opportunity zones and wildlife habitat network which have been selected as part of their Habitats and Species of Principal Importance occurring within each Zone shown in the below maps and table⁴⁰. A Kirklees SoPI has been created as part of the Kirklees Biodiversity Action Plan, which outlines the local species of importance⁴¹. The local species list focuses on; the species showing declines between 25-50% within Kirklees; Species for which Kirklees holds a significant part of the West Yorkshire Population, Species scarce within Kirklees but more common elsewhere; Sites important for scarce (notable/Red Data Book (RDB) status) invertebrate species in Kirklees; and specially protected species occurring within Kirklees.

UK Habitats of Principal Importance relevant to Kirklees UK Habitats of Principal Importance relevant to Kirklees and the Specific Site⁴²

Kirklees HoPI	Primary location in Kirklees (biodiversity opportunity map category)
Hedgerows	Pennine Foothills

⁴⁰ Kirklees Council (2015). Kirklees Local Plan. Available at: <https://www.kirklees.gov.uk/beta/planning-policy/pdf/supportingDocuments/methodologyTechnicalPapers/DLP-Environmental-Designations-Technical-Paper.pdf>

⁴¹ Kirklees Council (2007). Kirklees Species of Principal Importance. Available at: <https://www.kirklees.gov.uk/beta/delivering-services/pdf/biodiversity-species.pdf>

⁴² Kirklees Council (2007). Kirklees Habitats of Principal Importance. Available at: <https://www.kirklees.gov.uk/beta/delivering-services/pdf/biodiversity-habitats.pdf>

Scrub Habitat Action Plan

General objectives

Manage scrubland habitat for those species to which it is most suited, and which occur in the vicinity of the site.

Maintain and develop links to other areas important for wildlife, for example, hedges, woodland, heath and flowering grasslands.

Important features to maintain and develop:

An open structure with scattered shrubs or groups of shrubs. The density of shrub cover may vary greatly from almost open grassland to something approaching a woodland edge habitat.

A variety of shrub species of differing heights, which produce flowers and berries.

Flowering grassland: this may vary from rank growth on richer soils to more open species-rich vegetation on poorer soils.

Wet or damp areas with associated wildflowers, grasses and sometimes reeds.

Derelict built structures which might be important nesting or roosting habitats.

Links to other habitats.

Legislation

Specific habitats and species receive legal protection in England under various pieces of legislation, including:

- The Conservation of Habitats and Species Regulations 2017 (as amended)⁴³;
- The Wildlife and Countryside Act (WCA) 1981 (as amended)⁴⁴;
- The Natural Environment and Rural Communities Act 2006⁴⁵;
- The Hedgerow Regulations 1997⁴⁶;
- The Protection of Badgers Act 1992⁴⁷;
- Wild Mammals (Protection) Act 1996⁴⁸

⁴³ HMSO (2017) 'The Conservation of Habitats and Species Regulations 2017 (as amended)'

⁴⁴ HMSO (1981) 'Wildlife and Countryside Act 1981 (as amended)'

⁴⁵ ODPM (2006) 'Natural Environment and Rural Communities Act (2006)'

⁴⁶ ODPM (1997) 'The Hedgerow Regulations'

⁴⁷ ODPM (1992) 'The Protection of Badgers Act'

⁴⁸ HMSO. (1996). Wild Mammals (Protection) Act.

- Environment Act 2021⁴⁹, and
- Natural Environment and Rural Communities Act 2006⁵⁰

Further details of legislation in respect of legally protected and notable flora and fauna of relevance to the Site are provided below;

Bats

In summary, all UK bat species are protected by the Conservation of Habitats and Species Regulations 2017 (as amended) and by the WCA 1981 (as amended). Taken together it is an offence to deliberately, intentionally or recklessly:

- Kill, injure or capture a bat;
- Disturb bats in such a way as to be likely significant to affect
 - (i) the ability of any significant group of bats to survive, breed, or rear / nurture their young; or
 - (ii) the local distribution of that species;
- Damage or destroy any breeding or resting place used by bats; or
- Obstruct access to any place used by bats for shelter or protection and disturbing bats while occupying such as place.

Badger

Badgers (*Meles meles*) are protected under the Protection of Badgers Act 1992 (as amended) which makes it an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger, or to attempt to do so;
- Intentionally or recklessly damage, destroy or obstruct access to a badger sett; and,
- Disturb a badger when it is occupying a sett.

These provisions have implications for construction or preparation works undertaken in the vicinity of an active sett and may be confounded by distance from the sett entrance. Any works resulting in ground penetration, vibration or noise near an identified badger sett entrance/s have the potential to disturb badgers and advice should be sought from a suitably experienced ecologist under such circumstances. If disturbance to an active sett is probable, then a licence may need to be obtained from Natural England before any works commence.

Birds

The level of protection afforded to birds under the law varies from species to species. A few game and pest species may lawfully be hunted and killed, usually under licence, whilst the rarest species are listed on Schedule 1 of the WCA 1981 and are protected by special penalties for offences.

All of the native bird species of Britain are additionally covered by the European Union (EU) Directive on the Conservation of Wild Birds 2009⁵¹ ('The Birds Directive'). The Birds Directive applies to all wild birds, their eggs, nests and habitats, and provides for the protection, management and control of all species of birds naturally occurring within each member state of the European Union. It requires the UK to take measures to ensure the preservation of

⁴⁹ HMSO (2021). 'Environment Act'

⁵⁰ HMSO (2006). Natural Environment and Rural Communities Act 2006

⁵¹ Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds

sufficient diversity of habitats to maintain populations of all wild birds at ecologically and scientifically sustainable levels. The requirements of the Birds Directive are implemented in the UK primarily through the WCA 1981 (as amended) and Conservation of Habitats and Species Regulations 2017.

Statutory protection is given to all nesting birds in the UK under the WCA 1981 (as amended), which makes it an offence to intentionally kill, injure or take any wild bird, take, damage or destroy its nest whilst in use or being built, or take or destroy its eggs. In addition to this, for species listed on Schedule 1 of the WCA 1981 (as amended), it is an offence to intentionally or recklessly disturb birds while they are nest building, or at or near a nest with eggs or young, or to disturb the dependent young of such a bird.

In addition to statutory protection, the bird species of Britain are also subject to various conservation designations intended to indicate their rarity, population status and conservation priority. These do not have statutory force but may be instrumental in determining local, regional and national planning and development policy. The main categories of designation comprise the British Trust for Ornithology (BTO) 'Species Alert' lists, the Royal Society for the Protection of Birds (RSPB) 'Birds of Conservation Concern' lists and species listed under Section 41 of the NERC Act 2006 and local Biodiversity Action Plans (BAPs).

The BTO Conservation Alert System lists of 'Birds of Conservation Concern' include a 'Red List' for birds of high conservation concern and an 'Amber List' for birds of medium conservation concern. Red List species are those that are globally threatened, and Amber List species are those with an unfavourable conservation status in Europe, according to the International Union for Conservation of Nature (IUCN) criteria⁵². An updated list of 'Red' and 'Amber List' species was published in 2015 (Eaton et al., 2015)⁵³.

Great Crested Newt

In summary, great crested newt, their eggs, breeding sites and resting places are protected by the Conservation of Habitats and Species Regulations 2017 (as amended) and by the WCA 1981 (as amended). Taken together it is an offence to:

- capturing, killing, disturbing or injuring great crested newts deliberately.
- damaging or destroying a breeding or resting place.
- obstructing access to their resting or sheltering places (deliberately or recklessly).
- possessing, selling, controlling or transporting live or dead newts, or parts of them.
- taking great crested newt eggs.

Invertebrates

The majority of invertebrate species are not legally protected. However, a total of seventy-two terrestrial and aquatic invertebrate species are protected under the WCA 1981 (as amended). Certain species of invertebrate are also protected under the Conservation of Species and Habitats Regulations 2017 (as amended).

Approximately 400 species of invertebrates are also priority adopted as Species of Principal Importance under Section 41 of the NERC Act (2006).

Many British invertebrate species have also been assigned codes associated to their rarity and threat status including by the International Union for the Conservation of Nature (IUCN). Taxa listed as Critically Endangered, Endangered or Vulnerable are defined as Threatened (Red List) species. As such, the consideration of invertebrates on a site to

⁵² IUCN (2000): 'The revised Categories and Criteria (IUCN Red List Categories and Criteria version 3.1)'.

⁵³ Eaton et al (2015): 'Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man'. *British Birds* 108, 708–746.

accompany a planning application should consider species of conservation interest (i.e. Species of Principal Importance and Local BAP, National Rare/Red data book species, Nationally Scarce species) as well as value of the whole invertebrate community).

Protected and other Notable Flora

Wild plants listed in Schedule 8 of the Wildlife and Countryside Act 1981 (as amended) receive special protection. It is an offence to intentionally pick, uproot or destroy such a plant or to possess, sell or exchange them. Even non-vascular plants - which have no roots - are protected against removal from the substrate on which they are growing. The Schedule is reviewed every five years. It currently includes vascular plants (including flowering plants, ferns and horsetails), bryophytes (including mosses and liverworts), charophytes (stoneworts), lichens and fungi⁵⁴.

Invasive Non-native Plant Species

In accordance with those species listed on Schedule 9 of the WCA 1981 (as amended) it is an offence to:

- Plant in the wild (or release seeds);
- Allow their spread into the wild

Reptiles

All native British reptiles are protected in accordance with the WCA 1981 (as amended). There are two levels of protection afforded to reptiles through the WCA 1981 (as amended); these result from different parts of the Act applying to the different species.

In summary, common species of reptile such as common lizard *Zootoca vivipara*, slow worm *Anguis fragilis*, grass snake *Natrix natrix* and adder *Vipera berus* are partially protected under the WCA 1981 (as amended); this prohibits the intentional killing and injuring and trade (i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy).

Environment Act 2021 and Mandatory Biodiversity Net Gain

The Environment Bill was given Royal Assent in November 2021 and is now the Environment Act 2021. The Act includes a target to halt the decline of nature by 2030 and to strengthen the existing biodiversity duty through the introduction of a mandatory requirement to achieve at least 10% biodiversity net gain (BNG) for most new developments in England, subject to some exemptions. These requirements commenced on 12th February 2024. The BNG requirement is framed as a pre-commencement condition and that BNG information will need to be provided by the applicant as part of the planning application submission. Pertinent to this site one exemption includes: Developments below the threshold

A development that does not impact a priority habitat and impacts less than⁵⁵:

- 25 square metres (5m by 5m) of on-site habitat
- 5 metres of on-site linear habitats such as hedgerows

The act is supported by secondary legislation comprising six statutory instruments:

- i. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024;
- ii. The Biodiversity Gain Site Register (Financial Penalties and Fees) Regulations 2024;

⁵⁴ Natural England (2014) Wild plants: dangerous, invasive and protected species. Available at: <https://www.gov.uk/guidance/wild-plants-dangerous-invasive-and-protected-species#specially-protected-plants>

⁵⁵ Other exemptions can be found on the Government Website [Biodiversity net gain: exempt developments - GOV.UK](#)

- iii. The Biodiversity Gain Requirements (Exemptions) Regulations 2024;
- iv. The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024;
- v. The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024; and,
- vi. The Biodiversity Gain Site Register Regulations 2024.

B. Site Photographs



Photograph 1 – Developed Land; Sealed surface (u1b) facing northwest (OSNGR SE 14706 18235)



Photograph 2 – Buildings (B1) facing east (OSNGR SE 14713 18241)



Photograph 3 – Developed Land; Sealed surface (u2b) facing southeast (OSNGR SE 14717 18309)



Photograph 4 – Mixed scrub (MS1) facing south (OSNGR SE 14705 18320)



Photograph 5 – Mixed scrub (MS1) facing northeast (OSNGR SE 14688 18310)



Photograph 6 – Developed land; sealed surface (u3b) facing west down the slope (OSNGR SE 14713 18326)



Photograph 7 – Developed Land; Sealed surface (u4b) facing northeast (OSNGR SE 14676 18256)



Photograph 8 – Line of trees located immediately outside of northern site boundary (branches overhanging site) (w33) (OSNGR SE 14694 18321) with native hedgerow underneath (within the site)



Photograph 9 – native hedgerow including wild cherry facing north (OSNGR SE 14701 18326)



Photograph 10 – native hedgerow elder facing north (OSNGR SE 14718 18330)



<p>Photograph 11 – Broadleaved tree – Sycamore (T1 and T2) facing northeast (OSNGR SE 14709 18332)</p>	
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Network Rail
Waterloo General Offices
London
SE1 8SW
www.networkrail.co.uk